

ORDINANCE No.

116896

COUNCIL BILL No.

109917

The City of

AN ORDINANCE creating the crime of repeatedly urinating or defecating in public, creating the crime of repeatedly opening or possessing a container of liquor or consuming liquor in public, and amending Section 12A.10.100 and Section 12A.24.025 of the Seattle Municipal Code.

Honorable President:

Your Committee on

to which was referred the within report that we have considered the

COMPTROLLER FILE No.

Introduced: 9-27-93	By: PAGELER
Referred:	To: Full Council
Referred:	To:
Referred:	To:
Reported: OCT 4 '93	Second Reading: OCT 4 '93
Third Reading: OCT 4 '93	Signed: OCT 4 '93
Presented to Mayor: OCT 5 '93	Approved: OCT 7 '93
Returned to City Clerk: OCT 7 '93	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Full Council

# The City of Seattle--Legislative Department

## REPORT OF COMMITTEE

Date Reported  
and Adopted

City President:

Committee on \_\_\_\_\_

\_\_\_\_\_ was referred the within Council Bill No. \_\_\_\_\_

\_\_\_\_\_ that we have considered the same and respectfully recommend that the same:

*Full Council vote 7-1 NO/and*

\_\_\_\_\_  
Committee Chair

ORDINANCE

116896

1 AN ORDINANCE creating the crime of repeatedly urinating or  
2 defecating in public, creating the crime of repeatedly  
3 opening or possessing a container of liquor or consuming  
4 liquor in public, and amending Section 12A.10.100 and  
5 Section 12A.24.025 of the Seattle Municipal Code.

6 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

7 Section 1. Section 12A.10.100 (Ordinance 102843, Section  
8 12A.12.140, as last amended by Ordinance 109674, Section 10) is  
9 further amended as follows:

10 12A.10.100 Urinating in public.

11 A. A person is guilty of urinating in public if he or she  
12 intentionally urinates or defecates in a public place, other  
13 than a washroom or toilet room, under circumstances where such  
14 act could be observed by any member of the public.

15 B. "Public place" as used in this Section 12A.10.100 has  
16 the meaning defined in Section 12A.10.010 A3.

17 C. Except as provided in subsection D, ((A))any person  
18 who violates this Section 12A.10.100 shall be guilty of a vio-  
19 lation as defined in Section 12A.02.080.

20 D. Any person who violates this section and previously  
21 has either violated this section or has failed to appear as  
22 directed when served with a citation and notice to appear for a  
23 violation of this section is guilty of a misdemeanor.

24 Section 2. Section 12A.24.025 of the Seattle Municipal  
25 Code (Ordinance 113566, Section 1) is amended as follows:

26 12A.24.025 Unlawful consuming of liquor, opening a  
27 container of liquor, or possessing an open  
28 container of liquor, each in a public place.

A. Except as specifically permitted under Title 66 RCW,  
no person shall:

1. Open a bottle, can or other receptacle containing  
liquor in a public place;

2. Possess an open bottle, can or other receptacle  
containing liquor in a public place; or

3. Consume liquor in a public place.

1           B. "Public place," as used in this section, means and  
2 includes any ((unvacated)) street or alley in the City, or state  
3 or county highway or road; any building or grounds used for  
4 school purposes; any public dance hall or grounds adjacent  
5 thereto; any part of an establishment where beer may be sold  
6 under Title 66 RCW, soft-drink establishment, public building,  
7 public meeting hall, lobby, hall, or dining room of any hotel,  
8 restaurant, theater, store, garage or filling station which is  
9 open to and is generally used by the public and to which the  
10 public is permitted to have unrestricted access; any railroad  
11 train, stage or other public conveyance of any kind or char-  
12 acter, and any depot or waiting room used in conjunction  
13 therewith that is open to unrestricted use and access by the  
14 public; any publicly owned bathing beach, park or playground;  
15 and any other place of like or similar nature to which the  
16 general public has unrestricted right of access, and that is  
17 generally used by the public; but shall not mean or include any  
18 park under the control of the State Parks and Recreation  
19 Commission or any park or picnic area adjacent to and held by  
20 the same ownership as a licensed brewer or domestic winery for  
21 the consumption of beer or wine produced by the respective  
22 brewery or winery, as prescribed by regulations adopted by the  
23 Washington State Liquor Control Board.

24           C. ~~((An offense under this section is designated as a  
25 crime punishable as provided in SMC Section 12A-02-070))~~ Except  
26 as provided in subsection D of this section, any person who  
27 violates this section is guilty of a violation and shall be  
28 punished by a fine not to exceed One Hundred Dollars (\$100.00).

D. Any person who violates this section and previously  
has either violated this section or failed to appear as directed  
when served with a citation and notice to appear for a violation  
of this section is guilty of a misdemeanor and shall be punished

1 by imprisonment for not more than ninety (90) days or by a fine  
2 of not more than One Thousand Dollars (\$1,000.00), or by both  
3 such imprisonment and fine.

4 Section 3. The provisions of this ordinance are declared  
5 to be separate and severable. The invalidity of any clause,  
6 sentence, paragraph, subdivision, section or portion of this  
7 ordinance, or the invalidity of the application thereof to any  
8 person or circumstance shall not affect the validity of the  
9 remainder of this ordinance, or the validity of its application  
to other persons or circumstances.

10 Section 4. This ordinance shall take effect and be in  
11 force thirty days from and after its passage and approval, if  
12 approved by the Mayor; otherwise it shall take effect at the  
13 time it shall become a law under the provisions of the City  
14 Charter.

15 Passed by the City Council the 4<sup>th</sup> day of October,  
16 1993, and signed by me in open session in authentication of its  
17 passage this 4<sup>th</sup> day of October, 1993.

18 Geo. Benson  
19 President of the City Council

20 Approved by me this 7<sup>th</sup> day of October, 1993.

21 Norman B. Rice  
22 Norman B. Rice, Mayor

23 Filed by me this 7<sup>th</sup> day of October, 1993.

24 Margaret Carter  
25 Deputy Clerk

26 (SEAL)

27 Published \_\_\_\_\_

28

# STATE OF WASHINGTON - KING COUNTY

35775  
City of Seattle

-S-

## City of Seattle ORDINANCE 116896

AN ORDINANCE creating the crime of repeatedly urinating or defecating in public, creating the crime of repeatedly opening or possessing a container of liquor or consuming liquor in public, and amending Section 12A.10.100 and Section 12A.24.025 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.10.100 (Ordinance 102843, Section 12A.12.140, as last amended by Ordinance 109674, Section 10) is further amended as follows:

12A.10.100 Urinating in public.

A. A person is guilty of urinating in public if he or she intentionally urinates or defecates in a public place, other than a washroom or toilet room, under circumstances where such act could be observed by any member of the public.

B. "Public place" as used in this Section 12A.10.100 has the meaning defined in Section 12A.10.010 A3.

C. Except as provided in subsection D. ((A))any person who violates this Section 12A.10.100 shall be guilty of a violation as defined in Section 12A.02.080.

D. Any person who violates this section and previously has either violated this section or has failed to appear as directed when served with a citation and notice to appear for a violation of this section is guilty of a misdemeanor.

Section 2. Section 12A.24.025 of the Seattle Municipal Code (Ordinance 113566, Section 1) is amended as follows:

12A.24.025 Unlawful consuming of liquor, opening a container of liquor, or possessing an open container of liquor, each in a public place.

A. Except as specifically permitted under Title 66 RCW, no person shall:

1. Open a bottle, can or other receptacle containing liquor in a public place;

2. Possess an open bottle, can or other receptacle containing liquor in a public place; or

3. Consume liquor in a public place.

B. "Public place," as used in this section, means and includes any ((unveated)) street or alley in the City, or state or county highway or road; any building or grounds used for school purposes; any public dance hall or grounds adjacent thereto; any part of an establishment where beer may be sold under Title 66 RCW, soft-drink establishment, public building, public meeting hall, lobby, hall, or dining room of any hotel, restaurant, theater, store, garage or filling station which is

public is permitted to have unrestricted access; any railroad train, stage or other public conveyance of any kind or character, and any depot or waiting room used in conjunction therewith that is open to unrestricted use and access by the public; any publicly owned bathing beach, park or playground; and any other place of like or similar nature to which the general public has unrestricted right of access, and that is generally used by the public; but shall not mean or include any park under the control of the State Parks and Recreation Commission or any park or picnic area adjacent to and held by the same ownership as a licensed brewer or domestic winery for the consumption of beer or wine produced by the respective brewery or winery, as prescribed by regulations adopted by the Washington State Liquor Control Board.

C. ~~((An offense under this section is designated as a crime punishable as provided in ORC Section 12A.02.080))~~ Except as provided in subsection D of this section, any person who violates this section is guilty of a violation and shall be punished by a fine not to exceed One Hundred Dollars (\$100.00).

D. Any person who violates this section and previously has either violated this section or failed to appear as directed when served with a citation and notice to appear for a violation of this section is guilty of a misdemeanor and shall be punished by imprisonment for not more than ninety (90) days or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 4. 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 4th day of October, 1993, and signed by me in open session in authentication of its passage this 4th day of October, 1993.

GEORGE E. BENSON,  
President of the City Council  
Approved by me this 7th day of October, 1993.  
NORMAN B. RICE,  
Mayor.  
Filed by me this 7th day of October, 1993.  
(Seal) MARGARET CARTER,  
Deputy Clerk