

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2008-08

SUBJECT: Fighting in Public

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 3/7/2008
- (X) Passed by the City Council: 3/19/2008
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 3/26/2008
- (X) Effective: 3/31/2008

DISTRIBUTED COPIES AS FOLLOWS: email all departments

- (K) NK Herald: Emailed by kj 3/19/2008
- (1) Ordinance or Resolution Book
- (K) Code Publishing - via email if in electronic format
- (1) City Attorney
- () Civil Service Commission and/or Sec/Chief Examiner
- (K) Clerk's Department: Original
- () City Council
- () Finance:
- () Fire District #18
- () Mayor
- (1) Municipal Court
- () MRSC from website:
- () Parks/Recreation:
- () Planning/Building:
- (1) Police
- () Public Works:
- () Public Works/Engr Section: Kasiniak
- () Bookshelf Contracts Copy
- ()

City Clerk

3-19-2008
Date

ORDINANCE NO. 2008-08

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADDING A NEW SECTION 9.70.015 TO THE POULSBO MUNICIPAL CODE MAKING "FIGHTING IN PUBLIC" A GROSS MISDEMEANOR, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Poulsbo City Council finds that incidents of fighting in public disturb the public order; and

WHEREAS, the Poulsbo City Council finds that incidents of fighting in public unreasonably disturb the peace, comfort, and repose of the public and of business owners; and

WHEREAS, RCW 9A.84.030. "Disorderly Conduct" as it is currently codified has proven to be an insufficient tool for the Poulsbo Police Department to maintain public order and that the Police Department is frequently called to respond to fights in public and is in need of a stronger tool to address this ongoing problem; and

WHEREAS, the crime of "Fighting in Public," as defined in Section 1 of this ordinance, provides a broader definition of fighting such that persons who incite or cause a breach of the peace shall be guilty of a gross misdemeanor; and

WHEREAS, the crime of "Fighting in Public" is more properly codified as a Crime Against Public Order, under PMC Chapter 9.70.015, than a Crime Against a Person, now, therefore,

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

SECTION 1. Chapter 9.70 of the Poulsbo Municipal Code is hereby amended by adding a new Section 9.70.015 to read as follows:

9.70.015 Fighting in Public.

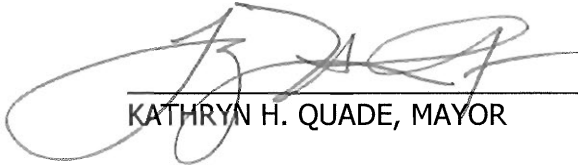
- (1) It is unlawful for any person to intentionally fight with another person in a public place or to incite or encourage others to fight in a public place.
- (2) "Fight" means:
 - (a) A verbal altercation which tends to incite an immediate breach of the peace; and/or
 - (b) A breach of the peace whether or not it is preceded by a verbal altercation.
- (3) "Verbal altercation" means an angry argument, quarrel, or disagreement that is reasonably likely to provoke a belligerent response.
- (4) "Breach of the peace" means a physical altercation, battle, fray, combat, clash, skirmish, punch, tussle, scuffle, shoving match, exchange of blows, physical struggle for supremacy, brawl, fracas, donnybrook, ruckus, and/or melee.
- (5) "Public place," as used in this section, shall have the same meaning as defined in RCW 66.04.010(33).

- (6) In any prosecution under subsection (1) of this section, it is an affirmative defense that the fight was duly licensed or authorized by law. The burden of proving the affirmative defense that the fight was duly licensed or authorized by law is upon the person claiming the affirmative defense by establishing the affirmative defense by a preponderance of the evidence.
- (7) Fighting in Public is a gross misdemeanor.


SECTION 2. Each and every provision of this Ordinance shall be deemed severable. In the event that any portion of this Ordinance is determined by final order of a court of competent jurisdiction to be void or unenforceable, such determination shall not affect the validity of the remaining provisions thereof provided the intent of this Ordinance can still be furthered without the invalid provision.

SECTION 3. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary, which is hereby approved.

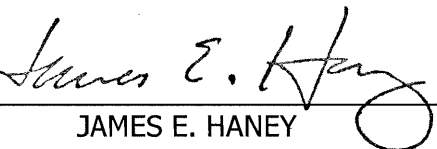
APPROVED:


KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:


KAROL JONES, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JAMES E. HANEY

FILED WITH THE CITY CLERK: 3/7/2008
PASSED BY THE CITY COUNCIL: 3/19/2008
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SUMMARY OF ORDINANCE NO. 2008-08

of the City of Poulsbo, Washington

On the 19th day of March, 2008, the City Council of the City of Poulsbo, Washington, passed Ordinance No. 2008-08. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADDING A NEW SECTION 9.70.015 TO THE POULSBO MUNICIPAL CODE MAKING "FIGHTING IN PUBLIC" A GROSS MISDEMEANOR, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 19th day of March, 2008.



CITY CLERK KAROL JONES, CMC