

CITY OF KENNEWICK
ORDINANCE NO. 24-_____

AN ORDINANCE RELATING TO OFFENSES AGAINST PUBLIC ORDER
AND AMENDING SECTION 10.08.140 OF THE KENNEWICK MUNICIPAL
CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 10.08.140 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

10.08.140: Sitting, Lying on Sidewalk in Designated Zone.

- (1) Prohibition.
 - (a) No person may sit or lie down upon a public sidewalk or right of way, or upon a blanket, chair, stool, or any other object placed upon a public sidewalk or right of way, during the hours between six a.m. and midnight in the zones designated in this section.
 - (b) At all times it is unlawful to sit or lie on any drinking fountain, trash container, planter, bicycle rack, or any other sidewalk fixture not designed primarily for the purpose of sitting.
 - (c) At all times, it is unlawful to sit or lie in any entrance to or exit from any building or parking lot, or on any loading dock.
- (2) Exceptions. The prohibition in subsection (1) of this section does not apply to any person:
 - (a) Sitting or lying down due to a medical emergency or due to a sensory, mental, or physical disability;
 - (b) Who, as the result of a sensory, mental, or physical disability, utilizes a wheelchair, walker, or similar device to move about a public sidewalk;
 - (c) Operating or patronizing a business with permission to occupy the sidewalk;
 - (d) Participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a special event or other applicable permit;
 - (e) Sitting on a chair or bench supplied by a public agency or by the abutting private property owner pursuant to the appropriate permit or license;

- (f) Sitting within a bus stop zone while waiting for public or private transportation; or
 - (g) Sitting on privately-owned sidewalk fixture with the permission of the owner.
- (3) No person shall be subject to enforcement under this section unless the person engages in conduct prohibited by this section within the entirety of the zone designated in this section after having been notified by a law enforcement officer that the conduct violates this section and has been given a reasonable amount of time to comply or has refused to comply. If the individual fails to comply in a reasonable time or engages in prohibited conduct in another location within the designated zone, a law enforcement officer may then enforce this section.
- (4) The zones where the conduct described in section (1) is prohibited are as follows:
- (a) From Clearwater Avenue to Kennewick Avenue, between Yelm Street and Huntington Street;
 - (b) From 24th to 28th, between Tweedt Street and Olson Street;
 - (c) Clearwater Avenue, between Arthur Street and Morain Street; and
 - (d) Portions of the Kennewick Central Business District to include the following streets and public rights of way, from 1st Avenue to Canal Drive, between Dayton Street and Washington Street, including W. Kennewick Avenue between Dayton Street and Washington Street, including N. Cascade Street, N. Benton Street and N. Auburn Street between 1st Avenue and Canal Drive.
- (5) This section does not permit any conduct which is prohibited by KMC 10.08.020 regarding interference with pedestrian or vehicular traffic.
- (6) A violation of KMC 10.08.140 is a misdemeanor.
- (7) The provisions of this section are declared separate and severable. The invalidity of any clause, sentence, paragraph, section, or portion of this section, or the invalidity of the application thereof to any person or circumstance does not affect the validity of the remainder of this section, or the validity of its application to other persons or circumstances.

(Ord. 24-_____ Sec. 1, 2024; Ord. 6024 Sec. 1, 2023; Ord. 5760 Sec. 1, 2018)

Section 2. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 5th day of March, 2024, and signed in authentication of its passage this 5th day of March, 2024.

Attest:

GRETL J. CRAWFORD, Mayor

KRYSTAL TOWNSEND,
City Clerk

ORDINANCE NO. 24-- - - - _____
filed and recorded in the office of the City
Clerk of the City of Kennewick
Washington, this 6th day of March, 2024


Approved as to Form:

LAURENCIO SANGUINO,
Interim City Attorney

KRYSTAL TOWNSEND,
City Clerk

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

Council Agenda Coversheet	Agenda Item Number: 5.a. Council Date: 3/5/2024	Category: Ordinance/Reso
	Agenda Item Type: Ordinance Subject: Ordinance: Sitting/Lying on a Public Sidewalk/Right-of-Way Amending KMC 10.08.140(4)(c) Department: City Attorney Ord/Reso # Project #	Contract # Permit #
<p><u>Recommendation</u> The City Attorney's Office recommends that City Council pass the ordinance as presented.</p> <p><u>Motion for Consideration</u> Motion to adopt the ordinance as presented.</p> <p><u>Summary</u> This ordinance amends Kennewick Municipal Code (KMC) 10.08.140(4)(c) by replacing Canal Drive, between Young Street and Kellogg Street with Clearwater Avenue, between Arthur Street and Morain Street.</p> <p><u>Alternatives</u> Staff has not identified alternatives.</p> <p><u>Fiscal Impact</u> Not applicable.</p>		
<p><u>Attachments:</u></p> <ol style="list-style-type: none"> 1. Ordinance 2. Ordinance - REDLINE 3. Presentation 		