

Title 9

CRIMINAL CODE

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Chapter 9.01**PRELIMINARY ARTICLE**

Sections:

- 9.01.010 Title – Effective date – Applicability.
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- 9.01.050 Contempt.
- 9.01.060 Penalty.
- 9.01.065 Reimbursement of costs.
- 9.01.070 Construction.

9.01.010 Title – Effective date – Applicability.

A. This title shall be known and may be cited as the “Clyde Hill Municipal Criminal Code” and shall be effective on July 1, 1990.

B. The provisions of this title shall apply to any offense committed on or after July 1, 1990, which is defined in this title unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.

C. The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to July 1, 1990, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted. (Ord. 629 § 1, 1990)

9.01.015 Copies of adopted statutes on file.

Incident to the adoption by reference of certain state laws contained in the Revised Code of Washington, one copy of the text of the statutes adopted by reference in this title shall be filed with the town clerk for use and examination by the public. (Ord. 629 § 3, 1990)

9.01.020 General provisions.

The following state statutes, including all future amendments, are adopted by reference: RCW

- 9.01.055 Citizen immunity if aiding an officer
- 9.01.110 Omission, when not punishable
- 9.01.130 Sending letter, when complete
- 9A.04.020 Purposes – Principles of construction
- 9A.04.040 Classes of crime
- 9A.04.050 People capable of committing crimes – Capability of children
- 9A.04.060 Common law to supplement statutes
- 9A.04.070 Who amenable to criminal statutes
- 9A.04.090 Application of general provisions of the code
- 9A.04.100 Proof beyond a reasonable doubt
- 9A.04.110 Definitions
(Ord. 629 § 1, 1990)

9.01.030 Principles of liability.

The following state statutes, including all future amendments, are adopted by reference: RCW

- 9A.08.010 General requirements of culpability
- 9A.08.020 Liability of conduct of another – Complicity
- 9A.08.030 Criminal liability of corporations and persons acting under a duty to act in their behalf
(Ord. 629 § 1, 1990)

9.01.040 Defenses.

The following state statutes, including all future amendments, are adopted by reference: RCW

- 9A.12.010 Insanity
- 9A.16.010 Definition
- 9A.16.020 Use of force – When lawful
- 9A.16.060 Duress
- 9A.16.070 Entrapment

9.01.050

9A.16.080 Action for being detained on mercantile establishment of premises for investigation – “Reasonable grounds” as defense

9A.16.090 Intoxication
(Ord. 629 § 1, 1990)

9.01.050 Contempt.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 7.20.010 Contempt of court defined
- 7.20.020 Punishment – General
- 7.20.030 Contempt in presence of court – Summary punishment
- 7.20.040 Procedure in other cases
- 7.20.050 Production of defendant if in custody
- 7.20.060 How prosecuted
- 7.20.070 Return of warrant – Examination of defendant
- 7.20.090 Judgment and sentence
- 7.20.100 Indemnity to injured party
(Ord. 629 § 1, 1990)

9.01.060 Penalty.

A. Any person convicted of a gross misdemeanor shall be punished by a fine not to exceed \$5,000 or by imprisonment in jail for a term not to exceed one year, or by both such fine and imprisonment.

B. Unless otherwise provided, any person convicted of violating the provisions of this title shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000 or by imprisonment in jail for a term not to exceed 90 days, or by both such fine and imprisonment.

C. Violations of Chapter 69.50 RCW.

1. A person who is convicted of a misdemeanor violation of any provision of Chapter 69.50 RCW, which is adopted by reference, shall be punished by imprisonment for not less than 24 consecutive hours, and by a fine of not less than \$250.00. On a second or subsequent conviction, the fine shall not be less than

\$500.00. These fines shall be in addition to any other fine or penalty imposed.

2. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant’s physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of 40 hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

3. The court’s imposition of a misdemeanor penalty for a violation of any provision of Chapter 69.50 RCW does not preclude property seizures to the extent such seizures do not constitute double jeopardy. (Ord. 732 § 1, 1995; Ord. 629 § 1, 1990)

9.01.065 Reimbursement of costs.

A. State Statutes Adopted by Reference. The following state statutes, as they now exist or may hereafter be amended, are hereby adopted by reference:

- 1. RCW 9.92.070 Payment of fine and costs in installments.
- 2. RCW 9.92.130 City jail prisoners may be compelled to work.
- 3. RCW 9.92.140 County jail prisoners may be compelled to work.
- 4. RCW 9.95.210 Conditions of probation.
- 5. RCW 10.01.160 Costs – What constitutes – Payment by defendant – Procedure – Remission.
- 6. RCW 10.01.170 Fines or costs – Payment within specified time or installments.

- 7. RCW 10.01.180 Fine or costs – Default in payment – Contempt of court – Enforcement, collection procedures.
- 8. RCW 10.05.140 Conditions of granting.
- 9. RCW 10.22.020 Procedures – Costs.
- 10. RCW 10.46.190 Liability of convicted person for costs – Jury fee.
- 11. RCW 10.64.015 Judgment to include costs – Exception.
- 12. RCW 10.64.080 Judgments a lien on realty.
- 13. RCW 10.64.120 Referral assessment – Probation department oversight committee.
- 14. RCW 10.70.010 Commitment until fine and costs are paid.
- 15. RCW 10.73.160 Court fees and costs.
- 16. RCW 10.82.010 Execution for fines and costs.
- 17. RCW 10.82.020 Stay of execution for sixty days on recognizance.
- 18. RCW 10.82.025 Effect of recognizance – Execution of judgment after sixty days.
- 19. RCW 10.82.030 Commitment for failure to pay fine and costs – Execution against defendant’s property – Reduction by payment, labor, or confinement.
- 20. RCW 10.82.040 Commitment for failure to pay fine and costs – Reduction of amount by performance of labor.
- 21. RCW 10.82.070 Disposition of monetary payments.
- 22. RCW 10.82.090 Interest on judgments – Disposition of nonrestitution interest.
- 23. RCW 38.52.010 Definitions.

- 24. RCW 38.52.430 Emergency response caused by person’s intoxication – Recovery of costs from convicted person.

B. Court to Order Reimbursement.

1. The court may require a convicted defendant to pay costs. For the purpose of this section, whenever the court has levied a fine or assessed costs against a corporation or incorporated association, the person or persons authorized to make disbursements from the assets of said organization shall be deemed to be the defendant.

2. Costs shall include all costs and expenses authorized to be recouped by law and specifically incurred by the town in prosecuting the defendant or which arise out of the defendant’s criminal conduct. These shall include, but not be limited to, the expense of providing the defendant with assistance of counsel, any witness fees and mileage incurred, any costs in providing an interpreter, filing fees and appellate costs, and any other costs determined by the court to have been incurred by the town and properly subject to recoupment.

C. The provisions of this section shall apply to any person who is convicted of violating any criminal ordinance contained in any portion of this code, including, but not limited to, any person convicted of a criminal violation of CHMC Title 9, CHMC Title 10, and/or a negligent driving in the first degree. (Ord. 783 § 1, 1998; Ord. 689 § 1, 1993)

9.01.070 Construction.

In adopting the state statutes by reference, only those crimes and offenses within the jurisdiction of a municipality are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors and gross misdemeanors is to be applied. (Ord. 629 § 1, 1990)

Chapter 9.04

ALCOHOLIC BEVERAGES

Sections:

- 9.04.010 Alcoholic beverage control – Enforcement.
- 9.04.030 Opening or consuming liquor or possessing an open container of liquor in public places.

9.04.010 Alcoholic beverage control – Enforcement.

The following state statutes, including all future amendments, are adopted by reference and wherever the word “title” or words “this title” are used therein, the same shall be construed to mean and refer to RCW Title 66 and “this act” shall mean and refer to the Washington State Liquor Act:

RCW

- 66.04.010 Definitions
- 66.20.200 Unlawful acts relating to card of identification and certification card
- 66.20.210 Licensee’s immunity to prosecution or suit – Certification card as evidence of good faith
- 66.28.090 Licensed premises open to inspection – Failure to allow
- 66.44.010 Local officers to enforce law – Authority of board – Liquor enforcement officers
- 66.44.040 Sufficiency of description of offenses in complaints, informations, process, etc.
- 66.44.050 Description of offense in words of statutes – Proof required
- 66.44.060 Proof of unlawful sale establishes prima facie intent
- 66.44.070 Certified analysis is prima facie evidence of alcoholic content
- 66.44.080 Service of process on corporation
- 66.44.090 Acting without license
- 66.44.120 Unlawful use of seal
- 66.44.130 Sale of liquor by drink or bottle

- 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal – Unlawful operation, possession of still or mash
- 66.44.150 Buying liquor illegally
- 66.44.160 Illegal possession, transportation of alcoholic beverages
- 66.44.170 Illegal possession of liquor with intent to sell – Prima facie evidence, what is
- 66.44.175 Violations of law
- 66.44.180 General penalties – Jurisdiction for violation
- 66.44.200 Sales to persons apparently under the influence of liquor
- 66.44.210 Obtaining liquor for ineligible person
- 66.44.240 Drinking in public conveyance – Penalty against carrier
- 66.44.250 Same – Penalty against individual
- 66.44.270 Furnishing liquor to minors – Possession, use – Exceptions
- 66.44.280 Minor applying for permit
- 66.44.290 Minor purchasing liquor
- 66.44.291 Penalty for minor purchasing or attempting to purchase liquor
- 66.44.300 Treating minor, etc., in public place where liquor sold
- 66.44.320 Sales of liquor to minors a violation
- 66.44.325 Unlawful transfer to a minor of an identification card
- 66.44.328 Unlawful to transfer to a minor of a forged, altered, etc., identification card
- 66.44.340 Employees 18 years and over allowed to sell and carry beer and wine for class E and/or F employees
- 66.44.370 Resisting or opposing officers in enforcement of title

(Ord. 634 § 2, 1990; Ord. 629 § 1, 1990)

9.04.030 Opening or consuming liquor or possessing an open container of liquor in public places.

Except as permitted by RCW Title 66, no person shall open a package containing liquor or possess an open container of liquor, or consume liquor in a public place. Violation of this section is a misdemeanor. (Ord. 629 § 1, 1990)

Chapter 9.08

ANTICIPATORY OFFENSES

Sections:

9.08.010 Anticipatory offenses prohibited.

9.08.010 Anticipatory offenses prohibited.

The following state statutes, including all future amendments, are adopted by reference:

RCW

9A.28.020

(1), (2), (3)(e) Criminal attempt

9A.28.030 Criminal solicitation

9A.28.040

(1), (2), (3)(e) Criminal conspiracy

(Ord. 629 § 1, 1990)

Chapter 9.10

**CHILDREN AND MINORS – CRIMES
RELATING TO**

Sections:

- 9.10.010 Conduct prohibited.
- 9.10.020 Contributing to the delinquency of a minor.
- 9.10.030 Leaving children unattended.

9.10.010 Conduct prohibited.

The following state statute, including all future amendments, is adopted by reference:
RCW

- 9.68A.090 Communicating with a minor for immoral purposes
(Ord. 629 § 1, 1990)

9.10.020 Contributing to the delinquency of a minor.

In all cases when any child is dependent or delinquent as defined in RCW 13.34.030, any person who, by act or omission, encourages, causes, or contributes to the dependency or delinquency of such child, shall be guilty of a misdemeanor. (Ord. 629 § 1, 1990)

9.10.030 Leaving children unattended.

It is unlawful for any person having the care, custody and/or control of minor children under the age of 12 years, to leave such children in a parked automobile unattended by an adult over the age of 18 years, while such vehicle is standing upon a street or alley or in a public place. Every person convicted of a violation of the provisions of this section shall be guilty of leaving children unattended, a misdemeanor. (Ord. 629 § 1, 1990)

Chapter 9.14

**CONTROLLED SUBSTANCES,
PARAPHERNALIA, POISONS AND
TOXIC FUMES**

Sections:

- 9.14.010 State statutes adopted by reference.
- 9.14.020 Drug paraphernalia – Possession prohibited.
- 9.14.030 Inhaling toxic fumes.
- 9.14.040 Poisons.

9.14.010 State statutes adopted by reference.

The following state statutes, including all future amendments, are adopted by reference:
RCW

- 69.50.101 Definitions
- 69.50.102 Drug paraphernalia – Definitions
- 69.50.204
- (d)(13) Schedule I – Marijuana
- 69.50.309 Containers
- 69.50.4014 Possession of forty grams or less of marihuana – Penalty
- 69.50.412 Prohibited acts – E penalties
- 69.50.505 Seizure and forfeiture
- 69.50.506 Burden of proof
- 69.50.509 Search and seizure of controlled substances

(Ord. 862 § 1, 2004; Ord. 629 § 1, 1990)

9.14.020 Drug paraphernalia – Possession prohibited.

No person shall possess any drug paraphernalia as defined in RCW 69.50.102 with the intent to use or employ the same for manufacturing and/or consuming controlled substances. Possession of drug paraphernalia is a misdemeanor. (Ord. 629 § 1, 1990)

9.14.030 Inhaling toxic fumes.

The following state statutes, including all future amendments, are adopted by reference:
RCW

- 9.47A.010 Definition
- 9.47A.020 Unlawful inhalation – Exception

- 9.47A.030 Possession of certain substances prohibited, when
- 9.47A.040 Sale of certain substances prohibited, when
- (Ord. 629 § 1, 1990)

9.14.040 Poisons.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 69.38.010 Poison defined
- 69.38.020 Exceptions
- 69.38.030 Poison register
- 69.38.040 Poison register – Penalty for violations
- 69.38.050 False representations
- 69.38.060 License required
- (Ord. 629 § 1, 1990)

Chapter 9.18

FIRE – CRIMES RELATING TO

Sections:

- 9.18.010 Reckless burning.
- 9.18.020 False fire alarms and miscellaneous crimes.

9.18.010 Reckless burning.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 9A.48.010 Definitions
- 9A.48.050 Reckless burning in the second degree
- 9A.48.060 Reckless burning – Defenses
- (Ord. 629 § 1, 1990)

9.18.020 False fire alarms and miscellaneous crimes.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 9.40.100 Injuring or tampering with fire alarm apparatus or equipment – Sounding false alarm of fire
- (Ord. 732 § 2, 1995; Ord. 629 § 1, 1990)

Chapter 9.20

FIREARMS AND DANGEROUS WEAPONS

Sections:

- 9.20.010 Firearms and dangerous weapons – Prohibitions.
- 9.20.020 Unlawful use of airguns – Penalty.
- 9.20.030 *Repealed.*

9.20.010 Firearms and dangerous weapons – Prohibitions.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 9.41.010 Terms defined
 - 9.41.050 Carrying pistol
 - 9.41.060 Exception
 - 9.41.080 Delivery to minors and others forbidden
 - 9.41.098 Forfeiture of firearms, order by courts – Return to owner – Confiscation by law enforcement officer
 - 9.41.100 Dealers to be licensed
 - 9.41.120 Certain transfers forbidden
 - 9.41.130 False information forbidden
 - 9.41.140 Alteration of identifying marks prohibited
 - 9.41.150 Exceptions
 - 9.41.170 Alien’s license to carry firearms – Exception
 - 9.41.230 Aiming or discharging firearms
 - 9.41.240 Use of firearms by minor
 - 9.41.250 Dangerous weapons – Evidence
 - 9.41.260 Dangerous exhibitions
 - 9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful – Penalty – Exceptions
 - 9.41.280 Students carrying dangerous weapons on school property
- (Ord. 629 § 1, 1990)

9.20.020 Unlawful use of airguns – Penalty.

A. It is unlawful for any person to point or shoot an airgun at any person or property of another, or to aim or discharge such weapon in the direction of the person or residence of another, while within such range as to cause or inflict injury to the person or damage the property of another.

B. As used in this section, “air gun” means and includes the following: Airgun, airpistol, air-rifle, BB gun and toy or other guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB, rock or other hard substance a distance of more than 25 feet with sufficient force to break windows or inflict injury upon persons or animals.

C. Any person convicted of a violation of the provisions of this section is guilty of a misdemeanor and, in addition to any other punishment imposed by the court, the court shall direct that the weapon so used in violation of the provisions hereof be confiscated. (Ord. 629 § 1, 1990)

9.20.030 Weapons prohibited on liquor sale premises.

Repealed by Ord. 732. (Ord. 629 § 1, 1990)

Chapter 9.22

FRAUDS, SWINDLES AND FALSE REPRESENTATIONS

Sections:

- 9.22.010 Frauds and swindles.
- 9.22.020 False representations.

9.22.010 Frauds and swindles.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 9.04.010 False advertising
- 9.26A.110 Fraud in obtaining telecommunications service – Penalty
- 9.26A.120 Fraud in operating coin-box telephone or other receptacle
- 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin
- 9.45.060 Encumbered, leased or rented personal property
- 9.45.062 Failure to deliver leased personal property – Requisites for prosecution – Construction
- 9.45.070 Mock auctions
- 9.45.080 Fraudulent removal of property
- 9.45.090 Knowingly receiving fraudulent conveyance
- 9.45.100 Fraud in assignment for benefit of creditors
- 9A.56.220 Fraud in obtaining cable television services
- 9A.60.040 Criminal impersonation in the first degree
- 9A.60.045 Criminal impersonation in the second degree
- 9A.60.050 False certification
(Ord. 862 § 2, 2004; Ord. 768 § 1, 1997; Ord. 629 § 1, 1990)

9.22.020 False representations.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 9.38.010 False representation concerning credit
- 9.38.020 False representation concerning title
(Ord. 629 § 1, 1990)

9.24.010

Chapter 9.24

PARKS

Sections:

9.24.010 Public site rules.

9.24.020 Hours.

9.24.030 Penalty.

9.24.010 Public site rules.

The following rules shall apply and be in force in all public parks and other publicly owned facilities within the town:

A. No alcoholic beverages shall be allowed in those areas open to the general public, except that this prohibition shall not apply to premises duly licensed by the state Liquor Control Board pursuant to Chapter 66.20 RCW.

B. No person shall remain in or about the vicinity of restroom facilities without a lawful purpose.

C. There shall be no overnight camping, except such that is scheduled under the town's recreation program.

D. The discharge and possession of fireworks shall be prohibited unless specifically authorized by a permit issued by the town.

E. No airguns shall be displayed or used, except when displayed or used by duly authorized law enforcement officers in the performance of their duties.

F. No motor-powered vehicle shall be allowed in other than designated parking areas, except vehicles duly authorized by the town.

G. No pets shall be allowed that are not leashed, caged or otherwise securely restrained from running free.

H. No fires shall be allowed in other than designated areas.

I. No horses shall be permitted to enter or remain, except that horses may be permitted in areas specially designated by the town. (Ord. 629 § 1, 1990)

9.24.020 Hours.

All public parks and other town facilities open to the public within the town shall be closed between the hours of 10:00 p.m. and 7:00 a.m.; provided that, the 10:00 p.m. closing hour shall not apply to activities scheduled by the town. No person shall enter or remain in a public park or other town facilities open to the public after closing time. (Ord. 629 § 1, 1990)

9.24.030 Penalty.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction, shall be punished by a maximum fine of \$1,000 and 90 days in jail. (Ord. 629 § 1, 1990)

Chapter 9.26

PERSONS – CRIMES RELATING TO

Sections:

- 9.26.010 Assault and other crimes involving physical harm.
- 9.26.020 *Repealed.*
- 9.26.030 Menacing.
- 9.26.040 Aggressive begging.
- 9.26.050 Harassment.
- 9.26.060 Domestic violence – State statutes adopted by reference.
- 9.26.070 Custodial interference.
- 9.26.080 Violation of civil anti-harassment orders.

9.26.010 Assault and other crimes involving physical harm.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 9A.36.041 Assault in the fourth degree
- 9A.36.050 Reckless endangerment
- 9A.36.070 Coercion
- 9.61.230 Telephone calls to harass, intimidate, torment or embarrass
- 9.61.240 Same – Permitting telephone to be used
- 9.61.250 Same – Offenses, where deemed committed

(Ord. 629 § 1, 1990)

9.26.020 Provoking assault.

Repealed by Ord. 732. (Ord. 629 § 1, 1990)

9.26.030 Menacing.

A person is guilty of menacing when he knowingly causes or attempts to cause another person to believe that he or any member of his family will be the victim of serious physical

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injury or death. Menacing is a gross misdemeanor. (Ord. 629 § 1, 1990)

9.26.040 Aggressive begging.

A. It is a crime for any person to engage in aggressive begging in any public place in the town, as those terms are defined by this section.

B. Definitions. As used in this section:

1. "Aggressive begging" means to beg with intent to intimidate another person into giving money or goods.

2. "Beg" means to ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.

3. "Intimidate" means to coerce or frighten into submission or obedience.

4. "Public place" means any road, alley, lane, parking area, sidewalk or any place, private or otherwise, adapted to and fitted for vehicular or pedestrian travel, that is in common use by the public with the consent, expressed or implied, of the owner or owners, and further, any public playground, school grounds, recreation grounds, parks, parkways, park drives, park paths and rights-of-way open to the use of the public. (Ord. 629 § 1, 1990)

9.26.050 Harassment.

The following state statutes, including all future amendments, are adopted by reference: RCW

9A.46.020 Definition – Penalties

9A.46.030 Place where committed

9A.46.040 Court-ordered requirements upon person charged with crime – Violation

9A.46.050 Arraignment – No-contact order

9A.46.060 Crimes included in harassment

9A.46.070 Enforcement of orders restricting contact

9A.46.080 Order restricting contact – Violation

9A.46.090 Nonliability of peace officer

9A.46.100 "Convicted," time when (Ord. 629 § 1, 1990)

9.26.060 Domestic violence – State statutes adopted by reference.

The following state statutes, including all future amendments, are adopted by reference: RCW

10.99.020 Definitions

10.99.030 Law enforcement officers – Training, powers, duties

10.99.040 Restrictions upon and duties of court

10.99.045 Appearances by defendant – Orders prohibiting contact

10.99.050 Restriction or prohibition of contact with victim – Procedures

10.99.055 Enforcement of orders against defendants

26.50.010 Definitions

26.50.020 Commencement of action – Jurisdiction – Venue

26.50.030 Petition for an order for protection – Availability of forms and instructional brochures – Filing fee – Bond not required

26.50.040 Application for leave to proceed in forma pauperis

26.50.050 Hearing – Service – Time

26.50.060 Relief

26.50.070 Ex parte temporary order for protection

26.50.080 Issuance of order – Assistance of peace officer – Designation of appropriate law enforcement agency

26.50.090 Order – Service

26.50.100 Order – Transmittal to law enforcement agency – Record in law enforcement information system – Enforceability

26.50.120 Violation of order – Prosecuting attorney or attorney for municipality may be requested to assist – Costs and attorney's fees

26.50.130 Order – Modification – Transmittal

26.50.140 Peace officers – Immunity

26.50.200 Title of real estate – Effect

26.50.210 Proceedings additional

(Ord. 629 § 1, 1990)

9.26.070

9.26.070 Custodial interference.

The following state statutes, including all future amendments, are adopted by reference:

RCW

9A.40.070 Custodial interference in the second degree

9A.40.080 Custodial interference – Assessment of costs – Defense – Consent defenses, restricted

(Ord. 629 § 1, 1990)

9.26.080 Violation of civil anti-harassment orders.

It is a gross misdemeanor to willfully disobey a temporary or permanent anti-harassment order issued pursuant to Chapter 10.14 RCW. (Ord. 629 § 1, 1990)

Chapter 9.28

PROPERTY – CRIMES RELATING TO

Sections:

9.28.010 Theft, unauthorized issuance of bank checks and possession of stolen property.

9.28.020 Malicious mischief and obscuring identity of machines.

9.28.030 Trespass and related crimes.

9.28.040 Disruption of school activities.

9.28.010 Theft, unauthorized issuance of bank checks and possession of stolen property.

The following state statutes, including all future amendments, are adopted by reference: RCW

9A.56.010 Definitions

9A.56.020 Theft – Definition, defense

9A.56.050 Theft in third degree

9A.56.060

(1)(2)(3)(5)Unlawful issuance of checks or drafts

9A.56.140 Possessing stolen property – Definition, credit cards, presumption

9A.56.170 Possessing stolen property in the third degree

9.54.130 Restoration of stolen property – Duty of officers

9A.56.220 Theft of cable television services

9A.56.230 Unlawful sale of cable television services

9A.56.240 Forfeiture and disposal of device used to commit violation

9A.56.260 Connection of channel converter

9A.56.270 Shopping cart theft

(Ord. 629 § 1, 1990)

9.28.020 Malicious mischief and obscuring identity of machines.

The following state statutes, including all future amendments, are adopted by reference:

RCW

9A.48.090 Malicious mischief in the third degree

9A.48.100

(1) Malicious mischief and physical damage defined

9A.56.180 Obscuring identity of a machine (Ord. 629 § 1, 1990)

9.28.030 Trespass and related crimes.

The following state statutes, including all future amendments, are adopted by reference:

RCW

9A.52.010 Definitions

9A.52.060 Making or having burglary tools

9A.52.070 Criminal trespass in the first degree

9A.52.080 Criminal trespass in the second degree

9A.52.090 Criminal trespass – Defenses

9A.52.100 Vehicle prowling

9A.52.120 Computer trespass in the second degree

9A.52.130 Computer trespass – Commission of other crime

(Ord. 629 § 1, 1990)

9.28.040 Disruption of school activities.

A. A person is guilty of disruption of school activities if he or she 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 disruption of the activities of the school.

B. As used in this section, “school” has its ordinary meaning and also includes universities, colleges, community colleges and institutions of higher education. (Ord. 629 § 1, 1990)

Chapter 9.30

PUBLIC MORALS – CRIMES RELATING TO

Sections:

9.30.010 Definitions.

9.30.020 Unlawful public exposure.

9.30.030 Location of performers providing certain forms of entertainment restricted.

9.30.040 Unlawful public exposure – Exemptions.

9.30.050 Prostitution.

9.30.060 Prostitution – Sex of parties immaterial – No defense.

9.30.070 Patronizing a prostitute.

9.30.080 Facilitating offense.

9.30.090 Sexual exploitation of children.

9.30.100 Urinating in public.

9.30.010 Definitions.

As used in this chapter, the following words and terms shall have the meaning set forth in this section:

A. “Expressive dance” means any dance which, when considered in the context of the entire performance, constitutes an expression of theme, story, or ideas, but excluding any dance such as, but not limited to, common bar-room type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.

B. “Exposed” means the state of being revealed, exhibited or otherwise rendered to public view.

C. “Person” means and includes natural persons of either sex, firms, corporations and all associations of natural persons, whether

9.30.020

acting by themselves or by an agent, servant or employee.

D. "Public exposure" means the act of revealing, exhibiting or otherwise rendering open to public view.

E. "Public place" means any place in which the general public has a right to be present, and any area open to public view, whether or not conditioned upon payment of a fee, and includes but is not limited to, buildings open to the general public, whether or not access is restricted according to age, including those in which food and drink is served, or entertainment provided.

F. "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

G. "Sexual intercourse":

1. Has its ordinary meaning and occurs upon any penetration, however slight; and

2. Also means any penetration of the vagina or anus, however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and

3. Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

H. "Unlawful public exposure" means:

1. A public exposure of any portion of the human anus or genitals;

2. A public exposure of any portion of the female breast lower than the upper edge of the areola; or

3. A public exposure consisting of touching, caressing or fondling of the male or female genitals or female breasts, whether clothed or unclothed; or

4. A public exposure consisting of masturbation, or of urination or defecation in a

place other than a restroom. (Ord. 629 § 1, 1990)

9.30.020 Unlawful public exposure.

It is unlawful for any person to intentionally commit any act constituting unlawful public exposure of his person or the person of another. Unlawful public exposure is a misdemeanor, unless such person exposes himself/herself to a person under the age of 14 years, in which case the offense is a gross misdemeanor. (Ord. 629 § 1, 1990)

9.30.030 Location of performers providing certain forms of entertainment restricted.

No entertainer shall appear in any public place while unclothed or with any portion of the buttocks, genitals, pubic region or female breasts exposed, except upon a stage or other surface raised at least 18 inches above the level of the floor upon which the closest patrons are seated or standing, nor closer than six feet from the nearest patron. Any violation of this section is a misdemeanor. (Ord. 629 § 1, 1990)

9.30.040 Unlawful public exposure – Exemptions.

The prohibition set forth in CHMC 9.30.020 shall not apply to any:

A. "Expressive dance" as defined in CHMC 9.30.010;

B. Play, opera, musical or other dramatic work;

C. Class, seminar or lecture, conducted for a scientific or educational purpose; or

D. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities. (Ord. 629 § 1, 1990)

9.30.050 Prostitution.

A. A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

B. For purposes of this section, “sexual conduct” means “sexual intercourse” or “sexual contact” as defined in CHMC 9.30.010.

C. Prostitution is a misdemeanor. (Ord. 629 § 1, 1990)

9.30.060 Prostitution – Sex of parties immaterial – No defense.

In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial and therefore no defense exists based upon the sex of the parties. (Ord. 629 § 1, 1990)

9.30.070 Patronizing a prostitute.

A person is guilty of the misdemeanor of patronizing a prostitute if:

A. Pursuant to a prior understanding he or she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him; or

B. He or she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him; or

C. He or she solicits or requests another person to engage in sexual conduct with him in return for a fee. (Ord. 629 § 1, 1990)

9.30.080 Facilitating offense.

It is a misdemeanor for the owner, lessee, manager, operator or other person in charge of any public place to knowingly permit, encourage or cause to be committed, whether by commission or omission, any offense prohibited by CHMC 9.30.020 and 9.30.030 upon such premises. (Ord. 629 § 1, 1990)

9.30.090 Sexual exploitation of children.

The following state statutes, including all future amendments, are adopted by reference:
RCW

9.68A.011 Definitions

9.68A.070 Possession of depiction of minor engaged in sexually explicit conduct

9.68A.080 Processors of depictions of minor engaged in sexually explicit conduct

9.68A.110

(1)(2)(5) Certain defenses barred, permitted

9.68A.120 Seizure and forfeiture of property

9.68A.130 Recovery of costs of suit by minor

9.68A.140 Definitions

9.68A.150 Allowing minor on premises of live erotic performance

9.68A.160 Penalty

(Ord. 629 § 1, 1990)

9.30.100 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, or at a place and under circumstances where such act could be observed by any member of the public.

B. Urinating in public is a misdemeanor. (Ord. 629 § 1, 1990)

Chapter 9.32

**PUBLIC OFFICERS – CRIMES
RELATING TO**

Sections:

- 9.32.010 Obstructing public officers.
- 9.32.020 Obstructing justice, criminal assistance, introducing contraband and related offenses.
- 9.32.030 Escape.
- 9.32.040 Vehicles resembling police or fire vehicles.
- 9.32.050 Interference with and abuse of police dogs prohibited.

9.32.010 Obstructing public officers.

It is unlawful for any person to make any willfully untrue, misleading or exaggerated statement to, or willfully hinder, delay or obstruct any public officer in the discharge of his or her official powers or duties. Obstructing public officers is a misdemeanor. (Ord. 629 § 1, 1990)

9.32.020 Obstructing justice, criminal assistance, introducing contraband and related offenses.

The following state statutes, including all future amendments, are adopted by reference: RCW

- 9.69.100 Withholding knowledge of felony involving violence – Penalty
- 9A.72.010 Definitions
- 9A.72.040 False swearing
- 9A.72.060 False swearing – Retraction
- 9A.72.070 False swearing – Irregularities no defense
- 9A.72.080 Statement of what one does not know to be true
- 9A.72.140 Jury tampering
- 9A.72.150 Tampering with physical evidence
- 9A.76.010 Definitions
- 9A.76.030 Refusing to summon aid for a peace officer
- 9A.76.040 Resisting arrest

- 9A.76.050 Rendering criminal assistance – Definition of terms
- 9A.76.060 Relative defined
- 9A.76.090 Rendering criminal assistance – Definition of terms
- 9A.76.100 Compounding
- 9A.76.160 Introducing contraband in the third degree
- 9A.76.170
 - (1)(2)(d) Bail jumping
- 9A.84.040 False reporting (Ord. 629 § 1, 1990)

9.32.030 Escape.

The following state statutes, including all future amendments, are adopted by reference: RCW

- 9.31.090 Escaped prisoner recaptured
- 9A.76.130 Escape in the third degree (Ord. 629 § 1, 1990)

9.32.040 Vehicles resembling police or fire vehicles.

No person shall operate a motor vehicle within the town which is painted and contains decals, numbers, name or insignia so as to simulate a Clyde Hill police or fire department vehicle without prior authorization from the police chief, fire chief or their designees. Violation of this section is a misdemeanor. (Ord. 629 § 1, 1990)

9.32.050 Interference with and abuse of police dogs prohibited.

It is a misdemeanor for any person to willfully or maliciously interfere with, obstruct, torture, beat, kick, strike, or in any way abuse or harass any dog used by any police officer in discharging or attempting to discharge any legal duty or power of his office, under circumstances not amounting to “harming a police dog” as defined in RCW 9A.76.200. (Ord. 629 § 1, 1990)

Chapter 9.34**PUBLIC PEACE – CRIMES
RELATING TO**

Sections:

- 9.34.010 Disorderly conduct.
 9.34.020 Riot – Failure to disperse and obstruction.
 9.34.030 Privacy – Violating right of.
 9.34.040 *Repealed.*
 9.34.050 Malicious prosecutions – Abuse of process.

9.34.010 Disorderly conduct.

A. A person is guilty of disorderly conduct if he:

1. Intentionally disrupts any lawful assembly or meeting of persons without authority; or
2. Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or
3. Uses abusive language and thereby intentionally creates a risk of assault.

B. Disorderly conduct is a misdemeanor. (Ord. 737 § 1, 1996; Ord. 732 § 5, 1995; Ord. 629 § 1, 1990)

9.34.020 Riot – Failure to disperse and obstruction.

The following state statutes, including all future amendments, are adopted by reference:
RCW

9A.84.010

(1)(2)(b) Riot

9A.84.020 Failure to disperse

9.27.015 Interference, obstruction of any court, building or residence –
Violations

(Ord. 629 § 1, 1990)

9.34.030 Privacy – Violating right of.

The following state statutes, including all future amendments, are adopted by reference:
RCW

9.73.010 Divulging telegram

9.73.020 Opening sealed letter

- 9.73.030 Intercepting, recording or divulging private communication – Consent required – Exceptions
 9.73.070 Same – Persons and activities excepted
 9.73.090 Police and fire personnel exempted from RCW 9.73.030 through 9.73.080 – Standards
 9.73.100 Recordings available to defense counsel
 (Ord. 629 § 1, 1990)

9.34.040 Libel and slander.

Repealed by Ord. 732. (Ord. 629 § 1, 1990)

9.34.050 Malicious prosecutions – Abuse of process.

The following state statutes, including all future amendments, are adopted by reference:
RCW

9.62.010 Malicious prosecution

9.62.020 Instituting suit in name of another
(Ord. 629 § 1, 1990)

Chapter 9.36

MISCELLANEOUS CRIMES

Sections:

- 9.36.010 Conduct prohibited.
- 9.36.020 Littering and pollution.
- 9.36.030 *Repealed.*
- 9.36.040 Injury to animals.
- 9.36.050 Wounding or trapping of animals.
- 9.36.060 Throwing objects at moving vehicles.
- 9.36.070 *Repealed.*

9.36.010 Conduct prohibited.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 9.91.010 Denial of civil rights – Terms defined
- 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated
- 9.91.025 Unlawful bus conduct
- 9.91.110 Meal buyers – Records of purchases – Penalty
- 9.03.010 Abandoning, discarding refrigeration equipment
- 9.03.020 Permitting unused equipment to remain on premises
- 9.03.030 Violation of RCW 9.03.010 or 9.03.020
- 9.03.040 Keeping or storing equipment for sale

(Ord. 732 § 7, 1995; Ord. 629 § 1, 1990)

9.36.020 Littering and pollution.

The following state statutes, including all future amendments, are adopted by reference:

RCW

- 70.93.060 Littering
- 70.54.010 Polluting water supply

(Ord. 629 § 1, 1990)

9.36.030 United States and state flags – Crimes relating to.

Repealed by Ord. 732. (Ord. 629 § 1, 1990)

9.36.040 Injury to animals.

Any person who willfully and without authority in law kills, maims or disfigures an animal belonging to another, or exposes any poisons or noxious substance with intent that it should be taken by such animal, is guilty of a misdemeanor. (Ord. 629 § 1, 1990)

9.36.050 Wounding or trapping of animals.

Any person who willfully and without authority in law kills, wounds or traps an animal or bird, or removes or destroys the young of any such animal or the egg of any such bird is guilty of a misdemeanor. (Ord. 629 § 1, 1990)

9.36.060 Throwing objects at moving vehicles.

Any person who throws, pushes, rolls, drops, swings or otherwise propels or projects any object, thing or substance in such a manner as to strike or be likely to strike any moving vehicle on the public highways or streets is guilty of a misdemeanor. (Ord. 629 § 1, 1990)

9.36.070 Video games.

Repealed by Ord. 732. (Ord. 629 § 1, 1990)