

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 9.02

GENERAL PROVISIONS

Sections:

- 9.02.010 Burden of proof – Definitions – Chapter 9A.04 RCW et seq. adopted.
- 9.02.020 RCW construction.
- 9.02.030 Severability.
- 9.02.040 Complicity – RCW 9A.08.020 adopted.
- 9.02.050 Criminal attempt – RCW 9A.28.020 adopted.
- 9.02.060 Criminal conspiracy – RCW 9A.28.040 adopted.
- 9.02.070 Culpability – RCW 9A.08.010 adopted.
- 9.02.080 Liability of corporations – RCW 9A.08.030 adopted.
- 9.02.090 Citizen immunity if aiding a police officer – RCW 9.01.055 adopted.
- 9.02.100 Omissions – When not punishable – RCW 9.01.110 adopted.
- 9.02.110 Sending letter – When complete – RCW 9.01.130 adopted.
- 9.02.120 Insanity – RCW 9A.12.010 adopted.
- 9.02.130 Defenses – Chapter 9A.16 RCW et seq. adopted.

9.02.010 Burden of proof – Definitions – Chapter 9A.04 RCW et seq. adopted.

The following provisions of Chapter 9A.04 RCW are hereby adopted including any subsequent amendments thereto: 9A.04.100, 9A.04.110. (Ord. 90-34 § 2, 1990).

Editor's Note: Ord. 90-34 contained two sections numbered "2". The other is codified at § 9.02.040.

9.02.020 RCW construction.

In adopting the state's 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 felonies and misdemeanors or gross misdemeanors, only the language applicable to misdemeanors or gross misdemeanors is to be applied. (Ord. 90-34 § 7, 1990).

Editor's Note: Ord. 90-34 contained two sections numbered "7." The other is codified at § 9.02.090.

9.02.030 Severability.

If any section, sentence, clause or phrase of this title should be held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title. (Ord. 90-34 § 8, 1990).

Editor's Note: Ord. 90-34 contained two sections numbered "8". The other is codified at § 9.02.100.

9.02.040 Complicity – RCW 9A.08.020 adopted.

RCW 9A.08.020 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 2, 1990).

Editor's Note: Ord. 90-34 contained two sections numbered "2". The other is codified at § 9.02.010.

9.02.050 Criminal attempt – RCW 9A.28.020 adopted.

RCW 9A.28.020 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 3, 1990).

9.02.060 Criminal conspiracy – RCW 9A.28.040 adopted.

RCW 9A.28.040 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 4, 1990).

9.02.070 Culpability – RCW 9A.08.010 adopted.

RCW 9A.08.010, is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 5, 1990).

9.02.080 Liability of corporations – RCW 9A.08.030 adopted.

RCW 9A.08.030 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 6, 1990).

9.02.090 Citizen immunity if aiding a police officer – RCW 9.01.055 adopted.

RCW 9.01.055 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 7, 1990).

Editor's Note: Ord. 90-34 contained two sections numbered "7". The other is codified at § 9.02.020.

9.02.100 Omissions – When not punishable – RCW 9.01.110 adopted.

RCW 9.01.110 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 8, 1991).

Editor’s Note: Ord. 90-34 contained two sections numbered “8”. The other is codified at § 9.02.030.

9.02.110 Sending letter – When complete – RCW 9.01.130 adopted.

RCW 9.01.130 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 9, 1990).

9.02.120 Insanity – RCW 9A.12.010 adopted.

RCW 9A.12.010 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 10, 1990).

9.02.130 Defenses – Chapter 9A.16 RCW et seq. adopted.

The following provisions of Chapter 9A.16 RCW are hereby adopted including any subsequent amendments thereto: 9A.16.010, 9A.16.020, 9A.16.060, 9A.16.070, 9A.16.080, 9A.16.090, 9A.16.100. (Ord. 90-34 § 11, 1990).

Chapter 9.04

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

- 9.04.010 Rendering criminal assistance, escape – Chapter 9A.76 RCW et seq. adopted.
- 9.04.020 Escaped prisoner recaptured – RCW 9.31.090 adopted.
- 9.04.030 Obstructing governmental operations – Chapter 9A.76 RCW et seq. adopted.
- 9.04.040 False reporting – RCW 9A.84.040 adopted.
- 9.04.050 False report of child abuse – RCW 26.44.060 adopted.
- 9.04.060 Juries – Crimes relating to – Chapter 9.51 RCW et seq. adopted.
- 9.04.070 Perjury and interference with official proceedings – Chapter 9A.72 RCW et seq. adopted.
- 9.04.080 Committal of witness – Detention of documents – RCW 9.72.090 adopted.
- 9.04.090 Misconduct in signing a petition – RCW 9.44.080 adopted.
- 9.04.100 Defrauding a public utility – Chapter 9A.61 RCW et seq. adopted.
- 9.04.110 Offenses relating to schools and school personnel – Chapter 28A.87 RCW et seq. adopted.
- 9.04.120 Official misconduct – RCW 9A.80.010 adopted.
- 9.04.130 Criminal impersonation, certification – Chapter 9A.60 RCW et seq. adopted.
- 9.04.140 Restraining orders – Refusal to comply – RCW 26.09.300 adopted.
- 9.04.150 Contempt of court – Chapter 7.21 RCW et seq. adopted.

9.04.010 Rendering criminal assistance, escape – Chapter 9A.76 RCW et seq. adopted.

The following provisions of Chapter 9A.76 RCW are hereby adopted including any subsequent amendments thereto: 9A.76.050, 9A.76.060, 9A.76.070, 9A.76.080, 9A.76.090, 9A.76.130. (Ord. 90-34 § 12, 1990).

9.04.020 Escaped prisoner recaptured – RCW 9.31.090 adopted.

RCW 9.31.090 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 13, 1990).

9.04.030 Obstructing governmental operations – Chapter 9A.76 RCW et seq. adopted.

The following provisions of Chapter 9A.76 RCW are hereby adopted including any subsequent amendments thereto: 9A.76.010, 9A.76.020, 9A.76.030, 9A.76.040, 9A.76.100, 9A.76.160, 9A.76.170. (Ord. 90-34 § 14, 1990).

9.04.040 False reporting – RCW 9A.84.040 adopted.

RCW 9A.84.040 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 15, 1990).

9.04.050 False report of child abuse – RCW 26.44.060 adopted.

RCW 26.44.060 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 16, 1990).

9.04.060 Juries – Crimes relating to – Chapter 9.51 RCW et seq. adopted.

The following provisions of Chapter 9.51 RCW are hereby adopted including any subsequent amendments thereto: 9.51.010, 9.51.020, 9.51.030. (Ord. 90-34 § 17, 1990).

9.04.070 Perjury and interference with official proceedings – Chapter 9A.72 RCW et seq. adopted.

The following provisions of the Chapter 9A.72 RCW are hereby adopted including any subsequent amendments thereto: 9A.72.010, 9A.72.040, 9A.72.050, 9A.72.060, 9A.72.070, 9A.72.080, 9A.72.140, 9A.72.150. (Ord. 90-34 § 18, 1990).

9.04.080 Committal of witness – Detention of documents – RCW 9.72.090 adopted.

RCW 9.72.090 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 19, 1990).

9.04.090 Misconduct in signing a petition – RCW 9.44.080 adopted.

RCW 9.44.080 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 20, 1990).

9.04.100 Defrauding a public utility – Chapter 9A.61 RCW et seq. adopted.

The following provisions of Chapter 9A.61 RCW are hereby adopted including any subsequent amendments thereto: 9A.61.010, 9A.61.020, 9A.61.050, 9A.61.060. (Ord. 90-34, § 21, 1990).

9.04.110 Offenses relating to schools and school personnel – Chapter 28A.87 RCW et seq. adopted.

The following provisions of Chapter 28A.87 RCW are hereby adopted including any subsequent amendments thereto: 28A.87.010, 28A.87.055, 28A.87.060, 28A.87.070, 28A.87.090, 28A.87.120, 28A.87.130, 28A.87.230, 28A.87.231, 28A.87.232. (Ord. 90-34 § 22, 1990).

9.04.120 Official misconduct – RCW 9A.80.010 adopted.

RCW 9A.80.010 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 23, 1990).

9.04.130 Criminal impersonation, certification – Chapter 9A.60 RCW et seq. adopted.

The following provisions of Chapter 9A.60 RCW are hereby adopted including any subsequent amendments thereto: 9A.60.010, 9A.60.040, 9A.60.050. (Ord. 90-34 § 24, 1990).

9.04.140 Restraining orders – Refusal to comply – RCW 26.09.300 adopted.

RCW 26.09.300 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 25,* 1990).

9.04.150 Contempt of court – Chapter 7.21 RCW et seq. adopted.

The following provisions of the Chapter 7.21 RCW are hereby adopted including any subsequent amendments thereto: 7.21.010, 7.21.020, 7.21.030, 7.21.040, 7.21.050, 7.21.060, 7.21.070. (Ord. 90-34 § 25,* 1990).

Editor's Note: Ord. 90-34 contained two sections numbered "25."

Chapter 9.08

OFFENSES AGAINST THE PERSON

Sections:

- 9.08.010 Assault – Chapter 9A.36 RCW et seq. adopted.
- 9.08.020 Provoking assault.
- 9.08.030 Molesting another person.
- 9.08.040 Defrauding innkeeper.
- 9.08.050 Lodging without permission.
- 9.08.060 Theft and robbery – Chapter 9A.56 RCW et seq. adopted.
- 9.08.070 Obscene, threatening or harassing telephone calls.
- 9.08.080 Harassment – Chapter 9A.46 RCW et seq. adopted.
- 9.08.090 Attempted suicide.

9.08.010 Assault – Chapter 9A.36 RCW et seq. adopted.

The following provisions of Chapter 9A.36 RCW are hereby adopted including any subsequent amendments thereto: 9A.36.041, 9A.36.050, 9A.36.070. (Ord. 90-34 § 26, 1990).

9.08.020 Provoking assault.

Any person who by word, sign or gesture willfully provokes or attempts to provoke another person to commit an assault or breach of the peace is guilty of a misdemeanor. (Ord. 79-2 § 9, 1979).

9.08.030 Molesting another person.

Any person who annoys, bothers, molests, insults or offers an affront to any other person is guilty of a misdemeanor. (Ord. 79-2 § 10, 1979).

9.08.040 Defrauding innkeeper.

Any person who, with intent to defraud, obtains any food, lodging, accommodations or other services in or from any hotel, motel, apartment house, restaurant, cafe, boardinghouse or lodginghouse or other business such as, but not limited to, a taxicab company, without paying therefor, is guilty of a misdemeanor. (Ord. 79-2 § 24, 1979).

9.08.050 Lodging without permission.

Any person who lodges in any place, or upon any property without the permission of the owner, or person entitled to the possession thereof, is guilty of a misdemeanor. (Ord. 79-2 § 25, 1979).

9.08.060 Theft and robbery – Chapter 9A.56 RCW et seq. adopted.

The following provisions of Chapter 9A.56 RCW are hereby adopted including any subsequent amendments thereto: 9A.56.010, 9A.56.020, 9A.56.050, 9A.56.220, 9A.56.230, 9A.56.240, 9A.56.260, 9A.56.270. (Ord. 90-34 § 27, 1990).

9.08.070 Obscene, threatening or harassing telephone calls.

Any person who, with intent to harass, intimidate, torment or embarrass any other person, makes a telephone call to such other person:

A. Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or

B. Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

C. Threatening to inflict injury on the person or property of the person called or any member of his or her family; or

D. Without purpose of legitimate communication; and any person who knowingly permits any telephone under his control to be used for any purpose as prohibited herein, is guilty of a misdemeanor. (Ord. 79-2 § 15, 1979).

9.08.080 Harassment – Chapter 9A.46 RCW et seq. adopted.

The following provisions of Chapter 9A.46 RCW are hereby adopted including any subsequent amendments thereto: 9A.46.020, 9A.46.030, 9A.46.040, 9A.46.050, 9A.46.060, 9A.46.070, 9A.46.080, 9A.46.090, 9A.46.100. (Ord. 90-34 § 28, 1990).

9.08.090 Attempted suicide.

Any person who, with intent to commit suicide or to inflict grave personal injury upon himself, performs an act threatening to his own life is guilty of a misdemeanor. (Ord. 2009-14, 2009).

Chapter 9.12

OFFENSES AGAINST PUBLIC DECENCY

Sections:

- 9.12.010 Sexual offenses – Chapter 9A.44 RCW et seq. adopted.
- 9.12.020 Indecent language and conduct.
- 9.12.030 Prostitution – Chapter 9A.88 RCW et seq. adopted.
- 9.12.040 Indecent exposure – RCW 9A.88.010 adopted.
- 9.12.050 Obscenity and pornography – Chapter 9.68 RCW et seq. adopted.
- 9.12.090 Loitering for the purpose of engaging in drug related activity.
- 9.12.100 Chapter cumulative.
- 9.12.110 Violation – Penalty.

9.12.010 Sexual offenses – Chapter 9A.44 RCW et seq. adopted.

The following provisions of the Chapter 9A.44 RCW are hereby adopted including any subsequent amendments thereto: 9A.44.010, 9A.44.020, 9A.44.030, 9A.44.096. (Ord. 90-34 § 29, 1990).

9.12.020 Indecent language and conduct.

Any person who uses, in the presence of any other person, vulgar, profane, obscene or indecent language, or who conducts himself or herself in an indecent manner is guilty of a misdemeanor. (Ord. 79-2 § 30, 1979).

9.12.030 Prostitution – Chapter 9A.88 RCW et seq. adopted.

The following provisions of Chapter 9A.88 RCW are hereby adopted including any subsequent amendments thereto: 9A.88.030, 9A.88.050, 9A.88.090, 9A.88.110. (Ord. 90-34 § 31, 1990).

9.12.040 Indecent exposure – RCW 9A.88.010 adopted.

RCW 9A.88.010 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 32, 1990).

9.12.050 Obscenity and pornography – Chapter 9.68 RCW et seq. adopted.

The following provisions of Chapter 9.68 RCW are hereby adopted including any subsequent amendments thereto: 9.68.015, 9.68.030, 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.100, 9.68.110, 9.68.120, 9.68.130. (Ord. 90-34 § 33, 1990).

9.12.090 Loitering for the purpose of engaging in drug related activity.

A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in a drug-related activity contrary to any of the provisions of Chapters 69.41, 69.50 or 69.52 RCW.

B. Among those circumstances which may be considered in determining whether such purpose be manifested are the following, which are by way of example and not limitation:

1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, a “known unlawful drug user, possessor, or seller” is a person who has, within the knowledge of the investigating officer, been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or such person has been convicted of any violation of any of the provisions of said chapters of the Revised Code of Washington or substantially similar laws of any political subdivision of this state or of any other state; or a person who displays physical characteristics of drug intoxication or usage, such as “needle tracks”; or a person who possesses drug paraphernalia as defined in Chapter 9.14 RCW;

2. Such person is currently subject to an order prohibiting his or her presence in a high drug activity geographic area;

3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a “look-out”;

4. Such person is physically identified by the officer as a member of a “gang,” or association which has as its purpose illegal drug activity;

5. Such person transfers small objects or packages for currency in a furtive fashion;

6. Such person takes flight upon the appearance of a police officer;

7. Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be related to or involved in an unlawful drug-related activity;

8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;

9. The premises involved are known to have been reported to the law enforcement officers as a

place suspected of drug activity pursuant to Chapter 69.52 RCW. (Ord. 90-11 § 1, 1990).

9.12.100 Chapter cumulative.

The provisions of this chapter are intended as cumulative and selective, and shall not be construed as repealing any other ordinance involving the same subject matter. (Ord. 90-11 § 2, 1990).

9.12.110 Violation – Penalty.

Any person who violates the provisions of this chapter or any section thereof shall be guilty of a misdemeanor and subject to the general penalty ordinance provisions. (Ord. 90-11 § 4, 1990).

Chapter 9.13

ALCOHOL AND DRUGS

Sections:

- 9.13.010 Alcoholic beverage control – RCW Title 66 et seq. adopted.
- 9.13.020 Legend drugs – Prescription drugs – Chapter 69.41 RCW et seq. adopted.
- 9.13.030 Washington Uniform Controlled Substance Act – Chapter 69.50 RCW et seq. adopted.
- 9.13.040 Purchase of drugs.
- 9.13.050 Prohibition against being under the influence of drugs.
- 9.13.060 Inhaling toxic fumes – Chapter 9.47A RCW et seq. adopted.

9.13.010 Alcoholic beverage control – RCW Title 66 et seq. adopted.

The following provisions of RCW Title 66 are hereby adopted including any subsequent amendments thereto: 66.04.010, 66.04.011; 66.12.010; 66.20.180, 66.20.190, 66.20.200; 66.24.481; 66.28.090; 66.32.010, 66.32.020, 66.32.030, 66.32.040, 66.32.050, 66.32.060, 66.32.070, 66.32.080, 66.32.090; 66.44.010, 66.44.040, 66.44.050, 66.44.060, 66.44.070, 66.44.080, 66.44.090, 66.44.100, 66.44.120, 66.44.130, 66.44.140, 66.44.150, 66.44.160, 66.44.170, 66.44.175, 66.44.180, 66.44.200, 66.44.210, 66.44.240, 66.44.250, 66.44.270, 66.44.280, 66.44.290, 66.44.291, 66.44.300, 66.44.310, 66.44.316, 66.44.320, 66.44.325, 66.44.328, 66.44.340, 66.44.350, 66.44.365, 66.44.370. (Ord. 90-34 § 34, 1990).

9.13.020 Legend drugs – Prescription drugs – Chapter 69.41 RCW et seq. adopted.

The following provisions of Chapter 69.41 RCW are hereby adopted including any subsequent amendments thereto: 69.41.010, 69.41.030, 69.41.050, 69.41.070(3), 69.41.070(5). (Ord. 90-34 § 35, 1990).

9.13.030 Washington Uniform Controlled Substance Act – Chapter 69.50 RCW et seq. adopted.

The following provisions Chapter 69.50 RCW are hereby adopted including any subsequent amendments thereto: 69.50.101, 69.50.202, 69.50.204, 69.50.206, 69.50.208, 69.50.210, 69.50.212, 69.50.302, 69.50.307, 69.50.308,

69.50.309, 69.50.401(e), 69.50.404, 69.50.407, 69.50.412, 69.50.500, 69.50.505, 69.50.506, 69.50.509. (Ord. 90-34 § 36, 1990).

9.13.040 Purchase of drugs.

It is unlawful, except as provided pursuant to RCW Title 69 as now or hereafter amended, for any person to purchase any controlled substance as defined or scheduled in Chapter 69.50 RCW or any imitation controlled substance as defined in Chapter 69.52 RCW. (Ord. 90-34 § 42, 1990).

9.13.050 Prohibition against being under the influence of drugs.

It is unlawful for any person to be under the influence of any drug or other controlled substance as defined or scheduled in Chapter 69.50 RCW as now or hereafter amended. For the purposes of this section, an individual is “under the influence” of a drug or other controlled substance when any of his normal faculties are substantially affected or impaired as a result of the use of such drug or other controlled substance. (Ord. 90-34 § 43, 1990).

9.13.060 Inhaling toxic fumes – Chapter 9.47A RCW et seq. adopted.

The following provisions of Chapter 9.47A RCW are hereby adopted including any subsequent amendments thereto: 9.47A.010, 9.47A.020, 9.47A.030, 9.47A.040. (Ord. 90-34 § 37, 1990).

Chapter 9.14

DRUG PARAPHERNALIA

Sections:

9.14.050 Nuisance.

9.14.050 Nuisance.

The distribution or possession for the purpose of sale, exhibition or display, in any place of business of any devices, contrivances, instruments, or paraphernalia which are primarily designed for or intended to be used for the smoking, ingestion, or consumption of marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, is a public nuisance and may be abated as provided by law. This remedy shall be in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter. (Ord. 80-7 § 5, 1980).

Chapter 9.16

OFFENSES AGAINST PUBLIC PEACE

Sections:

- 9.16.010 Disorderly conduct – RCW 9A.84.030 adopted.
- 9.16.020 Disturbing peace.
- 9.16.030 Encouraging fighting or quarreling.
- 9.16.040 Loitering – Prowling.
- 9.16.050 Interference or obstruction of any court, building or residence – RCW 9.27.015 adopted.
- 9.16.060 Failure to disperse – RCW 9A.84.020 adopted.

9.16.010 Disorderly conduct – RCW 9A.84.030 adopted.

RCW 9A.84.030 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 38, 1990).

9.16.020 Disturbing peace.

Any person who by noisy, riotous or tumultuous conduct disturbs the peace and quiet of the town or of any meeting or assemblage therein is guilty of a misdemeanor. (Ord. 79-2 § 29, 1979).

9.16.030 Encouraging fighting or quarreling.

Any person fighting, quarreling or encouraging others to fight in any public place is guilty of a misdemeanor. (Ord. 79-2 § 11, 1979).

9.16.040 Loitering – Prowling.

A. Any person who loiters or prowls in a place, at a time, or in a manner, and under circumstances that manifest an unlawful purpose or warrant alarm for the safety of persons or property in the vicinity is guilty of a misdemeanor. Circumstances which may be considered in determining whether such unlawful purpose is manifested or the alarm is warranted include, but are not limited to, the following:

1. Flight by the actor upon appearance of a law enforcement officer; or
2. Refusal to identify himself; or
3. Manifestly endeavoring to conceal himself or any object.

B. No arrest shall be made under this section or shall any person be convicted of violating this section unless the person is first afforded, if practical under the circumstances, an opportunity to dispel any alarm or suspicion of unlawful purposes which would otherwise be warranted, by identifying him-

self and explaining his presence and conduct. No person shall be convicted of violating this section if it appears at trial that the explanation given by him of his presence and conduct was true and, if believed by the arresting officer at the time, would have dispelled the alarm and suspicion of unlawful purpose. (Ord. 79-2 § 31, 1979).

9.16.050 Interference or obstruction of any court, building or residence – RCW 9.27.015 adopted.

RCW 9.27.015 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 39, 1990).

9.16.060 Failure to disperse – RCW 9A.84.020 adopted.

RCW 9A.84.020 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 40, 1990).

Chapter 9.20

OFFENSES AGAINST PROPERTY

Sections:

- 9.20.010 Reckless burning and malicious mischief – Chapter 9A.48 RCW et seq. adopted.
- 9.20.020 Burglary and trespass – Chapter 9A.52 RCW et seq. adopted.
- 9.20.030 Possession of stolen property – Chapter 9A.56 RCW et seq. adopted.
- 9.20.040 Obscuring identity of a machine – RCW 9A.56.180 adopted.
- 9.20.050 Duties upon injury or death to animal.
- 9.20.060 Vehicle prowling – RCW 9A.52.100 adopted.
- 9.20.070 Operating an engine or boiler without spark arrester – RCW 9.40.040 adopted.
- 9.20.080 Injuring or tampering with fire alarm apparatus – Sounding false alarm of fire – RCW 9.40.100 adopted.
- 9.20.090 Abandoned refrigerator equipment – Chapter 9.03 RCW adopted.

9.20.010 Reckless burning and malicious mischief – Chapter 9A.48 RCW et seq. adopted.

The following provisions of Chapter 9A.48 RCW are hereby adopted including any subsequent amendments thereto: 9A.48.010, 9A.48.050, 9A.48.060, 9A.48.090, 9A.48.100. (Ord. 90-34 § 41, 1990).

9.20.020 Burglary and trespass – Chapter 9A.52 RCW et seq. adopted.

The following provisions of the Chapter 9A.52 RCW are hereby adopted including any subsequent amendments thereto: 9.52.010, 9.52.040, 9.52.050, 9.52.060, 9.52.070, 9.52.080, 9.52.090, 9.52.120, 9.52.130. (Ord. 90-34 § 42, 1990).

9.20.030 Possession of stolen property – Chapter 9A.56 RCW et seq. adopted.

The following provisions of the Chapter 9A.56 RCW are hereby adopted including any subsequent amendments thereto: 9A.56.140, 9A.56.170. (Ord. 90-34 § 43, 1990).

9.20.040 Obscuring identity of a machine – RCW 9A.56.180 adopted.

RCW 9A.56.180 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 44, 1990).

9.20.050 Duties upon injury or death to animal.

The operator of a vehicle involved in an accident resulting in injury or death to a domestic or other animal shall immediately stop the vehicle at or as near to the scene of the accident as possible, and return thereto, and shall give to the owner or other competent person having custody of the animal the name and address of the operator of the vehicle and the registration number of the vehicle involved in the accident. If the owner or other competent person is not the person at the scene of the accident, the operator shall take reasonable steps to locate the owner or custodian of said animal and shall supply the information required above in this section. If the animal is injured to the extent that it requires immediate medical attention and there is no owner or custodian present to look after it, the operator of said vehicle shall immediately call the Eatonville police department and report the situation fully to that office. (Ord. 79-2 § 2, 1979).

9.20.060 Vehicle prowling – RCW 9A.52.100 adopted.

RCW 9A.52.100 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 45, 1990).

9.20.070 Operating an engine or boiler without spark arrester – RCW 9.40.040 adopted.

RCW 9.40.040 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 46, 1990).

9.20.080 Injuring or tampering with fire alarm apparatus – Sounding false alarm of fire – RCW 9.40.100 adopted.

RCW 9.40.100 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 47, 1990).

9.20.090 Abandoned refrigerator equipment – Chapter 9.03 RCW adopted.

Chapter 9.03 RCW is hereby adopted in its entirety including any subsequent amendments thereto. (Ord. 90-34 § 48, 1990).

Chapter 9.22**ANIMALS**

Sections:

- 9.22.010 False certification of registration of animals – False representation as to breed – RCW 9.08.030 adopted.
- 9.22.020 Definitions – RCW 9.08.065 adopted.
- 9.22.030 Pet animals – Taking, concealing, injuring or killing – RCW 9.08.070(1), (2), (5), (6) adopted.
- 9.22.040 Diseased animals – RCW 9.08.020 adopted.

9.22.010 False certification of registration of animals – False representation as to breed – RCW 9.08.030 adopted.

RCW 9.08.030 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 49, 1990).

9.22.020 Definitions – RCW 9.08.065 adopted.

RCW 9.08.065 is adopted in its entirety including any subsequent amendments thereto. (Ord. 90-34 § 50, 1990).

9.22.030 Pet animals – Taking, concealing, injuring or killing – RCW 9.08.070(1), (2), (5), (6) adopted.

RCW 9.08.070(1), (2), (5), (6) is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 51, 1990).

9.22.040 Diseased animals – RCW 9.08.020 adopted.

RCW 9.08.020 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 52, 1990).

Chapter 9.24**CONSUMER PROTECTION**

Sections:

- 9.24.010 Unlawful issuance of bank check or draft – RCW 9A.56.060(1), (2), (5) adopted.
- 9.24.020 Bunco – Swindling.
- 9.24.030 Fortunetelling.
- 9.24.040 Frauds and swindles – Chapter 9.45 RCW et seq. adopted.
- 9.24.050 False advertisement – RCW 9.04.010 adopted.
- 9.24.060 Telephone company credit cards – RCW 9.26A.090 adopted.

9.24.010 Unlawful issuance of bank check or draft – RCW 9A.56.060(1), (2), (5) adopted.

RCW 9A.56.060(1), (2), (5) is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 53, 1990).

9.24.020 Bunco – Swindling.

Any person or persons engaged in buncoing or in the operation of a swindling game or device for the purpose of swindling or defrauding others is guilty of a misdemeanor. (Ord. 79-2 § 28, 1979).

9.24.030 Fortunetelling.

Any person who asks or receives any compensation, gratuity, or reward for practicing fortunetelling, tea leaf reading, palmistry or clairvoyance is guilty of a misdemeanor. Asking or receiving any compensation, gratuity or reward includes the receipt by the defendant of anything of value either before or after the act of fortunetelling, tea leaf reading, palmistry or clairvoyance for whatever alleged or stated purpose. (Ord. 79-2 § 37, 1979).

9.24.040 Frauds and swindles – Chapter 9.45 RCW et seq. adopted.

The following provisions of Chapter 9.45 RCW are hereby adopted including any subsequent amendments thereto: 9.45.060, 9.45.062, 9.45.070, 9.45.080, 9.45.090, 9.45.100, 9.45.180, 9.45.190, 9.45.240(1)(a). (Ord. 90-34 § 54, 1990).

9.24.050 False advertisement – RCW 9.04.010 adopted.

RCW 9.04.010 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 55, 1990).

**9.24.060 Telephone company credit cards –
RCW 9.26A.090 adopted.**

RCW 9.26A.090 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 56, 1990).

Chapter 9.28

OFFENSES BY OR AGAINST MINORS

Sections:

- 9.28.010 Children unattended in auto.
- 9.28.020 Contributing to delinquency of minor.
- 9.28.030 Sexual exploitation of children – Chapter 9.68A RCW et seq. adopted.
- 9.28.040 Prohibited acts toward infants – RCW 26.28.080 adopted.
- 9.28.050 Duty of witness of offense against child – RCW 9.69.100 adopted.
- 9.28.060 Custodial interference – Chapter 9A.40 RCW et seq. adopted.

9.28.010 Children unattended in auto.

Every person having the care and custody, whether temporary or permanent, of minor children under the age of 12 years, who leaves such child in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous, spirituous, or malt liquors are dispensed for consumption on the premises, shall be guilty of a misdemeanor. (Ord. 79-2 § 16, 1979).

9.28.020 Contributing to delinquency of minor.

Any person who by any act of omission encourages, causes or contributes to the delinquency of any child under the age of 18 years is guilty of a misdemeanor. A delinquent child is one who from any cause is in danger of growing up to lead an idle, dissolute or immoral life. (Ord. 79-2 § 17, 1979).

**9.28.030 Sexual exploitation of children –
Chapter 9.68A RCW et seq.
adopted.**

The following provisions of Chapter 9.68A RCW are hereby adopted including any subsequent amendments thereto: 9.68A.011, 9.68A.070, 9.68A.080, 9.68A.090, 9.68A.110, 9.68A.120. (Ord. 90-34 § 57, 1990).

**9.28.040 Prohibited acts toward infants –
RCW 26.28.080 adopted.**

RCW 26.28.080 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 58, 1990).

9.28.050 Duty of witness of offense against child – RCW 9.69.100 adopted.

RCW 9.69.100 is hereby adopted including any subsequent amendments thereto. (Ord. 90-34 § 59, 1990).

9.28.060 Custodial interference – Chapter 9A.40 RCW et seq. adopted.

The following provisions of Chapter 9A.40 RCW are hereby adopted including any subsequent amendments thereto: 9A.40.070, 9A.40.080. (Ord. 90-34 § 60, 1990).

Chapter 9.32

WEAPONS

Sections:

- 9.32.010 Firearms and dangerous weapons – Chapter 9.41 RCW et seq. adopted.
- 9.32.020 Prohibition of weapons in restricted areas of court facilities – Definitions.
- 9.32.030 Prohibition of weapons in restricted areas of court facilities.
- 9.32.040 Prohibition of weapons in restricted areas of court facilities – Notice.
- 9.32.060 Carrying loaded shotgun or rifle in vehicle.
- 9.32.070 Snap blade knives – Definitions.
- 9.32.080 Snap blade knives – Display, sale, purchase or possession prohibited.
- 9.32.090 Snap blade knives – Police exempt.
- 9.32.100 Snap blade knives – Confiscation and destruction of prohibited articles.

9.32.010 Firearms and dangerous weapons – Chapter 9.41 RCW et seq. adopted.

The following provisions of Chapter 9.41 RCW are hereby adopted including any subsequent amendments thereto: 9.41.010, 9.41.030, 9.41.050, 9.41.060, 9.41.080, 9.41.098, 9.41.130, 9.41.140, 9.41.150, 9.41.160, 9.41.230, 9.41.240, 9.41.250, 9.41.260, 9.41.270, 9.41.280, 9.41.300. (Ord. 90-34 § 61, 1990).

9.32.020 Prohibition of weapons in restricted areas of court facilities – Definitions.

A. “Restricted areas” include the following:

1. Access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person: (a) arrested for, charged with or convicted of an offense, (b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.020, (c) held for extradition or as a material witness, or (d) otherwise confined pursuant to an order of the court, except an order under Chapter 13.21A or 13.34 RCW;

2. Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge’s chambers, offices and areas used to conduct court business, waiting areas and corridors adjacent to areas used in connection with court proceedings.

B. “Weapon” means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

C. A “person” as prohibited herein does not include a person engaged in military activities sponsored by the federal or state governments, while engaged in official duties; law enforcement personnel; or, security personnel while engaged in official duties.

In addition, a person licensed pursuant to RCW 9.41.070 may, upon entering the place or facility, directly and promptly proceed to the administrator of the facility, town clerk or court clerk, and obtain written permission to possess a firearm while on the premises or check his or her firearm. The person may reclaim the firearm upon leaving but must immediately and directly depart from the place or facility. (Ord. 94-01 § 1, 1994).

9.32.030 Prohibition of weapons in restricted areas of court facilities.

It is unlawful for a person to enter a restricted area as defined in EMC 9.32.020 when said person knowingly possesses or has under their control a weapon as defined in EMC 9.32.020. (Ord. 94-01 § 2, 1994).

9.32.040 Prohibition of weapons in restricted areas of court facilities – Notice.

A. Notices stating “WEAPONS PROHIBITED” shall be clearly and conspicuously posted at each entrance to the court facilities building.

B. The Eatonville chief of police, or his or her designee, is designated to receive weapons for safekeeping during the owner’s visit to the building. (Ord. 94-01 § 3, 1994).

9.32.060 Carrying loaded shotgun or rifle in vehicle.

It is unlawful for any person to carry, transport or convey, or to have in his possession or under his control in any motor-driven or horse-drawn vehicle or in any vehicle propelled by man, any shotgun or rifle containing shells or cartridges therein. (Ord. 79-2 § 38, 1979).

9.32.070 Snap blade knives – Definitions.

For the purpose of EMC 9.32.080 through 9.32.100, the following terms shall apply:

A. “Snap blade knife” means any knife having a blade which is or can be concealed in its handle and ejected therefrom by a mechanical or spring device. This definition shall not apply to fixed blade knives having blades which pivot on and fold into their respective handles and can be opened only manually.

B. “Person” includes any individual, firm, partnership, association, or corporation. (Ord. 79-2, 1979).

9.32.080 Snap blade knives – Display, sale, purchase or possession prohibited.

Any person who displays, sells, gives away, purchases, or possesses any snap blade knife shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$250.00 or by imprisonment in the county jail not to exceed 90 days. (Ord. 79-2, 1979).

9.32.090 Snap blade knives – Police exempt.

EMC 9.32.070 through 9.32.100 shall not apply to the possession of any such instrument or weapon described herein by any police officer, sheriff, or other law enforcement officer authorized to carry the same in the course of his duties. (Ord. 79-2, 1979).

9.32.100 Snap blade knives – Confiscation and destruction of prohibited articles.

Upon the conviction of any person under the provisions of EMC 9.32.070 through 9.32.090, the court having jurisdiction of the case may order the local police authority to destroy any of the weapons or instruments such person was convicted of displaying, selling, giving away, purchasing or possessing. (Ord. 79-2, 1979).

Chapter 9.33

MISCELLANEOUS CRIMES

Sections:

9.33.010 Miscellaneous crimes – Chapter 9.91 RCW et seq. adopted.

9.33.010 Miscellaneous crimes – Chapter 9.91 RCW et seq. adopted.

The following provisions of Chapter 9.91 RCW are hereby adopted including any subsequent amendments thereto: 9.91.010, 9.91.020, 9.91.025, 9.91.120, 9.91.130, 9.91.150(2). (Ord. 90-34 § 62, 1990).

Chapter 9.36

ENFORCEMENT AND PENALTIES

Sections:

9.36.040 Forfeitures allowable.
9.36.050 Disposition of revenues.
9.36.060 Penalty.

9.36.040 Forfeitures allowable.

All misdemeanors are forfeitable upon the recommendation of the town attorney and with the concurrence of the court. (Ord. 79-2 § 6, 1979).

9.36.050 Disposition of revenues.

All fines and forfeitures collected for violation of any of the provisions of this chapter shall be deposited in the Municipal Court Trust Fund Account. (Ord. 79-2 § 7, 1979).

9.36.060 Penalty.

Every person convicted of those crimes defined by state law as a gross misdemeanor shall be subject to imposition of a sentence up to the maximum jail term and fine as authorized by the general penalty ordinance codified in EMC 1.12.010. Every person convicted of those crimes defined by state law to constitute a misdemeanor shall be subject to imposition of a sentence up to 90 days imprisonment in the town jail or such other jail as is available, and/or by imposition of a fine in an amount fixed by the court of not more than \$1,000, unless a specific penalty is prescribed by ordinance for said offense. (Ord. 90-34 § 63, 1990; Ord. 79-2 § 5, 1979).

Chapter 9.37

JUVENILE CURFEW

Sections:

- 9.37.010 Short title.
- 9.37.020 Definitions.
- 9.37.030 Curfew for minors.
- 9.37.040 Parental responsibility.
- 9.37.050 Exceptions.
- 9.37.060 Procedures.
- 9.37.070 Violations – Infraction.
- 9.37.080 Violations – Penalty.

9.37.010 Short title.

The ordinance codified in this chapter shall be known and may be cited as the “Juvenile Curfew and Parental Responsibility Ordinance”. (Ord. 94-05 § 1, 1994).

9.37.020 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

- A. “Minor” means any unemancipated person, male or female, under the age of 18 years.
- B. “Parent” means the mother, father, guardian, or other adult person having the legal care, custody or control of a minor (as defined in subsection (A) of this section).

C. “Public place” shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and right to resort for business, entertainment or other lawful purpose. A public place shall include, but not be limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above. (Ord. 94-05 § 1, 1994).

9.37.030 Curfew for minors.

It is unlawful for any minor to be or remain in or upon any public street or public place as defined in EMC 9.37.020, within the town after the hour of 1:00 a.m. on days in which there is no school, and after the hour of 11:00 p.m. on nights preceding a school day. Exceptions are allowed under EMC 9.37.050. (Ord. 94-05 § 1, 1994).

9.37.040 Parental responsibility.

No parent shall allow a minor to remain in or occupy any public streets or public place as defined

in EMC 9.37.020, within the town after the hour of 1:00 a.m. on days in which there is no school, and after the hour of 11:00 p.m. on nights preceding a school day. Exceptions are allowed under EMC 9.37.050. (Ord. 94-05 § 1, 1994).

9.37.050 Exceptions.

A parent of a minor shall be exempt from the enforcement provisions of this chapter when:

- A. A minor is accompanied by his or her parent;
- B. A minor is engaged in lawful employment;
- C. A minor is on an errand or on legitimate business pursuant to instructions from his or her parent;
- D. A minor is involved in an emergency concerning the person or property of himself, herself, or another;

E. A minor is attending school-sponsored activities or an activity sponsored and supervised by adults with the minor’s parental approval, or a minor is returning home from such activities. The term “returning home” means immediately and directly after participation in such activity, without a broken chain of sequences and time between the end of such event and the time such minor returns to his or her residence or such other place as shall be authorized by his or her parent. (Ord. 94-05 § 1, 1994).

9.37.060 Procedures.

A. Police officers may stop and question a person they reasonably believe to be a minor in violation of EMC 9.37.030, in order to obtain the name, address and age of such person, the nature of his or her presence in a public place, and the name and address of his or her parents.

B. Any police officer, upon finding a minor in violation of EMC 9.37.030 and upon determining that the parent of such minor is in violation of EMC 9.37.040, shall advise the minor that he or she is in violation of curfew and shall direct the minor to proceed immediately to the minor’s place of residence. The police officer may report such action to the parent of the minor.

C. If such minor refuses to heed such warnings or direction by any police officer or refuses to give such police officer his or her correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she may be taken to the police department and the parent shall be notified to come and take charge of the minor. If the parent cannot be located or fails to come and take charge of the minor, the minor may be released to the juvenile

authorities, to the children's protective services of the Department of Social and Health Services, or the minor may be released to return home. (Ord. 94-05 § 1, 1994).

9.37.070 Violations – Infraction.

A. A violation of this chapter shall be a civil infraction, to be heard and determined by the Eatonville municipal court.

B. A police officer has the authority to issue a notice of infraction when the infraction is committed in the officer's presence or if an officer, upon investigation, has reasonable cause to believe that a person has committed a violation of this chapter.

C. If any person issued a notice of infraction fails to respond as required, or fails to appear at a hearing requested by him or her, the court shall find that the infraction was committed. (Ord. 94-05 § 1, 1994).

9.37.080 Violations – Penalty.

A. Upon a parent's first violation, notice thereof shall be given to the parent.

B. Upon a parent's second violation, a summons shall be served on the parent and a hearing shall be held before the town municipal court, at which time the parent shall appear and answer the charge of violating this chapter. Upon a determination by the court that a second violation has occurred, a fine of not less than \$50.00 nor more than \$300.00 shall be imposed upon the parent.

C. Upon a third or subsequent violation involving the same parent, the parent shall be subject to a fine of not less than \$300.00. (Ord. 94-05 § 1, 1994).