

Ordinance No. 623

Amending the Forks Criminal Code regarding Disorderly Conduct

WHEREAS, the City adopted its disorderly conduct provisions found within the City's Municipal Code in 1976 via City Ordinance 179;

WHEREAS, some aspects of that ordinance are dated and need to be revised;

BASED THEREON, THE CITY COUNCIL OF THE CITY OF FORKS DO ORDAIN AS FOLLOWS:

Section 1. Amending FMC 9.05.060. FMC 9.05.060 is amended to read as follows with the text stricken out being replaced by the text that is underlined.

- (1) Wherever in this section general terms follow specific enumeration, such general terms shall not be limited to words, acts or things similar or like to those comprised in the specific enumeration, but shall be liberally construed for the purpose of preserving the public safety and peace.
- (2) The following persons are hereby declared to be disorderly persons:
 - (a) Any person attempting to fight or brawl in ~~fighting or quarreling or encouraging others to fight~~ in any public place in the city.
 - (b) Any person using language or gestures to threaten violence or violent behavior that creates an initial risk of an assault in any public place in the city.
 - (c) Any person who intentionally commits an act which creates conduct, or entices any person to engage in conduct, that causes an immediate breach of the peace. Such conduct includes, without limitations:
 - 1.) Personally abusive epithets, words or language that a reasonable person would find offensive and disgusting, insulting or degrading; or,
 - 2.) Language or gestures that are likely to provoke a reaction of fear, anger or apprehension when addressed to a reasonable person.
 - (d) ~~Any person who maliciously and intentionally wilfully breaks, impairs, injures or defaces any building, fence, awning, window, sign, signboard, trees, shrub or other thing of value, being the property of another.~~
 - (d) Any person who without the authority or color of law removes, interferes with, carries away or destroys the property of another, or who tears down, destroys, or mutilates any notice or handbill lawfully posted in the city.

- (e) Any person who intentionally, by noisy, riotous or tumultuous conduct, disturbs the quiet and peace of the city ~~or of any meeting or assemblage therein, and continues to do so, after being asked to stop such conduct by the leader of the meeting or assembly~~ a third party, or by an police officer.
- ~~(e) Any person who wilfully annoys, molests, bothers, insults, offers an affront to another person.~~
- (f) Any person who intentionally obstructs vehicular or pedestrian traffic without lawful authority, and continues to do so, after being asked to stop such conduct by a third party, or by a police officer.
- (g) Any person who intentionally disrupts any lawful assembly or meeting of persons without lawful authority, and continues to do so, after being asked to stop such conduct by the leader of the meeting or assembly, or by a police officer.
- ~~(h) Any person who shall look into the windows of a residence of another without a lawful right to do so.~~
- ~~(i) Any person who shall create or participate in any noise, disturbance or any other demonstration calculated or intended to fright or intimidate or disturb any person.~~
- (3) It shall be unlawful to be a disorderly person as provided above. A violation of any of the provisions of subsection (2) of this section shall be a separate and distinct offense and shall be prosecuted as such. (Ord. 179 § 6, 1976)
- (4) Penalty. Any act which is found to be in violation of the above shall be deemed to be a misdemeanor with the maximum penalty being imprisonment for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or both such imprisonment and fine associated with a misdemeanor as defined by the State of Washington.

Section 2. Amending FMC 9.05.270. FMC 9.05.270 is amended to read as follows with the text stricken out being replaced by the text that is underlined.

9.05.270 Penalties.

- (1) Any act which violates any provision of this chapter and is not chargeable under the Revised Code of Washington as a crime shall be deemed a misdemeanor. An act chargeable under the Revised Code of Washington as a crime shall be classified according to applicable Revised Code of Washington provisions, but in no event shall an act be classified higher than a gross misdemeanor.

(2) Any person, firm or corporation adjudged guilty of a misdemeanor or gross misdemeanor under this chapter shall be punished by a fine not to exceed \$5,000. In addition to a fine not to exceed \$5,000, those crimes contained in the following sections shall also be punishable by imprisonment not to exceed one year:

- (a) FMC 9.05.040, Assault;
- (b) FMC 9.05.050(1), Controlled substances;
- (c) ~~FMC 9.05.060, Disorderly conduct;~~
- (d) FMC 9.05.120(9), (10), (13), (14), and (16), Miscellaneous misdemeanors;
- (e) FMC 9.05.140, Obstructing a public servant;
- (f) FMC 9.05.160, Petit larceny;
- (g) FMC 9.05.180, Property damage;
- (h) FMC 9.05.210, Restraining orders; and
- (i) FMC 9.05.250, Weapons and dangerous exhibitions.

In no event shall any punishment applied under this chapter exceed that allowable under applicable provisions of the Revised Code of Washington. Any act classified as a misdemeanor under this chapter shall be subject to the penalties provided for misdemeanors in applicable provisions of the Revised Code of Washington.

Notwithstanding any ordinance provision to the contrary, the punishment for violation of any criminal ordinance of the city of Forks shall be the same as the punishment provided in state law for the same crime in state law. (Ord. 375 § 1, 1994; Ord. 344 § 1, 1992; Ord. 337 § 2, 1991; Ord. 179 § 26, 1976)

Section 3. Effective date. This ordinance shall, after publication in the City's journal of record as provided for by law, be effective on 1 November 2016.


Passed by the City Council on this 10th day of October, 2016.


Bryon Monohon, Mayor

Authenticated and Attested to:

Approved as to Form:


Audrey Grafstrom
Clerk/Treasurer


William R. Fleck
Attorney/Planner