

ORDINANCE NO. 08- 6

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PULLMAN, WHITMAN COUNTY, WASHINGTON, RELATING TO PUBLIC SAFETY AND MORALS, ADDING CHAPTER 8.26, OFFENSES AGAINST PEACE AND ORDER, ESTABLISHING A PENALTY FOR VIOLATIONS THEREOF, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, over the past four years, City law enforcement officers have documented an increase in violent behavior and fighting that often involves mutual combatants; and

WHEREAS, criminal assault statutes are insufficient to address situations of mutual combat or situations where a purported victim declines to participate in the prosecution of criminal charges against an acquaintance, friend, or fellow student; and

WHEREAS, the Police Chief has recommended adoption of an ordinance authorizing the issuance of a notice of civil infraction for actions which do not rise to the level of criminal assault in order to provide an effective deterrent to fighting and instances of mutual combat that disturb the peace of the community and place others in harm's way; and

WHEREAS, the City Council has determined that the best interests of the citizens of the city of Pullman are served through protection of health and safety by regulating the fighting and combative actions of individuals in the City.

NOW, THEREFORE, the City Council of the city of Pullman do ordain as follows:

Section 1: There is hereby added a new Chapter 8.26 to the Pullman City Code entitled Offenses Against Peace and Order.

Section 2: There is hereby added a new section 8.26.010 to the Pullman City Code to read as follows:

8.26.010 Disorderly Conduct or Fighting - Prohibited.

(1) No person may cause or create a risk of unreasonable public inconvenience, annoyance or alarm by:

(a) Causing, invoking or engaging in any fight, brawl, or other violent or threatening behavior; or

(b) Committing any act which tends to create or incite, or in fact creates or incites, either a violent response and/or an immediate breach of the peace. Such conduct

includes, without limitation:

Personally abusive epithets, words or language that a reasonable person would find offensive, disgusting or insulting, and/or which epithets, words or language are likely to provoke a reaction of fear, anger or apprehension when addressed to a person of ordinary sensibilities; or

- (c) Disturbing any lawful assembly or meeting of persons without lawful authority; or
- (d) Obstructing pedestrian or vehicular traffic without lawful authority; or
- (e) Without lawful authority threaten to cause bodily injury immediately or in the future to another person or persons.

(2) Two or more persons who unlawfully use or threaten to use force, or participate in any way in the use of such force, against any person or against property have committed the offense of disorderly conduct or fighting.

Section 3: There is hereby added a new section 8.26.020 to the Pullman City Code to read as follows:

8.26.020 Violation - Exceptions.

- (1) It shall be a defense to a violation of this chapter that the actions were justified as self-defense.
- (2) It is not a violation of this chapter to physically participate in a lawful or officially sanctioned sporting, training or educational event or forum.

Section 4: There is hereby added a new section 8.26.030 to the Pullman City Code to read as follows:

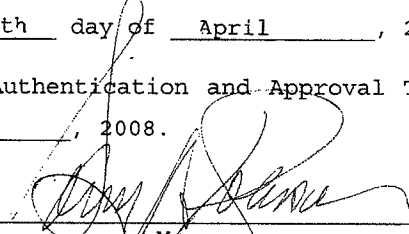
8.26.030 Violation - Penalty. A violation of this chapter shall be an infraction and shall be punishable by a penalty of not less than \$250.00 for the first offense, plus costs and fees. For each repeat violation of this chapter, a mandatory court appearance shall be required and the penalty shall be not less than \$500.00, plus costs and fees.

Section 5: This ordinance shall be in full force and take effect five (5) days from and after its publication, or a

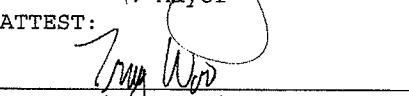
summary thereof is published, in the official newspaper of the city of Pullman.

PASSED by the City Council of the city of Pullman at a regular meeting held on the 8th day of April, 2008.

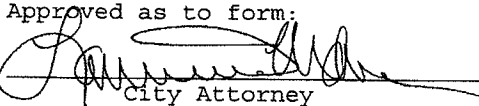
SIGNED by the Mayor in Authentication and Approval Thereof on the 9th day of April, 2008.



Mayor

ATTEST:


Finance Director

Approved as to form:


City Attorney

Summary Published: April 12, 2008

FILED
APR 09 2008
CITY CLERK'S OFFICE
PULLMAN, WASHINGTON