

**CITY OF ORTING
WASHINGTON**

ORDINANCE NO. 2023-1110

**AN ORDINANCE OF THE CITY OF ORTING,
WASHINGTON, RELATING TO PUBLIC WAYS
AND PROPERTY; AMENDING ORTING
MUNICIPAL CODE CHAPTER 8-9 PROHIBITION
ON PROVIDING COMMERCIAL GOODS OR
SERVICES WITHIN RIGHT-OF-WAY OR
WITHOUT PERMIT; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

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 business owners and residents of the City of Orting have expressed interest in using of its right-of-way for commercial activities which adds to the interest and vibrancy of a downtown city center; 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, safety and welfare, the City of Orting wishes to permit certain activities on sidewalks and other City right-of-way; 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. Amendment. The title of Orting Municipal Code, Title 8, Chapter 9 is hereby amended to: ACTIVITIES IN RIGHTS-OF-WAY AND SIDEWALKS.

Section 3. Amendment. Orting Municipal Code Section 8-9-2 is amended 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 Commercial Use of the Right of Way Permit issued by the City. The 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, other uses in the vicinity, or the public's use of the right-of-way, and if the permit application meets all requirements established for commercial 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. A fee for the Commercial Use of Rights-of-way Permit may be adopted by Resolution, and council may adopt additional rules regulating the commercial use of the right of way.

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 26 DAY OF July, 2023.**

CITY OF ORTING

Joshua Penner
Joshua Penner (Jul 27, 2023 14:27 PDT)

Joshua Penner, Mayor

ATTEST/AUTHENTICATED:

Kim Agfalvi
Kim Agfalvi (Jul 27, 2023 15:13 PDT)

Kim Agfalvi, City Clerk

Approved as to form:

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

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












Ordinance Use of Right-of-Way(10698406.1)

Final Audit Report

2023-07-27

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