

ORDINANCE NO. 2022-14

**AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON,
AMENDING CHAPTER 9.22 OF THE RICHLAND MUNICIPAL
CODE TO REPEAL RMC 9.22.020 RELATED TO FAILURE TO
RETURN BOOKS.**

WHEREAS, the City has need, from time to time, to update the Richland Municipal Code (RMC) to provide clarity and address emerging issues; and

WHEREAS, pursuant to RMC 9.22.020, failure to return books to the Richland Public Library is a gross misdemeanor punishable by up to 364 days in jail and a \$5,000 fine; and

WHEREAS, the same offense under state law is a civil infraction pursuant to RCW 27.12.340; and

WHEREAS, the Richland Public Library holds patrons accountable for not returning materials within thirty (30) days of the due date by marking the item as lost, charging the patron's account for the cost of the item, and suspending library circulation privileges until fees are paid or the items are returned; and

WHEREAS, on January 12, 2021, the Richland Public Library Board of Trustees recommended that Richland City Council decriminalize failure to return library materials under the Richland Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 9.22 of the Richland Municipal Code, entitled City Property, as first enacted by Ordinance No. 99-76, and last amended by Ordinance No. 2022-08, is hereby amended as follows:

**Chapter 9.22
CITY PROPERTY**

Sections:

9.22.010 Library property – Damage and destruction.

~~**9.22.020 Library property – Failure to return books.**~~

9.22.030 Library property – Taking property without permission.

9.22.040 Library property – Unlawful possession.

9.22.050 Repealed.

9.22.060 Interfering with monuments.

9.22.070 Park property.

9.22.075 Park hours.

9.22.080 Repealed.

9.22.090 Repealed.

9.22.095 Public property affected.

9.22.096 Repealed.

9.22.097 Repealed.

9.22.100 Repealed.

9.22.010 Library property – Damage and destruction.

It is unlawful for any person intentionally to damage, deface, cut, mark, or destroy any property owned by, on loan to, or possessed by the city on deposit with or held by the Richland public library or any branch thereof. Any person violating any provision of this section shall be guilty of a gross misdemeanor.

~~**9.22.020 Library property – Failure to return books.**~~

~~It is unlawful for any person, having borrowed the same, to fail to return any property owned by, on loan to, or possessed by the city on deposit with or held by the public library, or any branch thereof, before the expiration of 30 days next following the mailing to the person of a notice in writing to return the same, given after the expiration of the time by which the rules of the public library state that the property may be retained by the person. The notice shall be mailed to the address of the borrower on file with the library and shall on its face refer by reference number to this section. Any person violating any provision of this section shall be guilty of a gross misdemeanor.~~

9.22.030 Library property – Taking property without permission.

It is unlawful for any person, without lawful authority, or by making use of a borrower's card of another without the permission of the owner thereof, or by the aid or use of any fraud or false representation, impersonation or pretense, or by any false token or writing, or by any device or trick, to take or obtain from the public library, or any branch thereof, any property belonging therein or thereto. Any person violating any provision of this section shall be guilty of a gross misdemeanor.

9.22.040 Library property – Unlawful possession.

It is unlawful for any person to knowingly possess, without lawful authority, any property of the city deposited with or held by the public library or any branch thereof, unless such person returns that property to the library or branch as soon as practicable after discovering or obtaining possession of that property. Any person violating any provision of this section shall be guilty of a gross misdemeanor.

9.22.050 Breaking windows.

Repealed by Ord. 18-12.

9.22.060 Interfering with monuments.

It is unlawful for any person to remove, alter, pull, destroy, or in any manner interfere with any surveyor's monument or witness stake established or set within the city, except by authority of the city manager or his designee or of the person, firm, corporation or governmental agency which established or set the monument or witness stake. Any authorization by the city manager or his designee to any person not employed by the city must be in writing to be valid. Any person violating any provision of this section shall be guilty of a gross misdemeanor.

9.22.070 Park property.

A. Use of Park Property. It is unlawful for any person except city employees and other authorized persons in the performance of their duties or pursuant to a special permit issued by the city manager to drive, stand or park any motor vehicle or to ride any horse, except where allowed by subsection (E) of this section, upon the footpaths, bicycle paths, or any grassed or landscaped areas in any public park or other public land of the city, or to pick any flowers or plants, or to damage or mutilate any of the shrubs or trees, monuments, or works of art, or in any manner damage any property of the city in any public park or other public land of the city, or to violate any of the rules or regulations relating to the public parks. It shall be unlawful to violate any of the following rules and regulations which shall apply in all parks throughout the city of Richland:

1. There shall be no unauthorized motorized vehicles allowed in the parks.
2. The possession of weapons in the parks is prohibited including, but not limited to, air rifles, paintball guns, bows and arrows, crossbows, swords and pellet guns. This section shall not apply to the open carry of a firearm except where prohibited or to firearms permitted under Chapter 9.41 RCW.
3. There shall be no intentional dumping of personal trash, litter or garbage outside a receptacle provided by the city and/or which is appropriate for that purpose allowed in the parks.
4. There shall be no intentional destruction of vegetation.
5. There shall be no unauthorized burning.
6. There shall be no unauthorized camping per subsection (D) of this section.
7. There shall be no alcoholic beverages consumed in the parks without the appropriate permits.
8. There shall be no littering in the parks.
9. Dogs must be in compliance with existing leash law as set forth in RMC 7.03.050, or in compliance with rules established for designated off-leash dog areas within the city park system.
10. There shall be no sound made by the use of a musical instrument, whistle, sound amplifier, juke box, radio, television, iPod or other similar device so as to be audible greater than 75 feet from the device.

Any person violating any provision of this section, except subsections (B) and (C) of this section, shall be guilty of a gross misdemeanor. The above actions may be allowed under park land leases or special events when permitted at the discretion of the city manager and upon obtaining a permit from the parks and public facilities department no later than two weeks prior to the event.

B. Mooring Watercraft. It is a civil infraction for any person to moor or dock any watercraft at any city float, pier or dock (except for Marina Park docks) for a period in excess of 12 consecutive hours in any five-day period, except as permitted by prior written agreement authorized by the city

manager or designee for vessels carrying more than 20 passengers. Violation of this mooring watercraft time limitation shall be a civil infraction and carry a civil penalty of \$250.00. Each day of violation of the provisions of this subsection shall be a separate violation. A notice of infraction may be issued by a police officer based upon the written affidavit of any individual.

C. Marina Park Overnight Moorage. It is lawful for privately owned watercraft to moor at Marina Park transient moorage docks for a period of time not to exceed 10 nights in any 365-day period. "Night" shall be considered any duration of time between 11:00 p.m. and 5:00 a.m. Overnight watercraft moorage in excess of 10 nights in any 365-day period shall be a civil infraction and carry a penalty of \$250.00. Each day of violation of the provisions of this subsection shall be a separate violation. A notice of infraction may be issued by a police officer based upon the written affidavit of any individual.

D. Camping. It is unlawful to camp in any park or in or upon any public land or property of the city except at places set aside for such purpose by the city manager and so designated by signs.

E. Equestrian Use of Park Property. It is lawful for horses to be allowed on the following park properties for equestrian purposes only:

1. South Columbia Point.
2. Chamna Natural Preserve.
3. Amon Creek Natural Preserve including the natural open space set aside in Claybell Park.
4. Trailhead Park.
5. Tapteal Trail (current and future sections).
6. W.E. Johnson Park.
7. Any state or federal lands that permit equestrian use.

F. Speed on Shared Use Pathways. Unless a lower speed is posted, speed on the city's shared use pathways is limited to not more than 15 miles per hour when one or more other users are present. For purposes of this section, the city's shared use pathways are those identified by list on the city's website.

G. Rules and Regulations. The city manager is authorized to adopt rules and regulations for the implementation and enforcement of this section.

9.22.075 Park hours.

City property, which consists of dedicated or designated public parks, shall be available for use and activities during the hours of 5:00 a.m. and 11:00 p.m. unless a more restrictive time period is posted. It shall be unlawful for any person to be present in or use these public facilities from 11:00 p.m. to 5:00 a.m. or during any posted restricted time period. Any person violating any provision

of this section shall be guilty of a misdemeanor, unless such use falls within permitted exceptions as provided herein:

- A. Activities for which a permit is issued by the parks and recreation department of the city.
- B. Fishing during the hours the park is closed so long as the person fishing has the appropriate state licensing.
- C. Putting boats into and taking boats out of the river.
- D. Camping in areas which have been set aside in RMC 9.22.070(D).
- E. Individuals utilizing paved walking trails for walking, jogging, and nonmotorized cycling activities.

9.22.080 City property – Removal or damage.

Repealed by Ord. 18-12.

9.22.090 City property – Unlawful possession.

Repealed by Ord. 18-12.

9.22.095 Public property affected.

Any city-owned property within the city limits of Richland shall be included in the coverage of this chapter. As required by state statute, the city will post a sign at each entrance of a parking facility notifying persons of the times a vehicle may be impounded as an unauthorized vehicle and also in a clearly conspicuous and visible location to all who park on such property. Additionally, the city will include on the sign the name, telephone number, and address of the towing firm where the vehicle may be redeemed.

9.22.096 Prohibitions and penalties.

Repealed by Ord. 20-11.

9.22.097 Unauthorized vehicle.

Repealed by Ord. 20-11.

9.22.100 Violation – Penalties.

Repealed by Ord. 20-11.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 4. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 3rd day of May, 2022.


Michael Alvarez, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

First Reading: April 19, 2022
Second Reading: May 3, 2022
Date Published: May 8, 2022