

CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 4/9/2018

AGENDA ITEM:	
Ordinance Amending Title 6 MMC	
PREPARED BY:	DIRECTOR APPROVAL:
Jon Walker	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
BUDGET CODE:	AMOUNT:
SUMMARY:	

This ordinance adds needed definitions and eliminates conflicting provisions from Title 6 of the municipal code. The definitions relating to trespassing and pedestrian interference are covered by other provisions in the code. This ordinance will facilitate the prosecution of criminal violations and clarify what conduct constitutes a crime.

RECOMMENDED ACTION: Staff recommends that Council consider adopting the ordinance.
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CITY OF MARYSVILLE
Marysville, Washington

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, AMENDING TITLE 6 OF THE MUNICIPAL CODE, ADDING
DEFINITIONS, AND ELIMINATING CONFLICTING PROVISIONS.**

WHEREAS, Title 6 of the municipal code sets crimes and penalties for offenses within the City of Marysville; and

WHEREAS, it is appropriate to amend the municipal code in response to changes in state law or conditions in the City; and

WHEREAS, past amendments to the municipal code have resulted in provisions which are not consistent; and

WHEREAS, public health, safety, and welfare benefits from periodic updates to the municipal code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARYSVILLE,
WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 6.22 of the municipal code is amended as set forth in Exhibit A.

SECTION 2. Chapter 6.37 of the municipal code is amended as set forth in Exhibit B.

SECTION 3. Chapter 6.48 of the municipal code is amended as set forth in Exhibit C.

SECTION 4. Chapter 6.56 of the municipal code is amended as set forth in Exhibit D.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 6. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 20____.

CITY OF MARYSVILLE

By _____
JON NEHRING, MAYOR

Attest:

By _____
_____, DEPUTY CITY CLERK

Approved as to form:

By _____
JON WALKER, CITY ATTORNEY

Date of publication: _____

Effective Date (5 days after publication): _____

EXHIBIT A

Chapter 6.22 REGISTRATION OF SEX OFFENDERS

Sections:

[6.22.010](#) ~~Registration of~~ Failure to register as a sex offenders.

6.22.010 ~~Registration of~~ Failure to register as a sex offenders.

~~A person who knowingly fails to register as required by RCW 9A.44.130, as now or hereafter amended, is guilty of a gross misdemeanor. If the crime for which the individual was convicted was other than a Class A felony under the laws of this state, or a federal or out of state conviction for an offense that under the laws of this state would be a Class A felony. RCW 9A.44.132 is adopted by reference except that conduct constituting a felony, as determined by the prosecutor, is excluded.~~

EXHIBIT B

Chapter 6.37 PEDESTRIAN INTERFERENCE – COERCIVE SOLICITATION

Sections:

- [6.37.010](#) Purpose.
- [6.37.020](#) Definitions.
- [6.37.030](#) Pedestrian interference.
- [6.37.040](#) Coercive solicitation – Prohibited.
- [6.37.045](#) Time of solicitation.
- [6.37.047](#) Place of solicitation.
- [6.37.050](#) Penalty.

6.37.010 Purpose.

The purpose of this chapter is to regulate and punish acts of coercive and aggressive begging, and acts of begging that occur at locations or under circumstances specified herein which create an enhanced sense of fear or intimidation in the person being solicited, or pose risk to traffic and public safety.

6.37.020 Definitions.

The following definitions apply in this chapter:

(1) “Aggressively beg” means to beg with the intent to intimidate or coerce another person into giving money or goods.

(2) “Coerce” or “coercive” means to do any of the following with intent:

(a) To approach, speak or gesture to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with a commission of a criminal act upon the person, another person or property in the person’s possession; or

(b) To approach within one foot of a person for the purpose of making a solicitation without obtaining said person’s initial consent; or

(c) To persist in a solicitation after the person solicited has given a negative response; or

(d) To block the passage of a person, pedestrian traffic, a vehicle or vehicular traffic while making a solicitation; or

(e) To engage in conduct that would reasonably be construed as intended to compel or force a person being solicited to accede to demands; or

(f) To make any false or misleading representation in the course of making a solicitation.

(3) "Intimidate" means to engage in conduct which would make a reasonable person fearful or feel compelled.

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

~~(5) "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, 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. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued pursuant to Chapter 12.08 or 12.28 MMC, shall not constitute obstruction of pedestrian or vehicular traffic.~~

~~(65) "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 those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.~~

~~(76) "Solicitation" for the purposes of this chapter is any means of asking, begging, requesting, or pleading made in person, orally or in a written or printed manner, directed to another person, requesting an immediate donation of money, contribution, alms, financial aid, charity, gifts of items or service of value, or the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation.~~

~~6.37.030 Pedestrian interference Aggressive begging - Prohibited.~~

~~A person is guilty of pedestrian interference if, in a public place, he or she intentionally:~~

~~(1) Obstructs pedestrian or vehicular traffic; or~~

~~(2) Aggressively begs. (Ord. 2887 § 1, 2012). It is unlawful to aggressively beg.~~

6.37.040 Coercive solicitation – Prohibited.

It ~~shall be~~ is unlawful for a person to make coercive solicitation.

6.37.045 Time of solicitation.

It ~~shall be~~ is unlawful to make solicitation to pedestrians or motorists on public property or public streets after sunset or before sunrise.

6.37.047 Place of solicitation.

(1) It ~~shall be~~ is unlawful to solicit at the following places:

- (a) On-ramp or off-ramp to state route or interstate highway;
- (b) Within 300 feet of the following intersections identified in Exhibit A, attached to the ordinance codified in this section and incorporated by reference:
 - (i) SR 528 and Cedar Avenue;
 - (ii) SR 528 and State Avenue;
 - (iii) SR 528 and 47th Avenue NE;
 - (iv) SR 528 and 67th Avenue NE;
 - (v) Grove Street and State Avenue;
 - (vi) 88th Street and State Avenue;
 - (vii) 92nd Street and State Avenue;
 - (viii) 100th Street and State Avenue;
 - (ix) 116th Street and State Avenue; and
 - (x) 172nd Street NE and 27th Avenue NE.

(2) It shall be unlawful for a person to sell, or offer for immediate sale, goods, services or publications, or to distribute items without remuneration, to a person in a vehicle, at the following:

- (a) On-ramp or off-ramp to state route or interstate highway;

(b) Within 300 feet of the street intersections set forth in subsection (1)(b) of this section and Exhibit A attached to the ordinance codified in this section and incorporated by reference. (Ord. 2971 § 2, 2014).

6.37.050 Penalty.

~~Pedestrian interference~~ Aggressive begging is a misdemeanor. Coercive solicitation is a misdemeanor. Any person violating this chapter shall be punished by a fine not to exceed \$1,000 or by imprisonment and jail for not more than 90 days or by both such fine and imprisonment.

EXHIBIT C

Chapter 6.48 BURGLARY AND TRESPASS

Sections:

[6.48.010](#) Statutes incorporated by reference.

~~[6.48.020](#) Trespassing.~~

6.48.010 Statutes incorporated by reference.

The following statutes regarding burglary and trespass are incorporated by reference:

RCW

[9A.52.010](#) Definitions.

[9A.52.060](#) Making or having burglar tools.

[9A.52.070](#) Criminal trespass in the first degree.

[9A.52.080](#) Criminal trespass in the second degree.

[9A.52.090](#) Criminal trespass – Defenses.

[9A.52.100](#) Vehicle prowling.

[9A.52.120](#) Computer trespass.

~~6.48.020 Trespassing.~~

~~(1) Definitions. As used in this section:~~

~~(a) "Enter," when constituting an element or part of a crime, means and shall include the entrance of the person, or the insertion of any part of his body, or any instrument or weapon held in his hand and used, or intended to be used to threaten or intimidate a person or to detach or remove property.~~

~~(b) "Enters or remains unlawfully."~~

~~(i) A person "enters or remains unlawfully" in or upon premises when he is not then licensed, invited, or otherwise privileged to so enter or remain.~~

~~(ii) A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither~~

~~fenced nor otherwise enclosed in a manner designated to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.~~

~~(c) "Premises" includes any building, dwelling, or any real property.~~

~~(2) Unlawful Acts Designated. A person is guilty of the crime of trespass if he knowingly enters or remains unlawfully in or upon the premises of another.~~

~~(3) Defenses to Prosecution for Violations. In any prosecution under this section it is a defense that:~~

~~(a) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or~~

~~(b) The actor reasonably believed that the owner of the premises, or other persons empowered to license access thereto, would have licensed him to enter or remain; or~~

~~(c) The actor was attempting to serve legal process which includes any document required or allowed to be served upon persons or property, by any statute, rule, ordinance, regulation, or court order, excluding delivery by the mails of the United States. This defense applies only if the actor did not enter into a private residence or other building not open to the public and the entry onto the premises was reasonable and necessary for service of the legal process.~~

~~(4) Penalty. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or by imprisonment in jail for not more than 90 days, or by both such fine and imprisonment.~~

EXHIBIT D

Chapter 6.56 DOMESTIC VIOLENCE

Sections:

[6.56.010](#) Statutes incorporated by reference.

[6.56.020](#) Statutes incorporated by reference.

6.56.010 Statutes incorporated by reference.

The following statutes regarding domestic violence are incorporated by reference:

RCW

[10.99.020](#) Definitions.

[10.99.040](#) ~~(4) Violation of a pretrial no-contact order in a criminal domestic violence case~~ Duties of court
– No-contact order.

[10.99.050](#) ~~Violation of a no-contact order which is part of a sentence in a criminal domestic violence case~~ Victim contact – Restriction, prohibition – Violation, penalties – Written order –
Procedures – Notice of change.

[26.09.300](#) Violation of a restraining order issued in a dissolution proceeding.

[26.50.110](#) Violation of a protective order issued in a civil domestic violence proceeding.

~~Chapter 248,
—Sec. 3, Laws
—of 1996 Interfering with the reporting of domestic violence.~~

[RCW 9A.36.150](#) Interfering with the reporting of domestic violence.

6.56.020 Statutes incorporated by reference.

The following statutes regarding custodial interference in the second degree are incorporated by reference:

RCW

[9A.40.010](#) Definitions.

[9A.40.070](#) Custodial interference in the second degree.

[9A.40.080](#) Assessment of costs; defenses; consent by child.