



City Council Workshop Agenda

April 14, 2026 at 6:30 PM

City Hall Council Chambers - 210 W 6th Ave and Virtual


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1. Discussion: Virtual Currency Kiosks
 2. Housekeeping Updates: Transitioning Public-Facing Policies to the Kennewick Municipal Code (Public Works, Parks, & City Manager's Office).

Council Agenda Coversheet	Item Number: 1. Date: 4/14/2026	Category: Info Only
	Item Type: Presentation Subject: Discussion: Virtual Currency Kiosks Department: City Attorney	
Summary Spokane Police Department (SPD) Detective Tim Schwering and City Attorney Laurencio Sanguino will describe local and state virtual currency kiosk regulations.		
Attachments: 1. Virtual Currency Kiosks Presentation		



Virtual Currency Kiosks

Detective Tim Schwering, Spokane Police Department

City Attorney Laurencio Sanguino

Virtual Currency

- Virtual Currency: A digital representation of value that functions as an exchange medium, account unit, or value store. Virtual Currency is not government-issued (fiat) currency.
- Virtual Currency Kiosk: An electronic terminal that permits customers to exchange government-issued currency for virtual currency and vice versa.
- Virtual Currency Transfer: An irreversible transfer initiated and completed without a financial intermediary.

Crimes

- Technical/Customer Support Fraud: The suspect poses as an employee.
- Extortion: The suspect intimidates the victim into sending them currency by threatening criminal prosecution, physical harm, or public exposure.
- Government Impersonation: The suspect impersonates a local, state, or federal employee, officer, or official and intimidates the victim into sending them currency.
- Investment Fraud (Pig Butchering): The suspect entices the victim into investing in currency by using fake applications and websites, reporting fake profits, and requesting fees or taxes when the victim tries to withdraw the investment.
- Confidence/Romance Fraud: The suspect establishes a relationship and pressures the victim into sending them currency or financial information that permits the suspect to initiate or complete fraudulent transfers.

Practices

- The suspect:
 - calls, texts, emails, or messages the victim on dating, professional networking, or social media websites;
 - establishes a relationship;
 - instructs the victim to click a link, install an application (app), or scan a code;
 - provides the victim with detailed instructions on:
 - withdrawing cash from their checking, savings, investment, or retirement accounts;
 - locating a virtual currency kiosk;
 - purchasing virtual currency; and
 - sending them the currency; and
 - terminates contact with the victim.

Suspects and Profits

- The suspect is:
 - rarely identified, located, or prosecuted;
 - usually a human or labor trafficking victim forced to commit the crime; and
 - usually forced to transfer the profits to a transnational criminal organization.
- The organization uses the profits for:
 - drug trafficking,
 - human trafficking,
 - labor trafficking,
 - child exploitation,
 - dark market trading, and
 - terrorist financing.

Statistics

- Last year, the United States reported 13,460 virtual currency kiosk complaints and \$389,000,000 in losses.
- Washington ranked ninth in complaints, 10th in losses, and 13th in population.
- In the last three years, the Tri-Cities reported \$2,423,192 in losses.
- \$1,065,301 or 43.96 percent of the losses involved virtual currency kiosks located in Kennewick.

Predictions

- The Tri-Cities' losses will increase because:
 - Washington did not enact a virtual currency kiosk law (one state banned kiosks and 18 states introduced transaction, refund, receipt, customer support, and/or license requirements);
 - Engrossed Senate Bill (ESB) 5280, the State's proposed law, does not include a refund requirement;
 - the Department of Financial Institutions (DFI) Policy Statement UMSA-24-PS01's disclosure requirement does not prevent victims from initiating or completing fraudulent transfers; and
 - the number of virtual currency kiosks is increasing.
- Revised Code of Washington (RCW) 19.230.150(2) requires the reporting of virtual currency kiosk locations to DFI.
- There are 76 virtual currency kiosks located in the Tri-Cities.
- Only 33 or 43.42 percent of the kiosks were reported to DFI.

Spokane


- Passed Ordinance C36704 on June 16, 2025
- Partnered with DFI and AARP
- Educated businesses on Chapter 10.90 Spokane Municipal Code, which prohibited the placement of new virtual currency kiosks in, and required the removal of existing kiosks from, Spokane
- Educated residents, officers, and detectives throughout Washington on virtual currency kiosk crimes
- Collaborated with State representatives and senators
- Advocated for legislation

Detective Schwering's Experience

- Kiosk fees versus app and online exchange fees
- Kiosk hacking vulnerabilities
- Kiosk crimes versus gift card crimes (deterrents, victims, losses, investigations)
- Kiosk bans versus warnings or transaction limits (benefits, challenges, detriments)

Kennewick

- Identified the companies operating virtual currency kiosks in the Tri-Cities
- Initiated contact with Pasco, Richland, and West Richland
- Provided the cities with the City's findings and proposed ordinance
- Extended the proposed kiosk removal date to 180 days to ensure there is sufficient time to educate businesses, residents, officers, and detectives
- Started planning its public outreach effort

Council Agenda Coversheet 	Item Number: 2.	Date: 4/14/2026	Category: Policy DevMnt
	Item Type: Presentation	Subject: Housekeeping Updates: Transitioning Public-Facing Policies to the Kennewick Municipal Code (Public Works, Parks, & City Manager's Office).	
Department: City Manager			

Summary

In the fall of 2024, at the direction of the City Manager, a Policy Committee was formed with a representative from each Department. The Committee's job was to conduct a comprehensive review of the Kennewick Administrative Code (KAC). Adopted in the 90's, the KAC was intended to encompass internal administrative policies. Over time, many of the provisions have become outdated, redundant or need to be implemented in the Kennewick Municipal Code. The proposed KMC amendments which will be discussed in this workshop presentation are a result of staff review of KAC provisions.

Public Works:

Amending the following sections within the KMC

- 14.12.100
- 14.12.110
- 14.23.010
- 14.23.020
- 5.56.070

Adding the following new sections to the KMC

- 5.25
- 5.30
- 5.56.151
- 5.56.152
- 5.56.153
- 5.56.154
- 5.56.395
- 5.56.400
- 13.04.100
- 13.04.110

Parks and Recreation:

Amending KMC 2.16.420 and 2.16.430 to incorporate the authority and responsibilities of the Arts Commission into the municipal code.

City Manager:

Surplus Real Property adding Chapter 3.100 to the KMC
City Manager Performance Review amending Chapter 2.08.025 of the KMC.

Attachments:

1. Presentation
2. Amending KMC 14.12.100 REDLINE
3. Amending KMC 14.12.110 REDLINE
4. Amending KMC 14.23.010 REDLINE
5. Amending KMC 14.23.020 REDLINE
6. Amending KMC 5.56.070 REDLINE
7. Adding KMC 5.25
8. Adding KMC 5.30
9. Adding KMC 5.56.151
10. Adding KMC 5.56.152
11. Adding KMC 5.56.153
12. Adding KMC 5.56.154

13. Adding KMC 5.56.395
14. Adding KMC 5.56.400
15. Adding KMC 13.04.100
16. Adding KMC Section 13.04.110
17. Amending KMC 2.16.420 REDLINE
18. Amending KMC 2.16.430 REDLINE
19. Adding KMC 3.100 to KMC
20. Amending KMC 2.08.025 REDLINE



Housekeeping Code Updates

Transitioning Public Facing Policies to the Kennewick
Municipal Code

Public Works – Title 14 Water & Sewer



- AMENDING EXISTING KMC:
- 14.12.100: Meter Tampering
 - Revising language to include Advanced Meter Infrastructure (AMI) related components
- 14.12.110: Damage – Customer Payment of Repair Costs
 - Revising language to include AMI related components
- 14.23.010: General Provisions (PreTreatment Act)
 - Adding a definition for *Mobile food establishments*
- 14.23.020: General Requirements (PreTreatment Act)
 - Adding language that clarifies under the sink grease traps shall not be substituted for exterior below grade grease interceptors, unless physically not possible and variance request approved
 - Adding *Mobile Food Vendor* washing restrictions and requirements

Public Works – Title 5 PW & Contracts

- AMENDING EXISTING KMC:
 - 5.56.070: Building Permits – Street & Right-of-Way Improvements Req
 - Amending to define when improvements can be waived (less than 50/30% value)
- ADDING/ NEW KMC:
 - 5.25: Event Street Closure Permits
 - Adding this section defining how and when street closure permits are issued
 - 5.30: Oversized Vehicle – Load Permtis
 - Adding this section defining how and when oversized load permits are issued
 - 5.56.151: Pedestrian Walkway Maintenance
 - Adding this section requiring pedestrian walkways be maintained



Public Works – Title 5 PW & Contracts



- ADDING/ NEW KMC:
- 5.56.152: Pedestrian Walkway Identification
 - Adding this section requiring pedestrian walkways be clearly identified
- 5.56.153: Temporary Pedestrian Walkways
 - Adding this section defining how and when temp walkways are used
- 5.56.154: Sidewalk Closures
 - Adding this section defining how sidewalk closures are handled
- 5.56.395: Closure of Unpermitted Accesses – Closure criteria, permit requirements
 - Adding this section defining closure criteria and requirements
- 5.56.400: Driveway Corner Clearance
 - Adding this section defining direct access driveway criteria in relation to intersections

Public Works – Title 13

Classification of Public Streets

- ADDING KMC:
- 13.04.100: State Highway Access Management - Access Control Classification System and Standards
 - Adding this section listing applicable WAC references
- 13.04.110: State Highway Access Permits – Administrative Process
 - Adding this section listing applicable WAC references



Arts Commission

- Amends Kennewick Municipal Code (KMC) Sections 2.16.420 and 2.16.430 to incorporate the Arts Commission's establishment, powers, and duties directly into the municipal code, replacing prior references to KAC Section 9-11.



Surplus Real Property

- Proposed Ordinance adds Chapter 3.100 to the Kennewick Municipal Code to codify a process to surplus City owned real property
- Process includes criteria for determining whether to surplus
- Provides option for public hearing to receive public input before declaring real property surplus
- Provides council options for sale or lease of the property once determined to be surplus



City Manager Performance Review

- Proposed Ordinance will amend KMC 2.08.025 City Manager Performance Review
- Amendment clarifies timing for performance review to align with the Governance Coordination Manual Appendix B.
- Per Governance Manual performance review will occur annually coinciding with the work anniversary date or as mutually agreed upon.
- Eliminating outdated process found in the KAC.



CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO METER TAMPERING AND AMENDING
SECTION 14.12.100 OF THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 14.12.100 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

14.12.100: Meter Tampering.

If a meter under-registers the amount of water used or fails to communicate with the radio network, due to tampering with the meter, radio, cabling, transmitter, or piping and/or other system components, or in any other way causing under-registration, the service may be discontinued, and will not be reconnected until the customer has made adjustments for the loss of revenue and given satisfactory assurance that there will be no more tampering to cause under-registration or failure of communicate with the radio network.

(Ord. 26-_____ Sec. 1, 2026; Ord. 2481 Sec. 3(part), 1980; Ord. 843 Sec. 7(part), 1955)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO DAMAGE - CUSTOMER PAYMENT OF
REPAIR COSTS AND AMENDING SECTION 14.12.110 OF THE
KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 14.12.110 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

14.12.110: Damage—Customer Payment of Repair Costs.

~~If a meter is damaged by hot water from the customer line, or from thawing frozen pipes,
the customer shall be required to pay for the cost of repairing and for the loss of revenue
occasioned by the damage.~~

**If a meter, radio and/or components of the metering system are damaged by any means
by the customer, the customer shall be required to pay for the cost of repairing or
replacing the affected components and for the loss of revenue as a result of the damage.**

(Ord. 26-_____ Sec. 1, 2026; Ord. 2481 Sec. 3(part), 1980; Ord. 843 Sec. 7(part), 1955)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its
passage, approval and publication as required by law.

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signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON R. McSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO GENERAL PROVISIONS AND
AMENDING SECTION 14.23.010 OF THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 14.23.010 of the Kennewick Municipal Code, be, and the same hereby is, amended to read as follows:

14.23.010: General Provisions.

- (1) Purpose and Policy. This Chapter sets forth uniform requirements for users of the publicly owned treatment works (POTW) for the City of Kennewick and enables the City to comply with all applicable state and federal laws, including the Clean Water Act (33 USC 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Chapter are:
 - (a) To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
 - (b) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
 - (c) To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows for its use and disposal in compliance with applicable statutes and regulations;
 - (d) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public; and
 - (e) To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW.

This chapter shall apply to all users of the POTW. The program authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

- (2) Administration. Except as otherwise provided herein, the Public Works Director shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Public Works Director may be delegated by the Public Works Director to other city personnel.
- (3) Definitions. Unless a provision explicitly states otherwise, the following terms

and phrases, as used in this chapter, shall have the meanings hereinafter designated.

- (a) *Act or the Act* means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.
- (b) *Applicable Pretreatment Standards* means, for a specific pollutant, the more stringent of a city prohibitive discharge standard, local limit or categorical pretreatment standards, and any other applicable local, state or federal standard.
- (c) *Approval Authority* means the State of Washington Department of Ecology.
- (d) *Authorized Representative of the User* means:
 - (i) If the user is a corporation:
 - (A) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (B) The manager of one or more manufacturing, production or operation facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initialing and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 - (ii) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;
 - (iii) If the user is a federal, state or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee.
 - (iv) The individuals described in subsections (i) through (iii) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall

responsibility for environmental matters for the company and the written authorization is submitted to the City.

- (e) *Best Management Practices (BMPs)* is a term which means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Sections 403.5(a)(1) and (b) of the Act. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- (f) *Biochemical Oxygen Demand (BOD 5)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20 degrees Celsius expressed as a concentration (milligrams per liter (mg/L)).
- (g) *Categorical Pretreatment Standard* or *Categorical Standard* means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.
- (h) *Categorical User* means a user covered by one of the EPA's categorical pretreatment standards.
- (i) *City* means the City of Kennewick or the City Council of the City of Kennewick.
- (j) *Color* means the optical density at the visual wavelength of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.
- (k) *Composite Sample* means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.
- (l) *Control Authority*. The term refers to the City of Kennewick, Washington.
- (m) *Cooling Water/Noncontact Cooling Water* means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product. Cooling water may be generated from any use, such as air conditioning, heat exchangers, cooling or refrigeration, to which the only pollutant added is heat.
- (n) *Domestic User (residential user)* means any person who contributes, causes or allows the contribution of wastewater into the City POTW that is of a similar volume and/or chemical makeup as that of a residential dwelling unit. Discharges from a residential dwelling unit typically include up to 100 gallons per capita per day, 0.2 pounds of BOD per capita and 0.17 pounds of TSS per capita.

- (o) *Environmental Protection Agency (EPA)* means the U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.
- (p) *Existing Source.* For a categorical industrial user, an "existing source" is any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (q) *Existing User.* For noncategorical users, an "existing user" is defined as any user who is discharging wastewater prior to the effective date of the ordinance codified in this chapter.
- (r) *Grab Sample* means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the wastestream and without consideration of time.
- (s) *Indirect Discharge or discharge* means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act. The discharge into the POTW is normally by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches and all constructed devices and appliances appurtenant thereto.
- (t) *Interference* means a discharge which, alone or in conjunction with a discharge or discharges from other sources, either: (1) inhibits or disrupts the POTW, its treatment processes or operations; (2) inhibits or disrupts its sludge processes, use or disposal; or (3) is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- (u) *Maximum Allowable Discharge Limit* means the maximum concentration (or loading) of a pollutant allowed to be discharged by a regulated industrial user at any time, determined from the analysis of a discrete or composited sample collected, independent of the wastewater flow rate.
- (v) *Medical Wastes* means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated

bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

- (w) Mobile food establishment means a food service operation that operates from a movable vehicle, portable structure, or a pushcart.
- (x) *NAICS* means a classification pursuant to the North American Industry Classification System used by the United States Office of Management and Budget.
- (y) *New Source* means:
 - (i) Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:
 - (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
 - (ii) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsection (i)(B) or (C) of this definition but otherwise alters, replaces or adds to existing process or production equipment.
 - (iii) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
 - (A) Begun, or caused to begin as part of a continuous on-site construction program:
 - (I) Any placement, assembly, or installation of facilities or equipment; or
 - (II) Significant site preparation work including

clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

- (B) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.
- (z) *New User* is a user that is not regulated under federal categorical pretreatment standards but applies to the City for a new building permit or occupies an existing building and plans to discharge wastewater to the City's collection system after the effective date of the ordinance codified in this chapter. Any person that buys an existing facility that is discharging nondomestic wastewater will be considered an existing user if no significant changes are made in the manufacturing operation.
- (aa) *Pass Through* means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).
- (aab**b**) *Permittee* means a person or user issued a wastewater discharge permit.
- (bb**cc**) *Person* means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or local governmental entities.
- (cc**dd**) *pH* means a measure of the acidity or alkalinity of a substance, expressed in standard units.
- (dde**ee**) *Pollutant* means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes and the characteristics of the wastewater (i.e., pH, temperature, TSS, turbidity, color, BOD, chemical oxygen demand (COD), toxicity or odor).
- (ee**ff**) *Pretreatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to (or in lieu of) introducing such

pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means (except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard).

(ffgg) *Pretreatment requirements* means any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

(gggh) *Pretreatment Standard* or *Standard*. "Pretreatment Standard" shall mean any regulation containing pollutant discharge limits, promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes prohibited discharge standards (KMC 14.23.020(1)), categorical pretreatment standards (40 CFR Chapter I, Subchapter N), local limits (KMC 14.23.020(5)) and BMPs established by the City.

(hhii) *Prohibited Discharge Standards* or *Prohibited Discharges* means absolute prohibitions against the discharge of wastewater with specific pollutants or pollutant properties (KMC 14.23.020(1)).

(iiij) *Public Works Director* means the person designated by the City to manage the operation of the POTW and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

(jjkk) *Publicly Owned Treatment Works (POTW)* means a "treatment works," as defined by Section 212 of the Act (33 USC 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. The term also means the City.

(kkll) *Septic Tank Waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers and septic tanks.

(llmm) *Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.).

(mmnn) *Sewer* means any pipe, conduit, ditch, or other device used to collect and transport sewage from the generating source.

(nnoo) Shall, May. "Shall" is mandatory; "may" is permissive.

(oopp) *Significant Industrial User* means:

- (i) A user subject to categorical pretreatment standards; or
- (ii) A user that:

- (A) Discharges an average of 25,000 gallons per day (gpd) or more of processed wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater); or
 - (B) Contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (C) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (iii) Upon a finding that a user meeting the criteria in subsection (2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any applicable pretreatment standard or requirement, the City may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

(pp~~qq~~) *Slug Load* means any discharge at a flow rate or concentration which could cause a violation of the discharge standards in KMC 14.23.020(1) through (4) or any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

(qq~~rr~~) *Stormwater* means any flow that occurs during or follows any form of natural precipitation and results from such precipitation, including snowmelt.

(rr~~ss~~) *Total Suspended Solids* means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid and which is removable by laboratory filtering.

(ss~~tt~~) *Treatment Plant Effluent* means the discharge from the POTW into waters of the United States.

(tt~~uu~~) *User or industrial user* means a source of indirect discharge. The source shall not include "domestic user" as defined herein.

(uu~~vv~~) *Wastewater* means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

(vv~~ww~~) ~~—~~*Wastewater Discharge Permit (industrial wastewater discharge permit, discharge permit)* means an authorization or equivalent control document issued by the City to users discharging wastewater to the

POTW. The permit may contain appropriate pretreatment standards and requirements as set forth in this chapter.

(ww ~~xx~~)—~~Wastewater Treatment Plant or Treatment Plant~~ means that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

(3) Abbreviations. The following abbreviations shall have the designated meanings:

- (a) *ASPP* - accidental spill prevention plan.
- (b) *BOD* - biochemical oxygen demand.
- (c) *CFR* - Code of Federal Regulations.
- (d) *COD* - chemical oxygen demand.
- (e) *EPA* - U.S. Environmental Protection Agency.
- (f) *FOG* - fats, oil and grease.
- (g) *gpd* - gallons per day.
- (h) *L* - liter.
- (i) *LEL* - lower explosive limit.
- (j) *mg* - milligrams.
- (k) *mg/L* - milligrams per liter.
- (l) *NAICS* - North American Industry Classification System.
- (m) *NPDES* - National Pollutant Discharge Elimination System.
- (n) *O&M* - operation and maintenance.
- (o) *POTW* - publicly owned treatment works.
- (p) *RCRA* - Resource Conservation and Recovery Act.
- (q) *SIC* - Standard Industrial Classifications.
- (r) *SWDA* - Solid Waste Disposal Act (42 USC 6901, et seq.).
- (s) *TSS* - total suspended solids.
- (t) *USC* - United States Code.

(Ord. 26-_____ Sec. 1, 2026; Ord. 5420 Sec. 1(part), 2012)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION: _____

ORDINANCE EFFECTIVE DATE: _____

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO GENERAL REQUIREMENTS AND
AMENDING SECTION 14.23.020 OF THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 14.23.020 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

14.23.020 : General Requirements.

- (1) Prohibited Discharge Standards.
 - (a) General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to a categorical pretreatment standard or any other national, state, or local pretreatment standard or requirement.
 - (b) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - (i) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21;
 - (ii) Wastewater having a pH less than 5.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment, unless specifically authorized by the City. In no case shall the discharge have a pH less than 5.0 at any time;
 - (iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
 - (iv) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (v) Wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius) unless the approval authority, upon the request of the POTW, approves alternate temperature limits;
 - (vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral

- oil origin, in amounts that will cause interference or pass through;
- (vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (viii) Trucked or hauled pollutants, except at discharge points designated by the City;
 - (ix) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
 - (x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby causing or contributing to a violation of the City's NPDES permit;
 - (xi) Wastewater containing any radioactive wastes or isotopes except as specifically approved by the Public Works Director in compliance with applicable state or federal regulations;
 - (xii) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the Public Works Director;
 - (xiii) Any sludges, screenings, or other residues from the pretreatment of industrial wastes or from industrial processes;
 - (xiv) Wastewater that causes or contributes to a failure of a toxicity test conducted on the POTW effluent;
 - (xv) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW or otherwise cause pass through or interference;
 - (xvi) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion meter, at the point of discharge into the system (or at any point in the system), be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter;
 - (xvii) Animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dusts, metal, glass, straw, shavings, grass clippings, rags,

waste paper, wood, plastics, gas, tar asphalt residues, residues from the refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

- (xviii) Any substance which will cause the POTW to violate its NPDES and/or other disposal system permits;
- (xix) Any wastewater which, in the opinion of the Public Works Director, can cause harm either to the sewers, sewage treatment process, or equipment; have an adverse effect on the receiving stream; or can otherwise endanger life, limb, public property, or constitute a nuisance, unless allowed under special agreement by the Public Works Director (except that no special waiver shall be given from categorical pretreatment standards or a violation of an approved maximum allowable industrial load or that causes or contributes to pass through or interference);
- (xx) The contents of any tank or other vessel owned or used by any person in the business of collecting or pumping sewage, effluent, septage, or other wastewater unless said person has first obtained testing and approval as may be generally required by the City of Kennewick and paid all fees assessed for the privilege of said discharge;
- (xxi) Persistent pesticides and/or pesticides regulated by the Federal Insecticide Fungicide Rodenticide Act (FIFRA) that will cause or contribute to pass through or interference;
- (xxii) Sewage sludge, except in accordance with the City's NPDES permit, providing that it specifically allows the discharge to surface water of sewage sludge pollutants.
- (xxiii) The discharge of dry cleaning process wastes, including new and used tetrachloroethylene (synonyms: perchloroethylene, tetrachloroethene), still bottom oil and separator water, is prohibited entirely. Where necessary, the City may require that these wastes be physically prevented from discharging into the sanitary sewer system.
- (xxiv) At no time shall an emulsifying agent, enzyme, bio-additive, or similar chemical be introduced into the waste stream, grease trap, grease interceptor or any chamber of a grease interceptor, except by City employees or designees for the purpose of maintenance and operations of the POTW.
- (xxv) Wastewater from food facilities containing free or floating oil and grease, or any discharge containing animal fat or grease by-product in excess of one hundred milligrams per liter (100 mg/L). This limit will not apply if the industrial user has installed an

appropriately sized Gravity Grease Interceptor (GGI), is properly operating and maintaining the GGI and implementing all required BMPs for food facilities.

Significant Industrial Users discharging more than 100 mg/L may be required to install additional treatment or implement facility specific BMPs.

- (2) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW except as authorized by an industrial user permit and/or this chapter. If the industrial user has a pretreatment facility, all floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility or to sumps or tanks that do not have the potential for a discharge to the POTW before connecting with the POTW. The City may require other industrial users to contain or collect wastewater from floor drains to protect the POTW and meet the objectives of this chapter.
- (3) Federal Categorical Pretreatment Standards. The national categorical pretreatment standards as amended and promulgated by the EPA pursuant to the Act and as found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated and shall be enforceable under this chapter.
- (4) State Requirements. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this chapter or other applicable ordinances.
- (5) Specific Discharge Limitations
 - (a) No Significant Industrial User (SIU) or other designated non-SIU shall discharge or cause to be discharged, wastewater containing pollutants that exceed the following limits:

Pollutant	Daily Maximum Discharge Limits (1) mg/L	Maximum Allowable Industrial Loading (MAIL) ² lbs/day
Arsenic	0.12	1.5916
Cadmium	0.328	1.0800
Chromium	4.47	7366.2020

Copper	1.93	25.4997
Lead	1.385	9.1289
Mercury	0.106	0.349900
Molybdenum	0.89	2.9297
Nickel	3.02	19.9166
Selenium	0.56	3.7098
Silver	0.76	25.0345
Zinc	4.74	65.5402
Fats, Oil and Grease (FOG)	—	100mg/L and/or 25% of the working capacity of any chamber of the grease interceptor

¹ All pollutants as Total and in mg/L unless otherwise specified.

² This MAIL is the total lbs/day that the City may allocate to SIUs and other designated non-SIUs. The City intends to control discharges by applying the Daily Maximum Discharge Limits through Industrial User Wastewater Discharge permits. The City may allocate the MAIL where uniform concentration is not appropriate.

- (b) The following limits shall apply to wastewaters that are discharged from:
- (i) Groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants;
 - (ii) Discharges where one or more of these pollutants are present; or
 - (iii) Where these pollutants are appropriate surrogates.

It shall be unlawful for any Industrial User to discharge or cause to be discharged any waste or wastewater to the POTW that exceeds the following limits:

Pollutant (1)(3)	Daily Maximum Limit (mg/L)
Benzene	0.050
BTEX (2)	0.750

¹ All pollutants shown in the Table are total.

² BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.

³ These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

- (c) The Public Works Director may establish more stringent pollutant limits, additional site- specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the Public Works Director, such limitations are necessary to implement the provisions of this Chapter.
- (6) City's Right of Revision. The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.
- (7) Special Agreement. The City reserves the right to enter into special agreements with users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a categorical pretreatment standard or federal pretreatment requirement. However, the user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from the approval authority in accordance with 40 CFR 403.13.
- (8) Dilution. No user shall ever increase the use of processed water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with an applicable pretreatment standard or requirement unless expressly authorized by an applicable pretreatment standard or requirement. The Public Works Director may impose mass limitations on users which he believes may be using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.
- (9) Pretreatment Facilities. Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all applicable pretreatment standards and requirements set out in this chapter within the time limitations specified by the EPA, the state, or the Public Works

Director, whichever are more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review and shall be acceptable to the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this chapter.

- (10) Interior or under the sink grease traps shall not be substituted for exterior below grade grease interceptors (new construction or tenant improvements), unless the Public Works Director or designee has determined that it is physically impossible to install a grease interceptor outside of the building or business. As such, a variance request from the owner or lessee of the property must be submitted along with a certification letter from a licensed plumber or engineer.
- (11) Deadline for Compliance with Applicable Pretreatment Requirements. Compliance by existing users (categorical users) covered by categorical pretreatment standards shall be within three years of the date the standard is effective unless a shorter compliance time is specified in the appropriate standard. The City shall establish a final compliance deadline date for any existing user not covered by categorical pretreatment standards or for any categorical user when the local limits for said user are more restrictive than the EPA's categorical pretreatment standards.

New sources and new users shall install and have in operating condition and shall start up all pollution control equipment required to meet applicable pretreatment standards before beginning to discharge.

Any wastewater discharge permit issued to a categorical user shall not contain a compliance date beyond any deadline date established in the EPA's categorical pretreatment standards. Any other existing user or a categorical user that must comply with a more stringent local limit, which is in noncompliance with any local limits, shall be provided with a compliance schedule placed in an industrial wastewater permit or registered letter for non-categorical users to ensure compliance within the shortest time feasible.

- (12) Additional Pretreatment Measures.
 - (a) Whenever deemed necessary, the Public Works Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

- (b) Each user discharging to the POTW greater than 25,000 gallons per day or greater than five percent of the average daily flow into the POTW, whichever is less, may be required to install and maintain, on its property and at its expense, a suitable storage and flow-control facility to ensure equalization of flow over a 24-hour period. A wastewater discharge permit may be issued solely for flow equalization.
- (c) Grease, oil and sand interceptors shall be provided when, in the opinion of the Public Works Director, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Public Works Director in specifications with current Uniform Plumbing Code and/or any City Standard Specifications and shall be so located to be easily accessible for cleaning and inspection.

Where installed, all grease, oil and sand traps (or interceptors) shall be maintained by the owner, at his expense, in continuously efficient operation at all times and subject to inspection. In the event the owner fails to properly maintain the grease trap (or interceptor), which, in the opinion of the Director, causes or has the potential to cause clogging of the sewer lines and/or pump stations, the cost of the City, time and material, in cleaning the sewer lines and/or pump stations may be charged to the owner of the grease trap. For the purpose of this paragraph, the owner shall be the person, firm or corporation named on the sewer account. For the purpose of this subsection, a grease interceptor is not in continuous efficient operation and is in violation of this section if the total volume of grease, solids, or food waste at any time displaces more than 25 percent of the effective volume of any chamber of the grease interceptor.

The user shall have a written record of trap and/or interceptor maintenance on site for inspection and all such records shall be available for inspection by the City of Kennewick, and shall be kept in accordance with the recordkeeping requirements of KMC 14.23.040. Grease trap maintenance will be recorded/reported on a monthly basis; Interceptors will be recorded/reported on their designated cleaning frequency. At the discretion of the Public Works Director, reports may be required to be submitted to the City's Pretreatment Inspector via e-mail, fax, postal mail or electronic form submission when it becomes available.

- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

- (13) Accidental Spill Prevention Plans/Slug Control Plans. The Public Works Director may require any user to develop and implement an accidental spill prevention plan (ASPP)/slug control plan. Where deemed necessary by the City, facilities to prevent accidental discharge or slug discharges of pollutants shall be provided and maintained at the user's cost and expense. An accidental spill prevention plan or slug control plan showing facilities and operating procedures to provide this protection shall be submitted to the City for review and approval before implementation. The City shall determine which user is required to develop a plan and require said plan to be submitted within 120 days after notification by the City. Each user shall implement its ASPP as submitted or as modified after such plan has been reviewed and approved by the City. Review and approval of such plans and operating procedures by the City shall not relieve the user from the responsibility to modify its facility as necessary to meet the requirements of this section.
- (a) Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:
 - (i) Description of discharge practices, including nonroutine batch discharges;
 - (ii) Description of stored chemicals;
 - (iii) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the standards in subsections (1) through (4) of this section; and
 - (iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.
 - (b) Users shall notify the City wastewater treatment plant immediately after the occurrence of a slug or accidental discharge of substances regulated by this chapter. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume and corrective actions. Any affected user shall be liable for any expense, loss, or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under state or federal law.
 - (c) Within five days following an accidental discharge, the user shall submit to the Public Works Director a detailed written report describing the cause of the discharge and the measures to be taken by the user to

prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property. Nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

- (d) Signs shall be permanently posted in conspicuous places on the user's premises advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

(14) Septic Tank Wastes/RV Dump Sites.

- (a) Entities that supply an RV dumping connection to the POTW must secure a permit/permission from the City of Kennewick as authorized in KMC 14.23.030.
- (b) Septic tank waste haulers are not allowed to discharge loads into the POTW and must dispose of their loads as outlined in their permit with the Department of Ecology and at a Department of Health approved facility.
- (c) Fees for RV dump connections will be established as part of the user fee system as authorized in KMC 14.23.140.

(15) Mobile Food Vendors.

- (a) Mobile food vendors must have holding tanks for wastewater. No dumping of greywater or wastewater on the ground is permitted. Wastewater that is entering the City sewer must go through a grease interceptor.
- (b) Used oil should be properly disposed of to a recycling container.

(Ord, 26 _____ Sec. 1, 2026; Ord. 5789 Sec. 1, 2018 ; Ord. 5420 Sec. 1(part), 2012)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON R. McSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO BUILDING PERMITS – STREET AND
RIGHT-OF-WAY IMPROVEMENTS REQUIRED AND AMENDING
SECTION 5.56.070 OF THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 5.56.070 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

5.56.070: Building Permits — Street and Right-of-Way Improvements Required.

- (1) No building permit will be issued for any new construction, moved-in structure or substantial alteration of an existing structure, ~~(improvements over a one-year period exceeding \$10,000.00 as determined by the building official)~~ unless street right-of-way adjacent to the property meets minimum City standards, or the curb, gutter, sidewalk, storm drainage, street lighting and paving are constructed to City standards, except as provided herein.
 - (a) The requirement to install street right-of-way improvements shall be waived if the total alterations or repairs to an existing residential structure and/or construction of a new structure are less than 50% of the assessed valuation of the existing structure(s) on the parcel as determined by the Benton County Assessor.
 - (b) The requirement to install street right-of-way improvements shall be waived if the total alterations or repairs to an existing commercial structure and/or construction of a new structure are less than 30% of the assessed valuation of the existing structure(s) on the parcel as determined by the Benton County Assessor.
 - ~~(a)~~(c) In the case of single-family residential lots, street improvements are only required to the extent that they bring the property up to the existing standards of the neighborhood as determined by the ~~Deputy Director of Public Works~~ **Public Works Director or designee**.
 - (b) ~~Right-of-way improvements in excess of ten percent of the value of the improvements contemplated in a building permit issued or to be issued over a one-year period are not required, unless otherwise required to comply with the Americans with Disability Act, other law or ordinance, or for health, safety, or welfare issues. The value of right-of-way improvements will be determined by the Deputy Director of Public Works and converted into specific right-of-way improvements.~~
 - ~~(e)~~(d) The property owner will not be required to make street right-of-way improvements if no final grade can be established for the street or if the

~~Deputy Director of Public Works~~ **Public Works Director or designee** determines that the improvements to the street would be detrimental to traffic or storm drainage.

- (2) The City Council may authorize the City's participation in or construction of improvements required by this Code in any commercial or industrial area when it is in the City's best interests.

(Ord. 26-_____ Sec. 1, 2026; Ord. 5655 Sec. 4, 2016; Ord. 5203 Sec. 4, 2007; Ord. 3198 Sec. 1, 1989; Ord. 2788 Sec. 1(part), 1983; Ord. 2044 Sec. 1, 1977; Ord. 1695 Sec. 1, 1973; Ord. 1665 Sec. 1, 1973; Ord. 1625 Sec. 1, 1972; Ord. 1295 Ch. V Sec. 2, 1965)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON R. McSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION: _____

ORDINANCE EFFECTIVE DATE: _____

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO PUBLIC WORKS AND CONTRACTS
AND ADDING CHAPTER 5.25 TO THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Chapter 5.25 of the Kennewick Municipal Code, be, and the same hereby is, added to
read as follows:

5.25 - EVENT STREET CLOSURE PERMITS

5.25.010: Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context,
the words set out in this section shall have the following meanings:

- (1) “City” means the City of Kennewick.
- (2) “Special Event” means any commercial or business promotion or athletic event
upon any public street, public sidewalk, public alley or other public place that
does not comply with normal and usual traffic regulation or controls. Events
staged within city parks and their facilities are covered by a separate permit from
the City Parks & Recreation Department and are not governed by this Chapter.
- (3) “Person” means any individual, partnership, corporation or association of any
nature whatsoever.
- (4) “Department” means Department of Public Works.
- (5) “Director” means the Public Works Director or his/her designee.
- (6) “Police Chief” means the Police Chief or his/her designee.

(Ord. 26-_____ Sec. 1, 2026)

5.25.020: Conditions.

Applications for permits under this section shall be made on forms furnished by the
Department and shall be submitted no less than twenty days prior to the event nor more than
ninety days prior to the event, shall be signed under penalty of perjury by an authorized
representative of the applicant organization and shall require the following information:

- (1) The name, mailing address, and telephone number of the organization applying
for and conducting the special event and of the event chairman.

- (2) The name of the event, including names of each sponsoring or sanctioning organization.
- (3) The route, if for an athletic race or parade.
- (4) The proposed date and times.
- (5) Estimated completion time.
- (6) Estimated number of entrants and/or attendees.
- (7) Prior permits held by any named organization and whether such permits were ever revoked or suspended and the reasons therefore.
- (8) The business license number of the applicant organization, or letter granting tax-exempt status to the applicant organization.
- (9) For races and parades, the names, assigned locations and duties of all officials required to be at the special event and a description by which such officials may be identified.
- (10) Any rights-of-way that will need to be closed to the public.
- (11) The application shall be accompanied by the following documents:
 - (a) Evidence, satisfactory to the Director, of general liability insurance providing coverage on an occurrence basis for bodily injury, including death of one or more persons, property damage and personal injury, with limits as required by the city; and of workers' compensation, with statutory limits and employers liability insurance with limits as required by the city. All policies required of the applicant hereunder shall be primary insurance as to the city, its mayor, council, officers, agents, employees and volunteers and any insurance or self-insurance maintained by the city, its mayor, council, officers, agents, employees and volunteers shall be considered excess insurance, over and above the applicant's insurance and shall not contribute with it;
 - (b) An agreement, signed by applicants, to save, hold harmless and indemnify the city, its officers, agents, employees and volunteers from all claims, demands, damages, judgments, costs or expenses in law or equity that may at any time arise from or is any way related to any work performed by applicant, his agents or employees under the terms of any permit issued under this chapter;
 - (c) Cash deposit in an amount acceptable to the Director to insure payment of the costs of the city resulting from the event and to insure cleanup and restoration of the subject site;

- (d) A copy of the written instructions that will be provided to the required official at the special event.
- (12) The applicant shall notify all business owners located adjacent to any right-of-way that will be closed for the event. Proof of written notice shall be submitted to the Director.
 - (13) The Director may, at his or her discretion, issue a permit if he/she finds:
 - (a) That the application is complete and straightforward;
 - (b) That the applicant is adequately insured;
 - (c) That the special event for which the application is made will be maintained and conducted in accordance with all federal, state and local laws;
 - (d) That operation of such event at such location will not present any substantial hazard to vehicular or pedestrian traffic, nor impede the movement of emergency vehicles;
 - (e) That no permit issued to the same applicant pursuant to this section has been revoked in the past three years, unless the Director finds that the reasons for such revocation are unrelated to this application;
 - (f) That the applicant has not had a permit issued under this section, revoked, unless the Director finds that the reasons for such revocation are unrelated to this application;
 - (g) That the conduct of the event will not constitute an unreasonable burden on city employees or resources, nor create an unreasonable disturbance to the neighboring areas;
 - (h) That the event, if an athletic race, will move from its starting point to its finish line expeditiously;
 - (i) That such event will not interfere with, or conflict with, another special event, demonstration or parade for which a permit has been issued or for which no permit is required; and
 - (14) All permits issued pursuant to this chapter shall be valid only as to those dates, times and locations listed on the permit, unless earlier suspended or revoked.
 - (15) At the time of filing an application for a permit, the applicant shall pay a fee not to exceed the reasonable cost of processing any such application. The applicant shall also pay all the direct costs of the city, including, but not limited to, traffic control and police services prior to issuance of the permit.

- (16) Permits may be issued with conditions to ensure that the event will be operated in a safe and legal manner, will not disturb the peace and quiet of the neighborhood and will not constitute an undue burden on city resources.

(Ord. 26-_____ Sec. 1, 2026)

5.25.030: Regulations.

- (1) Except for races and block parties, no special event shall be held in any residentially zoned area of the city.
- (2) One person, designated on the application, shall be in charge of, and responsible for, the special event.
- (3) For races, a minimum of five officials shall be stationed within each mile of the route of the special event to ensure order, and a minimum of six officials shall be assigned to assure order at the finish line. Each official shall be readily distinguishable through some visible means of identification. First aid stations and/or private ambulances shall be provided to administer basic first aid to participants in the race.
- (4) Within such time prior to the starting time as approved by the Police Chief the permit holder shall obtain signs, barricades and/or cones and place such devices in such locations as are specified by the permit or the Police Chief. As soon as practicable after conclusion of the special event, and in no event later than two hours after the conclusion of the special event, the permit holder shall remove and pick up the signs, barricades and/or cones needed for the event.
- (5) No person shall, without the consent of the permit holder, join or participate in a special event, or in any manner interfere with its orderly conduct.
- (6) The Director, Police Chief, or other city department required to approve the permit, may impose reasonable requirements concerning the time and place of the special event, accommodation of traffic and such other requirements as he/she finds to be reasonably necessary for the protection of persons or property.

(Ord. 26-_____ Sec. 1, 2026)

5.25.040: Event Permit Revocation.

Any permit issued pursuant to this chapter shall be immediately revoked by the Director, Police Chief, or other city department required to approve the permit whenever he/she finds:

- (1) That misrepresentations were made on the application; or
- (2) That any of the terms or conditions of said permit have been violated, or that the business has been operated in violation of local, state or federal law;
- (3) That the safety of persons or property requires such revocation;

ORDINANCE 26-_____ - Page 4

- (4) That the special event is interfering with the peace and quiet of the neighborhood;
- (5) That the event involves other city (e.g. parks, buildings) or private property for use for any part of the event and the applicant has not supplied written proof of approval to use said property with the permit.

(Ord. 26-_____ Sec. 1, 2026)

5.25.050: Appeal of Revocation or Denial of Event Permit.

- (1) Any person who is the recipient or otherwise has standing to challenge the denial or revocation of an Event Street Closure Permit pursuant to this chapter may petition for review of the decision in accord with KMC 4.04.
- (2) Pending resolution the appeal, the decision of the Director, Police Chief, or other city department required to approve the permit shall remain in full force and effect and any reversal thereof shall not be retroactive but shall take effect as of the date of the decision.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. Actions taken before the effective date of this ordinance that are not inconsistent with the ordinance, or any provisions thereof, are hereby ratified and affirmed.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION: _____

ORDINANCE EFFECTIVE DATE: _____

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO PUBLIC WORKS AND CONTRACTS
AND ADDING CHAPTER 5.30 TO THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Chapter 5.30 of the Kennewick Municipal Code, be, and the same hereby is, added to
read as follows:

5.30 - OVERSIZED VEHICLE - LOAD PERMITS

5.30.010: Special Permits for Oversize or Overweight Movements.

The City of Kennewick, with respect to public highways under its jurisdiction, shall issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle, or load exceeding the maximums specified in the Revised Code of Washington (RCW) Title 46, Chapter 44: "Size, Weight, Load," or otherwise not in conformity with the provisions of Chapter 44 upon any public highway, street or alley in the city.

(Ord. 26-_____ Sec. 1, 2026)

5.30.020: Definitions.

For the purposes of this chapter, the following definitions of the terms shall apply unless the context clearly indicates otherwise:

- (1) "Department" means Department of Public Works.
- (2) "Director" means the Public Works Director or his/her designee.
- (3) "City Engineer" means the City Engineer or his/her designee.
- (4) "Superintendent" the Public Works Superintendent or his/her designee.

(Ord. 26-_____ Sec. 1, 2026)

5.30.030: Special Permits - Gross Weight Limit.

- (1) Except as otherwise provided in subsections (3) and (4) of this section, no special permit shall be issued for movement on any city highway, street or alley where the gross weight, including load, exceeds the following limits:
 - (a) Twenty-two thousand pounds on a single axle or on dual axles with a wheelbase between the first and second axles of less than three feet six inches;

- (b) Forty-three thousand pounds on dual axles having a wheelbase between the first and second axles of not less than three feet six inches but less than seven feet;
 - (c) On any group of axles or in the case of a vehicle employing two single axles with a wheel base between the first and last axle of not less than seven feet but less than ten feet, a weight in pounds determined by multiplying six thousand five hundred times the distance in feet between the center of the first axle and the center of the last axle of the group;
 - (d) On any group of axles with a wheel base between the first and last axle of not less than ten feet but less than thirty feet, a weight in pounds determined by multiplying two thousand two hundred times the sum of twenty and the distance in feet between the center of the first axle and the center of the last axle of the group;
 - (e) On any group of axles with a wheel base between the first and last axle of thirty feet or greater, a weight in pounds determined by multiplying one thousand six hundred times the sum of forty and the distance in feet between the center of the first axle and the center of the last axle of the group.
- (2) The total weight of a vehicle or combination of vehicles allowable by special permit under subsection (1) of this section shall be governed by the lesser of the weights obtained by using the total number of axles as a group or any combination of axles as a group.
 - (3) The weight limitations pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more.
 - (4) Permits may be issued for weights in excess of the limitations contained in subsection (1) of this section on highways, streets or alley or sections thereof which have been designed and constructed for weights in excess of such limitations, or for any shipment duly certified as necessary by military officials, or by officials of public or private power facilities, or when in the opinion of the Director the movement or action is a necessary movement or action: PROVIDED, That in the judgment of the City Engineer the structures and highway surfaces on the routes involved are capable of sustaining weights in excess of such limitations and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for.

- (5) Application shall be made in writing on the “Moving Application For Oversized Vehicle – Load Permit” form provided by the Department and the completed form shall be submitted at least thirty-six hours in advance of the proposed movement.

(Ord. 26-_____ Sec. 1, 2026)

5.30.040: Special Permits - Overall Width and/or Height Limits, Exceptions.

Special permits may not be issued for movements on city highway, street or alley in excess of the following widths:

- (1) On two-lane highways, fourteen feet.
- (2) On multiple-lane highways where a physical barrier serving as a median divider separates opposing traffic lanes, twenty feet.
- (3) On multiple-lane highways without a physical barrier serving as a median divider, thirty-two feet.
- (4) In the case of buildings, the limitations referred to in this section for movement on any two lane highway or street may be exceeded under the following conditions:
 - (a) Controlled vehicular traffic shall be maintained in one direction at all times;
 - (b) The maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: PROVIDED, That when the Director determines a hardship would result, this limitation may be exceeded upon approval of the Director;
 - (c) Prior to issuing a permit an authorized Department employee may make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement of the building;
 - (d) Special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Kennewick Police Department shall be advised when and where the movement is to be made;
- (5) Permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways that have been designed and constructed for width in excess of such limitations.
- (6) Permits may be issued for vehicles with a total outside width, including the load, of nine feet or less when the vehicle is equipped with a mechanism designed to cover the load pursuant to RCW 46.61.655.

- (7) Permits shall be issued for vehicles with a total height, including the load, of fourteen feet pursuant to RCW 46.61.655.
- (8) These limitations may be rescinded when certification is made by military officials, or by officials of public or private power facilities, or when in the opinion of the department of transportation the movement or action is a necessary movement or action: Provided Further, that in the judgment of Director the structures and highway surfaces on the routes involved are capable of sustaining widths and/or heights in excess of such limitation.
- (9) Permits may be issued for widths and heights in excess of the limitations contained in this section on highways, streets or alley or sections thereof which can safely accommodate the extra width and height.
- (10) Application shall be made in writing on the “Moving Application For Oversized Vehicle – Load Permit” form provided by the Department and the completed form shall be submitted at least thirty-six hours in advance of the proposed movement.

(Ord. 26-_____ Sec. 1, 2026)

5.30.050: Permits - Discretion of Issuer – Conditions.

The Director is authorized to issue or withhold such special permit at his/her discretion, although where a mobile home is being moved, the verification of a valid license under RCW Chapter 46.70 as a mobile home dealer or manufacturer, or under RCW Chapter 46.76 as a transporter, shall be done by City’s Building Department. If the permit is issued, the city may limit the number of trips, establish seasonal or other time limitations within which the vehicle described may be operated on the city highways, streets and alleys indicated, or otherwise limit or prescribe conditions of operation of the vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces, or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure.

(Ord. 26-_____ Sec. 1, 2026)

5.30.060: Moving of Oversized Loads Upon City Streets.

- (1) The permittee, by the acceptance of such permit, agrees to put the streets over which such transportation is made, in as good order and condition as they were prior to such use, and agrees to clean up and remove all debris deposited thereon by reason of such use, otherwise to forfeit to the city the said deposit, in addition to all damages, for which he/she may be the cause, and for which he/she may be liable or responsible.

- (2) All removals made under such permits shall be done in a careful manner and shall be prosecuted with diligence, and shall be under supervision and control, and to the satisfaction and approval of the Superintendent.
- (3) No person, firm or corporation owning or having charge of the transportation of any building on the public streets, shall permit such building stand on any street, alley or public grounds within the city limits.
- (4) When the cutting of any wires, or temporary removal or displacing of any pole or poles of any public or private telegraph, telephone, electric light, or any other wire, passing along or over any other highway, street, or alley becomes necessary for the transportation of any load, the person in charge of such removal shall, at least six hours in advance of reaching the same, notify the person or persons having charge of and control over such wire or wires, and the person so notified shall cause such wires to be promptly cut, temporarily displaced, or removed and replaced, after being first paid or tendered the reasonable cost and expense thereof; provided, however, that in every case in which the cutting of wires belonging to the city may be necessary, the Superintendent shall be notified, and he/she shall have the wires cut and replaced, the person or persons having charge of the removal of the buildings, paying the entire cost and expense of cutting, removal and replacing of the same.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. Actions taken before the effective date of this ordinance that are not inconsistent with the ordinance, or any provisions thereof, are hereby ratified and affirmed.

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

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO PUBLIC WORKS CONSTRUCTION
STANDARDS AND ADDING SECTION 5.56.151 TO THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 5.56.151 of the Kennewick Municipal Code, be, and the same hereby is,
added to read as follows:

5.56.151: Pedestrian Walkway Maintenance.

Every pedestrian walking area, whether paved or earth, shall be maintained by the contractor,
utility, or other agency at all times unless otherwise provided for in the City project, permit
plans, specifications, by prior approval of the Engineer, or during emergency conditions.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its
passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and
signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO PUBLIC WORKS CONSTRUCTION
STANDARDS AND ADDING SECTION 5.56.152 TO THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 5.56.152 of the Kennewick Municipal Code, be, and the same hereby is,
added to read as follows:

5.56.152: Pedestrian Walkway Identification.

All walkways shall be clearly identified, protected from motor vehicle traffic and free of
pedestrian hazards (holes, debris, dust, mud, etc.). Pedestrian protection and temporary
walkways may utilize any of the traffic control devices, including barricades, cones, signs, etc.,
unless a fence or fence canopy is required.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its
passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and
signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO PUBLIC WORKS CONSTRUCTION
STANDARDS AND ADDING SECTION 5.56.153 TO THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 5.56.153 of the Kennewick Municipal Code, be, and the same hereby is,
added to read as follows:

5.56.153: Temporary Pedestrian Walkways.

Temporary walkways, where possible, shall be maintained on part of the existing sidewalk,
behind the existing sidewalk, or in the adjacent parking lane where available.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its
passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and
signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO PUBLIC WORKS CONSTRUCTION
STANDARDS AND ADDING SECTION 5.56.154 TO THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 5.56.154 of the Kennewick Municipal Code, be, and the same hereby is,
added to read as follows:

5.56.154: Sidewalk Closures.

During approved complete sidewalk closures, the contractor, utility, or other agency shall provide and maintain “Sidewalk Closed Use Other Side” signs at the nearest crosswalk or intersection to each end of the closure. Where the closure occurs at the corner of an intersection, these signs shall be erected on the corners across the street from the closure. “Sidewalk Closed” signs shall be used at the end of the actual sidewalk closure.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and
signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO PUBLIC WORKS CONSTRUCTION
STANDARDS AND ADDING SECTION 5.56.395 TO THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 5.56.395 of the Kennewick Municipal Code, be, and the same hereby is,
added to read as follows:

5.56.395: Closure of Unpermitted Accesses - Closure criteria, permit requirements.

Any unpermitted accesses to the city street system which were in existence on July 1, 2001, shall not require the issuance of a permit and may continue to provide access to the city street system, unless the Director determines that the unpermitted access does not meet minimum acceptable standards of highway safety. The Director may require that a permit be obtained if a significant change occurs in the use, design, or traffic flow of the access or to the city street to which it provides access. If a permit is not obtained, the Director may initiate action to close the unpermitted access point. Any unpermitted access opened subsequent to July 1, 2001, is subject to closure. The notification process is as follows:

- (1) Notification. The Director shall serve notice upon the property owner of an access to a city street that is found to be unpermitted. This notice shall clearly describe the street access violation and shall establish a thirty-day time limit for either applying for a access permit or requesting an adjudicative proceeding pursuant to KMC 4-04. The sole issue to be determined at the adjudicative proceeding is whether a permit should be required. The notice will further advise the property owner that failure to act in either of the prescribed ways within the time period will result in closure of the unpermitted access.
- (2) Permit application. If a permit application is filed within the thirty days, and the application is denied, the Director shall notify the property owner of the denial. The property owner may then proceed with the permit application process set forth in Chapter 4.12 KMC or request an adjudicative proceeding pursuant to Chapter 4.04 KMC within ten days. Failure to act in either of those prescribed ways within the time period set forth in the rules will result in Director closure of the unpermitted access. If the location and design of the access in the permit application are acceptable to the Director, the existing access may continue to be used for a specified period of time or until the access specified in the permit application is constructed.

- (3) Approval conditions. Modifications, relocation, or closure of unpermitted accesses may be required by the Director as a requirement of permit approval, subject to the adjudicative proceeding provisions of Chapter 4.04 KMC.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION: _____

ORDINANCE EFFECTIVE DATE: _____

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO PUBLIC WORKS CONSTRUCTION
STANDARDS AND ADDING SECTION 5.56.400 TO THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 5.56.400 of the Kennewick Municipal Code, be, and the same hereby is,
added to read as follows:

5.56.400: Driveway Corner Clearance.

All direct access driveways shall be constructed such that the point of tangency of the curb radius return closest to a signalized or stop-sign controlled intersection be at least 100 feet (30.5 m) from the corner right-of-way of the intersecting street (see figure 10). Access driveway(s), if approved by the Traffic Engineer, that are within 350 feet (107 m) of an existing or planned signalized intersection, or the intersection of arterial and/or collector streets, or major traffic generating access (over 1,000 vehicle per day) may require restricted vehicle movements as documented in a traffic impact study and as determined by the Traffic Engineer.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and
signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO CLASSIFICATION OF PUBLIC STREETS
AND ADDING SECTION 13.04.100 TO THE KENNEWICK MUNICIPAL
CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 13.04.100 of the Kennewick Municipal Code, be, and the same hereby is,
added to read as follows:

**13.04.100: STATE HIGHWAY ACCESS MANAGEMENT - ACCESS CONTROL
CLASSIFICATION SYSTEM AND STANDARDS**

The City of Kennewick adopts the following sections of Chapter 468-52 WAC, as now
existing or hereafter amended, by reference:

WAC:

- 468-52-010 Purpose.
- 468-52-020 Definitions.
- 468-52-030 General.
- 468-52-040 Access control classification system and standards.
- 468-52-050 Application of access control classification system standards.
- 468-52-060 Assignment of access control classifications to highway segments.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its
passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and
signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO CLASSIFICATION OF PUBLIC STREETS
AND ADDING SECTION 13.04.110 TO THE KENNEWICK MUNICIPAL
CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 13.04.110 of the Kennewick Municipal Code, be, and the same hereby is,
added to read as follows:

13.04.110: STATE HIGHWAY ACCESS PERMITS - ADMINISTRATIVE PROCESS

The City of Kennewick adopts the following sections of Chapter 468-51 WAC, except for
WAC 468-51-070, as now existing or hereafter amended, by reference:

WAC:

- 468-51-010 Purpose.
- 468-51-020 Definitions.
- 468-51-030 General provisions.
- 468-51-040 Connection categories.
- 468-51-050 Conceptual review.
- 468-51-060 Application requirements and procedures.
- 468-51-070 Fees and surety bond.
- 468-51-080 Application submittal, review, conditions.
- 468-51-090 Construction requirements.
- 468-51-100 Nonconforming connection permits.
- 468-51-110 Changes in property site use.
- 468-51-120 Permit modification, revocation, closure of permitted connections.
- 468-51-130 Closure of unpermitted connections.
- 468-51-140 Department construction projects.
- 468-51-150 Adjudicative proceedings.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its
passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON MCSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION: _____

ORDINANCE EFFECTIVE DATE: _____

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO ARTS COMMISSION - ESTABLISHMENT
AND AMENDING SECTION 2.16.420 OF THE KENNEWICK MUNICIPAL
CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 2.16.420 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

2.16.420: Arts Commission—Establishment.

There shall be an Arts Commission established consisting of at least seven members, ~~but not more than nine~~ appointed by the City Council for a term of four years, expiring on March 31 or until such time as their successor is selected. ~~An optional student member is also authorized and shall serve as provided in KAC 9-11-070.~~ The Commission shall consist of arts professionals or persons with an interest in art. The City Council shall consider "arts professionals" to be those people, both in the Kennewick community and outside, who have a professional background in the arts, are familiar with artists in specific categories, and exhibit a sensitivity to site placement, or have a demonstrated interest in art. An optional student member is also authorized and shall serve as a non-voting member of the Commission. The student member may provide input and make recommendations. The Arts Commission shall contact art teachers in the high schools within the City encouraging students to apply. Applications would be sought in the spring from students completing their junior year of high school. Screenings and interviews would be conducted by the Arts Commission. The selected member would begin serving upon appointment through the completion of their senior year of high school.

The Arts Commission will review each proposed gift or loan of art for aesthetic quality, site appropriateness, public safety and long-term conservation and preservation considerations.

Staff support for the Arts Commission shall be designated by the City Manager.

(Ord. 26-_____ Sec. 1, 2026; Ord. 5546 Sec. 1, 2014; Ord. 5363 Sec. 3, 2011; Ord. 5304 Sec. 1, 2010; Ord. 5287 Sec. 1, 2009; Ord. 5187 Sec. 1, 2007; Ord. 4075 Sec. 1, 2003)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

Commented [HT1]: Laurencio: The language in the old KAC 9-11 did not allow for up to 9 members on the Arts Commission. Do we need to keep the option to go up to 9 members or can we state that it will just consist of 7 members plus an optional student member?

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this ^^ day of April, 2026.

Attest:

JASON R. McSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO ARTS COMMISSION – POWERS AND
DUTIES AND AMENDING SECTION 2.16.430 OF THE KENNEWICK
MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 2.16.430 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

2.16.430: Arts Commission—Powers and Duties.

The Arts Commission ~~shall have and exercise the powers, duties, and responsibilities prescribed by KAC 9-11~~ serves to enhance and enrich the quality of life of Kennewick residents and visitors by fostering an artistic environment that develops a sense of community as it creates a number of public venues that instill a sense of place, along with an opportunity to have fun.

The Arts Commission shall have the following powers and duties:

- (1) The Arts Commission will review each proposed gift or loan of art for aesthetic quality, site appropriateness, public safety and long-term conservation and preservation considerations.
- (2) Make recommendations to the City Council in matters pertaining to the acceptance, procurement, and placement of public art.
- (3) Promote and encourage public programs to further the development and public awareness of public art.
- (4) Seek and encourage financial support, including grants, donations, fundraising activities, loans, and guarantees for public art.
- (5) Set priorities for any available funding by conducting a public art inventory and assessment of pre-existing city-owned public artworks, and by developing a public art master plan.
- (6) Consider potential sites, review site proposals, and recommend to the City Council for approval appropriate site selections for the placement and display of artwork for the City's public art program.
- (7) Establish an effective liaison between the City and local and regional art groups.

(Ord. 26-_____ Sec. 1, 2026; Ord. 4075 Sec. 2, 2003)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this ^^ day of April, 2026.

Attest:

JASON R. McSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO REVENUE AND TAXATION AND
ADDING CHAPTER 3.100 TO THE KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON DO ORDAIN AS
FOLLOWS:

Section 1. Chapter 3.100 of the Kennewick Municipal Code, be and the same hereby is, added
to the read as follows:

3.100 – SURPLUS AND SALE OF CITY OWNED REAL PROPERTY

3.100.010: - Purpose.

The purpose of this chapter is to establish policies and procedures regarding the surplus and
sale, lease or exchange of certain real property owned or otherwise controlled by the City.

(Ord. 26-_____ Sec. 1, 2026)

3.100.020: - Policy.

It shall be the policy of the City to consider sale, lease or exchange of real property owned or
controlled by the City when such property is determined to be surplus to the needs of the City,
and where it is demonstrated to the City Council that sale, lease or exchange will best serve the
public interest. For purposes of this chapter, the public interest will best be served when a
transaction accomplishes one or more of the objectives listed in KMC 3.100.030.

(Ord. 26-_____ Sec. 1, 2026)

3.100.030: - Objectives.

The purpose and policies of this chapter are intended to accomplish the following basic
objectives, which should be achieved in a balanced manner to ensure that none are over-
emphasized to the detriment of the others:

1. Stimulate development of the City's economic base to provide employment
opportunities and tax revenues for the City and other local taxing entities;
2. Provide capital for economic development purposes, for parkland operations
(planning, acquisition, design, construction and maintenance and operation), and
such other purposes as the council determines are necessary and appropriate; and

3. Provide a source of one time general revenue to the City over and above the tax yields from such real property.

(Ord. 26-_____ Sec. 1, 2026)

3.100.040: - Declaration of Surplus.

Prior to the sale, lease or exchange of any City-owned real property, the City Council shall determine that the property is excess to the present and future municipal needs of the City.

1. Any City-owned land being considered for sale or lease will be reviewed by all departments of the City to ascertain if the property can be used for a public purpose.
2. If the property cannot be placed to public use, a public hearing may be held before property is declared surplus. If upon conclusion of the hearing Council determines the property cannot be placed to public use, a resolution will be enacted declaring the property surplus for the reasonably foreseeable needs of the City.
3. Upon making such declaration of surplus, the Council may also make the following determinations:
 - a. Whether the parcel should be sold, leased or exchanged;
 - b. Whether special covenants or restrictions should be placed on the real property as a condition of sale, lease or exchange;
 - c. Whether the parcel should be sold or leased by sealed bid, auction, solicitation or direct negotiation;
 - d. What formality of appraisal is necessary to set the minimum acceptable price to achieve reasonable value.

(Ord. 26-_____ Sec. 1, 2026)

3.100.050: - Sale, Lease or Exchange Procedures.

1. For the sale, exchange, or disposal of surplus property the City will establish a minimum price below which the real estate will not be conveyed. The minimum price will be established by the appraisal. In some circumstances a cost/benefit analysis of the potential development can be made to determine if a modification of the minimum price is warranted.
2. The real estate will be appraised by at least one qualified appraiser, unless the cost of appraisal will be ten percent or more of the estimated sale price. A qualified appraiser is one who has knowledge, experience and education about appraisal methods. A qualified appraiser will either be a member in good standing of the Society of Real Estate Appraisers or the American Institute of Real Estate Appraisers or their affiliates.

3. During negotiations for the sale or lease of real property, the City Council may go into executive session. The City will adhere to guidelines of executive sessions according to RCW 42.30.110, as amended. If executive sessions are held to discuss the disposition by sale or lease of real estate, the discussion shall be limited to the minimum selling or leasing price.
4. After appraisal disposition may occur through one of the following methods:
 - a. Negotiated Sale. The City Council will appoint the City Manager or their designee to negotiate with possible purchasers for the price and terms of the sale of the real estate. The City may also use real estate agents/brokers in the process of disposing surplus municipal property.
 - b. Sealed Bid. Upon receipt of the written appraisal, the City Manager or designee shall, upon instruction of the City Council, publish a call for bids upon such real estate once a week for two consecutive weeks in a legal newspaper of general circulation in Benton County, Washington, for a sale price of not less than such appraised value of the real estate, plus costs of appraisal and sale. Bids received shall be opened by the City Manager, or designee, at a regular meeting of the City Council of the City of Kennewick. The City Council may accept the bid over the appraised value, plus costs of appraisal and sale that will result in the greatest benefit to the City.
 - c. Auction. The City Manager or designee shall choose a qualified auction company to host the auction and will establish a minimum bid price based on the property's estimated value.
 - i. Notice of the auction, a description of the property or portion thereof to be sold, the date(s) of the auction, and any other pertinent information shall be published at least once in the official newspaper of the City at least 10 calendar days before the auction begins. Notice will also be posted continuously on the City's website for no less than 10 calendar days prior to the auction and until the auction ends.
 - ii. The City will accept the highest bid that exceeds the City's minimum bid price. If no bids are received, or if no bids exceed the City's minimum bid price, the City Manager may direct disposition of the property by another method available under this chapter. The prevailing bidder must immediately tender a cash deposit or certified check for deposit into escrow as earnest money in the amount of \$5,000. Payment of the remaining amount of the purchase price shall be made within 30 days.
 - iii. In the event the purchaser is unable to pay the remaining amount within the required time, the earnest money deposit shall become nonrefundable and shall be retained by the City as liquidated damages; provided, however, that the purchaser may, at their option, deposit an additional \$5,000 extension fee, in which case

their time to make full payment shall be extended for one additional 60-day period. In the event full payment is not made by the conclusion of the additional 60-day period, an additional \$1,000 shall be retained by the City from the extension fee as liquidated damages relevant to the additional lost time and expense. The remainder of the extension fee shall be returned to the prevailing bidder.

- 5. All sales of City-owned real property shall be on a cash basis, and the deed and documents of sale shall be signed by the Mayor of the City of Kennewick as authorized by motion of the City Council. The title to any City sold real property shall not be transferred until the purchase price therefore has been fully paid and any applicable terms or conditions have been fully satisfied.

(Ord. 26-_____ Sec. 1, 2026)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and signed in authentication of its passage this 21st day of April, 2026.

JASON R. McSHANE, Mayor

Attest:

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION: _____

ORDINANCE EFFECTIVE DATE: _____

CITY OF KENNEWICK
ORDINANCE NO. 26-_____

AN ORDINANCE RELATING TO CITY MANAGER – PERFORMANCE
REVIEW PROCESS AND AMENDING SECTION 2.08.025 OF THE
KENNEWICK MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS
FOLLOWS:

Section 1. Section 2.08.025 of the Kennewick Municipal Code, be, and the same hereby is,
amended to read as follows:

2.08.025: - City Manager – Performance Review Process.

~~By no later than January 31 of each year, the Mayor and Mayor Pro Tem will meet with the
City Manager to perform and document the City Manager's performance review. See KAC 7-10.
The City Council shall conduct the City Manager's performance review annually, typically
coinciding with their work anniversary date, or as mutually agreed upon by both parties. See,
City of Kennewick Governance Coordination Manual Appendix B.~~

([Ord. 26-_____ Sec. 1, 2026](#); Ord. 5298 Sec. 1, 2010)

Section 2. This ordinance shall be in full force and effect five (5) days from and after its
passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, and
signed in authentication of its passage this 21st day of April, 2026.

Attest:

JASON R. McSHANE, Mayor

KRYSTAL JOHNSTON,
City Clerk

Approved as to Form:

LAURENCIO SANGUINO,
City Attorney

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:
