

ORDINANCE O-4558

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUSTAINING A SAFE, INCLUSIVE AND WELCOMING CITY AND ADDING A NEW CHAPTER 3.18 TO THE KIRKLAND MUNICIPAL CODE.

1 WHEREAS, the City of Kirkland wishes to sustain the city of
2 Kirkland as a welcoming community, including by fostering trust and
3 cooperation between City personnel and law enforcement officials and
4 immigrant communities to improve crime prevention and public safety;
5 and

6
7 WHEREAS, the City of Kirkland wishes to promote the public
8 health and welfare of its residents and other users of its services.

9
10 NOW, THEREFORE, the City Council of the City of Kirkland do
11 ordain as follows:

12
13 Section 1. There is created a Chapter 3.18 of the Kirkland
14 Municipal Code entitled "Sustaining a Safe, Inclusive and Welcoming
15 City" to read as follows:

16
17 **3.18.010 Findings.**

18 (a) The City of Kirkland is a noncharter code city organized under
19 Chapter 35A RCW and Article 11, Section 10 of the Washington
20 Constitution. Under its police powers, the City may exercise any power
21 and perform any function, unless preempted by state or federal law,
22 relating to its government and affairs, including the power to regulate
23 for the protection and rights of its inhabitants. To this end, the City is
24 dedicated to providing all of its residents and other individuals in the
25 city of Kirkland with fair and equal access to services, opportunities and
26 legal protections.

27 (b) The enforcement of civil immigration laws has historically been
28 a federal government responsibility through the Immigration and
29 Naturalization Service. Since 2002, matters of immigration law have
30 been handled by the Office of Immigration and Customs Enforcement,
31 a branch of the Department of Homeland Security. Requiring local law
32 enforcement agencies, which are not specifically equipped or trained, to
33 enforce civil immigration laws would force local governments to expend
34 their limited resources to perform traditional federal functions.

35 (c) A goal of this ordinance is to foster trust and cooperation
36 between City personnel and law enforcement officials and immigrant
37 communities to improve crime prevention and public safety.

38 (d) A further goal of this ordinance is to promote the public health
39 and welfare of all city of Kirkland residents and other users of City
40 services, including but not limited to police and fire services.

41 (e) This chapter is intended to be consistent with federal laws
42 regarding communications between local jurisdictions and federal
43 immigration authorities, including but not limited to United States Code
44 Title 8, Section 1373.

45 **3.18.020 General Prohibition on Inquiring into Immigration**
46 **Status.**

47 Except as provided in this section or when otherwise required by law, a
48 City office, department, employee, agency or agent shall not condition
49 the provision of City services on the citizenship or immigration status of
50 any individual.

51 (1) Nothing in the chapter shall be construed to prohibit any City
52 officer or employee from participating in cross-designation or task force
53 activities with federal law enforcement authorities.

54 (2) City personnel shall not request specific documents relating to a
55 person's civil immigration status for the sole purpose of determining
56 whether the individual has violated federal civil immigration laws. Such
57 documents include but are not limited to: passports; alien registration
58 cards; or work permits.

59 (3) City personnel may use documents relating to a person's civil
60 immigration status if the documents are offered voluntarily by the
61 person in response to a general request.

62 (4) City personnel shall not initiate any inquiry or enforcement action
63 based solely on a person's:

64 (A) civil immigration status;

65 (B) race;

66 (C) inability to speak English; or

67 (D) inability to understand City personnel or its officers.

68 (5) Except to the extent otherwise required by law, where the City
69 accepts presentation of a state-issued driver's license or identification
70 card as adequate evidence of identity, presentation of a photo identity
71 document issued by the person's nation of origin, such as a driver's
72 license, passport or matricula consular, shall be accepted and shall not
73 subject the person to a higher level of scrutiny or different treatment
74 than if the person had provided a Washington state driver's license or
75 identification card. However, a request for translation of such a
76 document to English shall not be deemed a violation of any provision of
77 this subsection. This subsection does not apply to documentation
78 required to complete a federal I-9 employment eligibility verification
79 form.

80 (6) This section does not create or form the basis for liability on the
81 part of the City, its officers, employees or agents.

82 (7) Unless permitted by this chapter or otherwise required by state
83 or federal law or international treaty, all applications, questionnaires and
84 interview forms used in relation to the provision of City benefits,
85 opportunities or services shall be promptly reviewed by relevant City
86 personnel, and any question requiring disclosure of information related
87 to citizenship or immigration status shall be, in such City personnel's
88 best judgment, either deleted in its entirety or revised such that the
89 disclosure is no longer required.

90
91 **3.18.030 General Prohibition on Collecting Information**
92 **Regarding Religious Affiliation.**

93 (a) Except to the extent otherwise required by law, no City officer
94 or employee, including any agent or contracted agent, may either collect
95 information or establish or otherwise utilize a registry, database or other
96 compilation classifying persons on the basis of their religious affiliation
97 or conduct any study related to the collection of such information or the

98 establishment or utilization of such a registry, database, or other
99 compilation.

100 (b) Nothing in this section may be construed as prohibiting the
101 collection of information that is voluntarily or anonymously provided,
102 including relating to the decennial census.

103
104 Section 2. If any provision of this ordinance or its application to
105 any person or circumstance is held invalid, the remainder of the
106 ordinance or the application of the provision to other persons or
107 circumstances is not affected.

108
109 Section 3. This ordinance shall be in force and effect five days
110 from and after its passage by the Kirkland City Council and publication
111 pursuant to Section 1.08.017, Kirkland Municipal Code in the summary
112 form attached to the original of this ordinance and by this reference
113 approved by the City Council.

114
115 Passed by majority vote of the Kirkland City Council in open
116 meeting this 21st day of February, 2017.

117
118 Signed in authentication thereof this 21st day of February, 2017.



MAYOR

Attest:


City Clerk

Publication Date: February 27, 2017

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE O-4558

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO SUSTAINING A SAFE, INCLUSIVE AND WELCOMING CITY AND ADDING A NEW CHAPTER 3.18 TO THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Creates a new Chapter 3.86 of the Kirkland Municipal Code entitled "Sustaining a Safe, Inclusive and Welcoming City."

SECTION 2. Provides a severability clause for the ordinance.

SECTION 3. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 21st day of February, 2017.

I certify that the foregoing is a summary of Ordinance O-4558 approved by the Kirkland City Council for summary publication.



City Clerk