

CITY OF BLACK DIAMOND, WASHINGTON

ORDINANCE NO. 09-922

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BLACK DIAMOND, KING COUNTY
WASHINGTON, RELATING TO CRIMES OF
DISORDERLY CONDUCT AND AMENDING SECTION
9.56.020 THE BLACK DIAMOND MUNICIPAL CODE**

WHEREAS, the City of Black Diamond finds it necessary and prudent to protect and maintain the health, safety, and welfare of the City by prohibiting certain disorderly, lewd, or dissolute conduct;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Black Diamond Municipal Code Section 9.56.020 is hereby amended to read as follows:

9.56.020 Disorderly Conduct.

A. A person is guilty of disorderly conduct if the person:

1. Engages in fighting or brawling in public;
2. Intentionally disrupts or attempts to disrupt any lawful assembly or meeting of persons without lawful authority;
3. Instigates, promotes, or encourages any conduct that constitutes a criminal act or is likely to cause a breach of the peace or injury to persons or property; provided, that prior to making an arrest for such conduct, an order to disperse shall be given and a reasonable time allowed for such dispersion; provided further, that “conduct” shall not be construed to mean the exercise of one’s constitutional rights to legally protest;
4. Fails or refuses to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law;
5. After having been warned to desist, intentionally interferes with a peace officer who is attempting to lawfully perform his or her duties;

6. Intentionally uses offensive words or gestures toward another person or persons under circumstances likely to create a risk of assault or cause a breach of the peace;

7. Intentionally uses profane, offensive or indecent language or gestures and/or engages in any quarrel in any public conveyance so as to unreasonably disturb others, or intentionally interferes with or annoys any passenger therein so as to unreasonably disturb them or others;

8. Intentionally obstructs vehicular or pedestrian traffic without lawful authority;

9. Intentionally urinates or defecates in a public place, other than through the proper use of a public facility, under circumstances where the act could be observed by any member of the public;

10. Loiters in or about any public restroom for the purpose of engaging in or soliciting any lewd, lascivious, or unlawful act;

11. Persists in requesting assistance from a member of the public, whether such requested assistance be financial or otherwise, after the person being requested has declined to offer such assistance;

12. Provides unrequested goods or services to pedestrians, drivers, or passengers, then demands payment for such unrequested goods or services; or

13. For purposes other than to report an emergency or request immediate aid, intentionally and repetitiously calls 9-1-1 or any telephone number dedicated for reporting emergencies and/or requesting emergency assistance.

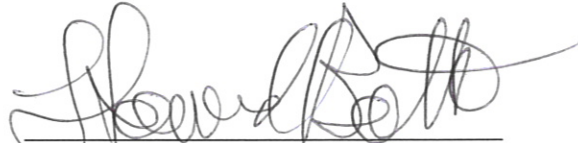
B. Disorderly conduct is a misdemeanor

Section 2. Severability. 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. Effective date. This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced on the 17th day of September, 2009.

Passed by the City Council on the 17th day of September, 2009.



Howard Botts, Mayor

ATTEST:



Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

Loren D. Combs, City Attorney

Published: 9/22/09
Effective Date: 9/27/09