

**CITY OF ORTING  
WASHINGTON**

**ORDINANCE NO. 2021-1088**

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**AN ORDINANCE OF THE CITY OF ORTING,  
WASHINGTON, RELATING TO PUBLIC WAYS  
AND PROPERTY; ADOPTING ORTING  
MUNICIPAL CODE SECTIONS 8-9-1 AND 8-9-2  
PROHIBITING CERTAIN ACTIVITIES ON RIGHT-  
OF-WAY AND SIDEWALKS; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN  
EFFECTIVE DATE**

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**WHEREAS**, cities are authorized to protect the public health, safety, and welfare of their communities; and

**WHEREAS**, cities are authorized under state law to make and enforce, by appropriate ordinances, all such police and human health regulations that are not in conflict with state law; and

**WHEREAS**, the residents of Pierce County and the City have experienced increasing use of its right-of-way and public spaces for camping and the storage of personal property; and

**WHEREAS**, the act of camping and storing personal property in the City’s public sidewalks has adverse public health and safety impacts, including restricting the path of travel on the City’s sidewalks required by the Americans with Disabilities Act, and degrading the environment by allowing clothing, hypodermic needles, human waste, plastic, batteries, electronics, bicycles, shopping carts, tires, food waste, and other garbage to enter wetlands, creeks, and rivers that provide value to aquatic life, terrestrial life, flood detention, surface water quality and ground water quality; and

**WHEREAS**, the City of Orting wishes to amend and establish regulations related to the use of sidewalks for the public benefit; and

**WHEREAS**, in order to preserve the public health and welfare, the City of Orting wishes to prohibit certain activities on sidewalks and other city right-of-way; and

**WHEREAS**, the City of Orting wishes to give property owners who have parking strips that are not in conformance with these regulations time to bring their parking strips into compliance; and

**WHEREAS**, the City Council finds that the provisions of this Ordinance are necessary for the public health, safety and welfare; and

**NOW, THEREFORE**, the City Council of the City of Orting, Washington, do ordain as follows:

Section 1. Findings Adopted. The findings set forth in the above recitals are hereby adopted and incorporated by reference. Further, the City Council specifically finds that the regulation of the conduct addressed in this Ordinance is a valid exercise of its police power.

Section 2. Adoption. A new section to the Orting Municipal Code, at 8-9-1, is hereby adopted to read as follows:

Orting Municipal Code 8-9-1

A. Prohibition. No person shall sit or lie down upon, or place a blanket, sleeping bag, back pack, chair mattress, couch, stool, or any similar equipment, item, or furniture upon, a public sidewalk, or any portion of the public right of way, whether improved or unimproved, in the area identified in Exhibit A.

B. Exceptions. The prohibitions in section A of this section shall not apply to any person:

1. Temporarily sitting or lying down on a sidewalk due to a medical emergency;
2. Who, as the result of a disability, utilizes a wheelchair, walker, or similar device to move about the public sidewalk;
3. Operating of patronizing an activity on the public sidewalk or public right of way pursuant to a City issued permit for the activity; or a person participating in or attending a parade, festival, performance, rally, demonstration, meeting, or similar event conducted on the public sidewalk pursuant to a street use or other applicable permit issued by the city.

Nothing in any of these expectations shall be construed to permit any conduct which is prohibited by any City ordinance or regulation.

C. No person shall be cited under this section unless the person engages in conduct prohibited by this section after having been notified by law enforcement officer that the conduct violates this section and refuses or intentionally fails to cease such activity when ordered to do so.

D. A violation of this section shall be a misdemeanor punishable by up to 90 days in jail, a fine of up to \$500.00, or both.

Section 3. Adoption. A new section to the Orting Municipal Code, at 8-9-2, is hereby adopted to read as follows:

Orting Municipal Code 8-9-2

No Commercial Goods or Services to be Provided within the Right of Way or without a Permit. No person may provide food, beverages, goods, supplies or services of any sort for a commercial purpose within the public right of way in the area described in Exhibit A unless authorized by a valid permit issued by the city. Such permit shall identify the specific activity authorized by the permit, the specific location at which such activity is permitted, and the times during which the activity may occur. The City may issue such permit only if it determines that the activity and location for which the permit is requested will not have an unreasonable adverse impact on the neighborhood, or other uses in the vicinity, or the public's use of the right-of-way. The City may revoke such permit at any time if it determines that the activity does have an unreasonable adverse impact on the neighborhood, other uses in the vicinity, or the public's use of the right-of-way.

Section 3. General Duty. It is expressly the purpose of this Ordinance to provide for and promote the health, safety, and welfare of the general public and to prohibit certain activities but not target groups or subsets of the population. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees, or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees, or agents.

Section 4. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

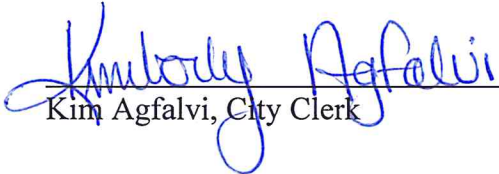
Section 6. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE  
27<sup>th</sup> DAY OF October, 2021.**


CITY OF ORTING

  
\_\_\_\_\_  
Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Kim Agfalvi, City Clerk

Approved as to form:

  
\_\_\_\_\_  
Charlotte A. Archer  
Inslee Best  
City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.  
Date of Publication:  
Effective Date: