

ORDINANCE NO. 2025-01

AN ORDINANCE ADDING SECTION 8.05.120 TO THE WALLA WALLA MUNICIPAL CODE REGARDING DOWNTOWN CHALKING CLEANUP REQUIREMENTS, AND TAKING SUCH FURTHER ACTION NEEDED THEREWITH

WHEREAS, the City of Walla Walla passed Municipal Ordinance A-2405 on May 13, 1970 which classified the City of Walla Walla as a nonchartered code city under Title 35A of the Revised Code Washington (RCW); and

WHEREAS, Article 11, section 11 of the Washington State Constitution authorizes the City to make and enforce in its limits all such local police, sanitary and other regulations as are not in conflict with general laws; and

WHEREAS, the Walla Walla City Council possesses authority through RCW 35A.11.020 to adopt ordinances regulating the use of public ways and real property of all kinds and ordinances relating to and regulating local or municipal affairs including ordinances defining civil violations; and

WHEREAS, the Walla Walla City Council has considered this matter during a regularly and duly called public meeting of said Council, has given this matter careful review and consideration, and finds that good government and the best interests of the City of Walla Walla will be served by passage of this ordinance,

NOW THEREFORE, the City Council of the City of Walla Walla ordains as follows:

Section 1: The Walla Walla City Council finds:

A. That Walla Walla's downtown was in a state of decline in the 1980s. Businesses were leaving the downtown, downtown buildings had vacancies, and the downtown was becoming run-down.

B. Walla Walla adopted a multi-faceted approach known as the Main Street Program to revitalize its downtown, recruit and retain businesses, reduce out shopping, and strengthen the economic and cultural vitality of downtown by capitalizing on the downtown's historic character and beauty, thereby increasing tax revenues which could then be reinvested in improvements and programs to provide a downtown experience that is desirable to businesses, tourists, shoppers, and people looking for entertainment or dining options.

C. The City of Walla Walla began implementing its Main Street Program in

the late 1980s and early 1990s, and it has consistently relied upon the program in its planning for the downtown and its redevelopment more than thirty years.

D. Streetscape and public realm improvements are an integral part of the Main Street Program by creating a distinctive and attractive environment and downtown image to attract businesses, tourists, shoppers, and others, and the City of Walla Walla has invested millions of dollars into infrastructure to improve the appearance and desirability of its downtown. In addition, the City of Walla Walla spends over \$150,000 each year on downtown cleaning, maintenance, and beautification.

E. The Main Street Program has been a success in Walla Walla. The continual investment and reinvestment by City into the appearance of its downtown has encouraged and led to private investment in downtown buildings. Building vacancies are fewer, new businesses have located downtown, and a variety of programs such as the downtown Farmers' Market have attracted people to Walla Walla's downtown, improved business activity, and increased local tax revenues.

F. In the past few years, the City of Walla Walla has experienced continual marking of its downtown with chalk messages, symbols, and images. The messages, symbols and images are unwanted by the property and business owners at the locations where they are made. The messages, symbols, and images have never been removed or cleaned up by their makers. Customers of local businesses complain and are driven away, and property and business owners are compelled to clean up the chalk messages, symbols, and images themselves. The chalk markings degrade the appearance of Walla Walla's downtown and damage the revitalization efforts of the City of Walla Walla's Main Street Program.

G. The City of Walla Walla spent \$11,700 in 2022, \$12,441 in 2023, and \$13,188 in 2024 removing chalk markings left on downtown sidewalks, and non-profits, building owners, and business owners have expended their own time and money cleaning up chalk messages, symbols, and images.

H. Chalk markings can remain for more than two weeks in dry weather if they are not cleaned and actively removed. Chalk markings remain for a shorter duration in inclement weather but can still last a week if not actively cleaned and removed. The markings also last longer under awnings where they are shielded from weather, and many historic downtown Walla Walla buildings have awnings.

I. Chalking materials have become increasingly difficult to remove. They

cannot be simply swept away or hosed off from surfaces. Chalked messages, symbols and images must be scrubbed off with soap and water, and remnants of chalked messages, symbols and images can remain even after an area has been cleaned. In addition, water cannot be safely used in freezing weather, and it is particularly hard to remove sidewalk chalk in the winter.

J. Chalkers have harassed and attempted to intimidate citizens when they undertake removal of chalk messages, symbols, and images from areas near the citizens' buildings and businesses. Confrontations have occurred which threaten public health, safety and welfare.

Section 2: The Walla Walla City Council finds that an ordinance requiring those who write, draw, mark, or inscribe words, figures, images, or symbols on downtown sidewalks, walkways, concourses, paths, plazas, parks, streets, alleys, driveways, public ways, curbs and gutters to clean up after themselves is needed to sustain and advance downtown revitalization efforts, help the local economy, increase local tax revenues, prevent harassment of citizens, and protect and enhance the visual character and aesthetics of Walla Walla's downtown.

Section 3: Section 8.05.120 is hereby added to the Walla Walla Municipal Code as follows:

8.05.120 Downtown Chalking Cleanup Requirements.

A. Any person who writes, draws, marks, or inscribes words, figures, images, or symbols on a downtown sidewalk, walkway, concourse, path, plaza, park, street, alley, driveway, public way, curb or gutter with chalk or other substance before sunset on any day must fully remove such words, figures, images and symbols by no later than sunset of that day and restore the surface to the condition that it was in before the words, figures, images or symbols were written, drawn, marked, or inscribed.

B. Any person who writes, draws, marks, or inscribes words, figures, images, or symbols on a downtown sidewalk, walkway, concourse, path, plaza, park, street, alley, driveway, public way, curb or gutter with chalk or other substance after sunset on any day must fully remove such words, figures, images and symbols by no later than sunset of the following day and restore the surface to the condition that it was in before the words, figures, images or symbols were written, drawn, marked, or inscribed.

C. For purposes of this section "downtown" means the area within the following

boundaries, including boundary sidewalks: beginning at the southwest intersection of the eastbound US 12 off-ramp and 2nd Ave., thence south along the west side of 2nd Ave. to Oak St., thence east along the south side of Oak St. to Colville St., thence south along the west side of Colville St. to Sumach St, thence east along south side of Sumach St. to Tukannon St., thence south along the west side of Tukannon St. to Main St., thence west along the north side of Main St. to Palouse St., thence south along the east side of Palouse St. to Alder St., thence east along the north side of Alder St. to Poplar St., thence west along the north side of Poplar St. to Colville St., thence south along the west side of Colville St. to Birch St., thence west along the north side of Birch St. to 3rd Ave., thence north on east side of 3rd Ave. to alleyway between 3rd Ave. and 4th Ave., thence west on the south side of the alleyway to 4th Ave., thence north along the east side of 4th Ave. to Poplar St., thence west along the north side of Poplar St. to 6th Ave., thence north along the east side of 6th Ave. to Mill Creek, thence east along the south shoreline of Mill Creek to 5th Ave., thence north along east side of 5th Ave. to the alleyway between Sumach St. and Cherry St., thence east along the north side of the alleyway to 4th Ave., thence north along the east side of 4th Ave. to Oak St., thence east along the south side of Oak St. to 3rd Ave., thence north along the east side of 3rd Ave. to the eastbound US 12 off-ramp; thence east along the south side of the eastbound US 12 off ramp to the point of beginning.

D. For purposes of this section each day begins at 12:00 a.m.

E. Violation of this section shall be considered a separate offense at each location where a violation occurs. For purposes of this section, the property and frontage of each parcel of land as shown in the records of Walla Walla County shall be considered a separate location.

F. Each day that words, figures, images or symbols remain visible after the expiration of the time-period established by this section for their removal shall be considered a separate offense.

G. This section does not apply to official traffic control devices or utility markings.

H. Violation of this section is a civil infraction punishable as provided in Walla Walla Municipal Code section 1.24.010.

Section 4: The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5: If any portion or part hereof shall be determined to be invalid or unenforceable, it shall be deemed severable from the remainder hereof.

Section 6: The Walla Walla City Council finds and designates this to be a public emergency ordinance necessary for immediate protection of public health, safety, property, and peace which shall take effect immediately upon passage.

Section 7: The Walla Walla City Clerk is authorized to publish a summary of this ordinance in such form approved by the City Attorney.

PASSED on February 12, 2025 by a majority plus one of the whole membership of the Walla Walla City Council.

Mayor

Attest:

City Clerk

Approved as to form:

City Attorney

SUMMARY OF ORDINANCE 2025-01

AN ORDINANCE ADDING SECTION 8.05.120 TO THE WALLA WALLA MUNICIPAL CODE REGARDING DOWNTOWN CHALKING CLEANUP

REQUIREMENTS, AND TAKING SUCH FURTHER ACTION NEEDED THEREWITH

The Walla Walla City Council passed an ordinance at its February 12, 2025 regular meeting which in summary adds section 8.05.120 to the Walla Walla Municipal Code as follows:

8.05.120 Downtown Chalking Cleanup Requirements.

A. Any person who writes, draws, marks, or inscribes words, figures, images, or symbols on a downtown sidewalk, walkway, concourse, path, plaza, park, street, alley, driveway, public way, curb or gutter with chalk or other substance before sunset on any day must fully remove such words, figures, images and symbols by no later than sunset of that day and restore the surface to the condition that it was in before the words, figures, images or symbols were written, drawn, marked, or inscribed.

B. Any person who writes, draws, marks, or inscribes words, figures, images, or symbols on a downtown sidewalk, walkway, concourse, path, plaza, park, street, alley, driveway, public way, curb or gutter with chalk or other substance after sunset on any day must fully remove such words, figures, images and symbols by no later than sunset of the following day and restore the surface to the condition that it was in before the words, figures, images or symbols were written, drawn, marked, or inscribed.

C. For purposes of this section “downtown” means the area within the following boundaries, including boundary sidewalks: beginning at the southwest intersection of the eastbound US 12 off-ramp and 2nd Ave., thence south along the west side of 2nd Ave. to Oak St., thence east along the south side of Oak St. to Colville St., thence south along the west side of Colville St. to Sumach St, thence east along south side of Sumach St. to Tukannon St., thence south along the west side of Tukannon St. to Main St., thence west along the north side of Main St. to Palouse St., thence south along the east side of Palouse St. to Alder St., thence east along the north side of Alder St. to Poplar St., thence west along the north side of Poplar St. to Colville St., thence south along the west side of Colville St. to Birch St., thence west along the north side of Birch St. to 3rd Ave., thence north on east side of 3rd Ave. to alleyway between 3rd Ave. and 4th Ave., thence west on the south side of the alleyway to 4th Ave., thence north along the east side of 4th Ave. to Poplar St., thence west along the north side of Poplar St. to 6th Ave., thence north along the east side of 6th Ave. to Mill Creek, thence east along the south shoreline of Mill Creek to 5th Ave., thence north along east side of 5th Ave. to the alleyway between Sumach St. and Cherry St., thence east along the north side of the alleyway to 4th Ave., thence north along the

east side of 4th Ave. to Oak St., thence east along the south side of Oak St. to 3rd Ave., thence north along the east side of 3rd Ave. to the eastbound US 12 off-ramp; thence east along the south side of the eastbound US 12 off ramp to the point of beginning.

D. For purposes of this section each day begins at 12:00 a.m.

E. Violation of this section shall be considered a separate offense at each location where a violation occurs. For purposes of this section, the property and frontage of each parcel of land as shown in the records of Walla Walla County shall be considered a separate location.

F. Each day that words, figures, images or symbols remain visible after the expiration of the time-period established by this section for their removal shall be considered a separate offense.

G. This section does not apply to official traffic control devices or utility markings.

H. Violation of this section is a civil infraction punishable as provided in Walla Walla Municipal Code section 1.24.010.

The full text of the ordinance will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Summary approved as to form

City Attorney