

0008.160.002
RPB:prd
12/11/87
R:02/03/88

ORDINANCE NO. 529

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING TITLE 9 OF THE GIG HARBOR MUNICIPAL CODE GOVERNING CRIMINAL OFFENSES; ADOPTING A NEW TITLE 9 WHICH GOVERNS CRIMINAL OFFENSES AND ESTABLISHES PENALTIES; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council finds that certain sections contained in Title 9 of the Gig Harbor Municipal Code governing crimes are outdated and contain omissions, and

WHEREAS, the City Council finds that the following regulations are in the best interest of the health, safety and general welfare of the citizens of the City of Gig Harbor, now, therefore

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Title 9 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. There is hereby added to the Gig Harbor Municipal Code, a new Title 9, entitled Public Peace, Morals and Welfare, a copy of which is attached and incorporated herein by reference.

Section 3. The provisions of this ordinance do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this ordinance, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and

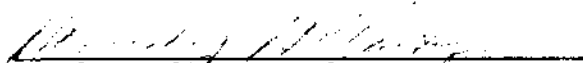
punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

Section 4. Incident to the adoption by reference of certain state laws under Titles 7, 9, 9A, 10, 26, 66, 69 and 70 of the Revised Code of Washington, one copy of the text of the statutes adopted by reference in this ordinance shall be filed as required by RCW 35A.12.140 for use and examination by the public.

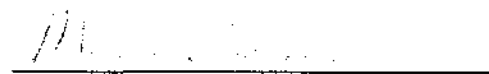
Section 5. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. This ordinance shall take effect five (5) days after publication of the attached summary which is hereby approved.

APPROVED:


MAYOR, DONALD MCCARTY

ATTEST/AUTHENTICATED:


CITY CLERK-ADMINISTRATOR
MICHAEL R. WILSON

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL: 2/22/88
PUBLISHED: 3/16/88
EFFECTIVE DATE: 3/21/88
ORDINANCE NO. 529

RPB005120

0008.160.002

12/11/87

RPB:prd

R:02/03/88

SUMMARY OF ORDINANCE NO. 529

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING TITLE 9 OF THE GIG HARBOR MUNICIPAL CODE GOVERNING CRIMINAL OFFENSES; ADOPTING A NEW TITLE 9 WHICH GOVERNS CRIMINAL OFFENSES AND ESTABLISHES PENALTIES; AND SETTING AN EFFECTIVE DATE.

On Feb. 22, 1988, the City Council of the City of Gig Harbor passed Ordinance No. 529, which provides as follows:

Section 1. Repeals Title 9 of the Gig Harbor Municipal Code.

Section 2. Adopts a new Title 9, entitled "Public Peace, Morals and Welfare", governing crimes related to alcoholic beverages, animals, children and minors, civil emergencies, persons, controlled substances, paraphernalia, toxic fumes, false alarms, fire, firearms and dangerous weapons, frauds, persons, property, public morals, public officers and public peace, as well as miscellaneous crimes and general provisions governing defenses and anticipatory crimes. The following penalty section is adopted under Section 9.01.060:

9.01.060 Penalty.

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

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

Section 3. Provides that this ordinance governs only those offenses committed after the effective date of this ordinance.


Section 4. Requires the City Clerk to maintain one copy of the state statutes adopted by reference.

Section 5. Contains a severability clause.

Section 6. Sets an effect date of five days from the date of publication of the ordinance summary.

The full text of this ordinance will be mailed without charge to anyone who submits a written request to the City Clerk of the City of Gig Harbor for a copy of the text.

APPROVED by the City Council at their meeting of Feb. 22, 1988.



CITY CLERK-ADMINISTRATOR
MICHAEL R. WILSON

RPB005560

0008.160.002

RPB:prd

12/11/87

R:02/03/88

R:02/11/88

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

<u>9.01</u>	<u>Preliminary Article</u>
<u>9.04</u>	<u>Alcoholic Beverages</u>
<u>9.06</u>	<u>Animals, Crimes Relating to</u>
<u>9.08</u>	<u>Anticipatory Offenses</u>
<u>9.10</u>	<u>Children and Minors, Crimes Relating to</u>
<u>9.12</u>	<u>Civil Emergency</u>
<u>9.14</u>	<u>Controlled Substances, Paraphernalia, Poisons and Toxic Fumes</u>
<u>9.16</u>	<u>False Alarms</u>
<u>9.18</u>	<u>Fire, Crimes Relating to</u>
<u>9.20</u>	<u>Firearms and Dangerous Weapons</u>
<u>9.22</u>	<u>Frauds, Swindles and False Representations</u>
<u>9.24</u>	<u>Parks</u>
<u>9.26</u>	<u>Persons, Crimes Relating to</u>
<u>9.28</u>	<u>Property, Crimes Relating to</u>
<u>9.30</u>	<u>Public Morals, Crimes Relating to</u>
<u>9.32</u>	<u>Public Officers, Crimes Relating to</u>
<u>9.34</u>	<u>Public Peace, Crimes Relating to</u>
<u>9.36</u>	<u>Miscellaneous Crimes</u>

Chapter 9.01

PRELIMINARY ARTICLE

Sections:

9.01.010	Title, effective date, applicability.
9.01.020	General provisions.
9.01.030	Principles of liability.
9.01.040	Defenses.
9.01.050	Contempt.
9.01.060	Penalty.
9.01.070	Construction.
9.01.080	Severability.
9.01.090	Amendments and additions.

9.01.010 Title, effective date, applicability. (A) This title shall be known and may be cited as the Gig Harbor Municipal Criminal Code and shall become effective on March 21, 1988.

(B) The provisions of this title shall apply to any offense committed on or after the effective date, which is defined in this title unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense

to prosecution for such an offense.

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

9.01.020 General provisions. The following state statutes, including all future amendments, are adopted by reference:

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

9.01.030 Principles of liability. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.08.010 General requirements of culpability.
RCW 9A.08.020 Liability of conduct of another--
Complicity.
RCW 9A.08.030 Criminal liability of corporations and
persons acting under a duty to act in
their behalf.

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

RCW 9A.12.010 Insanity.
RCW 9A.16.010 Definition.
RCW 9A.16.020 Use of force--When lawful.
RCW 9A.16.060 Duress.
RCW 9A.16.070 Entrapment.
RCW 9A.16.080 Action for being detained on mercantile
establishment of premises for investigation--
"Reasonable grounds" as defense.
RCW 9A.16.090 Intoxication.

9.01.050 Contempt. The following state statutes including all future amendments, are hereby adopted by reference:

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

9.01.060 Penalty.

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

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

9.01.070 Construction. In adopting the states statutes by reference, only those crimes and offenses within the jurisdiction of a municipality are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

9.01.080 Severability. If any section, sentence, clause or phrase of this title should be held to be invalid, or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this title.

9.01.090 Amendments and additions. This chapter is adopted in accordance with the provisions of RCW 35A.12.140, and all amendments and additions to the Revised Code of Washington sections hereinafter enumerated, when printed and filed with the city clerk, shall be considered and accepted as amendments and additions to this chapter.

Chapter 9.04

ALCOHOLIC BEVERAGES

Sections:

9.04.010	Alcoholic beverage control--Enforcement.
9.04.020	Furnishing liquor to minors--Possession--Use.
9.04.030	Opening or consuming liquor in public place.

9.04.010 Alcoholic beverage control--Enforcement. The following state statutes, including all future amendments, are adopted by reference and wherever the word "title" or words "this title" are used therein the same shall be constructed to mean and refer to RCW Title 66 and "this act" shall mean and refer to the Washington State Liquor Act:

RCW 66.04.010	Definitions.
RCW 66.20.200	Unlawful acts relating to card of identification and certification card.
RCW 66.20.210	Licensee's immunity to prosecution or suit--Certification card as evidence of good faith.
RCW 66.28.080	Permit for music and dancing upon licensed premises.
RCW 66.28.090	Licensed premises open to inspection--Failure to allow.
RCW 66.44.010	Local officers to enforce law--Authority of board--liquor enforcement officers.
RCW 66.44.040	Sufficiency of description of offenses in complaints, informations, process, etc.
RCW 66.44.050	Description of offense in words of statutes--Proof required.
RCW 66.44.060	Proof of unlawful sale establishes prima facie intent.
RCW 66.44.070	Certified analysis is prima facie evidence of alcoholic content.
RCW 66.44.080	Service of process on corporation.
RCW 66.44.090	Acting without license.
RCW 66.44.120	Unlawful use of seal.
RCW 66.44.130	Sale of liquor by drink or bottle.
RCW 66.44.140	Unlawful sale, transportation of spirituous liquor without stamp or seal--Unlawful operation, possession of still or mash.
RCW 66.44.150	Buying liquor illegally.
RCW 66.44.160	Illegal possession, transportation of alcoholic beverages.
RCW 66.44.170	Illegal possession of liquor with intent to sell--Prima facie evidence, what is.
RCW 66.44.175	Violations of law.
RCW 66.44.180	General penalties--Jurisdiction for violation.
RCW 66.44.200	Sales to persons apparently under the influence of liquor.
RCW 66.44.210	Obtaining liquor for ineligible person.
RCW 66.44.240	Drinking in public conveyance--Penalty against carrier.
RCW 66.44.250	Same--Penalty against individual.
RCW 66.44.280	Minor applying for permit.
RCW 66.44.290	Minor purchasing liquor.
RCW 66.44.291	Penalty for minor purchasing or attempting to purchase liquor.
RCW 66.44.300	Treating minor, etc., in public place where liquor sold.

- RCW 66.44.310 Minors frequenting tavern--Misrepresentation of age--Classification of licenses.
- RCW 66.44.316 Musicians eighteen years and older permitted to enter and remain upon licensed premises during employment.
- RCW 66.44.320 Sales of liquor to minors a violation.
- RCW 66.44.325 Unlawful transfer to a minor of an identification card.
- RCW 66.44.328 Unlawful to transfer to a minor of a forged, altered, etc. identification card.
- RCW 66.44.340 Employees eighteen years and over allowed to sell and carry beer and wine for class E and/or F employees.
- RCW 66.44.370 Resisting or opposing officers in enforcement of title.

9.04.020 Furnishing liquor to minors--Possession--Use.

A. It is unlawful for any person under the age of twenty-one years to be or remain in any public place after having consumed liquor.

B. It is unlawful for anyone under the age of twenty-one years to acquire or have in his possession or consume any liquor.

C. It is unlawful for anyone to sell, give or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control.

D. This section shall not apply when liquor is given or permitted to be given to a person under the age of twenty-one years by his parent or guardian and consumed in the presence of the parent or guardian. This subsection shall not authorize consumption or possession of liquor by a person under the age of 21 years on any premises licensed under Chapter 66.24 RCW.

E. This section does not apply to liquor given for medicinal purposes to a person under the age of 21 years by a parent, guardian, physician or dentist.

F. This section does not apply to liquor given to a person under the age of 21 years when such liquor is being used in connection with religious services and the amount consumed is the minimal amount necessary for the religious service.

G. Violation of this section is a misdemeanor.

9.04.030 Opening or consuming liquor or possessing an open container of liquor in public place. Except as permitted by RCW Title 66, no person shall open a package containing liquor or possess an open container of liquor, or consume liquor in a public place. Violation of this section is a misdemeanor.

Chapter 9.06

ANIMALS, CRIMES RELATING TO

Sections:

- 9.06.010 Animals--Conduct prohibited.

9.06.020 Cruelty to animals.

9.06.010 Animals--Conduct prohibited. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.08.010 Allowing vicious animal at large.
RCW 9.08.020 Diseased animals.
RCW 9.08.030 False certificate of registration of animals--False representation as to breed.
RCW 9.08.070 Dogs--Taking, concealing, injuring, killing, etc.--Penalty.

9.06.020 Cruelty to animals. A. A person is guilty of cruelty to animals if he:

1. Subjects any animal to cruel mistreatment;
2. Subjects any animal in his custody to cruel neglect;

or

3. Kills or injures any animal belonging to another without legal privilege or consent of the owner.

B. This section shall not be construed to prohibit accepted veterinary practices by veterinarians.

C. Cruelty to animals is a misdemeanor.

Chapter 9.08

ANTICIPATORY OFFENSES

Section:

9.08.010 Anticipatory offenses prohibited.

9.08.010 Anticipatory offenses prohibited. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.28.020(1), (2), (3)(e) Criminal attempt.
RCW 9A.28.030 Criminal solicitation.
RCW 9A.28.040(1), (2), (3)(e) Criminal conspiracy.

Chapter 9.10

CHILDREN AND MINORS, CRIMES RELATING TO

Sections:

9.10.010 Conduct prohibited.
9.10.020 Contributing to the delinquency of a minor.

9.10.010 Conduct prohibited. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.91.060 Leaving children unattended in parked automobile.
RCW 9.68A.090 Communicating with a minor for immoral

purposes.

9.10.020 Contributing to the delinquency of a minor.

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

Chapter 9.12

Civil Emergency

Sections:

- 9.12.010 Proclamation of civil emergency.
- 9.12.020 Action which may be taken.
- 9.12.030 Delivery to news media.
- 9.12.040 Violation.,

9.12.010 Proclamation of civil emergency. Whenever a civil emergency, or the imminent threat thereof, occurs in the city and results in, or threatens to result in the death or injury of persons or the destruction of or damage to property to such extent as to require, in the judgment of the mayor, extraordinary measures to protect the public peace, safety and welfare, the mayor shall forthwith proclaim in writing the existence of a civil emergency. In the absence of the mayor, such a civil emergency may be declared by the mayor pro tem, and in the absence of the mayor pro tem, by the city administrator. For purposes of this chapter a civil emergency shall mean:

A. A riot, insurrection, enemy attack, sabotage or other hostile action; or

B. A natural or human caused disaster, including fire, flood, storm, explosion, earthquake, volcanic disturbance or other natural cause.

9.12.020 Action which may be taken. Upon the proclamation of a civil emergency by the mayor, and during the existence of such civil emergency, the mayor may take and proclaim any or all of the following orders:

A. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours as he deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;

B. An order requiring any or all business establishments to close and remain closed until further order;

C. An order requiring the closure of any or all bars, taverns, liquor stores and other business establishments where

alcoholic beverages are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the mayor, be allowed to remain open;

D. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or ammunition for firearms in any or all parts of the city;

E. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

F. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed; provided, that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which such firearms and/or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for sale of items other than firearms and ammunition may, in the discretion of the mayor, be allowed to remain open;

G. An order closing to the public any or all public places, including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

H. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm and which is carried or possessed with the intent to use the same to cause such harm; provided, that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;

I. Such other orders as are imminently necessary for the protection of life and property. Provided, however, that any such orders shall be presented to the city council for ratification and confirmation within 7 calendar days from the date of the order, and if not so ratified and confirmed, such orders shall be void.

9.12.030 Delivery to news media. The mayor shall cause any proclamation issued pursuant to the authority of this chapter to be delivered to all news media within the city and shall utilize such other available means, including public address systems, as shall be necessary, in his judgment, to give notice of such proclamations to the public.

9.12.040 Violation. It shall be a misdemeanor to fail or refuse to obey any order proclaimed by the mayor, mayor pro tem

or city administrator pursuant to the provisions of this chapter.

Chapter 9.14

CONTROLLED SUBSTANCES, PARAPHERNALIA, POISONS AND TOXIC FUMES

Sections:

9.14.010	State statutes adopted by reference.
9.14.020	Possession prohibited.
9.14.030	Inhaling toxic fumes.
9.14.040	Poisons.
9.14.050	Laying out of poisons.

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

RCW 69.50.101	Definitions.
RCW 69.50.102	Drug paraphernalia--Definitions.
RCW 69.50.204(d)(13)	Schedule I--Marijuana.
RCW 69.50.309	Containers.
RCW 69.50.401(e)	Prohibited Acts: A--Penalties.
RCW 69.50.412	Prohibited Acts: E--Penalties.
RCW 69.50.505	Seizure and forfeiture
RCW 69.50.506	Burden of proof.
RCW 69.50.509	Search and seizure of controlled substances.

9.14.020 Possession prohibited. No person shall possess any drug paraphernalia as defined in RCW 69.50.102 with the intent to use or employ the same for manufacturing and/or consuming controlled substances. Possession of drug paraphernalia is a misdemeanor.

9.14.030 Inhaling toxic fumes. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.47A.010	Definition.
RCW 9.47A.020	Unlawful inhalation--Exception.
RCW 9.47A.030	Possession of certain substances prohibited, when.
RCW 9.47A.040	Sale of certain substance prohibited, when.

9.14.040 Poisons. The following state statutes, including all future amendments are hereby adopted by reference:

RCW 69.38.010	Poison defined.
RCW 69.38.020	Exceptions.
RCW 69.38.030	Poison register.
RCW 69.38.040	Poison register -- Penalty for violations.
RCW 69.38.050	False representations.

9.14.050 Laying out of poison. A. Any person who lays out or exposes any kind of poison, or leaves exposed any poisoned food or drink for persons, 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, is guilty of a misdemeanor.

B. 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.

Chapter 9.16

FALSE ALARMS

Sections:

9.16.010	Purpose.
9.16.020	Definitions.
9.16.030	Emergency response card.
9.16.040	Fees--Corrective action--Disconnection.
9.16.050	Administrative decision--Notice.
9.16.060	Hearing from administrative decision--Finality.
9.16.070	Payment of fees required.
9.16.080	Automatic dialing device--Certain interconnections prohibited.
9.16.090	Automatic reset required.

9.16.010 Purpose. It is the intent of this chapter to reduce the number of false alarms occurring within the city and the resultant waste of city resources by providing for corrective administrative action, including imposition of fees, potential disconnection and/or criminal penalties.

9.16.020 Definitions. In this chapter, unless a different meaning plainly is required, the definitions contained in this section shall apply:

A. "Automatic dialing device" means a device which is interconnected and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response

B. "Police Chief" means the Gig Harbor Police Chief and includes his designee.

C. "False alarm" means the activation of a burglary and/or robbery alarm by other than a forced entry, attempted forced

entry, unlawful entry or actual robbery or attempted burglary or crime involving a foreseeable risk of grievous bodily harm is being committed or attempted on the premises.

D. "Interconnect" means to connect an alarm system, including an automatic dialing service, to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

E. "Owner" means the person having or maintaining a burglary and/or robbery alarm on premises owned and/or occupied by him.

F. "Person" means any natural person, partnership, joint stock company, unincorporated association or society or a corporation of any character whatsoever.

G. "Response" shall be deemed to have occurred when the police department begins to proceed towards the premises as a result of the activation of the alarm.

9.16.030 Emergency response card. It is unlawful to have or maintain on any premises a burglary and/or robbery alarm unless there is on file with the Gig Harbor police department an emergency response card containing the name(s) and current telephone number(s) of person(s) authorized to enter such premises and turn off any such alarm at all hours of the day and night.

9.16.040 Fees--Corrective action--Disconnection. For police response to any false alarms, the city may charge and collect from the owner fees as follows:

A. For a response to a premises at which no other false alarm has occurred within the preceding six-month period, referred to in this chapter as a "first response," no fee shall be charged. Upon a first response, the police chief shall give notice of conditions and requirements of this chapter to the owner.

B. For a second response to the premise within six months after a first response, the police chief may charge the owner a fee of twenty-five dollars. Owner shall, within five working days after notice to do so, make a written report to the police chief ~~of~~ on prescribed forms setting forth:

1. The cause of such false alarm;
2. The corrective action taken;
3. Whether and when such alarm has been inspected by authorized service personnel; and
4. Such other information as the police chief may reasonably require to determine the cause of such false alarm, any mitigating circumstances and corrective action necessary.

The police chief may direct the owner to have authorized service personnel inspect the alarm at such premises and to take other corrective action as prescribed by the chief of police. All costs of inspection and corrective action shall be borne by the owner.

C. For the third response to a premises within six months after a second response, and for each succeeding response within six months of the most recent response, the police chief may charge the owner an administrative fee of fifty dollars. If such third false alarm or any succeeding false alarm occurs as a result of failure to take necessary corrective action prescribed under subsection B of this section, the police chief may order the owner to disconnect such alarm until the prescribed corrective action is provided to the Gig Harbor Police Department; provided, however, that no disconnection shall be ordered for any premises required by law or administrative regulation to have an alarm system in operation.

9.16.050 Administrative decision--Notice.

A. Notice of imposition of any administrative sanction, including the imposition of a fee and/or order of disconnection under the provisions of this chapter shall be sent by mail or delivered personally to the owner; provided, that with respect to business premises, mailing or personal delivery to the manager or chief administrative agency regularly assigned or employed at the premises at the time of the occurrence of a false alarm shall be deemed to be mailing or personal delivery to the owner.

B. The notice shall specify the sanctions imposed and shall advise the owner that unless he requests a hearing with the city administration as set forth in Section 9.16.060 by filing written request with the city administrator within fifteen days of the date of the notice, the sanctions will be imposed.

9.16.060 Hearing from administrative decision--Finality.

A. Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter shall have a right to a hearing with the city upon filing a timely written request.

B. The request for a hearing must be made in writing and filed with the city administrator within fifteen days of the date of the notice of administrative decision required in Section 9.16.050. Upon receipt of a timely written request, the city administrator shall schedule a hearing date and inform the owner of the date, time and place of the hearing. The city administrator shall consider the record of past false alarms, any corrective action taken and any inspection reports on the cause of the false alarm. If the city administrator determines that the false alarms are not caused by the owner or his employees or agents and that reasonable steps have been taken to correct the problem, the fee or other sanction may be suspended, in whole or

in part. The city administrator shall keep a written report of the hearing, including a statement of reasons for whatever action is taken.

9.16.070 Payment of fees required. It is a misdemeanor for any person to fail or refuse to pay any fees imposed under this chapter. In addition to institution of any criminal proceeding, the city administrator may authorize the city attorney to collect the fees by appropriate legal action.

9.16.080 Automatic dialing device--Certain interconnections prohibited.

A. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for any person to fail to disconnect or reprogram such device within twelve hours of receipt of written notice from the police chief to disconnect or reprogram the automatic dialing device.

B. By March 30, 1988, all existing automatic dialing services programmed to select a telephone line assigned to the city shall be reprogrammed or disconnected.

9.16.090 Automatic reset required. Within sixty days after the effective date of this section, all burglary and robbery alarms maintained on any premises in the city shall have an automatic reset device which will deactivate the alarm after ten minutes of continuous operation. Any owner failing to install such an automatic reset device as required in this section is guilty of a misdemeanor.

Chapter 9.18

FIRE, CRIMES RELATING TO

Section:

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

9.18.010 Reckless burning. The following state statutes, including all future amendments, are adopted by reference:

- | | |
|---------------|---------------------------------------|
| RCW 9A.48.010 | Definitions |
| RCW 9A.48.050 | Reckless burning in the second degree |
| RCW 9A.48.060 | Reckless burning -- defenses. |

9.18.020 False Fire and Miscellaneous Crimes. The following state statutes, including all future amendments, are adopted by reference:

- | | |
|--------------|------------------------------------|
| RCW 9.40.040 | Operating engine or boiler without |
|--------------|------------------------------------|

RCW 9.40.100 spark arrester.
Injuring or tampering with fire
alarm apparatus or equipment--
sounding false alarm or fire.

Chapter 9.20

FIREARMS AND DANGEROUS WEAPONS

Sections:

9.20.010 Firearms and dangerous weapons--Prohibitions.
9.20.020 Unlawful use of air guns--Penalty.
9.20.030 Discharge of firearms prohibited.
9.20.040 Weapons prohibited on liquor sale premises.

9.20.010 Firearms and dangerous weapons--Prohibitions. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.41.010	Terms defined.
RCW 9.41.050	Carrying pistol.
RCW 9.41.060	Exception.
RCW 9.41.080	Delivery to minors and others forbidden.
RCW 9.41.098	Forfeiture of firearms, order by courts--Return to owner-- Confiscation by law enforcement officer.
RCW 9.41.100	Dealers to be licensed.
RCW 9.41.120	Certain transfers forbidden.
RCW 9.41.130	False information forbidden.
RCW 9.41.130	False information forbidden.
RCW 9.14.140	Alteration of identifying marks prohibited.
RCW 9.41.150	Exceptions.
RCW 9.41.170	Alien's license to carry firearms-- Exception.
RCW 9.41.100	Dealers to be licensed.
RCW 9.41.230	Aiming or discharging firearms.
RCW 9.41.240	Use of firearms by minor.
RCW 9.41.250	Dangerous weapons--Evidence.
RCW 9.41.260	Dangerous Exhibitions.
RCW 9.41.270	Weapons apparently capable of pro ducing bodily harm, carrying, exhibiting displaying or drawing unlawful--Penalty--Exceptions.
RCW 9.41.280	Students carrying dangerous weapons on school property.

9.20.020 Unlawful use of air guns--Penalty. A. It is unlawful for any person to point or shoot an air gun at any person or property of another, or to aim or discharge such weapon

in the direction of the person or residence of another, while within such range as to cause of inflict injury to the person or damage the property of another.

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

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

9.20.030 Discharge of Firearms prohibited. It is a misdemeanor for any person to discharge any firearm in the city except upon a rifle or pistol firing range which has been issued a business license by the city for such purpose, provided that this prohibition does not apply to the discharge of firearms by law enforcement officers engaged in the performance of their official powers or duties.

9.20.040 Weapons prohibited on liquor sale premises. A. It is a misdemeanor for anyone, on or in any premises in the city where alcoholic beverages are dispensed by the drink to:

1. Carry in any manner any firearm, rifle or handgun, whether said person has a license or permit to carry said firearm or not, and whether said firearm is concealed or not;

2. Carry any knife, sword, dagger or other cutting or stabbing instrument, with a blade of a length of three inches or more, or any razor with an unguarded blade, whether said weapon or instrument is concealed or not;

3. Carry any instrument or weapon of the kind usually known as a slingshot, taser, throwing star, bow, sand club, blackjack, metal knuckles, or any stick, chain, metal pipe, bar, club or combination thereof including a device known as num-chuk sticks, or any like device having the same or similar components or parts, whether or not connected by a rope, chain or other device, or any explosive or any poison or injurious gas, or any other instrument or weapon apparently capable of producing bodily harm, whether said instrument or weapon is concealed or not.

B. Exceptions. The provisions of subsection A of this section shall not apply to or affect the following:

1. Any lawful act committed by a person while in his fixed place of business;

2. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, whether during regular duty hours or not; or

3. Any person making or assisting in making a lawful arrest for the commission of a felony.

C. Upon conviction, the weapon or instrument involved may be confiscated by order of the court and shall thereafter be disposed of in accordance with statutes or ordinances governing the disposal of confiscated or found property.

Chapter 9.22

FRAUDS, SWINDLES AND FALSE REPRESENTATIONS

Sections:

9.22.010 Frauds and swindles.

9.22.020 False representations.

9.22.010 Frauds and swindles. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.04.010	False Advertising
RCW 9.45.060	Encumbered, leased or rented personal property
RCW 9.45.062	Failure to deliver leased personal property--Requisites for presentation--Construction.
RCW 9.45.070	Mock auctions.
RCW 9.45.080	Fraudulent removal of property.
RCW 9.45.090	Knowingly receiving fraudulent conveyance.
RCW 9.45.100	Fraud in assignment for benefit of creditors.
RCW 9.45.180	Fraud in operating coin-box telephone or other receptacle.
RCW 9.45.190	Penalty for manufacture or sale of slugs to be used for coin.
RCW 9.45.240	Fraud in obtaining telephone or telegraph service.
RCW 9.45.250	Fraud in obtaining cable television services.
RCW 9A.60.040	Criminal impersonation.
RCW 9A.60.050	False certification.

9.22.020 False representations. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.38.010	False representation concerning credit.
RCW 9.38.020	False representation concerning title.

Chapter 9.24

PARKS

[Reserved]

Chapter 9.26

PERSONS, CRIMES RELATING TO

Sections:

- 9.26.010 Assault and other crimes involving physical harm.
- 9.26.020 Provoking Assault.
- 9.26.030 Menacing.
- 9.26.040 Harassment.
- 9.26.050 Domestic violence--State statutes adopted by reference.
- 9.26.060 Custodial interference.
- 9.26.070 Violation of civil anti-Harassment Order.

9.26.010 Assault and other crimes involving physical harm. The following state statutes, including all future amendments, are adopted by reference:

- | | |
|---------------|--|
| RCW 9A.36.040 | Simple assault. |
| RCW 9A.36.050 | Reckless endangerment. |
| RCW 9A.36.070 | Coercion. |
| RCW 9.61.230 | Telephone calls to harass, intimidate, torment or embarrass. |
| RCW 9.61.240 | Same--Permitting telephone to be used. |
| RCW 9.61.250 | Same--Offenses, where deemed committed. |

9.26.020 Provoking Assault. A person is guilty of provoking assault if he or she repeatedly uses fighting words or obscene language or gestures, thereby creating a substantial risk of assault to any person. Provoking assault is a misdemeanor.

9.26.030 Menacing. A person is guilty of menacing when he knowingly causes or attempts to cause another person to believe that he or any member of his family will be the victim of serious physical injury or death. Menacing is a gross misdemeanor.

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

- | | |
|---------------|------------------------|
| RCW 9A.46.020 | Definition--Penalties. |
|---------------|------------------------|

RCW 9A.46.030	Place where committed.
RCW 9A.46.040	Court-ordered requirements upon person charged with crime-- Violation.
RCW 9A.46.050	Arraignment--No-contact order.
RCW 9A.46.060	Crimes included in harassment.
RCW 9A.46.070	Enforcement of orders restricting contact.
RCW 9Aa.46.080	Order restricting contact-- Violation.
RCW 9A.46.090	Nonliability of peace officer.
RCW 9A.46.100	"Convicted," time when.

9.26.050 Domestic violence--State statutes adopted by reference. The following state statutes, including all future amendments, are adopted by reference:

RCW 10.99.020	Definitions.
RCW 10.99.030	Law enforcement officers--Training, powers, duties.
RCW 10.99.040	Restrictions upon and duties of court.
RCW.10.99.045	Appearances by defendant--Orders prohibiting contact.
RCW 10.99.050	Restriction or prohibition of contact with victim -- Procedures.
RCW 10.99.055	Enforcement of orders against defendants.
RCW 26.50.010	Definitions.
RCW 26.50.020	Commencement of action-- Jurisdiction--Venue.
RCW 26.50.030	Petition for an order for for protection--Availability of forms and instructional brochures-- filing fee--Bond not required.
RCW 26.50.040	Application for leave to proceed in forma pauperis.
RCW 26.50.050	Hearing--Service--Time.
RCW 26.50.060	Relief.
RCW 26.50.070	Ex parte temporary order for protection.
RCW 26.50.080	Issuance of order--Assistance of peace officer--Designation of appropriate law enforcement agency.
RCW 26.50.090	Order--Service.
RCW 26.50.100	Order-Transmittal to law enforcement agency--Record in law enforcement information system--Enforceability.
RCW 26.50.120	Violation of order--Prosecuting attorney or attorney for municipality may be requested to assist--Costs and attorney's fees.
RCW 26.50.130	Order--Modification--Transmittal.
RCW 26.50.140	Peace officers--Immunity.

RCW 26.50.200	Title of real estate--Effect.
RCW 26.50.210	Proceedings additional.

9.26.060 Custodial interference. The following state statutes, including all future amendments are hereby adopted by reference:

RCW 9A.40.070	Custodial interference in the second degree.
RCW 9A.40.080	Custodial interference--Assessment of costs--Defense--Consent defenses, restricted.

9.26.070 Violation of Civil Anti-Harrassment Orders. It is a gross misdemeanor to willfully disobey a temporary or permanent anti-harrassment order issued pursuant to RCW Chapter 10.14.

Chapter 9.28

PROPERTY, CRIMES RELATING TO

Sections:

9.28.010 Theft, unauthorized issuance of bankchecks and possession of stolen property.
 9.28.020 Malicious mischief and obscuring identity of machines.
 9.28.030 Trespass and related crimes.
 9.28.040 Nuisance.

9.28.010 Theft, unauthorized issuance of bankchecks and possession of stolen property. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.56.010	Definitions.
RCW 9A.56.020	Theft--Definition, defense.
RCW 9A.56.050	Theft in third degree.
RCW 9A.56.060	(1)(2)(3)(5) Unlawful issuance of checks or drafts.
RCW 9A.56.140	Possessing stolen property--Definition, credit cards, presumption.
RCW 9A.56.170	Possessing stolen property in the third degree.
RCW 9.54.130	Restoration of stolen property--Duty of officers.
RCW 9A.56.220	Theft of cable television services.
RCW 9A.56.230	Unlawful sale of cable television services.
RCW 9A.56.240	Forfeiture and disposal of device used to commit violation.
RCW 9A.56.260	Connection of channel converter.
RCW 9A.56.270	Shopping cart theft.

9.28.020 Malicious mischief and obscuring identity of machines. The following state statutes, including all future amendments, are adopted by reference:

RCW 9A.48.090	Malicious mischief in the third degree.
RCW 9A.48.100(1)	Malicious mischief and physical damage defined.
RCW 9A.56.180	Obscuring identity of a machine.

9.28.030 Trespass and related crimes. The following statutes of the state, including all future amendments, are adopted by reference:

RCW 9A.52.010	Definitions.
RCW 9A.52.060	Making or having burglary tools.
RCW 9A.52.070	Criminal trespass in the first degree.
RCW 9A.52.080	Criminal trespass in the second degree.
RCW 9A.52.090	Criminal trespass--Defenses.
RCW 9A.52.100	Vehicle prowling.
RCW 9A.52.120	Computer trespass in the second degree.
RCW 9A.52.130	Computer trespass--Commission of other crime.

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

RCW 9.66.010	Public Nuisance.
RCW 9.66.020	Unequal damage.
RCW 9.66.030	Maintaining or permitting nuisance.
RCW 9.66.040	Abatement of nuisance.
RCW 9.66.050	Deposit of wholesome substance.

Chapter 9.30

PUBLIC MORALS, CRIMES RELATING TO

Section:

9.30.010 Definitions.
9.30.020 Unlawful public exposure.
9.30.030 Location of performers providing certain forms of entertainment restricted.
9.30.040 Unlawful public exposure--Exemptions.
9.30.050 Prostitution.
9.30.060 Prostitution--Sex of parties immaterial--No defense.
9.30.070 Patronizing a prostitute.
9.30.080 Facilitating offense.
9.30.090 Sexual exploitation of children.

9.30.010 Definitions. As used in this chapter, the

following words and terms shall have the meaning set forth in this section:

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

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

C. "Person" means and includes natural persons of either sex, firms, corporations and all associations of natural persons, whether acting by themselves or by an agent, servant or employee.

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

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

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

G. "Sexual intercourse":

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

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

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

H. "Unlawful public exposure" means:

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

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

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

4. A public exposure consisting of masturbation, or of urination or defecation in a place other than a restroom.

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

9.30.030 Location of performers providing certain forms of entertainment restricted. No entertainer shall appear in any public place while unclothed or with any portion of the buttocks, genitals, pubic region or female breasts exposed, except upon a stage or other surface raised at least eighteen inches above the level of the floor upon which the closest patrons are seated or standing, nor closer than six feet from the nearest patron. Any violation of this section is a misdemeanor.

9.30.040 Unlawful public exposure--Exemptions. The prohibition set forth in Section 9.30.020 shall not apply to any:

A. "Expressive dance," as defined in Section 9.30.010;

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

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

D. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities.

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

B. For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact" as defined in Section 9.28.010.

C. Prostitution is a misdemeanor.

9.30.060 Prostitution--Sex of parties immaterial--No defense. In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial and therefore no defense exists based upon the sex of the parties.

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

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

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

C. He or she solicits or requests another person to engage in sexual conduct with him in return for a fee.

9.30.080 Facilitating offense. It is a misdemeanor for the owner, lessee, manager, operator or other person in charge of any public place to knowingly permit, encourage or cause to be committed, whether by commission or omission, any offense prohibited by Sections 9.30.020 and 9.30.030 upon such premises.

9.30.090 Sexual Exploitation of Children and Minor Access to Erotic Materials. The following state statutes, including all future amendments, are hereby adopted by reference:

RCW 9.68A.011	Definitions.
RCW 9.68A.070	Possession of depictions of minor engaged in sexually explicit conduct.
RCW 9.68A.080	Processors of depictions of minor engaged in sexually explicit conduct.
RCW 9.68A.110(1)(2)(5)	Certain defenses barred, permitted.
RCW 9.68A.120	Seizure and forfeiture of property.
RCW 9.68A.130	Recovery of costs of suit by minor.
RCW 9.68A.140	Definitions.
RCW 9.68A.150	Allowing minor on premises of live erotic performance.
RCW 9.68A.160	Penalty.

Chapter 9.32

Public Officers, Crimes Relating to

Sections:

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

9.32.010 Obstructing public officers. It is unlawful for any person to make any willfully untrue, misleading or exaggerated statement to, or to willfully hinder, delay or

obstruct any public officer in the discharge of his or her official powers or duties. Obstructing public officers is a misdemeanor.

9.32.020 Obstructing justice, criminal assistance, introducing contraband and related offenses. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.69.100	Withholding knowledge of felony involving violence--Penalty.
RCW 9A.72.010	Definitions.
RCW 9A.72.040	False swearing.
RCW 9A.72.060	False swearing--Retraction.
RCW 9A.72.070	False swearing--Irregularities no defense.
RCW 9A.72.080	Statement of what one does not know to be true.
RCW 9A.72.140	Jury tampering.
RCW 9A.72.150	Tampering with physical evidence.
RCW 9A.76.010	Definitions.
RCW 9A.76.030	Refusing to summon aid for a peace officer.
RCW 9A.76.040	Resisting arrest.
RCW 9A.76.050	Rendering criminal assistance--Definition of terms.
RCW 9A.76.060	Relative defined.
RCW 9A.76.090	Rendering criminal assistance in the third degree.
RCW 9A.76.100	Compounding.
RCW 9A.76.160	Introducing contraband in the third degree.
RCW 9A.76.170(1)(2)(d)	Bail jumping.
RCW 9A.84.040	False Reporting

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

RCW 9.31.090	Escaped prisoner recaptured.
RCW 9A.76.130	Escape in the third degree.

9.32.040 Vehicles resembling city vehicles. No person shall operate a motor vehicle within the city which is painted and contains decals, numbers, name, or insignia so as to simulate a Gig Harbor police or fire department vehicle or any other city vehicle without prior authorization from the city administrator, police chief, fire chief or their designees. Violation of this section is a misdemeanor.

9.32.050 Interference with and abuse of police dogs prohibited. It is a misdemeanor for any person to wilfully or maliciously interfere with, obstruct, torture, beat, kick, strike, or in any way abuse or harass any dog used by any police officer in discharging or attempting to discharge any legal duty or power of his office, under circumstances not amounting to

"Harming a Police Dog," as defined in RCW 9A.76.200.

Chapter 9.34

PUBLIC PEACE, CRIMES RELATING TO

Sections:

- 9.34.010 Disorderly conduct.
- 9.34.020 Riot, failure to disperse and obstruction.
- 9.34.030 Privacy, violating right of.
- 9.34.040 Libel and slander.
- 9.34.050 Malicious prosecutions--Abuse of process.

9.34.010 Disorderly conduct.

- A. A person is guilty of disorderly conduct if he:
1. Uses abusive language and thereby intentionally creates a risk of assault; or
 2. Intentionally disrupts any lawful assembly or meeting of persons without authority; or
 3. Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or
 4. Intentionally and without lawful authority makes noise which unreasonably disturbs others; or
 5. Intentionally engages in any conduct which tends to or does disturb the public peace, provoke disorder, or endanger the safety of others.

- B. Disorderly conduct is a misdemeanor.

9.34.020 Riot, failure to disperse and obstruction. The following state statutes, including all future amendments, are adopted by reference:

- | | |
|------------------------|--|
| RCW 9A.84.010(1)(2)(b) | Riot. |
| RCW 9A.84.020 | Failure to disperse. |
| RCW 9.27.015 | Interference, obstruction of any court, building or residence--violations. |

9.34.030 Privacy, violating right of. The following state statutes, including all future amendments, are adopted by reference:

- | | |
|--------------|---|
| RCW 9.73.010 | Divulging telegram. |
| RCW 9.73.020 | Opening sealed letter. |
| RCW 9.73.030 | Intercepting, recording or divulging private communication--Consent required--Exceptions. |
| RCW 9.73.070 | Same--persons and activities excepted. |
| RCW 9.73.090 | Police and fire personnel exempted from RCW 9.73.030 - 9.73.080--Standards |
| RCW 9.73.100 | Recordings available to defense counsel. |

9.34.040 Libel and slander. The following state statutes of the state, including all future amendments, are adopted by reference:

RCW 9.58.010 Libel, what constitutes.
RCW 9.58.020 How justified or excused--Malice, when presumed.
RCW 9.58.030 Publication defined.
RCW 9.58.040 Liability of editors and others.
RCW 9.58.050 Report of proceedings privileged.
RCW 9.58.070 Privileged communications.
RCW 9.58.080 Furnishing libelous information.
RCW 9.58.090 Threatening to publish libel.
RCW 9.58.100 Slander of financial institution.
RCW 9.58.120 Testimony necessary to convict.

9.34.050 Malicious prosecution--Abuse of process. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.62.010 Malicious prosecution.
RCW 9.62.020 Instituting suit in name of another.

Chapter 9.36

MISCELLANEOUS CRIMES

Sections:

9.36.010 Conduct prohibited.
9.36.020 Littering and pollution.
9.36.030 United States and state flags, crimes relating to.
~~9.36.040 Laying out of poison.~~

9.36.010 Conduct prohibited. The following state statutes, including all future amendments, are adopted by reference:

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

9.36.020 Littering and pollution. The following state statutes, including all future amendments, are adopted by reference:

RCW 70.93.060 Littering.

RCW 70.54.010 Polluting water supply.

9.36.030 United States and state flags, crimes relating to. The following state statutes, including all future amendments, are adopted by reference:

RCW 9.68.010 "Flag" etc., defined.
RCW 9.68.020 Improper use of flag prohibited.
RCW 9.68.030 Desecration of flag.
RCW 9.68.040 Application of provisions.