

**ORDINANCE NO. 1541**

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to public peace and solicited rides, adopting RCW 46.61.255 by reference, and adding a new section to chapter 9.84 DMMC entitled "Giving *solicited rides*."

**WHEREAS**, state law prohibits pedestrians from soliciting rides on public roadways where a vehicle cannot safely stop off the main traveled portion of the roadway, subject to limited exceptions, and

**WHEREAS**, the state preempts the regulation of hitchhiking in any form except in areas that prostitution is occurring and the regulation or prohibition of hitchhiking will help to reduce prostitution in the area, and

**WHEREAS**, the City of Des Moines has historically had a significant history of prostitution activity along Pacific Highway South, and

**WHEREAS**, prostitution along Pacific Highway South continues to be a problem for the City with the vast majority of prostitution related arrests occurring on the highway, and

**WHEREAS**, in 2007 the City Council enacted Ordinance 1423 designating a defined area of Pacific Highway South as an anti-prostitution emphasis area, and

**WHEREAS**, prostitution activity is typically initiated by a vehicle stopping along the Highway to make contact with a pedestrian walking on the sidewalk, and

**WHEREAS**, the adoption of this draft ordinance will assist the Des Moines Police Department in preventing prostitution related activities by providing an enforcement mechanism to issue violations for pedestrians and drivers on Pacific Highway South; now therefore,

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

**Sec. 1. Adopted by reference.**

(1) Washington state statutes and state and county regulations adopted by reference in this Ordinance are adopted pursuant to RCW 35A.12.140 as though fully set forth in this

Ordinance, and as presently constituted or as may be subsequently amended.

(2) Not less than one (1) copy of each such statute, code, or regulation as codified, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public.

**Sec. 2. Pedestrians soliciting rides or business.** The following state statute is adopted by reference and applicable within the City of Des Moines:

RCW 46.61.255 Pedestrians soliciting rides or business.

**Sec. 3.** A new section is added to chapter 9.84 DMMC to read as follows:

Soliciting rides in designated "anti prostitution emphasis areas".

(1) No person operating any vehicle upon a roadway posted as an "anti prostitution emphasis area" and as defined in DMMC 9.76.060(2) as presently constituted or as may be subsequently amended, shall stop such vehicle to offer or give transportation to any person, subject to the exceptions listed below.

(2) No pedestrian in an area posted as an "anti prostitution emphasis area" and as defined in DMMC 9.76.060(2) as presently constituted or as may be subsequently amended, shall solicit or attempt to solicit a ride from a vehicle, subject to the exceptions listed below.

(3) Exceptions: The provisions above shall not be construed to prevent a person upon a roadway posted as an "anti prostitution emphasis area" from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) A violation or failure to comply with this section is a Class 3 civil infraction.

**Sec. 4. Codification.** Sections 1 through 3 of this Ordinance shall be constituted as a new section in chapter 9.84 DMMC, entitled "*Solicited rides.*"

**Sec. 5. 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.

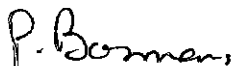
(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

**Sec. 6. Effective date.** This ordinance shall take effect and be in full force five (5) days after its passage, approval, and publication in accordance with law.


**PASSED BY** the City Council of the City of Des Moines this 14th day of June, 2012 and signed in authentication thereof this 14th day of June, 2012.

  
MAYOR

APPROVED AS TO FORM:

  
City Attorney

ATTEST:

  
City Clerk

Published: June 19, 2012