

9/30/13 Council Meeting

S-1

Sponsor: Kathy Lambert

[cjc]

Proposed No.: 2013-0384

SI adopted, as Amended
7-1 pur no JP: Excused

1 **STRIKING AMENDMENT TO PROPOSED ORDINANCE 2013-0384, VERSION**

2 **2**

3 On page 1, beginning on line 4, strike everything through page 3, line 34, and insert:

4 "BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

5 **SECTION 1. Findings:**

6 A. Public urination and defecation is injurious to public sanitation, indecent or
7 offensive to the senses interferes with the comfortable enjoyment of life or property and
8 is therefore contrary to the public health, safety and welfare.

9 B. RCW 9.91.025 and K.C.C. 28.96.010 prohibit urination on transit property
10 other than in a public restroom. Under state law violation, such conduct is a
11 misdemeanor, while it is a civil infraction under the King County Code. No other King
12 County Code section expressly prohibits urination or defecation in other public places or
13 makes it an offense.

14 C. The sheriff's office enforces county code in the unincorporated areas of the
15 county, including both urban and non-urban areas. The areas outside of the county's
16 urban growth boundary are considered rural, nonurban areas.

17 D. Recent large public events in the rural areas of the county have resulted in
18 numerous complaints of individuals intentionally urinating in public view without regard
19 to those whose property was fouled or to the impact on those viewing the improper
20 behavior.

21 E. While these behaviors have been reported in the rural unincorporated areas
22 during large public events, the complaints in the county's urban unincorporated areas are
23 much more likely to be associated with individuals with mental disabilities or who lack
24 ready access to housing. As a result, a prohibition in these areas is likely to result in
25 disproportionate enforcement actions against those individuals.

26 F. Therefore, it is in the public interest to provide an enforcement mechanism to
27 address the existing problem of improper behavior in the unincorporated non-urban areas
28 of the county but it is not now necessary to impose similar sanctions in the urban
29 unincorporated areas of the county.

30 SECTION 2. Sections 3 through 5 of this ordinance should constitute a new
31 chapter in K.C.C. Title 12.

32 NEW SECTION. SECTION 3. There is hereby added to the new chapter created
33 in section 1 of this ordinance a new section to read as follows:

34 A. It is unlawful for any person over twelve years old to intentionally urinate or
35 defecate in a public place in the unincorporated portions of the county outside of the
36 county's urban growth boundaries.

37 B. For the purposes of this section, "public place" means an area generally visible
38 to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys,
39 plazas, parks, bike trails, driveways, parking lots, automobiles whether moving or not,

40 vacant land and buildings open to the general public, including but not limited to those
41 that serve food or drink or provide entertainment, and the doorways and entrances to
42 buildings or dwellings and the grounds enclosing them, and all other places of like or
43 similar nature to which the general public has unrestricted right of access, and which are
44 generally used by the public. However, "public place" does not include a washroom or
45 toilet room. Further, public urination on transit property shall continue to be punishable
46 pursuant to RCW 9.91.025 and K.C.C. 28.96.010.

RD → golf course, in a navigable waterway or on a persons own private property.
N
RD & ← IL accepted as friendly

47 NEW SECTION. SECTION 4. A violation of this chapter is a class 1 civil
48 infraction punishable under chapter 7.80 RCW.

49 NEW SECTION. SECTION 5. The sheriff shall enforce this chapter, through
50 means including but not limited to K.C.C. Title 23."

51 **EFFECT: Limits the application of the ordinance to those over 12, and restricts the**
52 **prohibitions to the unincorporated portions of the county outside the urban growth**
53 **boundary.**