

CHAPTER 6A

COMMUNITY NUISANCES

§6A-101. Panhandling.

§6A-102. Curfew.

Section 6A-101. Panhandling

- A. Definitions. The following words and phrases, when used in this section, shall have the following meanings:
1. "Aggressive manner" means:
 - a. approaching, speaking to or following a person in a manner that would cause reasonable person to fear imminent physical injury, or the imminent commission of a criminal act upon the person or upon property in the person's immediate possession;
 - B. touching another person without that person's consent;
 - C. intentionally blocking or interfering by any means with the free passage of a person;
or
 - D. engaging in any conduct with the intention of intimidating another person into giving money or goods to any person; or
 - E. approaching, speaking to or following a person after the person has stated that the behavior is unwanted and to stop.
2. "Panhandle" or "panhandling" means doing any of the following acts:
 - a. begging, soliciting or asking for any item of value, monetary or otherwise;
 - b. attempting to sell or obtain compensation for an item or service for or in an amount that is at least twice its value, or an item or service that is already offered or available at no charge to the general public; or

c. attempting to sell or obtain compensation for an item or service under circumstances that would lead a reasonable person to conclude that the payment is in substance a donation.

3. "Public place" means any street, sidewalk, alley, park, bridge, parking lot or other public property within the city, excluding any building or other structure, that is open to the general public.

4. "Travel lane" means the portion of a public street over which motor vehicles travel.

B. Prohibited Acts. It shall be unlawful for any person while in the City:

1. to panhandle in an aggressive manner in or on any public place;

2. to panhandle in any public transportation vehicle, including buses;

3. to panhandle in an aggressive manner within any mass transit station or in or on any sidewalk, roadway or parking lot serving such station and under the control of the owner or operator of such station;

4. to panhandle within (15) fifteen feet of an automatic teller machine; and

5. to panhandle or, as a result of panhandling, to receive money or any other item of value, while standing or otherwise present in a travel lane, from any operator or occupant of a motor vehicle located in a travel lane.

C. Penalty. Any person convicted of violating this section shall be guilty of a misdemeanor and shall be subject to a fine not less than the amounts specified in the following schedule:

1. For the first offense, Three Hundred and Fifty Dollars (\$350.00),

2. For the second offense, Six Hundred Dollars (\$600.00),

3. For the third offense, Eight Hundred Dollars (\$800.00),

4. For the fourth and subsequent offenses, One Thousand Dollars (\$1,000), and/or imprisonment not to exceed ninety (90) days.

D. Severability. Reference Chapter 18, section 101.
(Ord. 10-94, 11/1/94)

Section 6A-102. Curfew; Parental Responsibility.

- A. Definitions. The following words and phrases, when used in this section, shall have the following meanings:
1. **Emergency.** An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
 2. **Establishment.** Any privately owned place of business operated for a profit to which the public is invited, including, but not limited to any place of amusement or entertainment.
 3. **Guardian.** A person who, under court order, is the guardian of the person of a minor; or a public or private agency with whom a minor has been placed by the court.
 4. **Minor.** Any person under the age of sixteen (16) years.
 5. **Operator.** Any individual, firm, association, partnership, corporation, or other entity, operating, managing or conducting any establishment. The term "operator" includes the members or partners of an association, partnership, or other similar entity, and the officers of a corporation.
 6. **Parent.** Any natural parent, adoptive parent or stepparent of a minor, or a guardian of a minor, or any person 21 years of age or over, responsible for the care and custody of a minor.
 7. **Public Place.** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, parks and the common areas of schools, apartment houses, office buildings, transport facilities, shops, and other such common areas.
 8. **Remain.** To linger or stay; or fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.
 9. **Time.** The prevailing standard of time then being observed in the City of Mount Rainier, whether Eastern Standard Time or Daylight Savings Time.

B. Prohibited Acts/Unlawful Conduct. The following conduct shall be unlawful in the City of Mount Rainier unless otherwise provided herein.

1. No minor under the age of 16 years shall remain in or upon any public place or any establishment between the hours of 12:00 midnight Friday and 6:00 am Saturday, or between the hours of 12:00 midnight Saturday and 6:00 am Sunday, or between the hours of 11:00 pm and 6:00 am of the following day on any other day of the week.
2. No minor between the ages of 6 to 15 years, inclusive, shall remain in or about any public place or any establishment between the hours of 9:00 am and 2:30 pm during any school day unless he or she has written proof from school authorities excusing him or her from attendance at that particular time or unless accompanied by a parent or guardian or a person 21 years of age older who has responsibility for the care and custody of a minor.
3. No parent shall knowingly permit, nor by insufficient control shall allow, any minor under the age of 16 years to remain in or upon any public place or any establishment between the hours of 12:00 midnight Friday and 6:00 am Saturday, or between the hours of 12:00 midnight Saturday and 6:00 am Sunday or between the hours of 11:00 pm and 6:00 am of the following day on any other day of the week.
4. No parent shall knowingly permit, nor by insufficient control shall allow, any minor between the ages of 6 and 15, inclusive, to remain in or about any public place or any establishment between the hours of 9:00 am and 2:30 pm during any school day unless he or she has written proof from school authorities excusing him or her from attendance at that particular time or unless accompanied by a parent or guardian or a person 21 years of age or older who has responsibility for the care and custody of a minor.
5. No operator of an establishment or his or her agents or employees shall knowingly permit any minor under the age of 16 years to remain upon the premises of said establishment between the hours of 12:00 midnight and 6:00 am Saturday, or between the hours of 12:00 midnight Saturday and 6:00 am Sunday, or between the hours of 11:00 pm and 6:00 am of the following day on any day of the week.
6. No operator of an establishment of his or her agents or employees shall knowingly permit any minor between the ages of 6 and 15 years, inclusive, to remain in or about any public place or any establishment between the hours of 9:00 am and 2:30 pm during any school day unless he or she has written proof from school authorities excusing him or her from attendance at that particular time or unless

accompanied by a parent or guardian or a person 21 years of age or older who has responsibility for the care and custody of a minor.

C. Defenses.

1. It shall be a defense to prosecution of any of the offenses set forth in "Unlawful Conduct" if the minor was:
 - a. Accompanied by the minor's parent or guardian or a person 21 years of age or older who has responsibility for the care and custody of a minor; or
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop; or
 - c. In a motor vehicle involved in interstate travel; or
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop; or
 - e. Involved in an emergency; or
 - f. On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence; or
 - g. Attending a City of Mount Rainier event, or an official school, religious, or civic activity, or attending a recreational activity supervised by adults and sponsored by the City of Mount Rainier or other governmental entity, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home, without any detour or stop, a City of Mount Rainier event, or an official school, religious, or civic activity or a recreational activity supervised by adults and sponsored by the City of Mount Rainier or other governmental entity, a civic organization, or another similar entity that takes responsibility for the minor; or
 - h. Married or had been married.
 - (i) It shall be a defense to prosecution of an operation of an establishment, pursuant to "Unlawful Conduct," sections (e) and (f) of this Article, if the operator of the establishment, or the operator's employees or agents promptly notified the City of Mount Rainier Police Department that a minor was present on the premises of the establishment during curfew hours and

refused to leave.

- D. Enforcement. Any police officer who finds a minor violating any provisions of Chapter 6A, Section 102-B, of this Code of Ordinances, shall obtain from such minor the minor's name, address, home telephone number, and age and the name, address, and home telephone number of the minor's parent or parents. The minor shall thereupon be instructed to proceed immediately to his or her home, or to proceed directly to his or her school, if it is during school hours. The Mount Rainier Police Department shall promptly cause a written notice to be mailed to the parents of the minor advising of the violation. Such notice shall be presumed to be received by a parent if it is deposited in a depository for mailing United States Mail properly addressed and with the proper first-class postage paid. Such mailing may be shown by the records of the City of Mount Rainier Police Department made in the regular course of its business.
- E. Penalty. After the initial written notice is mailed to the parents of the minor advising of the violation the following penalties will be in full force and effect:
1. Any parent who shall violate any provision of Chapter 6A, Section 102-B of this Code of Ordinances, after having received notice of a prior violation occurring within the preceding 12 months, shall be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$350/first offense, \$600/second offense; \$800/third offense; and \$1,000/fourth and subsequent offenses or imprisonment not to exceed three (3) months, or both. Each violation shall constitute a separate offense.
 2. Any operator of an establishment and any agents or employees of any operator, who shall violate the provisions of Chapter 6A, Section 102-B of this Code of Ordinances, shall be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$350/first offense; \$600/second offense; \$800/third offense; and \$1,000/fourth and subsequent offenses or imprisonment not to exceed three (3) months, or both. Each violation shall constitute a separate offense.
- F. Severability. Reference Chapter 18, Section 101.
(Ord. 3-95, 3/21/95)