

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 2091

AN ORDINANCE relating to offenses against public order repealing Sections 7.32.020 and 7.32.040 of the Bellevue City Code; amending Section 7.32.050; and adding new Sections 7.32.035, 7.32.040, 7.32.070 and 7.32.080; and repealing Sections 7.40.090 and 7.40.120 of the chapter on vagrancy in the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON  
ORDAIN AS FOLLOWS:

Section 1. Bellevue City Code, Sections 7.32.020 and 7.32.040; Ordinance 43 §§ 8.5 and 8.4, are hereby repealed.

Section 2. Bellevue City Code, Chapter 7.32 and Section 7.32.050, Ordinance 43 § 8.5 are amended as follows:

7.32 Offenses against Public Order Peace

Sections:

7.32.010 Disturbing Meetings  
~~7.32.020-Riot~~  
7.32.030 Unlawful Assembly  
7.32.035 Failure to Disperse  
7.32.040 Offenses in Public Conveyances  
7.32.050 Disorderly Conduct  
7.32.060 Telephone Harassment  
7.32.070 Disruption of School Activities  
7.32.080 Wandering or Prowling

7.32.050 Disorderly conduct. Any conduct ~~not-herein specifically-described~~ which tends to or does disturb the public peace, provoke disorder, or endanger the safety of others, shall be unlawful. ~~and-any-person-convicted-of-a-violation-of-this section-shall-be-guilty-of-a-misdemeanor-~~ (Ord. 43 §8.5, as amended by Ord. 962; November 1, 1966).

Section 3. The following new sections are hereby added to Chapter 7.32 of the Bellevue City Code:

7.32.035 Failure to disperse.

A. Every person who refuses or intentionally fails to disperse or refrain from activity which creates a risk of causing injury to any person or property is guilty of a misdemeanor; provided, that prior to making arrests an order to disperse was given by a law enforcement officer, and a reasonable time was allowed for dispersion.

- B. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media, unless he is physically obstructing lawful efforts by such officer to disperse the parties.

7.32.040 Offenses in public. It is unlawful for a person in public to:

- A. Refuse to pay proper fare in a public conveyance; or
- B. Open or drink any intoxicating liquor in a public conveyance or public place not previously authorized by law, or
- C. Sell any liquor to any person apparently under the influence of liquor.

7.32.070 Disruption of school activities.

- (1) A person is guilty of disruption of school activities if he comes into or remains in any school building, classroom, or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful reason, and intentionally causes undue disruption of the activities of the school.
- (2) As used in this section "school" has its ordinary meaning and also includes, universities, colleges, community colleges, and institutions of higher education.

7.32.080 Wandering or prowling. Any person who wanders or prowls in a place, at a time, or in a manner, and under circumstances, which manifest an unlawful purpose or which warrant alarm for the safety of persons or property in the vicinity is hereby declared to be a vagrant, and is guilty of a misdemeanor.

Among circumstances which may be considered as manifesting an unlawful purpose or warranting alarm for the safety of persons or property, for purposes of this section, is flight by a person upon the appearance of a police officer, the refusal of a person to identify himself to a police officer, or an attempt by a person to conceal himself or any object from a police officer.

No arrest shall be made under this section, nor shall any person be convicted of an offense under this section, unless the police officer first advises such person of his 5th Amendment constitutional rights and then affords an opportunity for a person suspected of violating this section to dispel any alarm which would otherwise be warranted by requesting such person to identify himself and explain his presence and conduct, unless flight by the suspected violator, or other circumstances, makes it impractical for the police officer to afford such an opportunity. No person shall be

convicted of an offense under this section if it appears at trial that the explanation given by the suspected violator was true and, if believed by the police officer at the time, would have dispelled the alarm.

Section 4. Bellevue City Code, Section 7.40.130, Ordinance 1085 § 2 is hereby repealed.

Section 5. Bellevue City Code, Sections 7.40.090 and 7.40.120 of Ordinance 43 § 10.1 (9) and (12), as amended by Ordinance 430 are hereby repealed.

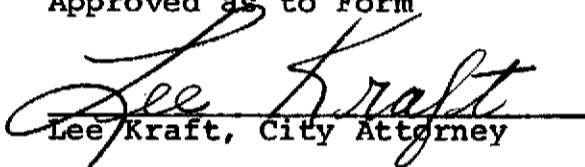
Section 6. This ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council this 10 day of June, 1974, and signed in authentication of its passage this 10 day of June, 1974.

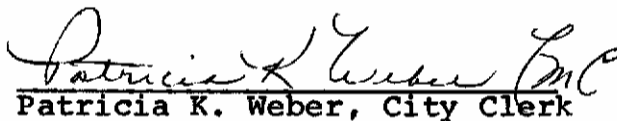
(SEAL)

  
Richard M. Foreman, Mayor

Approved as to Form

  
Lee Kraft, City Attorney

Attest:

  
Patricia K. Weber, City Clerk

Published June 27, 1974