

**ORDINANCE NO. 2014-11-09**

An Ordinance related to Public Safety restricting the solicitation of motorists on public roadways.

WHEREAS, county staff have received numerous communications from citizens, businesses, community organization, and others regarding the risks and safety concerns of panhandlers to the public; and

WHEREAS, the Sheriff in conjunction with local business have studied this matter; and

WHEREAS, the Board held a duly advertised public hearing and finds that adoption of this ordinance will further the public health, safety and welfare; Now, Therefore,

BE IT ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

**Section 1. New.** A new Chapter, Chapter 9.18 is added to the Clark County Code to read:

**Chapter 9.18 Solicitation on Public Roadways.**

**Section 2. New.** A new section, 9.18.010 is added to the Clark County Code to read:

**9.18.010 Purpose.**

The purpose of this Chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation and to provide for vehicular and pedestrian traffic safety.

**Section 3. New.** A new section, 9.18.020 is added to the Clark County Code to read:

**9.18.020 Definitions.**

The following definitions shall apply to this Chapter:

- (a) “Goods” means real property, as well as tangible and intangible personal property.
- (b) “Hitchhiking” has the meaning given that term in RCW 46.61.255, as currently adopted or as it may be amended in the future.
- (c) “Public Property” means: any area dedicated to the public use for street, highway, or other transportation purposes, including, but no limited to, any curb, median, parkway, shoulder, alley, or drive.
- (d) “Roadway” has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.
- (e) “Services” means any work done for the benefit of another person.
- (f) “Solicit” and all derivative forms of “solicit” means any conduct or act whereby a person:
  - (1) either orally or in writing, asks for an article representing monetary value, for any purpose;
  - (2) either orally or in writing, sells or offers for immediate sale goods, services, or publications;
  - (3) distributed without remuneration goods, services, or publications; or
  - (4) requests signatures on a petition or opinions for a survey.
- (g) “Vehicle” has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.

**Section 4. New.** A new section, 9.18.030 is added to the Clark County Code to read:

**9.18.030 Prohibited Conduct.**

(A) It is unlawful for any person, while occupying any public property adjacent to any public roadway in the County, to knowingly conduct a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle traveling on or stopped on the roadway, unless said vehicle is legally parked. 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.

(1) Hitchhiking is subject to regulations in RWC 46.61.255, which also preempts the regulation of hitchhiking by counties.

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

- (a) summoning aid or requesting assistance in an emergency situation;
- (b) law enforcement officer or public works or utilities worker in the performance of official duties;
- (c) engaging transportation licensed for hire (e.g. a taxi or shuttle); or
- (d) in possession of a valid permit
- (e) political campaign sign waiving

**Section 5. New.** A new section, 9.18.040 is added to the Clark County Code to read:

**9.18.040 Penalty.**

A violation of this Chapter shall be subject to a civil penalty under CCC 32.04.050 and constitute an "other violation" under Table 32.04.050.

**Section 6. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this Ordinance.

**Section 7. Effective Date.** This ordinance shall take effect immediately upon its adoption.

**Section 8. Instructions to the clerk.**

The Clerk to the Board shall record a copy of this ordinance with the Clark County Auditor.

ADOPTED this 18<sup>th</sup> day of November, 2014.

Attest:

Rebecca J. Jilton  
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, WASHINGTON

By Tom Mielke  
Tom Mielke, Chair

Approved as to Form Only:  
ANTHONY GOLIK  
Prosecuting Attorney

By \_\_\_\_\_  
David Madore, Commissioner

By Christopher Horne  
Christopher Horne, WSBA #12557  
Chief Civil Deputy

By \_\_\_\_\_  
Edward L. Barnes, Commissioner