

ORDINANCE O-4580

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE AND PARK RULES.

1           WHEREAS, as part of a legal review of the Kirkland Municipal  
2 Code ("KMC") by Code Publishing Company, it was recommended, in  
3 order to comport with state law, that KMC Section 11.80.160 be  
4 amended to clarify that whether unlawful littering constitutes an  
5 infraction, a misdemeanor or a gross misdemeanor is dependent on the  
6 volume of such unlawful litter volume; and  
7

8           WHEREAS, Code Publishing Company also recommended that  
9 KMC 11.80.210 be amended, in order to comport with state law, to  
10 clarify that the possession of an open container of alcoholic beverage  
11 while in any city park is a civil infraction and not a misdemeanor; and  
12

13           WHEREAS, Code Publishing Company also recommended that  
14 KMC 11.80.210 be further amended, in order to comport with state law,  
15 to provide that possession of an open container of marijuana in any city  
16 park is guilty of a civil infraction; and  
17

18           WHEREAS, in order to comport with state law, the criminalization  
19 of closed containers of alcoholic beverages in city parks has been  
20 stricken.  
21

22           NOW, THEREFORE, the City Council of the City of Kirkland do  
23 ordain as follows:  
24

25           Section 1. Kirkland Municipal Code Section 11.80.160 is  
26 amended to read as follows:  
27

28 **11.80.160 Depositing refuse and litter.**

29           It is unlawful for any person to throw any refuse, litter, broken glass,  
30 crockery, nails, shrubbery, trimmings, junk or advertising matter in any  
31 park or to deposit any waste or abandoned material therein except in  
32 designated receptacles. It is a civil infraction for a person to litter in an  
33 amount less than or equal to one cubic foot. It is a misdemeanor for a  
34 person to litter in an amount greater than one cubic foot but less than  
35 one cubic yard. It is a gross misdemeanor for any person to litter in an  
36 amount of one cubic yard or more. In each case hereunder, the litter  
37 cleanup restitution payment and other obligations of KMC 11.64.040, as  
38 applicable, shall apply.  
39

40           Section 2. Kirkland Municipal Code Section 11.80.210 is  
41 amended to read as follows:  
42

43 **11.80.210 Open containers of alcoholic beverages and**  
44 **marijuana prohibited Intoxicating liquors and drugs**  
45 **prohibited.**

46 It is an unlawful civil infraction for any person to possess a an open  
 47 container of any alcoholic beverage or marijuana, ~~whether opened or~~  
 48 ~~unopened~~, while in any city park. Any person having a an open container  
 49 within one's immediate reach or control (such as at a bench, picnic table,  
 50 blanket, or motor vehicle where that person is sitting) within a city park  
 51 may be considered to be in possession of the container for the purposes  
 52 of this section. A person is exempt from this section as it relates to  
 53 alcoholic beverages to the extent that his/her actions are in accordance  
 54 with a parcs and community services department use special alcohol  
 55 permit.

56  
 57 Section 3. If any provision of this ordinance or its application to  
 58 any person or circumstance is held invalid, the remainder of the  
 59 ordinance or the application of the provision to other persons or  
 60 circumstances is not affected.

61  
 62 Section 4. This ordinance shall be in force and effect five days  
 63 from and after its passage by the Kirkland City Council and publication,  
 64 as required by law.

65  
 66 Passed by majority vote of the Kirkland City Council in open  
 67 meeting this 20th day of June, 2017.

68  
 69 Signed in authentication thereof this 20th day of June, 2017.

  
 Amy Walen, Mayor

Attest:

  
 Kathi Anderson, City Clerk

Publication Date: June 26, 2017

Approved as to Form:

  
 Kevin Raymond, City Attorney