

191

78

ORDINANCE NO. 78

An Ordinance of the Town of Gig Harbor, defining misdemeanors providing for the punishment of those committing the same and repealing any Ordinance in conflict therewith.

WHEREAS, protection of the public health, welfare, safety and morals require that the conduct described herein be prohibited and punishable, now, therefore,

BE IT ORDAINED by the Council of the Town of Gig Harbor, Washington as follows:

Section 1. PUBLIC INTOXICATION. Any person found intoxicated in any public place in the town shall be guilty of a misdemeanor.

Section 2. INTOXICATION IN VEHICLE. Any person or persons found intoxicated in a motor vehicle in the town shall be guilty of a misdemeanor.

Section 3. OCCUPYING AUTO WITHOUT OWNER'S PERMISSION. Any person who shall, without permission of the owner or person entitled to the possession thereof, intentionally, occupy or attempt to enter a motor vehicle shall be guilty of a misdemeanor.

Section 4. CONTRIBUTING TO DELINQUENCY OF MINOR. Any person who by an act or omission encourages, causes or contributes to the delinquency of any child under the age of 18 years shall be guilty of a misdemeanor.

Section 5. SUPPLYING LIQUOR TO MINOR. Any person who shall give, acquire for or otherwise supply liquor to any person under the age of 19 who is not the parent, guardian or physician of said minor shall be guilty of a misdemeanor.

Section 6. MINOR CONSUMING OR IN POSSESSION OF LIQUOR. Any person under the age of <sup>21</sup> years who acquires or has in his possession or

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possession, custody or control, as bailee, agent, employee or trustee shall secrete, withhold or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto, the same being of the value of seventy-five (\$75.00) dollars or less shall be guilty of a misdemeanor.

Section 12. CONCEALING STOLEN PROPERTY. Any person who with the intent to deprive or defraud the owner thereof, buys, sells, receives, has in his possession, or aids in concealing or withholding the property of another the same being of the value of seventy-five (\$75.00) dollars or less, knowing the same to have been stolen or wrongfully appropriated shall be guilty of a misdemeanor.

Section 13. BUNCO-SWINDLING. Any person or persons engaged in buncoing or in the operation of a swindling game or device for the purpose of swindling or defrauding others shall be guilty of a misdemeanor.

Section 14. FORTUNETELLING, TEA LEAF READING, PALMISTRY, OR CLAIRVOYANCE. Any person who asks or receives any compensation, gratuity, or reward for practicing fortunetelling, tea leaf reading, palmistry or clairvoyance shall be guilty of a misdemeanor. Asking or receiving any compensation, gratuity, or reward shall include the receipt by the defendant of anything of value either before or after the act of fortunetelling, tea leaf reading, palmistry or clairvoyance or whatever alleged or stated purpose. Provided, however, that the use of hypnotism by or under the direction of a duly licensed and practicing physician or dentist in connection with medical or dental care of a patient, or for scientific purposes, are excluded from the prohibition herein contained.

Section 15. DEFRAUDING INNKEEPER. Any person, with intent to defraud, shall obtain any food, lodging, accommodations or other services in or from any hotel, motel, apartment house, restaurant, cafe, boarding or lodging house or other business such as, but not limited to a taxi cab company,

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without paying therefor shall be guilty of a misdemeanor.

Section 16. LODGING WITHOUT PERMISSION. Any person who lodges in any place, or upon any property without the permission of the owner, or person entitled to the possession thereof shall be guilty of a misdemeanor.

Section 17. LOITERING AND PROWLING. Any person who shall loiter or prowl in a place, at a time, or in a manner, not usual for lawabiding individuals and under circumstances that manifest an unlawful purpose or warrant alarm for the safety of persons or property in the vicinity shall be guilty of a misdemeanor. Circumstances which may be considered in determining whether such unlawful purpose is manifested or such alarm is warranted, include but are not limited to the following: Flight by the actor upon appearance of a law enforcement officer, refusal to identify himself, or manifestly endeavoring to conceal himself or any object.

No arrest shall be made under this section nor shall any person be convicted of violating this section unless such person is first afforded, if practical under the circumstances, an opportunity to dispel any alarm or suspicion of unlawful purpose which would otherwise be warranted, by identifying himself and explaining his presence and conduct.

No person shall be convicted of violating this section if it appears at trial that the explanation given by him of his presence and conduct was true and if believed by the arresting officer at the time, would have dispelled the alarm or suspicion of unlawful purposes.

Section 18. LOITERING ON SCHOOL GROUNDS. Every person except a person enrolled as a student in, or parents or guardians of such students or person employed by such school or institution, who without a lawful purpose therefor willfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto shall be guilty of a misdemeanor.

Section 19. DISORDERLY PERSON. Any person who is lewd, disorderly, or dissolute shall be guilty of a misdemeanor.

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Section 20. LEWDNESS. Any person who shall cohabit with another not the husband or wife of such person or any person who is grossly lewd or makes any open and indecent or obscene exposure of his or her person or of the person of another to any other person shall be guilty of a misdemeanor.

Section 21. OBSCENE, THREATENING OR HARASSING TELEPHONE CALLS. Any person who, with intent to harass, intimidate, torment or embarrass any other person shall make a telephone call to such other person:

- (1) Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or
- (2) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues, or
- (3) Threatening to inflict injury on the person or property of the person called or any member of his or her family, or
- (4) Without purpose of legitimate communication; and any person who knowingly permits any telephone under his control to be used for any purpose as prohibited herein; shall be guilty of a misdemeanor.

Section 22. INDECENT LIBERTIES. Any person who takes any indecent liberties with or on the person of another without his or her consent shall be guilty of a misdemeanor.

Section 23. MOLESTING ANOTHER PERSON. Any person who shall annoy, bother, molest, insult or offer an affront to any other person shall be guilty of a misdemeanor.

Section 24. INDECENT LANGUAGE AND CONDUCT. Any person who shall use, in the presence of any other person, vulgar, profane, obscene or indecent language, or who shall conduct himself or herself in an indecent manner shall be guilty of a misdemeanor.

Section 25. DISTURBING PEACE AND QUIET. Any person who shall be noisy, riotous or tumultuous conduct disturb the peace and quiet of the Town

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of Gig Harbor, or of any meeting or assemblage therein shall be guilty of a misdemeanor.

Section 26. ASSAULT. Any person who shall commit an assault or an assault and battery upon the person of another shall be guilty of a misdemeanor.

Section 27. PROVOKING ASSAULT. Any person who shall by word, sign or gesture willfully provoke, or attempt to provoke another of a misdemeanor, shall be guilty of a misdemeanor.

Section 28. ENCOURAGING FIGHTING AND QUARRELING. Any person fighting or quarreling or encouraging others to fight in any public place shall be guilty of a misdemeanor.

Section 29. AIMING OR DISCHARGING FIREARM OR EXPLOSIVE. Any person other than a peace officer aiming any gun, pistol, revolver, or other firearm, whether loaded or not, operational or not operational, at, or towards any other person or who shall wilfully discharge any firearm, air gun or other weapon, or throw any deadly missile or explosive in a public place or in any place where any person might be endangered thereby, although no injury results shall be guilty of a misdemeanor.

Section 30. INTIMIDATION WITH FIREARM. Any person other than a peace officer, who shall carry, exhibit or display any firearm loaded or unloaded, operational or non operational, any open blade knife or sharp instrument, or any other deadly weapon with the intent to intimidate or annoy another person or persons shall be guilty of a misdemeanor.

Section 31. PROSTITUTION. Any person who operates, lives or works in a house of prostitution or solicits for any prostitute or house of prostitution or practices prostitution shall be guilty of a misdemeanor.

Any male person who shall live in whole or in part upon the earnings of a common prostitute shall be guilty of a misdemeanor.

Section 32. CARRYING CONCEALED WEAPONS. Every person who shall carry concealed upon his person any weapon consisting of an unlicensed revolver, unlicensed pistol, unlicensed rifle, or other unlicensed firearm or

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silencer, any knife (Other than an ordinary pocket knife), or any dirk or dagger, slingshot or metal knuckles, or any instrument by the use of which injury could be inflicted upon the person or property of another, shall be guilty of a misdemeanor, and the police judge, as a part of the fine and penalty imposed, shall have the power to and hereby is authorized, in his discretion, to order that any such weapon taken from any person convicted of a violation of this section be forfeited, and the same shall thereupon be forfeited to the town.

This section shall have no application to police officers and other persons whose duty it is to execute, process or warrants or to make arrests.

Section 33. FALSE ALARMS OF FIRE. Every person who shall knowingly cause or make any false alarm of fire, or who shall in any manner tamper, or interfere with any fire alarm, or fire apparatus of any kind shall be guilty of a misdemeanor.

This section shall not apply to the chief or other members of the fire department, or to other persons duly authorized to sound an alarm when such may be deemed proper.

Section 34. FALSELY CALLING POLICE. Every person who shall make, or who shall cause to be made, any call for the police for false reasons, or who shall in any manner tamper or interfere with any police alarm, or telephone, or police alert apparatus of any kind, shall be guilty of a misdemeanor.

This section shall not be construed to apply to the chief or other members of the police department, or to other persons duly authorized to sound an alarm, or to make a call, or sound an alert when such may be deemed proper.

Section 35. IMPERSONATING AN OFFICER. Every person who shall falsely impersonate a public officer, civil or military, or a policeman, or a private individual having a special authority by law to perform an act affecting the rights or interests of another, or who, without authority, shall assume any

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uniform or badge by which such an officer or person is lawfully distinguished, 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.

Section 36. KEEPING DISORDERLY PLACE. Every keeper or person in charge of any barroom or public drinking place, or at any cigar stand, confectionery store, fruit stand, lunch counter, cafe, restaurant, motion picture house, theater, dance hall, hotel, motel, or rooming house, or any other public place, who shall permit any breach of the peace or disturbance of public order or decorum, by noisy, riotous or disorderly conduct on the premises, when it is within the power of such person or persons to prevent the same; or who shall keep any such place in a disorderly manner shall be guilty of a misdemeanor.

Section 37. LAYING OUT POISON. Any person who shall lay out or expose any kind of poison, or leaves exposed any poisoned food or drink for man, animal or fowl, or any substance or fluid wherein or whereon there is or shall be deposited or mingled any kind of poison or poisonous or deadly substance or fluid, on the premises of another, or in any unenclosed place, or in any place which the person knows is frequented by other persons, animals, or fowls, shall be guilty of a misdemeanor. Nothing in this section shall be construed as preventing any person from poisoning rodents or any other nonvaluable, or nonprotected animals or birds, so long as no danger to other persons, or valuable or protected animals, or birds is created.

Section 38. LITTERING. Any person who throws, places or otherwise causes to be thrown or placed upon the public streets and public places of the town, paper commonly known as confetti, or paper streamers, or paper or composition of any kind used in the manner as confetti, or who throws or places any kind of paper, debris, material or composition upon the public streets, alleys and public places in the town, shall be guilty of a misdemeanor.

Section 39. OBSCENE LITERATURE AND SHOWS. Every person who:

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Section 43. OBTAINING PRESCRIPTION DRUG BY FRAUD. Every person who shall obtain a prescription drug by fraud, deceit, misrepresentation or subterfuge shall be guilty of a misdemeanor. "Prescription Drug" means any and all controlled substances required to be dispensed only upon the prescription or order of a physician as defined by the laws of the State of Washington.

Section 44. PRINCIPAL DEFINED. Every person concerned in the commission of a misdemeanor, whether he directly commits the act constituting the offense, or aids or abets in its commission and whether present or absent; and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit a misdemeanor, is a principal, and shall be proceeded against and punished as such. The fact that the person aided, abetted, counseled, encouraged, hired, commanded, induced or procured, could not or did not entertain a criminal intent, shall not be a defense to any person aiding, abetting, counseling, encouraging, hiring, commanding, inducing or procuring him.

Section 45. ATTEMPTS--HOW PUNISHED. An act done with intent to commit a crime, and intending but failing to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime unless otherwise prescribed by ordinance, shall be punished as follows: By imprisonment in such manner as may be prescribed for the commission of the completed offense, for not more than one half the longest term or by a fine of not more than half of the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both such fine and imprisonment.

Section 46. VIOLATION--PENALTIES. Every person convicted of a misdemeanor shall be punishable by imprisonment in the county jail for not more than 90 days, or by the fine of not more than \$500.00, or both.

Section 47. FORFEITURES ALLOWABLE. All misdemeanors are forfeitable upon the recommendation of the Town Attorney and with the concurrence of the Court.

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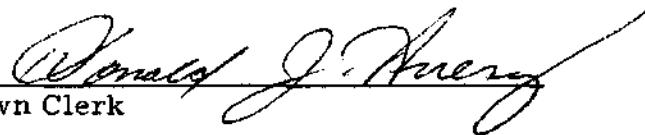
Section 48. A determination that portions of this Ordinance is invalid shall not impair the validity of the remaining portions.

Section 49. This ordinance shall become effective five (5) days from and after its passage, approval and publication as provided by law.

Passed by the Town Council and approved by the Mayor of the Town of Gig Harbor, Washington, at a regular meeting thereof this 27 day of July, 1974.

  
M A Y O R

Attest:

  
Donald J. Murray  
Town Clerk

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