

**City of Anacortes
Ordinance No. 4074**

An Ordinance Amending Title 9 to add the Crime of Disorderly Conduct and Provoking Assault.

Whereas RCW 35.23.440(30) authorizes the City to provide for the regulation of the Police Department; and

Whereas Ordinance 4045 was adopted on April 10, 2023 updating Title 9 in response to State v. Blake and recent state legislation; and

Whereas Ordinance 4051 was adopted on June 12, 2023 amending Title 9 to comply with SB 553, effective July 1, 2023; and

Whereas the City has identified issues with the newly-adopted provisions of Title 9 that limit enforcement capabilities; and

Whereas RCW 9A.84.030's criteria for Disorderly Conduct does not rise to meet the City's specific needs; and

Whereas persons intentionally conducting themselves in a noisy, riotous or tumultuous manner by the use of profane, vulgar, abusive, or indecent language can cause alarm and unreasonably disturb the peace; and

Whereas persons who by word, sign or gesture, willfully attempts to provoke an assault creates a danger for the City; and

Whereas the City desires to minimize the public safety risks posed by intentional disorderly or provoking conduct;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section I: That Chapter 9.16 of Title 9 of the Anacortes Municipal Code ("AMC") is amended as follows:

Existing AMC Section 9.16.010, Adoption by reference, is amended to remove reference to RCW 9A.84.030 Disorderly conduct.

New AMC Section 9.16.050 Disorderly Conduct is adopted as follows:

9.16.050 Disorderly Conduct.

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

1. Uses abusive language and thereby intentionally creates a risk of assault; or
2. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

3. Intentionally obstructs vehicle or pedestrian traffic without lawful authority; or

4. Intentionally behaves in a noisy, riotous or tumultuous manner by the use of profane, vulgar, abusive, or indecent language, knowing that such conduct is likely to cause reasonable affront or alarm or will unreasonably disturb the peace and quiet of the city; or

5. Intentionally engages in fighting in the city.

B. Disorderly conduct is a misdemeanor.

New AMC Section 9.16.060 Provoking assault is adopted as follows:

9.16.060 Provoking Assault.

A. Every person who by word, sign or gesture, willfully provokes, or attempts to provoke, another person to commit an assault is guilty of provoking assault.

B. Provoking assault is a misdemeanor.

Section II: Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof may not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section III: This ordinance shall take effect five (5) days from and after its passage, approval and publication in the manner required by law.

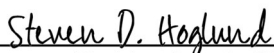
PASSED and APPROVED this 4th day of March 2024.

CITY OF ANACORTES:



Matt Miller, Mayor

Attest:



Steven D. Hoglund, City Clerk-Treasurer

Approved as to Form:



Darcy Swetnam, City Attorney

Certificate Of Completion

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3/4/2024 9:29:06 PM	cityclerk@cityofanacortes.org	

Signer Events

Signature	Timestamp
<p>Darcy Swetnam</p> <p>darcys@cityofanacortes.org</p> <p>City Attorney</p> <p>Security Level: Email, Account Authentication (None)</p> <p><i>Darcy Swetnam</i></p> <p>Signature Adoption: Pre-selected Style</p> <p>Using IP Address: 23.90.91.2</p>	<p>Sent: 3/4/2024 9:30:17 PM</p> <p>Resent: 3/7/2024 2:23:15 PM</p> <p>Viewed: 3/13/2024 9:13:09 AM</p> <p>Signed: 3/13/2024 9:13:19 AM</p>

Electronic Record and Signature Disclosure:
 Accepted: 3/13/2024 9:13:09 AM
 ID: 4c9bcb10-fbbc-4d86-a220-b9b8f2a9ae95

<p>Steven D. Hoglund</p> <p>stevh@cityofanacortes.org</p> <p>Security Level: Email, Account Authentication (None)</p> <p><i>Steven D. Hoglund</i></p> <p>Signature Adoption: Pre-selected Style</p> <p>Using IP Address: 23.90.91.2</p>	<p>Sent: 3/4/2024 9:30:17 PM</p> <p>Viewed: 3/5/2024 12:41:20 PM</p> <p>Signed: 3/5/2024 12:41:27 PM</p>
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Electronic Record and Signature Disclosure:
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<p>Matt Miller</p> <p>mattm@cityofanacortes.org</p> <p>Security Level: Email, Account Authentication (None)</p> <p><i>MM</i></p> <p>Signature Adoption: Uploaded Signature Image</p> <p>Using IP Address: 107.115.94.64</p>	<p>Sent: 3/13/2024 9:13:19 AM</p> <p>Viewed: 3/13/2024 11:14:24 AM</p> <p>Signed: 3/13/2024 11:14:33 AM</p>
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In Person Signer Events	Signature	Timestamp
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Envelope Summary Events	Status	Timestamps
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Signing Complete	Security Checked	3/13/2024 11:14:33 AM
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Browsers:	Final release versions of Internet Explorer® 6.0 or above (Windows only); Mozilla Firefox 2.0 or above (Windows and Mac); Safari™ 3.0 or above (Mac only)

PDF Reader:	Acrobat® or similar software may be required to view and print PDF files
Screen Resolution:	800 x 600 minimum
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