

ORDINANCE 1217
AN ORDINANCE RELATING TO LOITERING, AMENDING ORDINANCE 1001,
REMOVING SECTION 9.50.20 "ORDER TO DISPERSE", AND PROVIDING AN
EFFECTIVE DATE.

RECITALS:

WHEREAS, the City Council, in consultation with its City Attorney and Police Department, has reviewed the matter of "Loitering" as defined in Title 9 chapter 9.50 of the Elma Municipal Code.

WHEREAS, in 1999, the Council adopted Ordinance #1001, relating to criminal law, adding new sections to TITLE 9- Public Peace, Morals and Welfare.

WHEREAS, based upon the recommendations of the City Attorney and the Police Department, the council would like to amend Ordinance 1001 and remove Section 9.50.20 "Order to Disperse,"

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ELMA
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

SECTION 1: Ordinance #1001 shall be amended and Chapter 9.50.20 "Order to Disperse," shall be removed in its entirety. The removed section reads as follows:

A. It is unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;

2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevent the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in subsection A of this section, a police officer or any law enforcement officer shall have the authority to order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a misdemeanor.

SECTION 2. EFFECTIVE DATE: This ordinance and its provisions shall become effective upon the fifth day following publication.

SECTION 3. SEVERABILITY: Should any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance be found unconstitutional or invalid for any reason, such finding shall not affect the validity of the remaining portion of this ordinance.

PASSED THIS 7 DAY OF October, 2024, by the City Council of the City of Elma, and signed in authentication thereof this 7 day of October, 2024.

CITY OF ELMA:

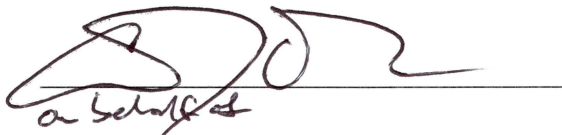

JOSH COLLETTE, Mayor

ATTEST:



AMY DURGA, Clerk-Treasurer

APPROVED AS TO FORM:


on behalf of

LISA WOOD, City Attorney

STATE OF WASHINGTON)
: ss.
GRAYS HARBOR COUNTY)

ORDINANCE - 2
10/07/2024

CITY OF ELMA
202 W Main St.
Elma, WA 98568

I, AMY DURGA, being the duly appointed Clerk-Treasurer of the City of Elma, do certify that I caused to have published in a newspaper of general circulation in the City of Elma a true and correct summary of Ordinance Number _____ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number _____, as it was published, is on file in the appropriate records of the City of Elma.

AMY DURGA

SIGNED AND SWORN to before me this _____ day of October, 2024.

NOTARY PUBLIC IN AND FOR THE STATE OF
WASHINGTON, Residing at:
My appointment expires: