

**ORDINANCE NO. 6784**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, REPEALING CHAPTER 9.08 OF THE AUBURN CITY CODE (ACC), RELATING TO AGGRESSIVE BEGGING

WHEREAS, Auburn City Code (ACC), specifically Chapter 9.08 ACC, contains language making certain conduct associated with aggressive begging – intimidation, deceptive practices and impeding traffic – a misdemeanor and provides for penalties for violations thereof; and

WHEREAS, in connection with similar code provisions in another Western Washington city, the State Supreme Court ruled, in *City v. Willis*, 86 Wn.2d 210, 375 P.3d 1056 (2016), that provisions of that city’s disorderly conduct ordinance - prohibiting begging at freeway ramps and at major intersections - were facially overbroad; and

WHEREAS, since *City v. Willis*, the Auburn Prosecutors and Police have assessed how this court decision could affect conduct falling within the parameters of the City of Auburn, and Auburn Prosecutors and Police believe that notwithstanding the limitations that would stem from the *City v. Willis* decision, the Prosecutors and Police can address the more egregious conduct that falls within Chapter 9.08 of the City Code through other codes; and

WHEREAS, in light of the *City v. Willis* decision and the strategies able to be employed by City Prosecutors and Police, it is appropriate to repeal the provisions of Chapter 9.08 ACC.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

**Section 1. Repeal of Chapter in City Code.** Chapter 9.08 ACC is repealed.

**Section 2. Implementation.** The Mayor is authorized to implement those administrative procedures necessary to carry out the directives of this legislation.

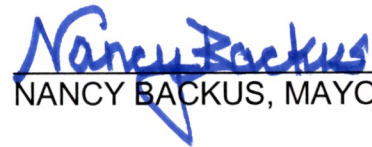
**Section 3. Severability.** The provisions of this Ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this Ordinance, or the invalidity of the application of it to any person or circumstance, will not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

**Section 4. Effective date.** This Ordinance will take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: AUG 17 2020

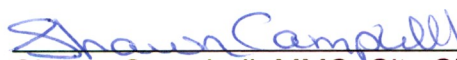
PASSED: AUG 17 2020


APPROVED: AUG 17 2020

  
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NANCY BACKUS, MAYOR

ATTEST:

APPROVED AS TO FORM:

  
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Shawn Campbell, MMC, City Clerk

  
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Kendra Comeau, City Attorney

Published: AUG 20 2020

# CITY CODE TEXT BEING REPEALED

## Chapter 9.08 AGGRESSIVE BEGGING

### Sections:

9.08.010 Aggressive begging.

9.08.010 Aggressive begging.

A. It is unlawful for any person to engage in aggressive begging in any public place in the city, as those terms are defined by this section.

B. As used in this section:

1. "Aggressive begging" shall mean: (a) begging with intent to intimidate another person into giving money or goods; (b) begging with use of false, misleading information; (c) begging with or involving activities that are unsafe or dangerous to any person or property, or begging at locations or in a manner that threatens the safety of persons or property, or that impedes or threatens to impede pedestrian or vehicular traffic; (d) begging in a manner that exploits children; or (e) willfully providing or delivering, or attempting to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.

2. "Begging" shall mean asking for money or goods as a charity, whether by words, bodily gestures, signs or other means.

3. "To intimidate" shall mean to coerce or frighten into submission or obedience, or to engage in conduct which would make a reasonable person fearful or feel compelled.

4. "Public place" shall mean: (a) any public road, alley, lane, parking area, sidewalk, or other publicly owned building, facility or structure; (b) any public playground, school ground, recreation ground, park, parkway, park drive, park path or right-of-way open to the use of the public; or (c) any privately owned property adapted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners.

5. "Exploit" shall mean using in an unethical, selfish or abusive manner or in any other manner that gives an unfair advantage.

6. "Impeding or threatening to impede pedestrian or vehicular traffic" includes, but is not limited to:

a. Any begging activity that causes or is likely to cause either the person begging or the person being contacted by the person begging to enter a roadway lane of traffic on foot, other than in a marked crosswalk;

b. Any begging activity that occurs at an intersection controlled by lighted traffic signals, where that activity is between or involves a person or persons located in a sidewalk or along a public roadway and a person or persons in or on a vehicle traveling on a public roadway;

c. Any begging activity that causes or is likely to cause vehicles to stop at locations or times where/when disruptive to or not consistent with the flow of traffic.

C. Violation of this section shall be a misdemeanor, punishable by a fine up to \$1,000 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 6200 § 1, 2008; Ord. 5918 § 1, 2005; Ord. 5682 § 1, 2002.)