

Ordinance No. 6461

AN ORDINANCE relating to improving downtown walkability by clarifying the scope of permitted and prohibited activities within specified areas of rights-of-way within downtown Olympia and clarifying the requirements for obtaining permission to store materials, place tables and chairs, busk, and/or conduct other specified activities within said rights-of-way or in alternative locations; amending Section 9.16.180 of the Olympia Municipal Code relating to pedestrian interference, amending the definition of obstructing pedestrian or vehicular traffic; amending Sections 18.42.180, 12.24.000, 12.24.070, 12.24.090, 12.24.100, 12.24.110, and 12.24.120 of the Olympia Municipal Code, adopting a new chapter 5.88 of the Olympia Municipal Code, amending Ordinance No. 6456, and repealing Section 12.24.060 of the Olympia Municipal Code.

WHEREAS, Section 9.16.180 of the Olympia Municipal Code provides that a person is guilty of pedestrian interference if a person intentionally obstructs pedestrian or vehicular traffic, and goes on to define the phrase "obstruct pedestrian or vehicular traffic"; and

WHEREAS, the City Council finds that the City has a compelling interest in: (1) encouraging and preserving a vital, pedestrian-friendly urban core, as more fully articulated in the Olympia Comprehensive Plan; (2) promoting tourism and business downtown; (3) preserving the quality of urban life and in protecting its citizens from intimidating, anti-social and/or threatening behavior; and (4) encouraging businesses and residences downtown where walking is a realistic alternative to vehicles that use fossil fuels; and

WHEREAS, the City Council finds that, especially in the downtown area that has high pedestrian traffic and an incidence of petty crime related to public disorder, individuals sitting, lying, vending and/or soliciting in the pedestrian right of way: (1) contribute to a sense of fear, intimidation and disorder for some citizens; (2) are disruptive to some residents, businesses, and customers; (3) discourage, block or inhibit the free passage of pedestrians; (4) contribute to the loss of access to and enjoyment of public places; and (5) undermine the realization of adopted goals and policies to improve the economic, environmental and cultural value of downtown; and

WHEREAS, because police officers are often not present when individuals engage in antisocial and/or threatening conduct while sitting, lying, soliciting or vending on downtown sidewalks, and/or because individuals engaging in such conduct often leave before police may arrive, existing provisions of the Olympia Municipal Code are not sufficient to deter such conduct; and

WHEREAS, the City Council wishes to amend the Olympia Municipal Code to prohibit specific conduct and behavior in an effort to advance Council goals of walkability and a liveable downtown; and

WHEREAS, the City Council wishes to amend the definition of "obstruct pedestrian or vehicular traffic" to identify particular behavior and/or conduct that constitutes pedestrian interference when occurring within specified boundaries in downtown Olympia, while not interfering with legitimate expression protected by the state and federal constitutions; and

WHEREAS, on December 12, 2006 the City Council adopted Ordinance No. 6456, with an effective date of February 1, 2007, and now desires to clarify and amend several of its provisions with respect to affirmative defenses to pedestrian interference, and licensing and permitting for busking and other permitted temporary uses of the City's rights-of-way;

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 and ordinances pertaining thereto are hereby amended to read as follows:

9.16.180 Pedestrian Interference

A. A person is guilty of pedestrian interference if, in a public place, he or she ~~intentionally~~:

1. Obstructs pedestrian or vehicular traffic; or
2. Aggressively panhandles.

B. The following definitions apply in this section:

1. "Aggressively panhandles" means to, in a public place, solicit anything of value and intentionally engage in conduct that would likely intimidate a reasonable person, including but not limited to touching, following, persistently soliciting anything of value after being refused, using violent or threatening language or gestures, or taking similar actions for the purpose of inducing another person into giving anything of value.
2. Pedestrian Walking Lane means that portion of any sidewalk, street or alley located within the downtown area delineated in Figure 1, attached hereto and incorporated herein, and: (a) within six (6) feet of the edge of any building or structure located immediately adjacent to the sidewalk or alley, or the edge of the right-of-way, if no building or structure exists; or (b) the six-foot zone established pursuant to a permit issued under OMC 12.24.060.

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

- a. In a public place, intentionally walk, stand, sit, lie, grasp a person, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take ~~evasive~~ action to avoid physical contact. Acts other than those regulated in subsection B.3.b below and authorized as an exercise of one's constitutional right to picket or legally protest shall not constitute obstruction of pedestrian or vehicular traffic; and
- b. (i) at any time, vend or solicit on that portion of any sidewalk, street or alley in a Pedestrian Walking Lane; or (ii) between the hours of 7 a.m. and 10 p.m., sit or lie on that portion of any sidewalk, street or alley in a Pedestrian Walking Lane. A culpable mental state is not required, and need not be proven, for an offense as defined under this subsection B.3.b.
- c. Affirmative Defenses. It is an affirmative defense under subsection B.3.b, that the defendant must prove by a preponderance of the evidence, that the defendant was:
 - (i) notified by a law enforcement officer within twenty-four (24) hours of arrest that the defendant's conduct violated the Olympia Municipal Code and the defendant so notified promptly ceased to engage in the prohibited conduct following such notification;
 - (ii) Sitting or lying down on a publicly-owned sidewalk or alley due to a medical emergency;

(iii) Utilizing, as the result of a disability, a wheelchair, walker, or similar device to move about on the publicly-owned sidewalk or alley;

(iv) Operating or patronizing a commercial establishment conducted in the Pedestrian Walking Lane pursuant to a street use permit;

(v) Soliciting, sitting or lying down within any portion of the Pedestrian Walking Lane 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;

(vi) 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;

(vii) Sitting or standing on a publicly-owned sidewalk within a bus stop zone while waiting for public or private transportation;

(viii) 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;

(ix) Busking pursuant to and in a location authorized by a license for the same issued under OMC Chapter 5.88.

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.3.a.

34. "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, chair, stool, or any other object placed upon the sidewalk, street or alley.

6. "Solicit" means to ask, beg, solicit, or plead, whether orally or through the use of written or printed media, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person.

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

8. "Busk" means to act, sing, play a musical instrument, pantomime, mime, perform magic tricks, or dance for the purpose of or while immediately receiving contributions, alms, charity, or of gifts of items of value for oneself or another person.

Section 2. Amendment of OMC 18.42.180. Section 18.42.180 of the Olympia Municipal Code and ordinances pertaining thereto are hereby amended to read as follows:

18.42.180 - General Standards for Sandwich Board Sidewalk Signs

- A.** These standards do not apply to real estate signs. (See Section 18.42.320, Real Estate Sign Standards).
- B. Permitted districts** - Downtown Business, Neighborhood Retail, Community Retail, Neighborhood Village, Urban Village, Neighborhood Center, Community Oriented Shopping Center, Urban Center, PO/RM, General Commercial, Urban Waterfront, Urban Waterfront - Housing, Commercial Services-High Density, High Density Corridor-1, High Density Corridor-2, High Density Corridor -3, and High Density Corridor-4 districts.
- C. Height** - 4 foot maximum.
- D. Width** - 24 inch maximum.
- E. Number of signs** - 1 per use.
- F. Placement, except real estate signs** (See Section 18.42.320, Real Estate Sign Standards):
 - 1. Signs must be located directly in front of the sponsoring business and on the walkway which is directly in front of the business entrance. Signs shall not be located in the 6-foot Pedestrian Walking Lane specified in OMC 9.16.180.B.2. In no case shall signs be more than 20 (twenty) feet from the front wall of the business.
 - 2. Signs are to be displayed during business hours only.
 - 3. Signs shall not create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.
 - 4. Signs shall be located next to the curb edge of a sidewalk in such a manner so as not to interfere with the opening of car doors, use of bicycle parking facilities, bus stops, loading zones, or pedestrian traffic.
 - 5. Signs shall be located such that an unobstructed passageway of forty-eight (48) inches shall be maintained for wheelchair travel on all public and private rights-of-ways.
- G. Lighting attached to sign is not permitted.**
- H. Liability** - owners of such signs shall assume liability for damage resulting from their use and shall provide the City with a notarized signed agreement (as provided by the City) holding the City harmless from such resulting loss.

Section 3. Adoption of OMC Chapter 5.88, Busking. The following new chapter, OMC Chapter 5.88, Busking, is adopted as follows:

05.88.010 – Definitions

“Busk” means to act, sing, play a musical instrument, recite poetry, pantomime, mime, perform magic tricks, or dance for the purpose of or while immediately receiving contributions, alms, charity, or of gifts of items of value for oneself or another person.

05.88.020 – License Required

It is unlawful for any person to busk within the Pedestrian Walking Lane described OMC Section 9.16.180.B.2 unless busking is confined to either (a) a busking area designated under OMC Section 05.88.070; or (b) a busking area adjacent to a business that has obtained a busking area license, with the consent of the business owner.

05.88.030 – License Fees

The license fee for a business desiring to establish a busking zone under Section 5.88.050 shall be included in the fee paid for the applicant’s business license issued under Chapter 5.05 of the Olympia Municipal Code.

05.88.040 –License Application requirements

A. Any person, firm or business desiring to establish a busking zone adjacent to his or her business shall apply therefor in writing over his or her signature to the Director of the Olympia Parks, Arts and Recreation Department or his or her designee on forms provided by the city, and such application shall state as to the applicant:

1. The name and address of the applicant;
2. The name and address of the business adjacent to which the busking area is proposed;
3. A drawing or sketch of the location and dimensions of the proposed busking area, which drawing must demonstrate that preservation of a walking lane at least six (6) feet wide and clear of vertical obstruction may remain between the proposed busking area and the curb, provided that said six foot walking lane may include up to two (2) feet of a grate adjacent to a street tree or other planting;
4. The proposed duration of the busking area;
5. Identification of proposed individual buskers, if then known;
6. If the applicant proposes to employ or secure the services of individual buskers, an acknowledgment that said buskers’ performances will not: be obscene; violate adopted laws or ordinances applicable to vehicle or pedestrian traffic; or violate adopted laws or ordinances applicable to outdoor noise levels; and

7. A copy of the applicant's business license issued under Chapter 5.05 of the Olympia Municipal Code.

B. Such application shall be accompanied by such credentials or other evidence of the identity of each busker as may be reasonably required by the Director of the Olympia Parks, Arts and Recreation Department or his or her designee.

05.88.050 - Issuance of license

Busking zone license. The Director of the Olympia Parks, Arts and Recreation Department or his or her designee shall review the application on the day submitted and, if he or she determines after review that the application is complete and complies with the requirements of OMC Section 5.88.040.B, that the facts set forth in the application are true, and that the applicant possesses a valid Olympia business license for which the applicable fee has been paid, he or she shall then issue the license applied for. Such license shall expire at the conclusion of the period proposed in the application, but no more than the term of the applicant's then-existing Olympia business license.

05.88.060 - License to be carried

Such license shall be carried at all times by each business for whom issued and shall be exhibited by any such business whenever requested to do so by any police officer, or city official, or any other person.

05.88.070 - Designated busking areas

The City Manager shall designate areas for busking that are located within the downtown area defined in OMC 9.16.180.B.2, Figure 1, but are not located within any Pedestrian Walking Lane as defined in OMC Section 9.16.180.B.2. Such areas shall be depicted on a map that shall be available at the office of the Director of the Olympia Parks, Arts, and Recreation Department.

05.88.080 - Revocation of license

Any such license may be revoked by the Director of the Olympia Parks, Arts, and Recreation Department for any violation of any statements contained in the license application or any of the requirements of this Code or other ordinances of the city, or of any state or federal law.

05.88.090 - Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction

A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.

B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate

infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Code Enforcement.

5.88.100 – Appeal

Any applicant aggrieved by denial or revocation of a license hereunder may appeal the denial or revocation to the City Manager, who shall hold an appeal hearing after reasonable notice to the appellant, and issue a decision on the appeal within twenty-four (24) hours of hearing the appeal. The City Manager's decision shall be final.

Section 4. Amendment of OMC Chapter 12.24, Obstructions. OMC Chapter 12.24 and ordinances pertaining thereto are hereby amended to read as follows:

12.24.000 Chapter Contents

Chapter 12.24

OBSTRUCTIONS

Sections:

ARTICLE I. GENERAL PROVISIONS

- 12.24.010 Building projections prohibited--Exception.
- 12.24.020 Awnings.
- 12.24.030 Retaining wall where yard below grade.
- 12.24.040 Public rubbish dumping prohibited.
- ~~12.24.060 Storage on public property prohibited without permit.~~
- 12.24.0570 Rental of public property--Collection of fees.

ARTICLE II. STREET OBSTRUCTION PERMITS

- 12.24.090 Applicability.
- 12.24.100 ~~Required--Application and fee~~ Requirements.
- 12.24.110 Bond required, when.
- 12.24.120 Insurance in lieu of bond.
- 12.24.130 Endorsement of application--Issuance of permit.
- 12.24.140 Exception--Movement of loads.

12.24.150 Exception--Public utilities.

12.24.160 Violations--Misdemeanor--Gross Misdemeanor--Civil Infraction.

ARTICLE I. GENERAL PROVISIONS

12.24.010 - Building projections prohibited-Exception

No portion of any building or buildings hereafter to be erected, altered or repaired, shall be allowed to project over into any street or sidewalk; provided, that this section shall not apply to the bases of antes or columns projecting not to exceed eight inches or to cornices or projections placed at least ten feet above the top of the sidewalk.

12.24.020 - Awnings

The frames of awnings shall not be less than eight feet and curtains not less than seven feet above the top of the sidewalk, and shall not be supported by post or other supports from the sidewalks, and no awning post or other similar obstruction shall be erected or maintained upon any of the sidewalks or within any of the streets of the city.

12.24.030 - Retaining wall where yard below grade

Any person owning or having control of any premises fronting on a public street and below the grade thereof shall, within five days after notice from the street commissioner, requiring him so to do, at his own expense, erect a suitable barricade upon the inner line of the sidewalk, in front of such premises.

12.24.040 - Public rubbish dumping prohibited

No person shall throw into or deposit upon any public street, highway or grounds, or upon any private premises, or anywhere except in such places as may be designated by the street commissioner, any glass, metal, broken ware, dirt, rubbish or garbage; and no person shall carry upon any sidewalk, exposed, so as to be offensive to pedestrians, any rubbish, garbage or filth.

12.24.060 - Storage on public property prohibited without permit

~~It is unlawful for any person, firm or corporation to place or cause to be placed, piled or stored on any crosswalk, sidewalk, street or alley or other vacant or public property belonging to the city, any article or thing whatsoever, except merchandise while in the actual course of receipt or delivery; provided, however, that the public works director may issue a temporary obstruction permit to use any portion of an unoccupied street or alley or other vacant or public property belonging to the city under such circumstances and in such a manner as in their judgment will not be hindrance or detriment to the public and collect therefor such a rental as set forth in Title 4 of this code.~~

12.24.0570 - Rental of public property-Collection of fees

The street commissioner shall have authority to collect such rentals as may accrue under the provisions of this chapter and to institute in the name of the city all necessary actions and legal proceedings for the collection thereof. Any and all money collected by the street commissioner under any of the provisions of this chapter shall be turned over by him to the city clerk-treasurer.

ARTICLE II. STREET OBSTRUCTIONS; PERMITS

12.24.090 – Applicability

Except as otherwise permitted in Article I of this chapter, no person, firm or corporation shall erect or maintain upon any public street, sidewalk or alley or other vacant or public property belonging to the city any obstruction of any kind whatsoever, including but not limited to storage of construction or other materials, the placement of chairs, tables, mailboxes or planters incident to operation of a business, except in compliance with this article. This chapter shall apply to all obstructions heretofore or hereafter erected on any of the streets, sidewalks or alleys of the city; provided, however, that this chapter shall not apply to the erection of signs and billboards; and provided further, that this chapter shall not apply to the placement of moveable items on the untraveled portion of city streets or sidewalks or alleys for a period not exceeding four hours.

12.24.100 - Requirements-Application and fee

- A. Storage of materials. It is unlawful for any person, firm or corporation to store any materials or things whatsoever by placing or causing them to be placed, piled or stored on any crosswalk, sidewalk, street or alley or other vacant or public property belonging to the city, except merchandise while in the actual course of receipt or delivery, without first obtaining from the Building Official a temporary obstruction permit under such circumstances and in such a manner as the Building Official determines will not hinder or be a detriment to the public. The applicant shall pay a fee at the time of filing the application, and rental for use of the public property, as set forth in Title 4 of this code, and shall comply with the other provisions of this article.
- B. Chairs, Tables and Planters. It is unlawful for any person, firm or corporation to erect or maintain upon any public street, sidewalk or alley of the city any chairs or other objects for sitting, tables, or planters incident to the operation of a business adjacent to said street, sidewalk or alley, without first obtaining a permit from the city. Such permit shall be issued by the Director of Community Planning and Development upon a written application describing and depicting accurately the nature and location of the obstruction to be erected and maintained and the period of time contemplated for the maintenance thereof. No such chair table or planter may be erected or maintained within a Pedestrian Walking Lane as defined in OMC Section 9.16.180.B.2 unless the applicant demonstrates that a walking lane at least six (6) feet wide and clear of vertical obstruction will remain between the area proposed to be occupied by chairs, tables and/or planters and the curb, provided that said six foot walking lane may include up to two (2) feet of a grate adjacent to a street tree or other planting. The applicant for such permit shall pay the Director of Community Planning and Development at the time of the filing of his/her application an application fee as specified by the Director.
- C. Garbage cans, mailboxes, and other miscellaneous obstructions. Garbage cans, mailboxes (whether incident to an adjacent or other business or not) and other miscellaneous obstructions may be placed on upon any public street, sidewalk or alley of the city, without need for a permit under this article; provided, however, that no such obstruction shall be erected, placed or maintained within a Pedestrian Walking Lane as defined in OMC Section 9.16.180.B.2, unless such restriction is preempted by applicable state or federal law.

No person, firm or corporation shall erect or maintain upon any public street, sidewalk or alley of the city any obstruction of any kind whatsoever, without first obtaining a permit from the city. Such permit shall be issued by the public works director of the city upon a written application describing accurately the

nature and location of the obstruction to be erected and maintained and the period of time contemplated for the maintenance thereof. The applicant for such permit shall pay the public works director at the time of the filing of his/her application a fee as set forth in Title 4 of this code.

12.24.110 - Bond required, when

~~As a condition to issuance of~~ Before any permit under Section 12.24.100.A of this article, the person with authority to grant the permit may require the applicant to first is granted to any person, firm or corporation for the purpose of erecting and maintaining an obstruction on any street, sidewalk or alley of the city, such person, firm or corporation shall execute and deliver to the city, and file with the city engineer, a bond in the sum of fifty thousand dollars, or in some other amount determined by the permit issuer city engineer, executed by the applicant and a surety, authorized to do business in the state as surety, conditioned that the applicant will keep and save harmless the city from any and all damages, claims, judgments and expenses arising from any acts which the applicant may do or suffer to be done under such permit, or which may be done by any of its agents, servants or employees, or which may arise from any negligence of himself, or his agents, servants, contractors or employees, or any of them, severally or jointly, in the erection or maintenance of such obstruction. It is further provided that in the event the erection of such obstruction shall necessitate the disturbing of any street, sidewalk or alley, or the cutting into of the same, or necessitate the disturbing of any utilities, the bond shall be further conditioned that at the termination of such permit, such street, alley, sidewalk or utility shall be restored to the condition that it or they were in prior to the granting of the permit.

12.24.120 - Insurance in lieu of bond

In lieu of the bond described in Section 12.24.110, the applicant for permit shall be allowed to obtain and deliver to the city and file with the permit issuer a policy of ~~comprehensive general public liability insurance, to be approved by the city attorney in the sum of one million fifty thousand dollars (\$1,000,000) per occurrence, and \$2,000,000 in the general aggregate, for bodily injury, including personal injury or death, products liability and property damage, for property damage, and one hundred thousand dollars for injury to one person, and two hundred thousand dollars for all persons injured in any one accident, or in such other amounts as approved by the city engineer and city risk manager attorney, which policy of public comprehensive general liability insurance shall be conditioned that the person, firm or corporation receiving such permit and the insurance company shall pay all damages to persons and property, including the city, to the extent of the limits in the insurance policy set forth, growing out of the issuance of the permit and the permission granted by the city to do the things set forth in the permit, including the defense of all suits growing out of claims filed against the city by reason of the granting of the permit, and doing the things in the permit described, and shall hold the city harmless from all claims, costs, expenses, damages and injuries growing out of the granting of the permit, or doing of the things therein authorized, including damages, claims, costs or expenses sustained by property of the city itself.~~

12.24.130 - Endorsement of application-Issuance of permit

Application for such a permit shall be made on a form to be provided by the ~~public works Director of the Community Planning and Development~~ department of the city, which form shall have space thereon for the endorsement of such restrictions or modifications as the fire department, police department or street department of the city shall deem necessary for public safety. Upon securing such application, the applicant shall thereupon secure the endorsement thereon of the head of each of the foregoing departments, or some authorized representative thereof, who shall endorse on the application such restrictions or modifications, if any, as such department shall deem to be in the public safety in

connection with the particular permit applied for. After securing such endorsements, the applicant shall return the written application to the department of public works, which department shall thereupon after payment of the applicant of the permit fee and the deposit of the bond or policy of liability insurance as set forth in this article, issue a permit for the work applied for and shall endorse upon the face of such permit the restrictions or modifications, if any, called for by the police, fire or street department.

12.24.140 - Exception-Movement of loads

Movement of over width or over length loads along the streets, sidewalks or alleys of the city shall not be deemed to be a street or alley obstruction within the meaning of this chapter.

12.24.150 - Exception-Public utilities

The provisions of this chapter shall not apply to persons, firms or corporations operating public utilities under regular franchise from the city.

12.24.160 - Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction

- A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.
- B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:
1. **First offense:** Class 3 (\$50), not including statutory assessments.
 2. **Second offense** arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
 3. **Third offense** arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Code Enforcement.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstances is held invalid,

the remainder of this ordinance or application of the provision to other persons or circumstances, shall be unaffected.

Section 7. Effective Date. This ordinance shall take effect five (5) days after passage and publication, as provided by law.

Section 8. Sunset. This ordinance shall sunset at midnight on December 15, 2007, unless extended or amended by further action of the Olympia City Council.



MAYOR

ATTEST:



CITY CLERK

APPROVED AS TO FORM:



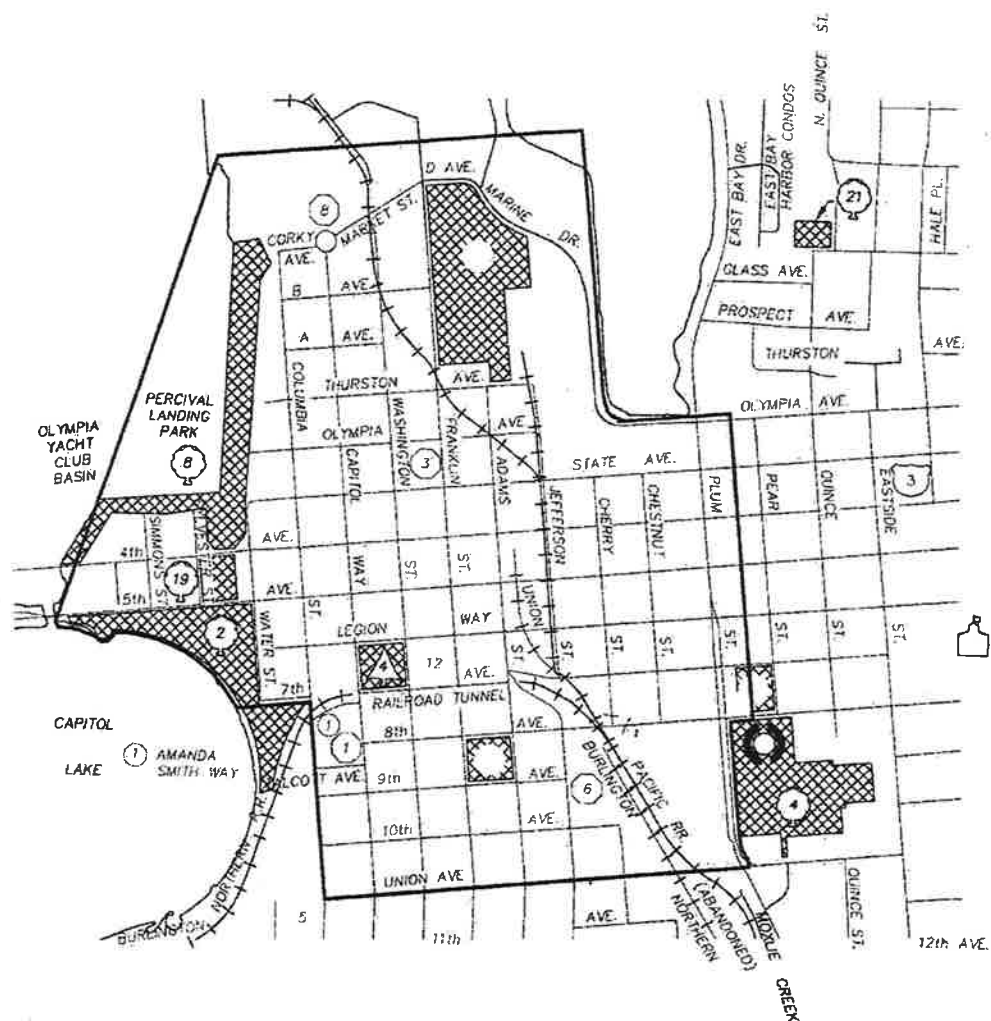
CITY ATTORNEY

PASSED: February 6, 2007

APPROVED: February 6, 2007

PUBLISHED: February 9, 2007

FIGURE 1



PROJECT NO.	CITY OF OLYMPIA	DRAWING NAME
DRAWN BAM	PEDESTRIAN INTERFERENCE RESTRICTIONS	
SCALE NTS		DECEMBER 2006

SUMMARY OF ORDINANCE 6461

On February 6, 2007, the Olympia City Council passed Ordinance 6461 - AN ORDINANCE relating to improving downtown walkability by clarifying the scope of permitted and prohibited activities within specified areas of rights-of-way within downtown Olympia and clarifying the requirements for obtaining permission to store materials, place tables and chairs, busk, and/or conduct other specified activities within said rights-of-way or in alternative locations; amending Section 9.16.180 of the Olympia Municipal Code relating to pedestrian interference, amending the definition of obstructing pedestrian or vehicular traffic; amending Sections 18.42.180, 12.24.000, 12.24.070, 12.24.090, 12.24.100, 12.24.110, and 12.24.120 of the Olympia Municipal Code, adopting a new chapter 5.88 of the Olympia Municipal Code, amending Ordinance No. 6456, and repealing Section 12.24.060 of the Olympia Municipal Code.

The full text of Ordinance No. 6461 may be obtained for a fee at Olympia City Hall, 900 Plum Street, SE or will be mailed upon request for a fee. Call (360)753-8325 or write to City of Olympia, P.O. Box 1967, Olympia, WA 98507-1967.

Do not publish below this line

PUBLISH: Friday, February 9, 2007