

ORDINANCE NO. 4818

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELLENSBURG, WASHINGTON, RELATING TO DISORDERLY CONDUCT, AMENDING SECTION 7.10.030 AND ADDING A NEW CHAPTER TO THE ELLENSBURG CITY CODE ENTITLED "7.15 PUBLIC INDECENCY."

WHEREAS, the Ellensburg City Code ("ECC") currently creates a misdemeanor for the act of urinating in public; and

WHEREAS, the City Council determines there is a need to minimize secondary costs, court costs and jail costs to the City regarding this unwanted behavior for non-repeat offenders; and

WHEREAS, deterrence for this unwanted behavior can be achieved with a law enforcement response that results in a non-criminal law monetary infraction penalty and, when appropriate, a criminal citation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELLENSBURG DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 7.10.030 of the Ellensburg City Code, as last amended by Section 7 of Ordinance 4463, is hereby amended to read as follows:

7.10.030 Disorderly conduct.

A person is guilty of disorderly conduct if the person:

- A. Uses abusive language and thereby intentionally creates a risk of assault; or
- B. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or
- C. Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or
- ~~D. Intentionally urinates or defecates in a public place, other than in a toilet, urinal, washroom or toilet room, under circumstances where such act could be observed by any member of the public; or~~
- ~~E.D.~~ Is fighting another person or persons in a public place or in the public view. [Ord. 4463 § 7, 2007; Ord. 4438 § 2, 2006.]

Section 2. A new Chapter 7.15 of the Ellensburg City Code entitled "Public Indecency" is hereby created to read as follows:

Chapter 7.15 PUBLIC INDECENCY

Sections

7.15.010 Definition.

7.15.020 Urinating and/or defecating in public.

7.15.030 Penalty.

7.15.010 Definition.

“Public place,” for purposes of this chapter, shall mean an area generally visible to public view, and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink to provide entertainment, and the doorways and entrances to those buildings or dwellings and the grounds enclosing them.

7.15.020 Urinating and/or defecating in public.

It is unlawful for any person to intentionally urinate or defecate in a public place, other than a toilet, urinal, washroom, toilet room or portable toilet, where such act could be observed by any member of the public.

7.15.030 Penalty.

Any person who violates this chapter shall be assessed a penalty and default amount in an amount not to exceed \$250.00, not including statutory assessments; provided, that the penalty and default amount for a second violation shall not exceed \$500.00. Any person who violates this chapter and has been found to have committed two prior violations of this chapter shall be guilty of a misdemeanor.

Section 3. Severability. If any portion of this ordinance is declared invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining portion(s) of this ordinance.

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

Section 5. Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

The foregoing ordinance was passed and adopted at a regular meeting of the City Council on the 17th day of December, 2018.



MAYOR

ATTEST:



CITY CLERK

Approved as to form:



CITY ATTORNEY

Publish: 12-20-18

I, Coreen M. Reno, City Clerk of said City, do hereby certify that Ordinance No. 4818 is a true and correct copy of said Ordinance of like number as the same was passed by said Council, and that Ordinance No. 4818 was published as required by law.



COREEN M. RENO