



Legislation Details (With Text)

File #: CB 120521 **Version:** 1 **Name:** CB 120521
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk
On agenda: 3/14/2023
Final Action: 3/14/2023 **Ord. No.** Ord 126778
Title: AN ORDINANCE relating to the City's criminal code; amending elements and defenses of property destruction; and amending Section 12A.08.020 of the Seattle Municipal Code.
Sponsors: Lisa Herbold
Indexes:
Attachments: 1. Summary and Fiscal Note, 2. Signed Ordinance 126778, 3. Affidavit of Publication

Date	Ver.	Action By	Action	Result
3/14/2023	1	City Clerk	attested by City Clerk	
3/14/2023	1	Mayor	returned	
3/14/2023	1	Mayor	Signed	
3/14/2023	1	City Clerk	submitted for Mayor's signature	
3/14/2023	1	City Council	passed	Pass
3/7/2023	1	City Council	referred	
3/2/2023	1	Council President's Office	sent for review	
2/24/2023	1	City Clerk	sent for review	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to the City's criminal code; amending elements and defenses of property destruction; and amending Section 12A.08.020 of the Seattle Municipal Code.

WHEREAS, graffiti remains a significant public nuisance that the City devotes millions of taxpayer dollars to combat, including the Clean City Initiative; and

WHEREAS, amending SMC 12A.08.020 to more closely align with RCW 9A.48.090 furthers the City's efforts to combat the negative effects of graffiti on the public health, safety, and welfare. Now, therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.08.020 of the Seattle Municipal Code, last amended by Ordinance 123191, is amended as follows:

12A.08.020 Property destruction

A. A person is guilty of property destruction if ~~((he or she))~~ the person intentionally:

1. ~~((Intentionally damages))~~ Damages the property of another; or

2. Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property.

B. 1. It is an affirmative defense to property destruction under subsection 12A.08.020.A.1 that the actor reasonably believed that he had a lawful right to damage such property.

~~((2. It is an affirmative defense to property destruction under subsection 12A.08.020.A.2 that the actor had obtained express permission of the owner or operator of the building, structure, or property.))~~

C. Property destruction is a gross misdemeanor.

Section 2. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Elizabeth M. Adkisson, Interim City Clerk

(Seal)

Attachments (if any):