

Title 9

PUBLIC PEACE, SAFETY AND MORALS*

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*Editor's note: Ordinance 1390, codified in Chapter 9.70 WMC, erroneously indicated it was repealing Ordinance 355 as well as Chapter 9.72 WMC. Per the city attorney's instruction, Chapter 9.72 WMC was repealed as that was the intent of the city, and the other provisions of Ordinance 355 remain in effect as codified in this code.

Chapter 9.04**DEFINITIONS**

Sections:

9.04.010 Public officer.

9.04.010 Public officer.

A “public officer,” as used herein, means duly appointed city, county and state law enforcement officers, fire chief, or the city manager when performing the functions of any of these officers. (Ord. 355 § 1(5), 1967)

Chapter 9.08**CRIMES AGAINST PUBLIC OFFICIALS**

Sections:

9.08.010 Interference – Resistance.
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 9.08.030 Refusal to arrest or aid in arrest.
 9.08.040 Taking or destruction of personal property.
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 9.08.070 Escape from custody.
 9.08.080 Accepting or offering bribes.
 9.08.090 Impersonating officer.
 9.08.100 Contempt of court.

9.08.010 Interference – Resistance.

Every person who, by means of any threat, force or violence, shall attempt to deter or prevent any public officer from performing any duty imposed upon him by law, or who shall knowingly resist by force or violence any executive or administrative officer in the performance of his duty, shall be guilty of a misdemeanor. (Ord. 355 § 2(1), 1967)

9.08.020 Refusal of statement – Fraudulent statement.

Every person who, after due notice, shall refuse or neglect to make or furnish any statement, report or information lawfully required by him by any public officer, or who, in such statement, report or information lawfully required by him by any public officer, or who, in such statement, report or information shall make any wilfully untrue, misleading or exaggerated statement, or who shall wilfully hinder, delay or obstruct any public officer in the discharge of his official powers or duties, shall be guilty of a misdemeanor. (Ord. 355 § 2(2), 1967)

9.08.030 Refusal to arrest or aid in arrest.

Every person who, after having been lawfully commanded by any magistrate to arrest another person, shall wilfully neglect or refuse to do so; and every person who, after having been lawfully commanded to aid any officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any lawful process, shall wilfully neglect or refuse to aid such officer, shall be guilty of a misdemeanor. (Ord. 355 § 2(3), 1967)

9.08.040 Taking or destruction of personal property.

Every person who shall take from the custody of any officer or other person any personal property in his charge under any process of law, or who shall wilfully injure or destroy such property, shall be guilty of a misdemeanor. (Ord. 355 § 2(4), 1967)

9.08.050 Rescue from lawful custody.

Every person who shall, by force or fraud, rescue from lawful custody, or from an officer or person having him in lawful custody, a prisoner held upon a charge, arrest, commitment, conviction, or sentence for any crime, shall be guilty of a misdemeanor. (Ord. 355 § 2(5), 1967)

9.08.060 Facilitating escape of prisoner.

Every person, who with intent to effect or facilitate the escape of a prisoner, whether such escape shall be effected or attempted or not, shall convey or send into a prison any disguise, instrument, weapon or other thing, or aid or assist a prisoner in escaping or attempting to escape from the lawful custody of a sheriff or other officer or person shall be guilty of a misdemeanor if such prisoner is held upon a charge, arrest, commitment, conviction or a sentence for any crime. (Ord. 355 § 2(6), 1967)

9.08.070 Escape from custody.

Every person in custody, under sentence of imprisonment for any crime, who shall escape from custody, shall be guilty of a misdemeanor. (Ord. 355 § 2(7) 1967)

9.08.080 Accepting or offering bribes.

Any person violating any of the following provisions shall be guilty of a misdemeanor:

(1) Any person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any city executive or administrative officer, with intent to influence him with respect to any act, decision, vote, opinion or other proceedings, as such officer, or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a member of the city council, or attempt, directly or indirectly, by means of menace, deceit, suppression of truth or other corrupt means, to influence such member to give or withhold his vote or to absent himself from the house in which he is a member or from any committee thereof; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity, or reward to any judicial officer or other person authorized by law to hear or determine any

question, matter, cause or proceedings or controversy, with intent to influence his action, vote, opinion or decision thereon; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a person executing any of the functions of a public officer other than as hereinbefore, specified, with the intent to influence him with respect to his powers or functions; or

(2) Any member of the city council who shall ask or receive directly or indirectly any compensation, gratuity or reward, or any promise thereof, upon the agreement or understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question or matter upon which he may be required to act in his official capacity; and every judicial officer, and every person who executed any of the functions of a public office not hereinbefore specified; and

(3) Every person employed by or acting for the city or for any public officer in the business of the city, who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceedings shall be influenced thereby, or that he will do, or permit any act or proceedings or in any way neglect or violate any official duty; or

(4) Every person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any witness, or person who may be called as a witness, upon an agreement or understanding that the testimony of the attempt by any witness shall be thereby influenced, or who shall wilfully attempt by any other means to induce any witness or person who may be called as a witness to give false testimony, or to withhold true testimony; or

(5) Any person who is or may be a witness upon a trial, hearing, investigation or other proceeding for any court, tribunal, or officer authorized to hear evidence or take testimony, who shall ask or receive, directly or indirectly any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing or other proceedings. (Ord. 355 § 2(8), 1967)

9.08.090 Impersonating officer.

Any person who shall falsely impersonate a public officer, civil or military, or a policeman, or

a private individual having special authority by law to perform an act affecting the right or interest of another, or who, without authority, shall assume any uniform or badge of which such an officer or person is lawfully distinguished by, and in such assumed character shall do any act purporting to be official, whereby another is injured or defrauded shall be guilty of a misdemeanor. (Ord. 355 § 2(9), 1967)

9.08.100 Contempt of court.

Every person who commits a contempt of court of any one of the following kinds shall be guilty of a misdemeanor:

- (1) Disorderly, contemptuous or insolent behavior committed during the sitting of the court or city council, in its immediate view and presence and directly tending to interrupt its proceedings or to impair the respect due to its authority; or
- (2) Breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of a court, jury or referee, or city council meetings; or
- (3) A wilful violation of a lawful order of court.

Any person convicted of a misdemeanor under this section shall be punished by a fine of not more than \$500.00, by imprisonment not to exceed 30 days, or by both such fine and imprisonment. (Ord. 572 § 1, 1976; Ord. 355 § 2(10), 1967)

Chapter 9.12

CONSPIRACY

Sections:

- 9.12.010 Acts designated.
9.12.020 Proof of overt act not necessary.

9.12.010 Acts designated.

Every person shall be guilty of a misdemeanor whenever two or more persons conspire to:

- (1) Commit a crime;
- (2) Falsely and maliciously procure another to be arrested or proceeded against for a crime;
- (3) Falsely institute or maintain any action or proceedings;
- (4) Cheat or defraud another out of any property by unlawful or fraudulent means;
- (5) Prevent another from exercising any lawful trade or calling, or from doing any other lawful act by force, threats or intimidation, or by interfering or threatening to interfere with tools, implements or property belonging to or used by another, or with the use or employment thereof;
- (6) Commit any act injurious to the public health, public morals, or for the perversion or corruption of public justice or the due administration of law; or
- (7) Accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means. (Ord. 355 § 3(1), 1967)

9.12.020 Proof of overt act not necessary.

In any proceedings against any persons for violation of WMC 9.12.010, it shall not be necessary to prove that any overt act was done pursuant to such unlawful conspiracy or combination. (Ord. 355 § 3(2), 1967)

Chapter 9.16**CRIMES AGAINST PERSON**

Sections:

- 9.16.010 False accusation.
- 9.16.020 Unlawful use of force.
- 9.16.030 Assault and battery.
- 9.16.040 Provocation to commit assault.
- 9.16.050 Obscene literature, films, exhibitions.
- 9.16.060 Intent to defraud.

9.16.010 False accusation.

Every person who shall maliciously and without probable cause therefor cause or attempt to cause another to be arrested or proceeded against for any crime of which he is innocent shall be guilty of a misdemeanor. (Ord. 438 § 1(1), 1970; Ord. 355 § 4(1), 1967)

9.16.020 Unlawful use of force.

Every person who, with intent to inflict bodily harm or to create an apprehension thereof, shall attempt or offer, with force and violence, to do a corporeal hurt to another shall be guilty of an assault and shall be punished for a misdemeanor unless such assault or use of force is excused under the provisions of RCW 9.11.040. (Ord. 438 § 1(2), 1970; Ord. 355 § 4(2), 1967)

9.16.030 Assault and battery.

Assault and battery is the unlawful beating of another, or a consummated attempt to unlawfully touch, strike, beat or wound another person. Every person convicted of an assault and battery shall be guilty of a misdemeanor. (Ord. 438 § 1(3), 1970; Ord. 355 § 4(3), 1967)

9.16.040 Provocation to commit assault.

Every person who shall, by word, sign or gesture, wilfully provoke or attempt to provoke another person to commit an assault or breach of the peace shall be guilty of a misdemeanor. (Ord. 438 § 1(4), 1970; Ord. 355 § 4(4), 1967)

9.16.050 Obscene literature, films, exhibitions.

Every person who:

(1) Having knowledge of the contents thereof shall exhibit, sell, distribute, display for sale or distribution, or having knowledge of the contents thereof shall have in his possession with the intent to sell or distribute any book, magazine, pamphlet, comic book, newspaper, writing, photograph,

motion picture film, phonograph record, tape or wire recording, picture, drawing, figure, image, or any object or thing which is obscene;

(2) Exhibit within the view of any minor, any books, papers or other things hereinbefore enumerated;

(3) Hire, use or employ, or having custody or control of a minor, shall permit any minor to sell, give away or in any manner distribute any article hereinbefore mentioned; or

(4) Having knowledge of the contents thereof shall cause to be performed or exhibited, or shall engage in the performance or exhibition of any show, act, play, dance or motion picture which is obscene;

shall be guilty of a misdemeanor.

The provisions of this section shall not apply to acts done in the scope of his employment by a motion picture operator or projectionist employed by the owner or manager of a theater or other place for the showing of motion pictures unless the motion picture operator or projectionist has a financial interest in such theater or place wherein he is so employed or unless he caused to be performed or exhibited such performance or motion picture without the knowledge and consent of the manager or owner of the theater or other place of showing. (Ord. 438 § 1(5), 1970; Ord. 355 § 4(5), 1967)

9.16.060 Intent to defraud.

Every person who shall obtain any food, lodging, or accommodation at any hotel, motel, apartment, restaurant, boarding house or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who shall obtain credit at a hotel, motel, apartment, restaurant, boarding house by color or aid of any false pretenses, representation, token or writing, or who after obtaining board, lodging or accommodation at a hotel, motel, apartment, restaurant, boarding house or lodging house shall abscond or surreptitiously remove his baggage therefrom without paying for such food, lodging or accommodation, shall be guilty of a misdemeanor. (Ord. 438 § 1(6), 1970; Ord. 355 § 4(6), 1967)

Chapter 9.20**CRIMES RELATING TO FIRES**

Sections:

- 9.20.010 Obstructing extinguishment.
- 9.20.020 Disobedience to officer at scene of fire.
- 9.20.030 False alarm prohibited – Exception.
- 9.20.040 Arson – Negligence.
- 9.20.050 Mutual aid agreement.

9.20.010 Obstructing extinguishment.

Every person who, with intent to prevent or obstruct the extinguishment of any fire, shall cut or remove any bell rope, wire or other apparatus for communicating an alarm of fire, or cut, injure or destroy any engine, hose, or other fire apparatus, or otherwise prevent or obstruct the extinguishment of any fire, shall be guilty of a misdemeanor. (Ord. 355 § 5(1), 1970)

9.20.020 Disobedience to officer at scene of fire.

Every person who, at the burning of any building, or any life rescue scene, shall be guilty of any disobedience to the lawful orders of a public officer or fireman or of resistance to or interference with the lawful efforts of any fireman, or company of firemen to discharge their duty, or of disorderly conduct likely to interfere therewith, or who shall forbid, prevent or dissuade others from assisting therewith shall be guilty of a misdemeanor. (Ord. 355 § 5(2), 1970)

9.20.030 False alarm prohibited – Exception.

It shall be a misdemeanor for any person to knowingly cause or make any false fire alarm of fire within the city; provided, that this chapter shall not apply to the fire chief when he shall deem it expedient to give such false alarm for the training of fire department personnel. (Ord. 355 § 5(3), 1970)

9.20.040 Arson – Negligence.

If any person shall maliciously or wantonly set fire on any ground other than his own or those in which he is in lawful possession, or shall wilfully or negligently permit or suffer a fire to pass from his own grounds or premises to the injury of another, such person shall be guilty of a misdemeanor. (Ord. 355 § 5(4), 1970)

9.20.050 Mutual aid agreement.

The city shall enter into the mutual aid agreement and the fire chief is authorized and directed to sign the original mutual aid agreement on behalf and for the city of Washougal, which agreement shall be filed with and available for inspection at the county auditor's office, Clark County Court House, Vancouver, Washington. (Res. 127, 1971)

Chapter 9.24**MINORS**

Sections:

- 9.24.010 Contributing to delinquency prohibited.
- 9.24.020 Leaving children under 12 in parked automobile.
- 9.24.030 Intoxicating liquor – Use, possession, presence on premises prohibited.
- 9.24.040 Cigarette vending machine restrictions.
- 9.24.050 Sale of tobacco prohibited.
- 9.24.060 Refrigerator door – Precautions required.

9.24.010 Contributing to delinquency prohibited.

In all cases where any child is dependent or delinquent as defined in RCW 13.04.010, the parent or parents, legal guardian or persons having custody of such child, or any other person who, by any act or omission, encourages, causes or contributes to the dependency or delinquency of such child shall be guilty of a misdemeanor. (Ord. 355 § 6(1), 1970)

9.24.020 Leaving children under 12 in parked automobile.

Any person having the care and custody, whether temporary or permanent, of minor children under the age of 12 years, who shall leave such children in a parked automobile unattended by an adult, while such person enters a tavern or other premises where vinous, spiritous or malt liquors are dispensed for consumption on the premises shall be guilty of a misdemeanor. (Ord. 355 § 6(2), 1970)

9.24.030 Intoxicating liquor – Use, possession, presence on premises prohibited.

Any person having charge of a public place in the city, where intoxicating liquors are served, who shall admit to or allow any minor to remain in the premises contrary to the laws of the state of Washington shall be guilty of a misdemeanor.

(1) It is unlawful for any person under the age of 21 years to acquire in any manner, consume, or have in his possession any intoxicating liquor as defined by the laws of the state of Washington. "To acquire" includes any attempt to acquire.

(2) It is unlawful for any person to give, or otherwise supply, intoxicating liquor to any person under the age of 21 years or permit any person under that age to consume intoxicating liquor on his premises or on any premises under his control, except a parent or guardian in the home or upon the prescription of a physician. (Ord. 755, 1980; Ord. 355 § 6(3), 1970)

9.24.040 Cigarette vending machine restrictions.

It is unlawful for any person, firm, corporation, organization or institution to sell cigarettes through the medium of automatic cigarette vending machines in any public place or place of business in the city where minors are allowed; provided, however, cigarette vending machines may be used in public places where minors are allowed if the vending machines are located in such a manner that they can be operated directly or by electric remote control only by the owners, operators or employees of the public place or place of business. (Ord. 355 § 6(4), 1970)

9.24.050 Sale of tobacco prohibited.

It is unlawful for any owner, operator, or employee to sell cigarettes or tobacco products to minors. For the purpose of this section, a minor is deemed to be a person under the age of 21 years. (Ord. 355 § 6(5), 1970)

9.24.060 Refrigerator door – Precautions required.

Any person who discards or abandons or leaves in any place accessible to children any refrigerator, ice box, deep freeze locker, or other enclosure having a capacity of one and one-half feet or more, which is no longer in use, and which has not had the door removed or a portion of the latch mechanism removed to prevent latching or locking of the door, is guilty of a misdemeanor. Any owner, lessor, lessee, or manager who knowingly permits such unused refrigerator, ice box or deep freeze locker to remain on the premises under his control without having the door removed or a portion of the latch mechanism removed to prevent latching or locking of the door is guilty of a misdemeanor.

Any person who keeps or stores refrigerators, ice boxes, or deep freeze lockers for the purpose of selling or offering them for sale shall not be guilty of a violation of this section if he takes reasonable precautions to effectively secure the door of any refrigerator, ice box or deep freeze locker held for

purpose of sale so as to prevent entrance of any child or children small enough to fit into such articles. (Ord. 355 § 6(6), 1970)

Chapter 9.28

DANGEROUS WEAPONS

Sections:

- 9.28.010 Firearm possession prohibited to person convicted of violent crime.
- 9.28.020 Pistol – License required for carrying.
- 9.28.030 Pistol – Exceptions to license requirements.
- 9.28.040 Pistol – License issuance, fee.
- 9.28.050 Pistol – Issuance restrictions.
- 9.28.060 Pistol – Purchase procedure.
- 9.28.070 Pistol – Retail dealer – License required.
- 9.28.080 Pistol – Loan security provisions.
- 9.28.090 Pistol – Identification alteration prohibited.
- 9.28.100 Pistol – False information to obtain, prohibited.
- 9.28.110 Antique – Chapter exemptions.
- 9.28.120 Machine guns, illegally held, declared contraband.
- 9.28.130 Sale, manufacturing restrictions.
- 9.28.140 Firearm defined.
- 9.28.150 Dangerous weapon defined.
- 9.28.160 Discharge prohibited – Exception.
- 9.28.170 Snap blade knife prohibited.
- 9.28.180 Airgun, discharging weapon – Defined.
- 9.28.190 Airgun, discharging weapon – Aiming, shooting prohibited.
- 9.28.200 Weapons in courthouse – Prohibited.

9.28.010 Firearm possession prohibited to person convicted of violent crime.

No person who has been convicted in this state or elsewhere of a crime of violence shall own a firearm or have one in his possession under his control. (Ord. 438 § 2(1), 1970; Ord. 355 § 7(1), 1967)

9.28.020 Pistol – License required for carrying.

No person shall carry a pistol concealed on or about his person, except in his place of abode or fixed place of business, without a license as provided by law. (Ord. 438 § 2(2), 1970; Ord. 355 § 7(2), 1967)

9.28.030 Pistol – Exceptions to license requirements.

The provisions of WMC 9.28.020 shall not apply to marshals, sheriffs, prison or jail wardens

or their deputies, policemen or other law enforcement officers, or to members of the Army, Navy, Marine Corps, or Coast Guard of the United States or of the National Guard or Organized Reserves when on duty, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or in moving from one place of abode or business to another. (Ord. 438 § 2(3), 1970; Ord. 355 § 7(3), 1967)

9.28.040 Pistol – License issuance, fee.

The chief of police shall within 30 days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his person within this state for not more than one year from date of issue, for the purposes of protection or while engaged in business, sport or while traveling. Such citizen's constitutional right to bear arms shall not be denied to him, unless there exists a record of his prior court conviction of a crime of violence, or of drug addiction or of habitual drunkenness or of confinement to a mental institution. The license shall be in triplicate in form to be prescribed by the State Director of Motor Vehicles, and shall bear the name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent by registered mail to the Director of Motor Vehicles and the triplicate shall be preserved for six years, by the authority issuing the license. The fee for such license shall be \$1.00 which shall be paid into the city treasury. (Ord. 438 § 2(4), 1970; Ord. 355 § 7(4), 1967)

9.28.050 Pistol – Issuance restrictions.

No person shall deliver a pistol to any person under the age of 21 or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard, or of unsound mind. (Ord. 438 § 2(5), 1970; Ord. 355 § 7(5), 1967)

9.28.060 Pistol – Purchase procedure.

No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof as

provided herein, and, when delivered, the pistol shall be securely wrapped and unloaded.

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following 72 hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is applicable, denying the purchaser's application to purchase and the grounds. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol. (Ord. 438 § 2(6), 1970; Ord. 355 § 7(6), 1967)

9.28.070 Pistol – Retail dealer – License required.

No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110, as the same now is or hereafter may be amended. (Ord. 438 § 2(7), 1970; Ord. 355 § 7(7), 1967)

9.28.080 Pistol – Loan security provisions.

No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. (Ord. 438 § 2(8), 1970; Ord. 355 § 7(8), 1967)

9.28.090 Pistol – Identification alteration prohibited.

No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefore do not have the markings on the barrels of the original manufacturers who are no longer in business. (Ord. 438 § 2(9), 1970; Ord. 355 § 7(9), 1967)

9.28.100 Pistol – False information to obtain, prohibited.

No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity. (Ord. 438 § 2(10), 1970; Ord. 355 § 7(10), 1967)

9.28.110 Antique – Chapter exemptions.

The provisions of this chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items. (Ord. 438 § 2(11), 1970; Ord. 355 § 7(11), 1967)

9.28.120 Machine guns, illegally held, declared contraband.

All machine guns, or parts thereof, illegally held or possessed are declared to be contraband, and it shall be the duty of all police officers to seize the machine gun, or parts thereof, wherever and whenever found. (Ord. 438 § 2(12), 1970; Ord. 355 § 7(12), 1967)

9.28.130 Sale, manufacturing restrictions.

Every person who shall manufacture, sell or dispose of, or have in his possession, any instrument or weapon of the kind usually known as slingshot, sand club, zipgun, or metal knuckles; shall furtively carry, or conceal any dagger, dirk, knife, or other dangerous weapon or firearm; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor. (Ord. 438 § 2(13), 1970; Ord. 355 § 7(13), 1967)

9.28.140 Firearm defined.

"Firearm" includes but is not limited to mean any weapon or device capable of propelling a mis-

sile through the force of combustion or explosion of gunpowder or similar substance. (Ord. 438 § 2(14), 1970; Ord. 355 § 7(14), 1967)

9.28.150 Dangerous weapon defined.

"Dangerous weapon" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar devices and shall include compressed air rifles and pistols and slingshots. (Ord. 438 § 2(15), 1970; Ord. 355 § 7(15), 1967)

9.28.160 Discharge prohibited – Exception.

It is unlawful for any person to fire, shoot or discharge any firearm or other dangerous weapon within the city, except law enforcement officers in the performance of their duties. (Ord. 438 § 2(16), 1970; Ord. 355 § 7(16) 1967)

9.28.170 Snap blade knife prohibited.

It is unlawful to display, sell, give away, purchase, or possess any knife having a blade which is or can be concealed in its handle and ejected therefrom either manually or by mechanical or spring device or by gravity upon release of a catch and commonly known as a "snap blade knife." This chapter shall not apply to fixed blade knives or those having blades which pivot on or fold into their respective handles, and can be opened only manually. (Ord. 438 § 2(17), 1970; Ord. 355 § 7(17), 1967)

9.28.180 Airgun, discharging weapon – Defined.

"Airgun" or "other discharging weapon" as used in this section means any weapon or contrivance which is capable of throwing any missile by means of air pressure or otherwise, in such manner that the missile should be capable of injuring persons or damaging property. (Ord. 168 § 1, 1951)

9.28.190 Airgun, discharging weapon – Aiming, shooting prohibited.

It is unlawful for any person within the city limits, to aim or point any airgun or other pellet discharging weapon toward any human being, or to shoot or discharge such airgun or weapon. (Ord. 168 § 2, 1951)

9.28.200 Weapons in courthouse – Prohibited.

No person shall, at any time, have in their possession or bring into or upon the Washougal municipal courthouse any weapon. As used in this section, the term “weapon” includes: any slingshot, sand club, metal knuckles, spring blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, any knife having a blade which opens or falls or is ejected into position by the force of gravity or by any outward, downward or centrifugal thrust, or movement, any dagger, dirk, bow and arrow, crossbow, spring or gas propelled b.b. or pellet gun, spear, javelin, any device commonly known as non-chu-ka stick which consists of two or more links of wood, metal, plastic or similar substance connected with wire, rope or other means, any device commonly known as throwing stars, which are multi-pointed, metal objects designed to imbed upon impact from any aspect, incendiary devices, incapacitating gas dispensers, or any other weapon.

The foregoing provisions shall not apply to duly authorized law enforcement officers.

Violations to this section shall be a gross misdemeanor. (Ord. 1417 § 1, 2001)

Chapter 9.32

CRIMES AGAINST PUBLIC PEACE

Sections:

- 9.32.010 Disturbance of assembly.
- 9.32.020 Riot.
- 9.32.030 Unlawful assembly.
- 9.32.040 Offenses on public conveyances.
- 9.32.050 Disturbing public peace.
- 9.32.060 Fraud.
- 9.32.070 Shoplifting.
- 9.32.080 Unlawful retention of public library materials.
- 9.32.090 Property damage.

9.32.010 Disturbance of assembly.

Every person who, without authority of law, shall wilfully disturb any assembly or meeting not unlawful in its character shall be guilty of a misdemeanor. (Ord. 355 § 8(1), 1967)

9.32.020 Riot.

Whenever three or more persons, having assembled for any purpose, shall disturb the public peace or threaten or attempt to commit such disturbance, or to do any unlawful act by the use of force or violence, accompanied with the power of immediate execution of such threat or attempt, shall be guilty of a riot, punishable as a misdemeanor. (Ord. 355 § 8(2), 1967)

9.32.030 Unlawful assembly.

Whenever three or more persons shall assemble with intent:

- (1) To commit any unlawful act by force;
- (2) To carry out any purpose in such manner as to disturb the public peace;
- (3) Being assembled, shall attempt or threaten any act tending toward a breach of the peace, or an injury to persons or property or any unlawful act.

Such an assembly is unlawful, and every person participating therein by his presence, aid or instigation, shall be guilty of a misdemeanor; provided, that prior to making arrests an order to disperse be given, and a reasonable time allowed for such dispersion. (Ord. 355 § 8(3), 1967)

9.32.040 Offenses on public conveyances.

Every person who shall wilfully use profane, offensive, or indecent language or engage in any quarrel in any public conveyance, or interfere with or annoy any passenger therein, or, having refused to pay the proper fare, shall fail to leave any such

conveyance upon demand, or with intent to avoid the payment of fare shall ride upon any car or engine not commonly used for carriage of passengers, shall be guilty of a misdemeanor. (Ord. 355 § 8(4), 1967)

9.32.050 Disturbing public peace.

Any conduct not herein specifically described which tends to or does disturb the public peace, provoke disorder, or endanger the safety of others is unlawful, and any person guilty of a violation of this section shall be guilty of a misdemeanor. (Ord. 355 § 8(5), 1967)

9.32.060 Fraud.

Every person who, with intent to deprive or defraud the owner thereof:

(1) Shall take, lead, or drive away the property of another;

(2) Shall obtain from the owner or another the possession of or title to any property, real or personal, by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or drawer of such order, check or draft was not authorized or entitled to make or draw the same, or by color or aid of any fraudulent or false representation, presentation or pretense or by any false token or writing or by any trick, device, bunco game or fortunetelling;

(3) Having any property in his possession, custody, or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator guardian or officer of any person, estate, association or corporation or by competent authority to take or hold such possession, custody or control, or as a finder thereof, shall secrete, withhold or appropriate the property to his own or to the use of any person other than the true owner or person entitled thereto; or

(4) Having received any property by reason of mistake, shall with knowledge of such mistake secrete, withhold or appropriate the property to his own use or to the use of any person other than the true owner or person entitled thereto; and

(5) Every person who, knowing the property to have been so appropriated, shall bring into this city or buy, sell, receive aid in concealing or withholding any property wrongfully appropriated, whether within or outside of the city in such manner as to constitute larceny under the provisions of this chapter shall be guilty of larceny. Whoever commits larceny is guilty of a misdemeanor. (Ord. 355 § 8(6), 1967)

9.32.070 Shoplifting.

A person who wilfully takes possession of any goods, wares or merchandise with a value of less than \$75.00 offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares, or merchandise to his own use without having paid the purchase price therefor is guilty of a misdemeanor (shoplifting). (Ord. 355 § 8(7), 1967)

9.32.080 Unlawful retention of public library materials.

Any person who wilfully retains any book, newspaper, magazine, pamphlet, manuscript, recording or other property belonging to or in any public library, reading room, or other educational institution, for 30 days after date due for return, shall be guilty of a misdemeanor. (Ord. 355 § 8(8), 1967)

9.32.090 Property damage.

Every person who, in such manner as might, if not discovered, endanger the safety of any person or property, or shall in any manner interfere, tamper with, damage or obstruct any public or private property not his own; and every person who shall discharge any firearm or throw any dangerous missile at any train, engine, bus, car or other vehicle shall be guilty of a misdemeanor. (Ord. 355 § 8(9), 1967)

Chapter 9.36

**UNLAWFUL INTERFERENCE WITH
PUBLIC UTILITY EQUIPMENT**

steam or electricity without paying proper compensation therefor. (Ord. 438 § 3(2), 1970; Ord. 355 § 9(2), 1967)

Sections:

- 9.36.010 Tampering with intent to injure or defraud.
- 9.36.020 Prima facie evidence of attempt to injure or defraud.

9.36.010 Tampering with intent to injure or defraud.

Every person, who with intent to injure or defraud, shall:

- (1) Break or deface the seal of any gas, electric, steam, or water meter;
- (2) Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of gas, electricity, steam or water supplied to a consumer thereof;
- (3) Make any connections by means of a wire, pipe, conduit, or otherwise with any wire, main or pipe to a consumer thereof in such manner as to take gas, electricity, steam, or water from the wire, main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed; or use any gas, electricity, steam or water so obtained;
- (4) Make any connection or reconnection with such wire, main or pipe, or turn on or off, or in any manner interfere with any valve, stopcock or other appliances connected therewith;
- (5) Prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of gas, electricity, steam or water consumed, or interfere with, obstruct or prevent by any means, the reading or inspection or removal of such meter or instrument, by any person, company, or corporation owning the same; shall be guilty of a misdemeanor. (Ord. 438 § 3(1), 1970; Ord. 355 § 9(1), 1967)

9.36.020 Prima facie evidence of attempt to injure or defraud.

For the purposes described herein it shall be prima facie evidence of an attempt to injure or defraud by the land occupier if there exists on any property under his ownership or control any device, machine or construction which allows the land occupier to take, use or utilize any water, gas,

Chapter 9.40**BREAKING AND ENTERING**

Sections:

- 9.40.010 Prohibited.
 9.40.020 Unlawful coin removal from coin-operated machines.
 9.40.030 Violation deemed misdemeanor.

9.40.010 Prohibited.

It is unlawful for any person not the owner thereof, and without the express or implied permission of the owner or owners thereof, to enter or attempt to enter into any building, dwelling or out-building within the city limits. (Ord. 355 § 10(1), 1967)

9.40.020 Unlawful coin removal from coin-operated machines.

It is unlawful for any person to tamper with, force, or in any way remove coins or other objects from any coin-operated machine or its attachments, without the express permission of the owner of the machine. (Ord. 355 § 10(2), 1967)

9.40.030 Violation deemed misdemeanor.

Violations of any provisions of this chapter shall constitute a misdemeanor. (Ord. 355 § 10(3), 1967)

Chapter 9.44**INJURY TO PROPERTY**

Sections:

- 9.44.010 Offenses designated.
 9.44.020 Trespass.
 9.44.030 Enclosed land defined.
 9.44.040 Unlawful discharge of volatile substances.
 9.44.050 Automotive businesses to prevent unlawful discharge of volatile substances.
 9.44.060 Reward for information.
 9.44.070 Malicious damage to streets, sidewalks or bridges.

9.44.010 Offenses designated.

Every person shall be deemed guilty of a misdemeanor who shall wilfully:

(1) Cut down, destroy or injure any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another in the city;

(2) Cut down, girdle or otherwise injure a fruit, shade or ornamental tree standing on the land of another in the city, or along any road or city street;

(3) Dig, take or carry away, without lawful authority or consent, from any lot or land within the city, or from any lands included in the city, any earth, soil or stone;

(4) Enter, without the consent of the owner or occupant, any orchard, or damage or deface any building or part, thereof, or throw any stone or other missile at any building or part thereof;

(5) Throw, place or deposit, in any road, street, alley or highway in the city any bottle, bottles, glass, glassware, tacks, nails, garbage, rubbish, or discarded matter. (Ord. 355 § 11(1), 1967)

9.44.020 Trespass.

Every person who goes upon the land of another with the intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act, or enters upon the enclosed land of another for the purpose of hunting or fishing without having first obtained permission of the owner or occupant of such land, or enters upon any land of another bounded on one or more sides by water when notices not to trespass thereon have been posted as often as every 700 feet on or near the other boundaries thereof for either of such purposes, or wilfully goes or remains upon any land after having been warned by the owner or occupant thereof not to

trespass thereon, shall be guilty of a misdemeanor. (Ord. 355 § 11(2), 1967)

9.44.030 Enclosed land defined.

“Enclosed land” for the purpose of this chapter means any land fenced, either with a lawful fence or with such a fence as is usually used in the neighborhood of such land. (Ord. 355 § 11(3), 1967)

9.44.040 Unlawful discharge of volatile substances.

It is unlawful for any person, firm, association, or corporation to cause, allow, or permit any oil, gasoline, cleaning fluid, or any other oily or volatile substances to be discharged into any street or catch basin located in any of the city streets. (Ord. 355 § 11(3), 1967)

9.44.050 Automotive businesses to prevent unlawful discharge of volatile substances.

Every service station, garage, or place of business dealing with automobiles or mechanical equipment, or dealing with the storage of oil and gasoline shall be so equipped as to prohibit drainage of substances as defined in WMC 9.44.040 from entering any street or catch basin located in any street; and such owners and operators in such businesses shall provide for the elimination of such substances other than by discharge of the same into a public street or catch basin. (Ord. 154 § 2, 1950)

9.44.060 Reward for information.

The city will pay the sum of \$150.00 for information leading to the arrest and conviction of any person for the wilful malicious destruction of public property within the city. (Res. 129, 1971)

9.44.070 Malicious damage to streets, sidewalks or bridges.

No unauthorized person or entity shall maliciously, wilfully, and/or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance, equipment or property which is a part of the city street, sidewalk and or bridge system. Each violation shall be assigned a minimum fine of \$100.00, which may not be suspended, plus the costs of time, material and 15 percent overhead for the repair of the damage to said street, sidewalk or bridge structure. (Ord. 1080 § 1, 1992)

Chapter 9.48

LARCENY

Sections:

- 9.48.010 Vehicle theft.
- 9.48.020 Defacement of vehicle identification.
- 9.48.030 Fraudulent checks.

9.48.010 Vehicle theft.

Every person who shall, without the permission of the owner or persons entitled to the possession thereof, intentionally take or drive away any automobile or motor vehicle, whether propelled by steam, electricity or internal combustion engine, the property of another, shall be deemed guilty of a misdemeanor, and every person voluntarily riding in or upon the automobile or motor vehicle with knowledge of the fact that the vehicle was unlawfully taken or driving the automobile or motor vehicle shall be deemed guilty of a misdemeanor. (Ord. 355 § 12(1), 1967)

9.48.020 Defacement of vehicle identification.

Whoever knowingly buys, sells, receives, disposes of, conceals or has in his possession any motor vehicle or motor boat from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of the motor vehicle or motor boat shall be guilty of a misdemeanor. (Ord. 355 § 12(2), 1967)

9.48.030 Fraudulent checks.

Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with the bank or depository, to meet the check, upon its presentation, shall be guilty of a misdemeanor. “Credit” as used herein means an arrangement or understanding with the bank for the payment of such check or draft, and the uttering or delivery of such check or draft to another person, without funds or credit to meet the same, shall be prima facie evidence of an intent to defraud. (Ord. 355 § 13(1), 1967)

Chapter 9.52**FALSE ADVERTISING**

Sections:

9.52.010 Generally.

9.52.010 Generally.

Any person, firm, corporation or association who, with intent to sell or otherwise dispose of merchandise, securities or service, or anything offered by such person, firm, corporation or association directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire a title thereto, or an interest therein, makes, publishes, disseminates, or circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated or circulated, or placed before the public in this city, in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way of advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, is guilty of a misdemeanor; provided, that the provisions of this section shall not apply to any owner, publisher, agent or employee of a newspaper for the publication of such advertisement published in good faith and without knowledge of the falsity thereof. (Ord. 355 § 14, 1967)

Chapter 9.60**INTOXICATING LIQUOR**

Sections:

9.60.010 Defined.

9.60.020 Sale, consumption – Hours prohibited.

9.60.030 Establishment – Liquor sale is only part of business.

9.60.040 Establishment – Minor prohibited.

9.60.050 Sale, consumption – Allowing during unlawful sale hours prohibited.

9.60.070 Consumption in vehicle prohibited.

9.60.080 Consumption in parks prohibited.

9.60.010 Defined.

For the purpose of this chapter all beverages or drinks containing more than one percent alcohol are declared to be “intoxicating liquors.” (Ord. 268 § 1, 1961)

9.60.020 Sale, consumption – Hours prohibited.

No places or persons selling or giving away intoxicating liquors of any kind, including beer and wine, which have been legally licensed by the state to sell such drinks, shall sell, deliver, offer for sale, serve or allow to be consumed upon the licensed premises any liquor, nor permit the removal of any liquor from the licensed premises in any manner whatsoever, between 2:00 a.m. and 6:00 a.m. (Ord. 611 § 1, 1976; Ord. 593 § 1, 1976; Ord. 435 § 1, 1970; Ord. 362 § 1, 1967; Ord. 268 § 2, 1961)

9.60.030 Establishment – Liquor sale is only part of business.

In case of any place of business where the sale of intoxicating liquor is only a part of the business, the seller shall provide means whereby the place of selling liquor can be locked up during the hours that the sale is unlawful. (Ord. 268 § 3, 1961)

9.60.040 Establishment – Minor prohibited.

It is declared unlawful for any person under the age of 21 years to enter into or remain in or purchase any intoxicating liquors in any establishment where pool rooms or card rooms are conducted. (Ord. 435 § 2, 1970; Ord. 268 § 4, 1961)

9.60.050 Sale, consumption – Allowing during unlawful sale hours prohibited.

It is unlawful for any person carrying on any business where intoxicating liquors are sold or

given away to allow any drinking of alcoholic beverages in any place operated by him during the hours when the sale thereof is prohibited and it is also unlawful for any person to purchase or drink any alcoholic beverage in any such place or in any public place in the city during the hours when the sale is prohibited. (Ord. 268 § 5, 1961)

9.60.070 Consumption in vehicle prohibited.

Every person who shall drink any intoxicating liquor in any public conveyance or private vehicle shall be guilty of a misdemeanor. (Ord. 355 § 17(2), 1967)

9.60.080 Consumption in parks prohibited.

Every person who shall drink or possess any intoxicating liquor or beverage within any city park shall be guilty of a misdemeanor. (Ord. 396 § 1, 1969; Ord. 355 § 17(3), 1967)

Chapter 9.64

VAGRANCY

Sections:

9.64.010 Acts designated.

9.64.010 Acts designated.

A person who asks or receives any compensation, gratuity or reward for practicing fortune telling, palmistry, or clairvoyance; a person who keeps a place where lost or stolen property is concealed; a person practicing or soliciting prostitution or keeping or working in a house of prostitution; a common drunkard found in any place where intoxicating liquors are sold or kept for sale, or in an intoxicated condition; a person who solicits alms; a lewd, disorderly or dissolute person; or a person who lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof is guilty of a misdemeanor. (Ord. 556 § 18, 1975; Ord. 363 § 1, 1967; Ord. 355 § 18(1), 1967)

Chapter 9.68**SEX OFFENSES**

Sections:

- 9.68.010 Indecent exposure.
 9.68.020 Bawdy house – Inmate, visit, soliciting prohibited.

9.68.010 Indecent exposure.

Every person who knowingly makes an indecent and public exposure of his or her person is guilty of a misdemeanor. (Ord. 355 § 19(1), 1967)

9.68.020 Bawdy house – Inmate, visit, soliciting prohibited.

Every person who is an inmate of, or who solicits for, or who visits a bawdy house, is guilty of a misdemeanor. (Ord. 355 § 20(1), 1967)

Chapter 9.70**PUBLIC NUISANCES**

Sections:

- 9.70.010 General provisions.
 9.70.020 Purpose and scope.
 9.70.030 Definitions.
 9.70.040 Public health, safety and welfare nuisances.
 9.70.050 Violations and enforcement.
 9.70.060 Severability.

9.70.010 General provisions.

This chapter shall be known as the “Public Nuisance Ordinance of the City of Washougal,” may be cited as such, and will be referred to hereinafter as this chapter. (Ord. 1390 § 1 (Exh. A), 2000)

9.70.020 Purpose and scope.

(1) The purpose of this chapter is to promote the health, safety and welfare of the citizens of Washougal, Washington, and to protect neighborhoods against hazards, blighting and deteriorating influences or conditions that have a negative impact on families, encourage social disorder and crime, and decrease area property values, by establishing minimum standards for the maintenance of all residential and nonresidential buildings, and structures, and vacant and improved land.

(2) This chapter shall apply to all buildings, structures and lands within the city regardless of the use, the date of construction, improvement or alteration.

(3) This chapter shall be fairly, sensibly and reasonably applied to promote the maintenance of all existing buildings and land in the city. The intent is to ensure that individuals and families do not suffer undue hardship.

(4) This chapter shall not require changes in existing buildings and utilities when alterations were installed and have been maintained in accordance with relevant building code in effect at the time of construction or alteration of the subject building or utilities. The only exception is when the building has been determined to be an imminent hazard, unsafe, unhealthy or deteriorated. (Ord. 1390 § 1 (Exh. A), 2000)

9.70.030 Definitions.

The following are definitions for terms used in this chapter. They are not intended to serve as regulations in and among themselves. Terms not listed

in this chapter shall have their normal and customary meanings.

“Abate” means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such an extent as the enforcement officer, in his/her judgment, determines is necessary in the interest of the general health, safety and welfare of the community.

“Abandoned vehicle” means a car, truck, boat or other similar means of conveyance, for which any personal claim or right has ceased.

“Agent” means a person residing within the state of Washington, authorized to make or order repairs, service to units and receive notices.

“Animals” mean and include, but are not limited to, geese, ducks, chickens, pigs, goats and sheep, horses, rabbits, cattle, exotic animals, chinchilla, nutria, fox, mink, deer, raptors, opossums, skunks, raccoons, venomous and nonvenomous snakes and other reptiles, insects such as bees, hornets, wasps, or any insects that might be injurious to the public or destroy buildings, landscaping or crops.

“Back yard” means the open space extending the full width of a lot between a building and the back property line as found at WMC Title 18, Zoning.

“Barbed wire” means two or more strands of wire twisted together with sharp vertical barbs, most frequently used in agriculture to keep animals in an enclosure. “Razor wire” means a single strand of flattened wire which has been shaped, sharpened and barbed.

“Blight” means to cause to deteriorate, a condition resulting in withering, crumbling, decay or to descend to a less adequate level. To decompose, something that impairs or destroys, to suffer from or become lower in quality, character or condition.

“Building” means any structure designed for occupancy or any structure used or intended for supporting or sheltering any use or occupancy.

“Building materials” means and includes lumber, plumbing materials, wall board, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.

“Civil violation” means a violation of a provision of this chapter, for which a monetary penalty may be imposed. Each 24-hour period in which a violation occurs or continues to exist is a separate violation.

“Commercial vehicles” means and shall include, but not be limited to truck tractors and/or trailers, dump trucks, and other construction equip-

ment or the trailers they are transported on, and commercial vehicles over 10,000 pounds gross weight, or exceeding 20 feet in length and/or 7.5 feet in width, etc.

“Compost pile” means the accumulation of vegetative matter piled in such a manner as to encourage decomposition, decay or rotting of the materials which are used as fertilizer for gardens and landscaping.

“Debris” means substances of little or no apparent economic value, including, but not limited to, recycled lumber, scrap newspaper, furniture parts, stoves, sinks, cabinets, household fixtures, refrigerators, vehicles or parts thereof, abandoned, broken or neglected equipment, or the scattered remains of items.

“Deterioration” means a lowering in quality of the condition or appearance of a building, structure or parts thereof characterized by holes, breaks, rot, crumbling, or other evidence of physical decay or neglect or excessive use or lack of maintenance.

“Dumping” means the throwing out, dumping or discarding of unwanted articles on property other than your own, including, but not limited to, household trash, vehicles or vehicle parts, furniture, appliances, cut brush, grass, glass, papers, cans, bottles, or other items on any property that is not disposed of in an officially designated disposal site.

“Dwelling” means any building or a portion thereof which is intended, or designated to be built, used, rented, leased, or hired out for human occupancy, or which is occupied, by a human being.

“Enforcement officer(s)” means any person(s) designated by the chief of police, or the planning development director for the purpose of inspecting public and private property with the specific intent to abate public nuisances or zoning violations.

“Exotic animal” means any of the following:

(1) Venomous or constricting species of snake; capable of inflicting serious physical harm or death to human beings;

(2) Nonhuman primates and prosimians;

(3) Bears;

(4) Nondomestic species of felines, including, but not limited to, cougars, bobcats, lynx, etc.;

(5) Nondomestic species of canines and their hybrids, including wolf and coyote hybrids;

(6) The order of crocodilia, including alligators, crocodiles, caiman and gavials; or

(7) Any other nondomestic animal that, either by behavior or by complaints from a neighbor or other person in the vicinity, has demonstrated a

dangerous propensity for conduct that poses a threat to the public welfare.

“Fences,” “walls,” and “hedges” mean a self-standing accessory structure including landscape planting, designed and intended to serve as a barrier or a means of enclosing a yard or other area, or other structure; or to serve as a boundary feature separating two or more properties.

“Front yard” means the open space extending the full width of a lot between a building and the front property line.

“Graffiti” means a drawing, message, slogan, name or inscription written on some surface that can be viewed by an individual or by the public, not including utility locate markings. Often, but not always, written with spray paint, indelible marker, crayon, pen or ink.

“Health hazard” means the presence of any item(s) which adversely impact or jeopardize the well-being or health of an individual. Such items include evidence of occupancy without adequate water and sanitation facilities, or may be inclusive of human or animal waste, medical or biological waste, poisons, sharps, gaseous or combustible materials, radioactive waste, dangerous or corrosive chemicals or liquids, flammable or explosive materials, friable asbestos, and decayed matter.

“Imminent hazard” means a condition of real property that places a person’s health or property in high risk of danger when such condition is immediate, impending or the point of happening and menacing.

“Junk vehicle” means a vehicle meeting at least three of the following requirements:

- (1) Is three years old or older;
- (2) Is extensively damaged, such damage including but not limited to any of the following:
 - (a) A broken window or windshield, or missing wheels, tires, motor or transmission;
- (3) Is apparently inoperable;
- (4) Has an approximate fair market value equal only to the approximate value of the scrap in it.

“Junk yard” means the dismantling, storage, or handling in any manner of junked vehicles, machinery or parts, for the purpose of storage or sales of dismantled material, junk and scrap.

“Litter” means all waste material, including, but not limited to, cans, bottles, glass, paper, cut brush or grass, tires and other vehicle parts, or any other items tossed, thrown, or discarded in a place other than a legally designated disposal site.

“Motor vehicle” means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or prop-

erty is or may be transported or drawn upon a public highway.

“Nondomesticated species” means any species of animals that are not commonly considered tame and not generally accustomed to living among humans and being raised by humans as pets or as livestock.

“Obstructions” means tables, chairs, signs, sandwich boards, barricades, sand, dirt, gravel, bark dust, brick or concrete block, cut brush, trash bags or garbage cans, lumber and other construction supplies, or any material or thing placed in the right-of-way without a valid encroachment permit.

“Open and abandoned ground cavities” means and includes, but is not limited to, unfilled wells, pits, vaults, basements, foundations, cesspools, basins, etc., which have been abandoned or are no longer used for the purpose for which they were constructed or which are maintained contrary to law.

“Owner” means a person, persons or legal entity listed as current title holder as recorded in the official records of Clark County, the state of Washington, or other legal entities.

“Premises” means any building, lot, parcel, real estate, land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Public nuisance” means a thing, act, omission to act, occupation, or use of property which annoys, injures or endangers the safety, health, comfort or repose of the public, offends public decency, is offensive to the senses, unlawfully interferes with, obstructs or renders dangerous any portion of the city, or in any way renders other persons insecure in life or use of property, or obstructs the free use of property so as to essentially interfere with the comfort and enjoyment of life and property.

“Recreational vehicle” means and shall include, but not be limited to, motor homes, travel trailers, camper vans, pickups and campers, motorcycles, snowmobiles, dune/sand buggies, boats and trailers, etc.

“Responsible party” means an occupant, agent, lessor, lessee, manager, licensee, or other person having control over a structure or parcel of land and in the case where the demolition of a structure is proposed as a means of abatement, any lien holder whose lien interest is recorded in the official records of the Clark County real property listings.

“Rubble” means broken solid surface fragments usually resulting from decay or deterioration of a

building; miscellaneous mass of broken or apparently worthless materials.

“Side yard” means the open space extending from the front yard to the rear yard between a building and the nearest side property line.

“Tenant” means one who is not the legal owner of record, but has legal possession of property for which he pays rent or which he holds by lease, usually the resident of the property.

“Trash covered premises” means and shall include, but not be limited to, debris in the form of cans, bottles, glass, crockery, ashes, boxes, crates, packing material, waste paper, junk vehicles or the parts thereof, metal or plastic articles, broken stone or cement, lumber not neatly piled, lumber stored in front yards, broken or discarded building materials, discarded appliances or furniture, mattresses, bedding, clothing, rags, tree and vegetation trimmings, and all other trash and debris which may harbor insects, rodent or other harmful pest infestations or may become a fire hazard.

“Unsecured structure” means a structure that is vacant with a damaged or open door, window or other opening not secured in accordance with city standards to prevent unauthorized entry.

“Weeds” and “trees” mean all noxious weeds and other rank growths upon public or private property to include, but not be limited to, blackberry vines, Russian thistle, tansy, poison oak/ivy, deadly nightshade, or any toxic weed, or uncultivated plant (whether growing or otherwise) weeds, or uncultivated shrubs or growth, the existence of any dead, diseased, infested or dying tree that may constitute a danger to humans, homes, streets, sidewalks or any portion thereof. (Ord. 1390 § 1 (Exh. A), 2000)

9.70.040 Public health, safety and welfare nuisances.

The following provisions are declared public nuisances due to presence of a threat to public health, safety and welfare. These nuisances also have been found to adversely affect property values in the city.

(1) Animals. The keeping or confining of any animals, insects, reptiles, birds or fowls on any premises which would pose a threat of injury to persons, damage to property or excessive or annoying noise or odor or would otherwise cause detriment to the health, safety and welfare of neighboring persons and properties is a public nuisance. This chapter shall not apply to:

(a) Properly licensed public or private zoos, or museums;

(b) School classroom displays;

(c) Laboratories and research facilities maintained by scientific or educational institutions that are otherwise regulated by law;

(d) Private or commercial activities such as circuses, fairs or zoological parks which institutions are otherwise regulated by law;

(e) Any animal which is allowed by the zoning code.

(2) Barbed and Razor Wire. No person or individual shall install, attach or permit to be installed or attached any barbed or razor wire upon any portion of their property within the city limits. To do so is declared to be a public nuisance. Exceptions include:

(a) Agricultural property where barbed wire fences are used to contain livestock.

(b) Commercial, military, civic or institutional property which has a solid material or chain link fence no less than six feet in height which may be topped with wire.

(3) Basketball Hoops. The erection, maintenance or allowing of any basketball hoop within the right-of-way of any public street that is so situated such that persons using the basketball hoop are playing within the improved portion of the public right-of-way is declared to be a public nuisance.

(4) Building and Structure. A building or structure is a public nuisance when it becomes deteriorated, damaged, in need of repair, left vacant, unsecured, or any portion of a building or structure remaining on a site after the demolition or destruction of a building, or whenever the building or structure has been damaged by any natural or man made disaster, or has become dilapidated or deteriorated so as to become an attractive nuisance to children, a harbor for vagrants, criminals, or to enable persons to resort to commit unlawful acts, which present a threat to the health, safety and welfare of the community. All buildings and structures are to be maintained in a condition that does not pose a threat to the health and safety of any person.

(5) Fences, Walls, and Hedges. All fences, walls and retaining walls on the premises shall be safe and structurally sound. Fences shall be maintained so that they do not constitute a hazard, blight or condition of disrepair, graffiti covered, leaning, missing slats or blocks, sagging, fallen, decayed, rotting, damaged or peeling paint. Fencing with discarded or mismatched pieces of wood or other materials, corrugated metal or plastic sheets, pipe, tires, bedsprings, or other materials not originally intended as fencing constitutes a public nuisance.

(6) Foul or Annoying Animal Quarters. The keeping, using or maintaining of any pen, stable, lot, place or premises in which any animals, live-stock or fowl may be confined or kept in such manner as to be nauseous, foul or offensive is a public nuisance.

(7) Graffiti. All sidewalks, walls, buildings, fences, signs, and their structures or surfaces shall be kept free from graffiti when the graffiti is visible from the street or other public or private property. The allowing of graffiti to remain is declared to be a public nuisance.

(8) Littering. It shall be considered a public nuisance for any person to throw, dump, drop, deposit, discard or otherwise dispose of any litter upon any public or private property, including but not limited to any street, sidewalk, alley, vacant land, recreational area, school, shoreline or waters in the city, except at a legally designated litter disposal site.

(9) Maintenance of Swimming and Landscape Pools. All swimming pools, landscape pools and spas shall be properly maintained so as not to create a safety hazard or harbor insect infestation, or create visibly deteriorated or blighted appearance. Pools not properly maintained are declared to be a public nuisance.

(10) Obstructions – Public Rights-of-Way. See Chapter 12.20 WMC.

(11) Opened and Abandoned Ground Cavities. Unfilled wells, pits, basements, vaults, cesspools, foundations, mines, caves or other cavities which have been abandoned or are no longer used for the purpose for which constructed, which pose a danger to life and health are declared to be a public nuisance.

(12) Refrigerators. Any icebox, refrigerator, deep freeze or other container, which has an airtight door or lid, snap lock or other automatic locking device, which may not be released from the inside, which is permitted to remain outside or within any unoccupied or abandoned building, dwelling, other structure, or in a place accessible to children is a public nuisance.

(13) Trash Covered Premises. All premises and vacant land, whether improved or unimproved, shall be maintained free from any accumulation of garbage, household trash, litter, rubble, debris, etc. The causing, maintaining or permitting of trash-covered premises is declared to be a public nuisance.

(14) Unfinished or Partially Destroyed Structures. The causing or permitting of any abandoned or partially destroyed building, billboard or structure, or any building or structure partially torn

down or demolished or commenced and left unfinished, or that has been in part or as a whole moved from its original location to a new location within the city and not completed or readied for the use or occupancy for which it was originally built, is declared to be a public nuisance.

(15) Unsound, Putrid or Unwholesome Substances. The keeping or allowing to be kept in any building, yard, enclosure, public place or private property of any unsound, putrid or unwholesome substances, swill, offal, and any accumulation of spoiled, partially or fully decomposed rotting or discarded animal, vegetable or other matter that attends the preparation, handling, consumption, storage or decay of plant and animal matter including meats, fish, fowl, fruits, vegetable or dairy products and their waste wrappers or containers is a public nuisance. This does not include, however, properly maintained vegetative compost bins or piles.

(16) Vegetation. See Chapter 7.08 WMC.

(17) Vehicle and Vehicle Accessories Parking and Storage. The noncommercial outdoor storage of vehicles and vehicle accessories is permitted provided the following standards are met:

(a) All motor and recreational vehicles shall be parked in a designated driveway, parking space, carport or garage.

(b) Junk vehicles must be registered to a resident of the property. The vehicle must be under repair and the total period during which the vehicle is inoperable shall not exceed 15 days. This condition of repair to a junk vehicle is not to occur more than three times during any 12-month period.

(c) Junk vehicle parts and vehicle accessories, such as tow dollies, engine pullers, etc., shall not be stored outside of an enclosed building except in an area which is not visible from any part of any private property, public streets, highways and sidewalks. Under no circumstances shall storage of junk vehicle parts and vehicle accessories be allowed in the front yard or side yards with a flanking street.

(d) Canopies, shells, unmounted campers, dune buggies, ATVs, or boats with or without trailers, motorcycles, etc., shall not be stored in the front yard (other than allowed as described in subsection (17)(a) of this section) or side yards with a flanking street.

(e) No truck or other motor vehicle or trailer exceeding one-ton capacity or commercial, industrial or agricultural equipment and/or machinery, shall be stored or parked for a continuous period exceeding one hour on any public street or any

public right-of-way, except for a reasonable period of loading or unloading.

(f) No vehicles shall be parked for a continuous period exceeding 24 hours on any public street or any public right-of-way or as further restricted by WMC 10.32.030.

(18) Weeds, Trees and Other Vegetation. See Chapter 7.08 WMC. (Ord. 1611 § 1 (Exh. A), 2008; Ord. 1390 § 1 (Exh. A), 2000)

9.70.050 Violations and enforcement.

The following provisions are intended to indicate the implementation of the public nuisance ordinance. The subsections provide for language with respect to violations, enforcement, and abatement, among other things.

(1) Violation – Permitting Unlawful.

(a) It is unlawful for any person, firm or corporation, by themselves or by their agents, employees or as the agent or employee of another person, firm or corporation, to do or permit to be done upon any premises over which they have control, or to maintain, carry on, suffer or allow, at any place or places in the preceding sections above, any of the acts or things declared in this chapter to be nuisances, or to do or cause or permit or suffer to be done, or maintain any act or thing which shall be detrimental or injurious to public health or offensive to the senses or contrary to public decency or morality.

(b) In case the owner or agent of any premises is found to have had actual or constructive knowledge of the maintenance on or in said premises of any nuisance as defined in this chapter, he shall for the purpose of this chapter, be deemed one of the persons in control of the premises.

(2) Enforcement – Civil Infraction.

(a) Any person who violates any of the provisions of this chapter shall be guilty of a civil infraction.

(b) The Washougal municipal court may impose costs in addition to the penalties set out below.

(c) Owners, agents, and/or tenants failing to comply will be subject to the penalties set forth in this chapter.

(i) Day one through 10 – clean up period (discretionary four-day extension);

(ii) Day 11 through 13 – fine \$100.00 per day (maximum);

(iii) Day 14 through 17 – fine \$200.00 per day (maximum);

(iv) Day 18 through 21 – fine \$300.00 per day (maximum);

(v) Day 22 and up – fine \$500.00 per day (maximum).

(3) Continued Duty to Correct Violation. Payment of a monetary penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the enforcement officer.

(4) Accrual of Penalty. The city is authorized to collect the monetary penalty by use of appropriate legal remedies. Seeking legal redress by the city shall neither stay nor terminate the accrual of additional per diem monetary penalties so long as the violation continues.

(5) Enforcement – Civil Abatement.

(a) In the event that any person violates any of the provisions of this chapter, within 24 months of a committed finding for the same prior offense, the city may proceed with enforcement pursuant to this section or, the city may file a complaint with the Washougal municipal court alleging the maintenance of a public nuisance and violation of this chapter. Upon filing of the complaint, the municipal court shall issue a show cause order directing the defendant to appear at a time and place certain and then show cause, if there be any, why an order should not be entered directing abatement of the public nuisance. A copy of the show cause order shall be served upon the defendant not less than five days prior to the show cause hearing.

(b) If the defendant fails to appear at the show cause hearing, or appears and fails to show cause why the public nuisance should not be ordered abated, the court shall enter an order directing the defendant to abate the public nuisance.

(c) If the court determines at the show cause hearing that a trial of the issues is necessary before an order of abatement should issue, the matter shall be set for a trial which shall be conducted in accordance with the civil procedure for justice courts.

(d) In all complaints to abate public nuisances, the city shall have the burden of proving by preponderance of the evidence that the defendant is maintaining a public nuisance contrary to the provisions of this chapter. If, following the trial, the court finds that the defendant is guilty of maintaining a public nuisance, then it shall enter an order directing the defendant to abate the nuisance. If the court finds that the city has failed to prove by a preponderance of the evidence that the defendant has maintained a public nuisance in violation of this chapter, then the complaint shall be dismissed without costs or attorneys' fees to either party.

(6) Order of Abatement. When judgment shall be rendered against any person, persons, firm or

corporation finding them guilty of creating, keeping, maintaining, permitting, allowing or suffering a public nuisance as defined in this chapter, the municipal court shall enter an order of abatement requiring such person to abate the public nuisance within a time certain. The order of abatement shall further require such person to reappear before the court after expiration of the time specified in the abatement order, and at that time provide evidence that the public nuisance has been abated as ordered by the court.

(7) Abatement by the City. In the event any person fails to comply with the order of abatement issued under the provisions of this chapter, then the city may abate such nuisance. The cost of abatement incurred by the city shall be assessed against the person failing to comply with the order of abatement, and shall be in addition to any other penalty or fine assessed for failure to comply with the order of abatement.

(8) Failure to Abate – Penalty. Any person who has been ordered to abate a public nuisance and fails to comply with such order within the time specified in such order shall be guilty of a misdemeanor, and upon conviction thereof shall be assessed a fine not exceeding \$500.00 or a jail term not exceeding 90 days, or both such fine and jail term. It shall be a separate violation for each 24-hour period following the expiration date in the order of abatement during which such person fails to abate the public nuisance as ordered.

(9) Appeal. Any appeal to the decision of the Washougal municipal court shall be governed by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ). (Ord. 1390 § 1 (Exh. A), 2000)

9.70.060 Severability.

If any clause, part or section of this chapter shall be adjudged invalid, such judgment shall not affect nor invalidate the remainder of the chapter, but shall be confined in its operation to the clause, part or section directly involved in the controversy in which such judgment was rendered. If the operation of any clause, part or section of this chapter shall be held to impair the obligation of contract or to deny to any person any right or protection secured by the Constitution of the United States or by the constitution of the state, it is declared that, had the invalidity of such clause, part or section been considered at the time of the adoption of this chapter, the remainder of the chapter would never-

theless have been adopted without such and any and all such invalid clauses, parts or sections. (Ord. 1390 § 1 (Exh. A), 2000)

Chapter 9.73**PUBLIC DISTURBANCE BY NOISE**

Sections:

- 9.73.010 Definition.
- 9.73.020 Violations.
- 9.73.030 Exceptions.
- 9.73.040 Penalty.

9.73.010 Definition.

It is unlawful for any person to allow sound to emanate from real or personal property that is a public disturbance noise. (Ord. 1055 § 1, 1991)

9.73.020 Violations.

The following shall be considered public disturbance noises:

(1) The use of a musical instrument, whistle, sound amplifier or other device producing or reproducing loud or raucous sounds emanating frequently, repetitively, or continuously from any building, structure or property so as to unreasonably disturb or interfere with the peace, comfort or repose of owners or possessors of neighboring or nearby real property;

(2) The making of any loud or raucous sound within 1,000 feet of any school, hospital, sanitarium, nursing or convalescent facility, which unreasonably interferes with the use of such facility, or with the peace, comfort or repose of persons therein;

(3) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-road vehicle, or internal combustion engine so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of neighboring or nearby real property; provided, however, that this subsection shall not apply to the operation of lawn mowers, garden tools, chain saws or other power equipment used for building repair or grounds maintenance between the hours of 7:00 a.m. and 10:00 p.m.;

(4) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

(5) Sounds from motor vehicle sound systems, such as tape players, radios, and compact disk players, operated at a volume so as to be audible

greater than 20 feet from the vehicle itself. (Ord. 1055 § 1, 1991)

9.73.030 Exceptions.

The foregoing provisions shall not apply to the following exempt sounds:

(1) Sounds originating from aircraft in flight and sounds that originate at airports and are directly related to flight operations;

(2) Sounds created by safety and protective devices, such as relief valves, where noise suppression would defeat the safety release intent of the device;

(3) Sounds created by fire alarms;

(4) Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;

(5) Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;

(6) Sounds created by warning devices not operated continuously for more than 30 minutes per incident;

(7) Sounds created by the operation of the equipment or facilities of surface carriers engaged in commerce by operating on the railroad;

(8) Sounds created by construction or refuse removal equipment as approved by the city;

(9) Sounds originating from officially sanctioned parades and other public events, and sounds originating from officially sanctioned school events;

(10) Sounds created by motor vehicles while being driven upon the public highways. Such motor vehicles are, nevertheless, subject to the provisions of Chapter 173-62 WAC;

(11) Sounds created by lawfully established commercial and industrial uses; and

(12) Sounds created by regularly scheduled events at parks, such as public address systems for sporting events, or park concerts, street dances or community festivals which are approved by the city council. (Ord. 1055 § 1, 1991)

9.73.040 Penalty.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 1055 § 1, 1991)

Chapter 9.74**UNMUFFLED COMPRESSION BRAKES**

Sections:

9.74.010 Unmuffled compression brakes prohibited.

9.74.010 Unmuffled compression brakes prohibited.

(1) Except as provided in this section, no person shall use motor vehicle unmuffled compression brakes within the city of Washougal, Washington. It shall be an affirmative defense that said unmuffled compression brakes were applied in an emergency to protect an immediate threat to the physical safety of persons and/or property.

(2) This section shall not apply to public safety vehicles of the city of Washougal or any other governmental agency or department, whether or not responding to an emergency.

(3) As used in this section, the term “compression brakes” means the use of the engine and transmission to retard the forward motion of a motor vehicle by compression of the engine. “Compression brakes” are also referred to as “jake brakes.”

(4) The city shall post at reasonable locations within the boundaries of the city of Washougal signs indicating “unmuffled compression brakes prohibited” or substantially similar wording.

(5) Violation of this section shall constitute a traffic infraction and punishable by a maximum penalty of \$250.00 per violation. (Ord. 1530 § 1, 2005)

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Chapter 9.76**UNAUTHORIZED CHARITABLE
SOLICITING**

Sections:

9.76.010 Prohibited.

9.76.010 Prohibited.

Any person who shall sell a ticket to any ball, benefit or entertainment, or ask or receive a subscription or promise therefor for the benefit or pretended benefit of any person, association or order, or who shall otherwise solicit or obtain money or a pledge for money on behalf of any person, association or order, whether directly in person or by the leaving of containers at various points within the city for the deposit of funds, without being duly authorized by the person, association, or order for whose benefit or pretended benefit that the same is being done and being authorized and registered by the city clerk is guilty of a misdemeanor. (Ord. 355 § 21A(1), 1967)

Chapter 9.80**PLACEMENT OF MAIL BOXES, OTHER
MATERIAL ON STREETS**

Sections:

9.80.010 Council permission required.

9.80.020 Council authority.

9.80.010 Council permission required.

No person or corporation shall place, or allow to remain, any mail boxes, posts, or other material on or in the city streets, except with the express permission of the city council or in accordance with a resolution adopted by the city council. (Ord. 213 § 1, 1956)

9.80.020 Council authority.

The city council may by resolution allow the placing of mail boxes, posts and/or other material on the city streets, limiting the areas wherein they are permissible and specifying what shall be allowed on the city streets. (Ord. 213 § 2, 1956)

Chapter 9.84**MARIJUANA**

Sections:

- 9.84.010 Marijuana – Defined.
 9.84.020 Marijuana – Misdemeanor.

9.84.010 Marijuana – Defined.

“Marijuana” means all parts of the plant of the genus Cannabis L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. (Ord. 562 § 1, 1975)

9.84.020 Marijuana – Misdemeanor.

It is unlawful for anyone to possess 40 grams, or less, of marijuana, and anyone found guilty thereof is guilty of a misdemeanor. (Ord. 562 § 1, 1975)

Chapter 9.88**CRIMINAL BAIL SCHEDULE**

Sections:

- 9.88.010 Designated.

9.88.010 Designated.

There is hereby established the criminal bail schedule for the city as follows:

Violation	Bail	CJ	Total
Assault – Third Degree	\$250.00	\$15.00	\$265.00
Provoking Assault	\$100.00	\$15.00	\$115.00
Possession of or Making Burglar Tools	\$200.00	\$15.00	\$215.00
Unlawful Aiming or Discharging Firearms	\$200.00	\$15.00	\$215.00
Unlawful Possession of Dangerous Weapons	\$200.00	\$15.00	\$215.00
Participation in Gambling	\$50.00	\$7.00	\$57.00
Unlawful Possession of Gambling Devices	\$250.00	\$15.00	\$265.00
Unlawful Issuance of Bank Checks	\$250.00	\$15.00	\$265.00
Petit Larceny	\$250.00	\$15.00	\$265.00
Malicious Injury to Private Property	\$250.00	\$15.00	\$265.00
Creating or Causing Public Nuisance	\$100.00	\$15.00	\$115.00
Resistance to Officer	\$250.00	\$15.00	\$265.00
Obstructing Public Officer	\$250.00	\$15.00	\$265.00
Shoplifting	\$250.00	\$15.00	\$265.00
Lewdness, Indecent Exposure	\$500.00	\$15.00	\$515.00
Malicious Trespass	\$250.00	\$15.00	\$265.00
Leaving Children in Parked Vehicle While Visiting Liquor Establishment	\$100.00	\$15.00	\$115.00
Vagrancy	\$250.00	\$15.00	\$265.00
Contributing to Delinquency of Minor	\$150.00	\$15.00	\$165.00
Soliciting Minor for Immoral Purposes	\$250.00	\$15.00	\$265.00
Consuming Liquor in Public Place	\$25.00	\$5.00	\$30.00
Drunk in Public – First Offense	\$25.00	\$5.00	\$30.00
Drunk in Public – Second Offense	\$35.00	\$5.00	\$40.00
Drunk in Public – Third Offense	\$50.00	\$7.00	\$57.00
Sale of Liquor to Person Under Influence	\$100.00	\$15.00	\$115.00
Supplying Liquor to Unauthorized Person (Other than Minor)	\$50.00	\$7.00	\$57.00
Supplying Liquor to Convict, Habitual Drunkard or Intoxicated Person	\$100.00	\$15.00	\$115.00
Consuming Liquor in Public Conveyance	\$50.00	\$7.00	\$57.00
Illegal Possession or Consumption of Intoxicants	\$50.00	\$7.00	\$57.00
Unlawful Purchase by Minor	\$50.00	\$7.00	\$57.00
Supplying Liquor to Minor	\$100.00	\$15.00	\$115.00
Minor Frequenting Tavern	\$100.00	\$15.00	\$115.00
Supplying Minor with Unlawful Age Identification	\$50.00	\$7.00	\$57.00

Violation	Bail	CJ	Total
Consuming Liquor in Automobile (City Ordinance 355)	\$100.00	\$15.00	\$115.00
Dogs at Large (Chapter 8.08 WMC)	\$25.00	\$5.00	\$30.00

(Ord. 644 § 1, 1977)

Chapter 9.92

SALE OF TOBACCO PRODUCTS

Sections:

- 9.92.010 Definitions.
- 9.92.020 Vending machines prohibited.
- 9.92.030 Posting of tobacco products required.
- 9.92.040 Cigarette sales by package only.
- 9.92.050 Samples.
- 9.92.060 Enforcement.

9.92.010 Definitions.

For purposes of this chapter: "Sales conducted in person" means the payment for the purchase of the tobacco item is received directly and in person from the purchaser by the seller or his/her employee. Sales from tobacco vending machines which are located in plain view of the seller or of his/her employee and which are controlled by an electronic device activated by the seller or his/her employee shall be considered to be "sales conducted in person."

"Tobacco vending machine" means and includes any machine or device designed for or used for the vending of cigarettes, cigars, tobacco, or any tobacco products upon the insertion of coins, trade checks or slugs.

"Tobacco machine operator" means any person who operates, rents or possesses one or more tobacco vending machine(s). (Ord. 979 § 1, 1990)

9.92.020 Vending machines prohibited.

After February 1, 1990, tobacco vending machines or any other mechanism or method of retail sales of cigarettes or other tobacco products which do not require a sale to be conducted in person by the seller or agent of the seller are prohibited in this city; provided, that this section shall not prohibit the installation and use of a tobacco vending machine by a proprietor, his/her agents or his/her employees 18 years or older in:

(1) Any premises or portion thereof to which access by minors is expressly prohibited by law, if and only if, the tobacco vending machine is located fully within such premises from which minors are prohibited and not less than 10 feet from all entrance and/or exit ways; or

(2) Commercial buildings or industrial plants or portions thereof where the public is expressly prohibited and where such machines are strictly for the use of the employees therein. (Ord. 979 § 2, 1990)

9.92.030 Posting of tobacco products required.

No one shall sell or permit to be sold, cigarettes or other tobacco products unless the tobacco vending machine or other location at which the cigarettes or other tobacco products are available for purchase is posted with a notice at point of purchase which is clearly visible to anyone considering purchase of the products, and which states:

IT IS ILLEGAL TO SELL OR PERMIT TO BE SOLD ANY TOBACCO PRODUCTS TO ANY PERSON UNDER THE AGE OF EIGHTEEN (18)/RCW 26.28.080 WASHINGTON CITY ORDINANCE NO. 979.

This notice must be in black letters at least one inch in height on a white background, and will be made available by the city clerk's office or the department of health. (Ord. 979 § 3, 1990)

9.92.040 Cigarette sales by package only.

It is unlawful for a retailer to sell cigarettes except in an unopened package provided by the manufacturer with required health warnings. (Ord. 979 § 4, 1990)

9.92.050 Samples.

It is unlawful for a manufacturer, a retailer or any other distributor of tobacco products to distribute free samples of tobacco products in any setting within the jurisdiction of the city. (Ord. 979 § 5, 1990)

9.92.060 Enforcement.

All law enforcement personnel of the city are authorized and directed to enforce the terms and provisions of this chapter. Any violation shall be a misdemeanor and any person convicted thereof shall be liable to a fine of not to exceed \$500.00 and/or to a jail sentence of not to exceed five days. (Ord. 979 § 6, 1990).

Chapter 9.96**HAZARDOUS MATERIALS INCIDENTS**

Sections:

- 9.96.010 Definitions.
- 9.96.020 Transportation of hazardous materials.
- 9.96.030 Responsibility and liability.
- 9.96.040 Extraordinary costs defined.

9.96.010 Definitions.

As used in this chapter:

“Hazardous materials” means:

(1) Materials, which, if not contained, may cause unacceptable risk to human life within a specified area adjacent to the spill, seepage, fire, explosion or other release, and will, consequently require evacuation;

(2) Materials that, if spilled, could cause unusual risk to the general public and to emergency response personnel responding at the scene;

(3) Materials that, if involved in a fire would pose unusual risk to emergency response personnel;

(4) Materials requiring unusual storage or transportation conditions to ensure safe containment; or

(5) Materials requiring unusual treatment, packaging or vehicles doing transportation to ensure safe containment.

“Hazardous materials incident” means that incident creating a danger to persons, property or the environment, as a result of spillage, seepage, fire, explosion or release of hazardous materials, or the possibility thereof. (Ord. 1110 § 1, 1993)

9.96.020 Transportation of hazardous materials.

(1) Any person transporting hazardous materials shall clean up any hazardous materials incident that occurs during transportation, and shall take such additional actions as may be reasonably necessary after consultation with the designated incident command agency in order to achieve compliance with all attributable federal, state and local laws and regulations.

(2) Any person transporting hazardous materials that is responsible for causing a hazardous materials incident, as defined herein, other than the operating employees of the transportation company, is liable to the city for extraordinary costs incurred by the city or in the course of protecting the public from actual threatened harm resulting

from the hazardous materials incident. (Ord. 1110 § 1, 1993)

9.96.030 Responsibility and liability.

Any person, other than a person transporting hazardous materials or an operating employee of a company, responsible for causing the hazardous material incident, as defined herein, is liable to the city for extraordinary costs incurred by the municipality, in the course of protecting the public from actual or threatened harm resulting from the hazardous material incident, until the incident oversight is assumed by the Department of Ecology. (Ord. 1110 § 1, 1993)

9.96.040 Extraordinary costs defined.

“Extraordinary costs” as used in this section means those reasonable and necessary costs incurred by the city in the course of protecting life and property that exceed the normal and usual expenses anticipated for police and fire protection, emergency services and public works. These shall include, but not be limited to, overtime for public employees, unusual fuel consumption requirements, any loss or damage to publicly owned equipment, and the purchase or lease of any special equipment, services or materials required to protect the public during the hazardous material incident. (Ord. 1110 § 1, 1993)

Chapter 9.100

DRUG PARAPHERNALIA

Sections:

- 9.100.010 Definitions adopted by reference.
- 9.100.020 Unlawful acts designated.

9.100.010 Definitions adopted by reference.

The definitions in the Uniform Controlled Substances Act set forth in RCW 69.50.101 and 69.50.102 are adopted by reference as if set forth in full in this chapter. (Ord. 1149 § 1, 1994)

9.100.020 Unlawful acts designated.

(1) It is unlawful for any person to use, possess with intent to use, or possess with having used drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or a jail sentence of not more than 90 days, or by both such jail sentence and fine.

(2) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance. Any person who violates this subsection is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 or a jail sentence of not more than 90 days, or by both such fine and jail sentence.

(3) Any person 18 years of age or over who violates subsection (2) of this section by delivering drug paraphernalia to a person under 18 years of age, who is at least three years his junior, is guilty of a gross misdemeanor, and shall be punished by a fine not exceeding \$5,000 or a jail sentence of not more than one year, or by both such fine and jail sentence.

(4) It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing or under circumstances where one reasonably should know, that the purpose of the advertisement in whole or in part

is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section is guilty of a misdemeanor, and shall be punished by a fine of not more than \$1,000 or a jail sentence of not more than 90 days, or by both such fine and jail sentence. (Ord. 1149 § 1, 1994)

Chapter 9.104

SPECIAL EVENTS

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9.104.010 Purpose and policy.

Special events are of infrequent occurrence and temporary nature and may be associated with promotions, holidays, festivals, etc. Special events shall be allowed by a special event permit granted by the city administrator or designated appointee. (Ord. 1516 § 1, 2005)

9.104.020 Intent.

It is the specific intent to place the obligation of complying with the requirements of this chapter upon the applicant or sponsor, and nothing contained in this chapter is intended to be construed to create or form the basis for liability on the part of the city, or its officers, employees or agents for any injury or damage resulting from the failure of the applicant or sponsor to comply with the provisions stated herein. (Ord. 1516 § 1, 2005)

9.104.030 Definitions.

For the purpose of this chapter, words and phrases used herein are as follows:

(1) "Applicant" shall mean any person or organization who seeks a special event permit to conduct or sponsor an event governed by this chapter.

(2) "Athletic event" shall mean an occasion in which a group of persons collect to engage in or watch a sport or form of exercise on private or public property and/or on a city street, sidewalk, alley, or other street right-of-way which obstructs, delays or interferes with the normal flow of pedestrian or

vehicular traffic, or does not comply with traffic laws or controls. Athletic events include, but are not limited to, bicycle and foot races.

(3) "Block party" shall mean a festive gathering on a private property or a street which may or may not require the closure of a street, or a portion thereof, to vehicular traffic, and/or use of the street for the festivity including barbecues, picnics, music or games.

(4) "Concert" shall mean any gathering for the purpose of listening or viewing a live or recorded performance by musical performers on private or public property which obstructs, delays, or interferes with the normal flow of pedestrian or vehicular traffic in any city park, or on any city street, sidewalk, alley, or other right-of-way.

(5) "Parade" shall mean a march or procession consisting of any number of persons, animals, or vehicles, or a combination thereof, on any city street, sidewalk, alley, or other right-of-way, which obstructs, delays or interferes with the normal flow of pedestrian or vehicular traffic, or does not comply with traffic laws and controls.

(6) "Permit application fee" shall mean the fee to be paid by the special event permit applicant at the time the application is filed with the city clerk. Such fee shall be set by the city council.

(7) "Permittee" shall mean any person or organization who has been issued a special event permit by the city administrator or appointed designee. The permittee shall have authority, subject to approval by the city, to determine participation in commercial activities during a special event.

(8) "Refundable deposit" shall mean the amount of money required of a permittee by the public works department in order to assure adequate cleanup of the special event site. The deposit shall be returned to the permittee upon the completion of the event and approval of the public works department.

(9) "Special event" shall mean any athletic event, block party, concert, parade or such other event of like character and like impact on the city of Washougal.

(10) "Special event permit" shall mean the permit issued by the city administrator or appointed designee after the applicant has met all applicable reviews and requirements set forth in this chapter. (Ord. 1516 § 1, 2005)

9.104.040 Exemptions.

The provisions of this chapter shall not apply to:

- (1) Funeral processions;
- (2) Groups required by law to be so assembled;

(3) Pedestrian processions along a route that is restricted to sidewalks and crossing streets only at pedestrian crosswalks in accordance with traffic regulations and controls; and

(4) Activities and events deemed by the city administrator or appointed designee to not require a special event permit. (Ord. 1516 § 1, 2005)

9.104.050 Administration.

The city administrator or designated appointee shall, after consultation with appropriate departments and agencies, have discretionary authority regarding special event permits. The city administrator or designated appointee may approve, modify, or condition an application for a special event permit. (Ord. 1516 § 1, 2005)

9.104.060 Permit required.

(1) Any person desiring to conduct or sponsor a special event on private or public property, and/or which will necessitate the use of the public right-of-way, shall first obtain a special event permit.

(2) When such an event will be an exercise of rights protected by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5, or 11 of the Washington State Constitution, the application shall be processed promptly, without charging a fee for political or religious activities or imposing terms or conditions that infringe upon constitutional freedoms, and in a manner that respects the liberties of applicants and the public. (Ord. 1516 § 1, 2005)

9.104.070 Permit fee.

The fee for issuance of a special event permit shall be set in the sum of \$25.00 per event. (Ord. 1516 § 1, 2005)

9.104.080 Exemptions from permit fee.

(1) No fee shall be imposed when prohibited by the First and Fourteenth Amendments to the United States Constitution, or Article I, Sections 3, 4, 5 or 11 of the Washington State Constitution. Political or religious activity intended primarily for the communication or expression of ideas shall be presumed to be a constitutionally protected event.

(2) No fee shall apply to a block party and fees may be waived for special events sponsored by nonprofit agencies and which further the goals and objectives of the city.

(3) No fee shall be imposed for events that are sponsored or co-sponsored by the city of Washougal. (Ord. 1516 § 1, 2005)

9.104.090 Permit application.

(1) Any person wishing to sponsor a special event shall apply for a special event permit by filing an application with the city clerk at least 30 days prior to the date on which the event is to begin to occur or such lesser time as may be agreed to by the city administrator or designated appointee.

(2) The city administrator or designated appointee shall issue the special event permit once the application has been approved after review of appropriate agencies to include police, fire, public works, building and planning, and others as determined by the city administrator or designated appointee, and the applicant has agreed in writing to comply with the terms and conditions of the permit.

(3) The city administrator or designated appointee shall approve, conditionally approve, or deny an application based on the recommendations of city departments involved in the review process. (Ord. 1516 § 1, 2005)

9.104.100 Permit requirements.

(1) Special event uses are to be temporary and approved for a particular zoning district by the planning/building director.

(2) Temporary signage and temporary structures will be allowed subject to provisions of this code pursuant to the interpretive authority and discretion of the planning/building director.

(3) Requests for temporary parking facilities for special events and street closures for special events shall be subject to provisions of this chapter pursuant to the interpretive authority and discretion.

(4) Requests for fire and emergency medical services shall be subject to the discretion of the city's fire chief.

(5) Requests for police services shall be subject to provisions of this code at the discretion of the city's police chief.

(6) Expenses for fire, police, medical services, parks, and public works crews needed for coverage and cleanup at the special event shall be prepaid and the responsibility of the permittee, even if the permit fee has been waived. (Ord. 1516 § 1, 2005)

9.104.110 Permit conditions.

The city administrator or designated appointee may condition the issuance of a special event permit by imposing reasonable requirements concerning time, place, and manner of the event; and such requirements as are necessary to protect the safety

and rights of persons and property and the control of traffic. (Ord. 1516 § 1, 2005)

9.104.120 Denial of application.

A special event permit may be denied based upon a determination that:

- (1) The event would seriously endanger public safety;
- (2) The event would seriously inconvenience the general public;
- (3) The event would unreasonably infringe upon the rights of abutting properties;
- (4) The event would conflict with another proximate event or interfere with construction or maintenance work in the immediate vicinity;
- (5) There is not sufficient safety personnel or other necessary city staff to accommodate the event;
- (6) The applicant failed to complete the application form after being notified of the additional information or documents required;
- (7) Information contained in the application of supplemental information requested from the applicant is found to be false in any material detail;
- (8) The applicant cannot meet, or is unwilling to meet, all of the requirements of this chapter or any special conditions imposed by any of the reviewing agencies;
- (9) Other issues in the public interest were identified by the city manager or designated appointee;
- (10) Failure to prepay expenses. (Ord. 1516 § 1, 2005)

9.104.130 Indemnification.

(1) Prior to the issuance of the special event permit, the applicant must agree to reimburse the city for any costs incurred by the city in repairing damage to city property occurring in connection with the permitted event.

(2) Permittee agrees to defend, indemnify and save harmless the city, its appointed and elected officers and employees from and against all loss or expense, including but not limited to judgments, settlements, attorney's fees and costs by reason of any and all claims and demands upon the city, its elected officials or employees for damages because of personal or bodily injury, including death at any time therefrom, sustained by any person or persons and on account of damage to property or loss therefrom, arising out of any activity under or in connection with the special event, except only such injury as shall have been occasioned by the sole negligence of the city, its appointed or elected officers or employees.

(3) The city administrator or designated appointee has the authority to require a refundable deposit as suggested by the public works department for reimbursement of the costs for cleanup services. (Ord. 1516 § 1, 2005)

9.104.140 Insurance required.

(1) As required by the city administrator or designated appointee, the permittee shall provide the city with proof of commercial general liability insurance generally in the amount of \$1,000,000 combined single limits per occurrence, and an endorsement naming the city of Washougal as an additional insured must be provided.

(2) Certificates of insurance shall be submitted to the city for approval 14 working days prior to the event. Acceptability of insurance is subject to approval by the city's administrator. (Ord. 1516 § 1, 2005)

9.104.150 Revocation or suspension.

(1) A special event permit issued under this chapter shall be temporary, shall vest no permanent rights in the applicant, and may be immediately revoked or suspended by the city manager or designated appointee if:

(a) The applicant has made a misstatement of material fact in the information supplied; the applicant has failed to fulfill a term or condition of the permit in a timely manner; or the check submitted by the applicant in payment of the fee for a permit has been dishonored;

(b) The applicant requests the cancellation of the permit or cancels the event;

(c) The activity endangers or threatens persons or property, or otherwise jeopardizes the health, safety or welfare of persons or property;

(d) The activity conducted is in violation of any of the terms or conditions of the special event permit;

(e) An emergency or supervening occurrence requires the cancellation or termination of the event in order to protect the public health or safety;

(f) The applicant fails to prepay expenses.

(2) The city shall refund the permit fee in the event of a revocation caused by an emergency or supervening occurrence; the city shall refund the balance of the fee less the costs incurred if the cancellation occurs at the request of an applicant who is in compliance with this chapter. (Ord. 1516 § 1, 2005)

9.104.160 Penalty for violation.

Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$1,000 and by imprisonment not exceeding ninety days or both such fine and imprisonment. Each day or portion of a day in which a violation is committed constitutes a separate offense. (Ord. 1516 § 1, 2005)

9.104.170 Severability.

If any part, provision or section of this chapter is held to be void or unconstitutional, all other parts not expressly so held shall continue in full force and effect. (Ord. 1516 § 1, 2005)