ORDINANCE NO. 4746

AN ORDINANCE of the City Council of the City of Kent, Washington, amending section 9.02.190 of the Kent City Code, entitled “Disorderly Conduct,” to replace references to “begging” with references to “solicitation.”

RECITALS

A. The City of Kent prohibits aggressive begging in its disorderly conduct ordinance found in KCC 9.02.190.A.4. KCC 9.02.190.B.2. provides that “beg” means “to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.”

B. Courts have determined that begging is a form of speech entitled to constitutional protection. Recent out of state cases have addressed local laws enacted to curb begging. Some courts have found that by specifically limiting begging, local laws unfairly restrict a class of persons or speech based on the speech’s content, while permitting others to freely contact citizens in public forums with requests e.g. for signatures, customers, or support for political causes.

C. In light of these recent cases, the Law Department suggests amendments to KCC 9.02.190 to change “aggressively beg” to “aggressively solicit”.

Amend KCC 9.02.190—Disorderly Conduct
D. "Solicit" is defined in Webster's Third New International Dictionary (unabridged) (1993) to include: "to make petition to; entreat, importune", "to approach with a request or plea", "to endeavor to obtain by asking or pleading", "to seek to affect". "Solicitation" is defined in Black's Law Dictionary, 7th Ed. (1999) as "[t]he act or an instance of requesting or seeking something; a request or petition."

E. By proscribing aggressive solicitation, as opposed to singling out the speech or conduct involved with begging, KCC 9.02.190 will be less prone to a constitutional challenge.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE

SECTION 1. Amendment. Chapter 9.02.190 of the Kent City Code, entitled, "Disorderly Conduct," is hereby amended as follows:

Sec. 9.02.190. Disorderly conduct.
A. A person is guilty of disorderly conduct if he or she:
   1. Uses abusive language and thereby intentionally creates a risk of assault;
   2. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority;
   3. Intentionally obstructs pedestrian or vehicular traffic without lawful authority; or
   4. Aggressively begs solicit in a public place.

B. The following definitions shall apply in this section:
   1. Aggressively begs solicit means to solicit beg—and engage in conduct that would likely intimidate a reasonable person, including

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touching, following, persistently soliciting begging—after being refused, using violent or threatening language or gestures, or taking similar actions for the purpose of inducing another person into giving money or goods, services, money, signatures, or any other item, tangible or intangible, sought by the solicitor.

2. Beg means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.

23. Lawful authority includes but is not limited to oral permission, or a permit or license when issued by a person or entity with authority to issue the permission, permit, or license, or a court order or authorization issued by a court of proper jurisdiction.

34. Obstruct pedestrian or vehicular traffic means to walk, stand, sit, lie, grasp a person, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact, and shall also include action which is intended to prohibit or delay vehicular or pedestrian traffic from entering a public or private place; provided, that an act which is specifically authorized by a state or federal court with jurisdiction and which has been determined by the court to be a valid exercise of one's right to picket or legally protest shall not constitute obstruction of pedestrian or vehicular traffic.

45. Public place means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public, including places that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

5. Solicit means to request, petition, or seek something from another person, or persons, or business or businesses, by words, physical gestures, or written or symbolic signs or displays in a public-forum place.

C. Disorderly conduct is a misdemeanor.

Amend KCC 9.02.190—
Disorderly Conduct
SECTION 2. - **Severability.** If any one or more section, subsection, or sentence of this ordinance is held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

SECTION 3. - **Corrections by City Clerk or Code Reviser.** Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state or federal laws, codes, rules, or regulations.

SECTION 4. - **Effective Date.** This ordinance shall take effect and be in force thirty (30) days from and after its passage and publication, as provided by law.

ATTEST:

[Signature]
SUZETTE COOKE, MAYOR

APPROVED AS TO FORM:

[Signature]
TOM BRUBAKER, CITY ATTORNEY

Amend KCC 9.02.190— Disorderly Conduct
PASSED: 21st day of April, 2015.

APPROVED: 21st day of April, 2015.

PUBLISHED: 24th day of April, 2015.

I hereby certify that this is a true copy of Ordinance No. 4196, passed by the city council of the city of Kent, Washington, and approved by the Mayor of the city of Kent as hereon indicated.

RONALD P. MOORE, CITY CLERK

(SEAL)