Ordinance No. 2736

(Amending or Repealing Ordinances)

CFN=239 – City Property (excluding fire stations)
Passed 8/4/1987
Amending KCC Chapter 7.03 regarding the posting of no trespassing signs by
the Public Works Department on City owned utility property

Amended by Ord. 4032 (Sec. 7.06.020)
AN ORDINANCE of the City of Kent, Washington, amending Kent City Code Chapter 7.03 regarding the posting of no trespassing signs by the Public Works Department on City owned utility property.

WHEREAS, the City of Kent is a noncharter Code city empowered under RCW 35A.79.010 to acquire, use, and manage real property and interests in real property; and

WHEREAS, the City of Kent maintains and operates a combined utility which includes water, sewer, and storm water and surface utilities as authorized by RCW 35A.80.010 and RCW 35.67.020 as codified in Kent City Code Chapters 7.03 through Chapter 7.20; and

WHEREAS, in the use and management of combined utility properties utilized in the City's management of its combined utility facilities and operation, the City has determined that the general public has been creating the risk of serious personal injury and damage to the City's combined utility properties and facility operation through the unpermitted use of dirt bikes, off-road vehicles, and vandalism; and

WHEREAS, the City of Kent has suffered uncompensated losses in repairing damage caused to its combined utility properties and increased risk of liability caused by such unpermitted uses; and

WHEREAS, it is necessary for the City to protect its property from such unpermitted use and to protect the public health, safety, and welfare; and

WHEREAS, the combined utility is administered by the City Public Works Department; and

WHEREAS, it is necessary for the management of said properties to authorize the Public Works Department to post "no trespassing" and other restrictive signs on such properties as determined by the Department to be reasonable to apprise the public of the specific use of such properties with the intent to prohibit any public or vehicular use of such designated properties; and
WHEREAS, it is the intent of the Council to make violation of any posted no trespassing sign a crime punishable as criminal trespass and a misdemeanor under Kent City Code 9.02.56; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Council finds that the general public has been using the City of Kent's combined utility properties for unpermitted personal and vehicular use unrelated to combined utility system use and management which has caused damage to such properties and the risk of serious physical injuries to persons. The Council further finds that these conditions expose the City to unwarranted liability and unnecessary expense in repairing such facilities and property. It is its intent to authorize the Department of Public Works to post appropriate no trespassing signs and other restrictive signs in conspicuous places on such properties as the Director or his designee determines appropriate to notify the general public of the prohibition against use of such designated properties for any personal or vehicular use (motorized and nonmotorized). The Council further finds that such unpermitted uses constitute an unlawful trespass which shall be punishable as a misdemeanor under Kent City Code 9.02.56.

Section 2. Kent City Code Chapter 7.03 is amended as follows:

7.03.020. MANAGEMENT OF COMBINED UTILITY PROPERTY - RESTRICTED USE - PENALTIES. The Director of Public Works, or designee, is hereby authorized to post combined utility properties, including rights-of-way, easements and appurtenant facilities, with appropriate "no trespassing" or other restrictive signs as determined by the Director to be necessary to protect such property and facilities from damage or unpermitted use. The Director or designee is authorized to post "no trespassing" signs or any other signs in a conspicuous manner which are capable of being readily viewed and understood by the public to prohibit use by any person, including the use of motorized or nonmotorized vehicle on such properties. "Motor vehicle" for purposes of this Ordinance is that definition as provided in RCW 46.04.320. "Vehicle" for purposes of this Ordinance is that definition as provided in RCW 46.04.670. Every person who enters or remains on any City combined utility property where notice against such use...
or trespass has been given by the City through such posting "no trespassing" or other similar signs is punishable as criminal trespass and is subject to the criminal penalties provided in Kent City Code 9.02.56.

Section 3. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

Section 4. The provisions of this Ordinance are declared to be separate and severable. If invalidity of any clause, sentence, paragraph, subdivision, section or portion thereof this Ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the Ordinance, or the validity of its application to other persons or circumstances.

[Signature]
DAN KELLEHER, MAYOR

ATTEST:

[Signature]
MARIE JENSEN, CITY CLERK

APPROVED AS TO FORM:

[Signature]
SANDRA DRISCOLL, CITY ATTORNEY

PASSED the 4 day of Aug, 1987.
APPROVED the 5 day of Aug, 1987.
PUBLISHED the 7 day of Aug, 1987.
I hereby certify that this is a true copy of Ordinance No. 2736, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

[Seal]

MARIE JENSEN, CITY CLERK