

Adds new section to the City's Criminal Code entitled "Fighting" /

13.C.06

**Ordinance No. 108908**

AN ORDINANCE relating to the Seattle Criminal Code (Ordinance 102843); adding a new Section 12A.04.090 "Fighting" thereto to make it unlawful for any person to intentionally fight with another person in a public place.

COMPTROLLER  
FILE NUMBER

**Council Bill No. 101114**

INTRODUCED: MAR 3 1980	EXECUTIVE REQUEST
REFERRED: MAR 3 1980	TO: PUB. SAFETY & JUSTICE
REFERRED: 3-3-80	Full Council
REFERRED:	
REPORTED: MAR 10 1980	SECOND READING: MAR 10 1980
THIRD READING: MAR 10 1980	SIGNED: MAR 10 1980
PRESENTED TO MAYOR: MAR 11 1980	APPROVED: MAR 21 1980
RETD. TO CITY CLERK: MAR 21 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

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ORDINANCE 108908

AN ORDINANCE relating to the Seattle Criminal Code (Ordinance 102843); adding a new Section 12A.04.090 "Fighting" thereto to make it unlawful for any person to intentionally fight with another person in a public place.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Criminal Code (Ordinance 102843) is amended by adding thereto a new Section 12A.04.090 as follows:

Section 12A.04.090 Fighting.

(1) It is unlawful for any person to intentionally fight with another person in a public place and thereby create a substantial risk of:

- (a) injury to a person who is not actively participating in the fight; or
- (b) damage to the property of a person who is not actively participating in the fight.

(2) In any prosecution under subsection 1 of this Section 12A.04.090, it is an affirmative defense that:

- (a) the fight was duly licensed or authorized by law; or
- (b) the person was acting in self defense.

(3) As used in this Section 12A.04.090, "public place" means an area open to the general public, 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 or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(To be used for all Ordinances except Emergency.)

Section.....2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 10 day of March, 19 80  
and signed by me in open session in authentication of its passage this 10 day of March, 19 80

*[Signature]*  
President..... of the City Council.

Approved by me this 21 day of March, 19 80

*[Signature]*  
Mayor.

Filed by me this 21 day of March, 19 80

Attest: *[Signature]*  
City Comptroller and City Clerk.

(SEAL)

Published.....

By *[Signature]*  
Deputy Clerk.

THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING . SEATTLE, WASHINGTON 98104

AREA CODE 206 TELEPHONE 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

February 25, 1980

25 FEB 80 1:58 59

CITY COUNCIL

Sam Smith, Chairperson  
Public Safety and Justice Committee  
Seattle City Council

Re: Correct version of the "fighting" ordinance

Dear Sir:

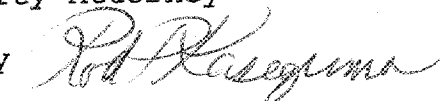
On February 21, 1980, the Mayor, with the concurrence of our office, vetoed Council Bill 101035 relating to "fighting" for "technical reasons." The technical reason is that a subsection (3) defining the term "public place" in prior drafts was inadvertently omitted during the typing of the final draft of the Bill. The intention of the Public Safety and Justice Committee was to include such a subsection in the Bill.

Enclosed is an ordinance which includes the subsection (3) previously approved by the Public Safety and Justice Committee. We recommend filing it with the City Clerk on or before Wednesday, February 27th, so that this clerical and administrative oversight may be rectified as soon as possible.

Very truly yours,

DOUGLAS N. JEWETT  
City Attorney

By



ROD P. KASEGUMA  
Assistant

RPK:klm

Encl:

cc: Mayor

Dace McCoy

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

*Full Council*

Your Committee on

MAR 10 1980

to which was referred

C.B. 101114

Adds new section to the City's Criminal Code, entitled "Fighting."

Relating to the Seattle Criminal Code (Ordinance 102843);  
adding a new Section 12A.04.090 "Fighting" thereto to make  
it unlawful for any person to intentionally fight with another  
person in a public place.

*Do Pass*

..... Chairman

..... Chairman

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Committee

# Affidavit of Publication

## STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a .....

Ordinance No. 108908

was published on March 25, 1980

*J. Mihalep*

Subscribed and sworn to before me on  
March 25, 1980

*Robert C. Jones*  
Notary Public for the State of Washington,  
residing in Seattle.

**ORDINANCE 18888**

AN ORDINANCE relating to the Seattle Criminal Code (Ordinance 182843); adding a new Section 12A.04.090 "Fighting" thereto to make it unlawful for any person to intentionally fight with another person in a public place.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Criminal Code (Ordinance 182843) is amended by adding thereto a new Section 12A.04.090 as follows:

Section 12A.04.090 FIGHTING.

(1) It is unlawful for any person to intentionally fight with another person in a public place and thereby create a substantial risk of:

(a) injury to a person who is not actively participating in the fight; or

(b) damage to the property of a person who is not actively participating in the fight.

(2) In any prosecution under subsection 1 of this Section 12A.04.090, it is an affirmative defense that:

(a) the fight was duly licensed or authorized by law; or

(b) the person was acting in self defense.

(3) As used in this Section 12A.04.090, "public place" means an area open to the general public 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 or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 18th day of March, 1988, and signed by me in open session in authentication of its passage this 18th day of March, 1988.

PAUL KRABEL,  
President of the City Council.

Approved by me this 21st day of March, 1988.

CHARLES ROYER,  
Mayor.

Filed by me this 21st day of March, 1988.

Attest: TIM HILL,  
City Comptroller and  
City Clerk.

(Seal) By: G. C. GERRERT,  
Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk.

Date of official Publication in the Daily Journal of Commerce, Seattle, March 25, 1988. (C-187)