

ORDINANCE O-4563

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DISORDERLY CONDUCT AND AMENDING KIRKLAND MUNICIPAL CODE 11.84A.030.

1 WHEREAS, a King County Superior Court Judge ruled on August
2 11, 2016 that Kirkland Municipal Code ("KMC") 11.84A.030(3) was
3 unconstitutionally vague and overbroad and therefore violated the
4 federal free speech rights of a defendant who had initiated an appeal
5 from an adverse jury trial verdict in Kirkland Municipal Court under the
6 Washington Court Rules for Appeal of Decisions of Courts of Limited
7 Jurisdiction ("RALJ"); and

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9 WHEREAS, the City Council wishes to amend KMC 11.84A.030 to
10 address such potential vagueness and overbreadth issues even though
11 the legal effect of the RALJ decision was limited to the case appealed
12 from; and

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14 WHEREAS, the Council wishes to articulate additional specific
15 intentional acts that may constitute disorderly conduct without enjoying
16 free speech protections in lieu of the current, more general statement
17 related to intentional conduct which disturbs the public peace, provokes
18 disorder or endangers the safety of others.

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20 NOW, THEREFORE, the City Council of the City of Kirkland do
21 ordain as follows:

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23 Section 1. Kirkland Municipal Code Section 11.84A.030 is
24 amended to read as follows:

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26 **11.84A.030 Disorderly conduct.**

27 RCW 9A.84.030 is hereby adopted by reference. In addition, a person
28 is guilty of disorderly conduct if he or she:

29 (1) Intentionally uses fighting words, that is, words which by their very
30 utterance inflict injury or tend to incite an immediate breach of the
31 peace;

32 (1-2) Intentionally engages in a fight in a public place or way open to
33 the public;

34 (2-3) Intentionally uses unlawful force or violence on the person of
35 another; or

36 (3-4) Intentionally disrupts any lawful assembly or meeting of persons
37 without lawful authority; or conducts himself or herself in a manner
38 which disturbs the public peace, provokes disorder or endangers the
39 safety of others.

40 (5) Intentionally obstructs vehicular or pedestrian traffic without lawful
41 authority.


42 Disorderly conduct under this section is a misdemeanor.

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Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in open meeting this 21st day of March, 2017.

Signed in authentication thereof this 21st day of March, 2017.


MAYOR

Attest:


City Clerk

Publication Date: March 27, 2017

Approved as to Form:


City Attorney