

**ORDINANCE NO. 1511**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to public peace by prohibiting persons from entering a public roadway for solicitation purposes, establishing a penalty, adding a new section to chapter 9.84 DMMC, and codifying a new section in chapter 9.84 DMMC.

**WHEREAS**, the City has a fundamental interest in traffic flow and safety, and

**WHEREAS**, the police powers authorized under the Constitution of the State of Washington allow the City to make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws, and

**WHEREAS**, the Des Moines Chief of Police has provided his opinion and evidence that pedestrian solicitation from vehicle occupants disrupts traffic flow, poses public safety risks, and has harmful secondary effects, and

**WHEREAS**, motor vehicle drivers approached by pedestrians may become distracted, may stop suddenly, or may linger at traffic control devices thereby posing a significant risk of physical injury to themselves, other motorists, and pedestrians, and

**WHEREAS**, the distraction of motorists occasioned by solicitation not only threatens to impede the orderly flow of traffic, but also raises serious concerns of traffic and public safety, and

**WHEREAS**, the City Council seeks to promote the City's interest in traffic flow and safety by implementing regulations on solicitations in public places that are applicable to all people within the City; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

Sec. 1. A new section is added to chapter 9.84 DMMC entitled "*Solicitation of occupants of vehicles on public roadways*" to read as follows:

(1) Use of words and phrases. As used in this Ordinance, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings.

(a) "Arterial roadway" means a public roadway with a marked or painted yellow centerline.

(b) "Enter" means to cross the vertical plane of the edge of a roadway. It includes crossing the vertical plane by any part of a person's body or any extension thereof.

(c) "Goods" means real property, as well as tangible and intangible personal property.

(d) "Median" means the portion of a divided highway separating the traveled ways for traffic in opposite directions.

(e) "Roadway" has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.

(f) "Services" means any work done for the benefit of another person.

(g) "Solicit" and all derivative forms of "solicit" means any conduct or act whereby a person:

(1) Either orally or in writing, asks for an immediate ride, employment, goods, services, financial aid, monetary gifts, or any article representing monetary value for any purpose;

(2) Either orally or in writing, sells or offers for immediate sale goods, services, or publications;

(3) Distributes without remuneration goods, services, or publications; or

(4) Solicits signatures on a petition or opinions for a survey.

(h) "Vehicle" has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.

(2) Prohibited conduct.

(a) It is unlawful for any person to enter the traveled portion of an arterial roadway or a median in the City with the intent to conduct a solicitation directed to, or intended to, attract the attention of the occupant of any vehicle traveling on or stopped on the roadway. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.

(b) The following conduct is exempt from the prohibition in this section:

(i) Summoning aid or requesting assistance in an emergency situation;

(ii) Law enforcement officer, public works employee, or certified flagger in the performance of official duties; or

(iii) Engaging transportation licensed for hire (e.g. a taxi, shuttle or bus).

(3) Penalty. A violation of or failure to comply with this section is a misdemeanor.

**Sec. 2. Codification.** Section 1 of this ordinance shall be codified as a new section in chapter 9.84 DMMC.

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

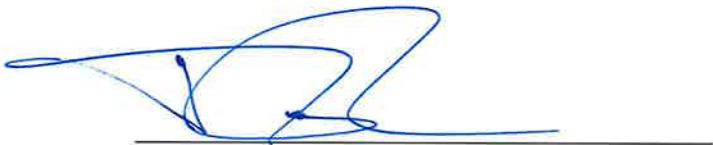
(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

**Sec. 4. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 5th day of May, 2011 and signed in authentication thereof this 5th day of May, 2011.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: May 10, 2011

Effective Date: June 4, 2011

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1511, Adopted May 5, 2011.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to public peace by prohibiting persons from entering a public roadway for solicitation purposes, establishes a penalty, adds a new section to chapter 9.84 DMMC, and codifies a new section in chapter 9.84 DMMC.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC  
City Clerk

Published: May 10, 2011