

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING OMC 9.16.180 RELATING TO PEDESTRIAN INTERFERENCE AND THE AREA CONSTITUTING THE "DOWNTOWN COMMERCIAL ZONE" TO INCLUDE ADDITIONAL AREAS EAST TO EASTSIDE STREET BETWEEN STATE AVENUE AND PLUM STREET AS DEPICTED IN FIGURE 1

WHEREAS, the name of Olympia Municipal Code (OMC) Title 9 is known as the "Criminal Code;" and

WHEREAS, OMC Title 9 contains various chapters relating to crimes and offenses against persons, public peace, drugs, gambling, offenses against property, juveniles, weapons and fireworks, to name but a few; and

WHEREAS, OMC 9.16.180 contains a prohibition against obstruction of vehicular and pedestrian traffic; and

WHEREAS, pursuant to OMC 9.16.180 a person is prohibited from sitting or lying on any sidewalk, street or alley during daytime hours between the hours of 7:00 a.m. and 12:00 a.m. in the "Downtown Commercial Zone" reflected in Figure 1, however, a person may sit or lie on a sidewalk from midnight to 7:00 a.m. to allow overnight sleeping; and

WHEREAS, the City has established a tiny house village near Quince Street Village; and

WHEREAS, City staff is proposing an expansion of the defined "Downtown Commercial Zone" to extend the zone eastward to Eastside Street and southward along Quince Street to encompass Quince Street Village; and

WHEREAS, the purpose for the expansion of the "Downtown Commercial Zone" is to reduce pedestrian interference surrounding facilities serving houseless individuals on the eastern edge of Olympia's downtown but currently outside the designated "Downtown Commercial Zone." These facilities include Quince Street Village, Rosie's Place, Pear Blossom Place, and the Salvation Army; and

WHEREAS, the City has received complaints from a number of property owners and residents surrounding these facilities. Without a revision of the area encompassing the "Downtown Commercial Zone" there is little the City can do to address persons sitting and lying and otherwise obstructing pedestrians on public sidewalks; and

WHEREAS, City staff has performed outreach to the directors of Family Support Center, Catholic Community Services, and Community Youth Services regarding proposed revisions to OMC 9.16.180 and the "Downtown Commercial Zone." Expansion of the "Downtown Commercial Zone" will allow the Olympia Police Department to be more responsive to community complaints of pedestrian interference; and

WHEREAS, Figure 1 in OMC 9.16.180 Pedestrian Interference should be revised to reflect expanded boundaries of the "Downtown Commercial Zone" to include additional areas east to Eastside Street between State Avenue and Plum Street;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 9.16.180. Section 9.16.180 of the Olympia Municipal Code is hereby amended to read as follows:

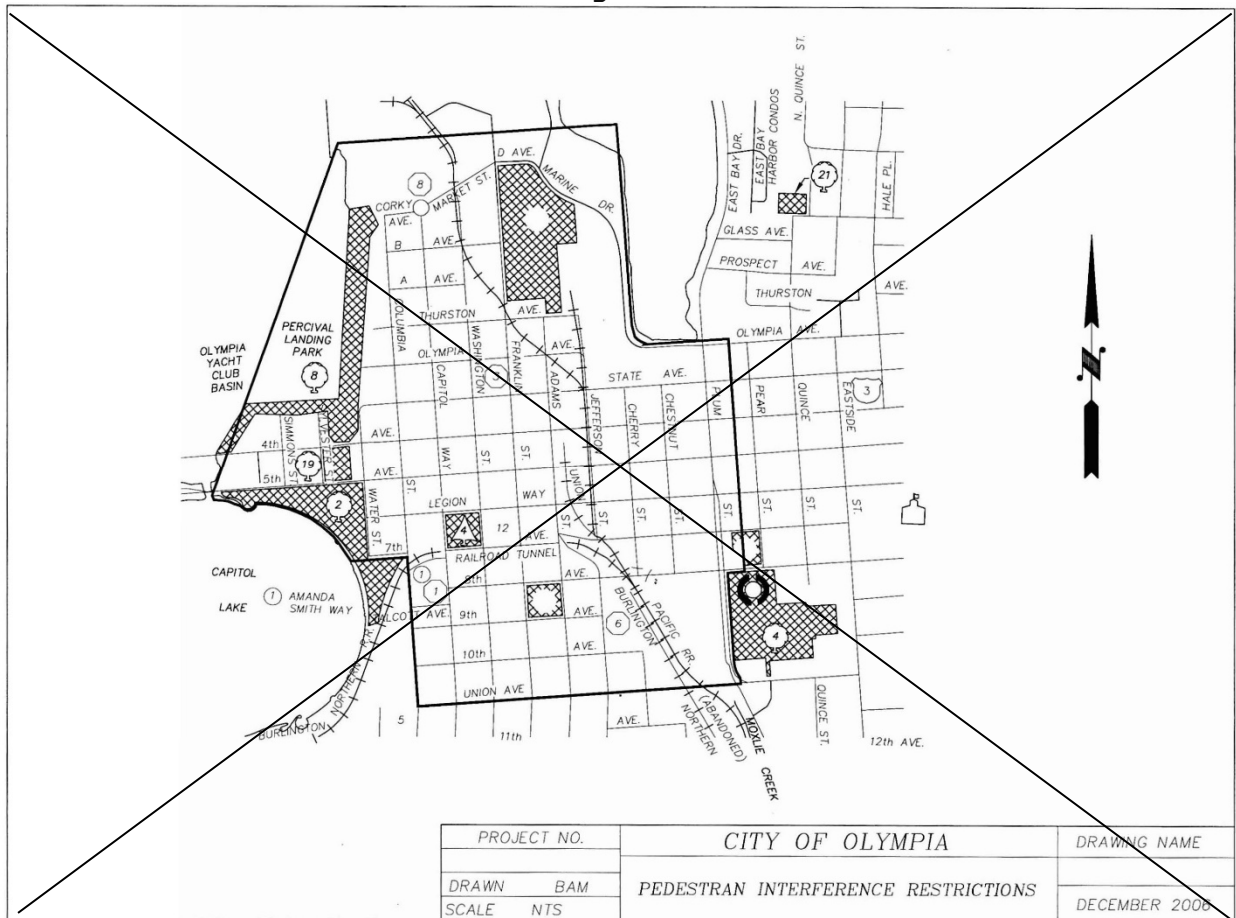
9.16.180 Pedestrian interference

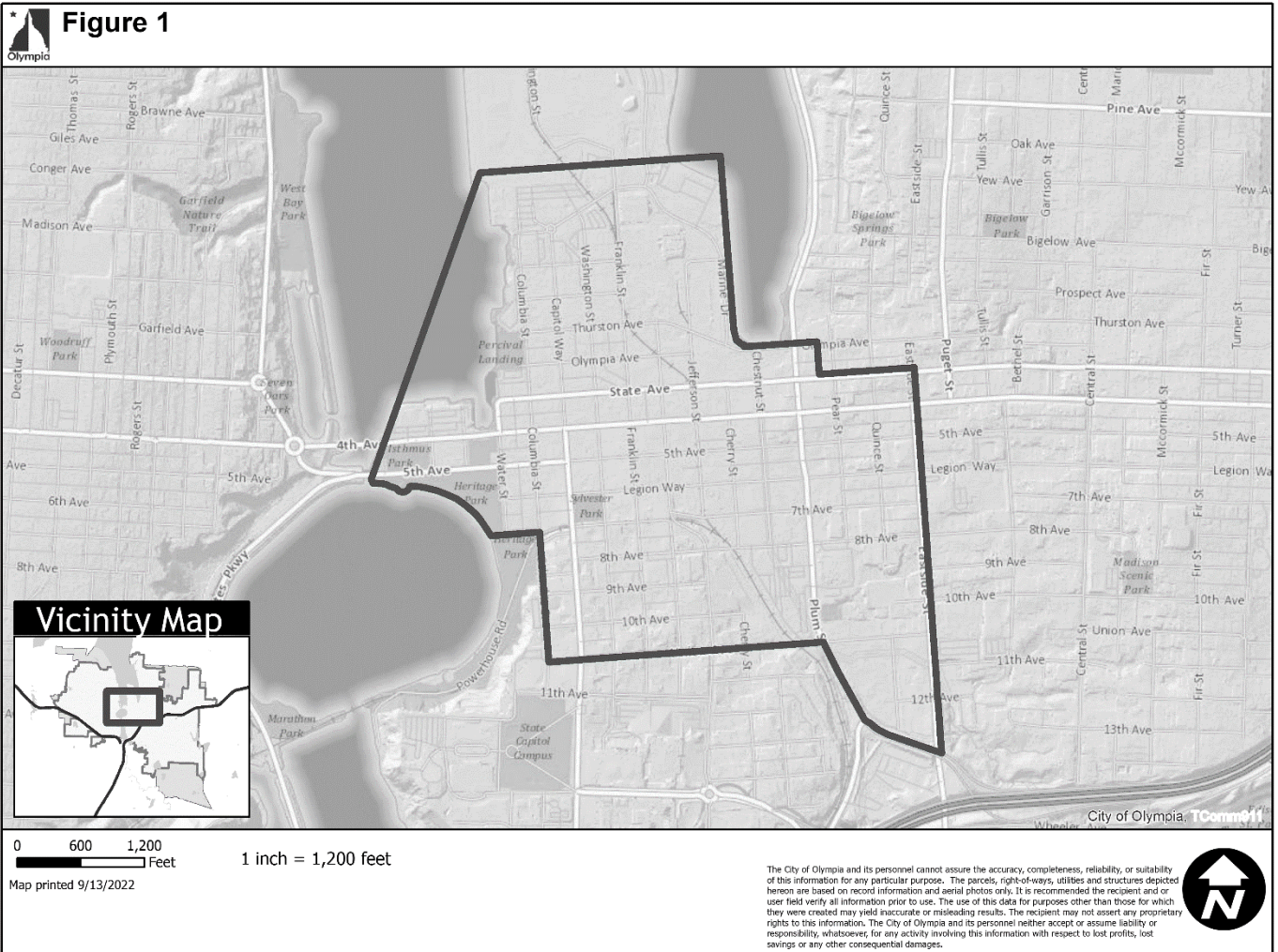
A. A person is guilty of pedestrian interference if, in a public place, the person knowingly obstructs pedestrian or vehicular traffic.

B. The following definitions apply in this section:

1. "Downtown Commercial Zone" means the area depicted in Figure 1, attached hereto and incorporated herein, showing the areas within the City of Olympia in which conduct is prohibited under subsections (B)(2)(b) and (B)(2)(c) of this section.

Figure 1





File name and path: \\Galva\PM\Engineering\Survey\Projects\PS\Survey\CUSTOMER SERVICES\Internal\2022\Legal_Darian Lightfoot_Ped Interference Restriction Ord_9-12-2020-E\Ped Interference Ord.rxd

2. "Obstruct pedestrian or vehicular traffic" means to:

- a. In a public place, walk, stand, sit, lie, grasp a person, or place an object in such a manner as to obstruct or impede, or tending to obstruct or impede, the free passage of any person or vehicle, or to require another person or a driver of a vehicle to take action to avoid physical contact; or
- b. at any time vend on any sidewalk, street or alley within the Downtown Commercial Zone as depicted in Figure 1 of this section; or
- c. between the hours of 7 a.m. and 12 a.m., sit or lie on any sidewalk, street or alley within the Downtown Commercial Zone as depicted in Figure 1 of this section. No person shall be cited under this subsection unless the person engages in conduct prohibited by this subsection after having been notified by a law enforcement officer that the conduct violates this subsection.

3. Affirmative Defenses. It is an affirmative defense under subsections (B)(2)(b) and (B)(2)(c) of this section, that the defendant must prove by a preponderance of the evidence, that the defendant was:

- (i) Sitting or lying down on a publicly owned sidewalk or alley due to a medical emergency;
- (ii) Utilizing, as the result of a disability, a wheelchair, walker, or similar device to move about on the publicly owned sidewalk or alley;
- (iii) Operating or patronizing a commercial establishment conducted on any sidewalk, street or alley pursuant to a street use permit;
- (iv) Vending, sitting or lying down on any sidewalk, street or alley within any portion of the Downtown Commercial Zone where such conduct is approved by the City as part of participation in or attendance at a parade, festival, rally, or demonstration; provided, however, that this defense shall not be available to a defendant refusing to obey a reasonable request or order by a police officer to move to prevent obstruction of a public street, alley, sidewalk or building or entrance or doorway into or out of a building open to the public, or to maintain public safety by dispersing those gathered in dangerous proximity to a fire or hazard;
- (v) Sitting on a chair or bench supplied by a public agency or by the abutting private property owner or lessee for that purpose, pursuant to a temporary street use or other applicable permit or authorization if required;
- (vi) Sitting or standing on a publicly owned sidewalk within a bus stop zone while waiting for public or private transportation; or
- (vii) Waiting in a line to purchase tickets to or attend a performance or public event, or to gain entry to a business adjacent to the publicly owned sidewalk or alley.

Provided, however, that nothing in any of these affirmative defenses shall be construed to permit any conduct which is prohibited by OMC [9.16.180\(b\)\(2\)\(a\)](#).

4. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public including places that serve food or drink or provide entertainment, in the doorways and entrances to buildings or dwellings and the grounds enclosing them.

5. "Sit or Lie" means to sit or lie directly upon a sidewalk, street, or alley, or to sit or lie down upon any blanket, sleeping bag, bedroll, tarpaulin, cardboard, or any other similar object placed upon the sidewalk, street or alley.

6. "Vend" means to offer for sale, whether orally or through the use of written or printed media, any item of value to another person.

Section 2. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: