

## **Title 9**

### **PEACE, SAFETY AND MORALS**

#### **Chapters:**

- 9.02 Adoption of RCW Sections Not Specifically Set Forth**
- 9.04 Criminal Code**
- 9.06 Adoption of Specific RCW Sections**
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#### **Chapter 9.02**

##### **ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH**

#### **Sections:**

##### **9.02.010 Adoption of RCW Sections not specifically set forth.**

##### **9.02.010 Adoption of RCW sections not specifically set forth.**

(A) With the exception of the RCW section set forth in subsection C of this section, and notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

(B) All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in Chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection A of this section and of chapter 9.00 SMC.

(C) The following RCW section is not adopted by the Town of Steilacoom:

RCW 9A.16.110 Defending against violent crime – Reimbursement.  
(Ord. 1501 §3, 2013).

#### **Chapter 9.04**

##### **CRIMINAL CODE**

#### **Sections:**

- 9.04.005 Preliminary article.**
- 9.04.010 Purpose.**

- 9.04.020 Jurisdiction.**
- 9.04.030 Authority of officers.**
- 9.04.070 Civil violations--General.**
- 9.04.080 Civil violations--Procedures.**
- 9.04.090 Civil violations--Penalties.**
- 9.04.100 Boat operations..**
- 9.04.110 Law enforcement.**
- 9.04.120 Parks and beaches.**
- 9.04.125 Camping.**
- 9.04.127 Use of rights-of-way.**
- 9.04.130 Public order.**
- 9.04.140 Minors.**
- 9.04.150 Weapons.**
- 9.04.155 Seizure and forfeiture of drug-related items---Statutes adopted.**
- 9.04.156 Disposal of forfeited weapons.**
- 9.04.160 Effective date.**
- 9.04.170 Town property.**

**9.04.005 Preliminary article.**

(A) This chapter shall be known and may be cited as the "Steilacoom Criminal Code."

(B) As used in this title, "RCW" shall mean the Revised Code of Washington.

(C) As used in this title, "SMC" shall mean the Steilacoom Municipal Code.

(D) If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.

(E) By adopting Washington state statutes by reference in this title, the town intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the Town of Steilacoom. Whenever the word "state" shall appear in any statute adopted by reference in this title, the word "town" shall be substituted therefor; provided, however, the term "town" shall not be substituted for the term "state" in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

(F) Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.

(G) Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.

(H) When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.

(I) Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.

(J) The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the

commission of the offense in the same manner as if this title had not been enacted. The provisions of this title shall apply to any offense committed on or after its effective date unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.

(K) As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and neutral genders; and the singular includes the plural and vice versa.

(L) The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

(M) Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

(1) Gross Misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine.

(2) Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine. A violation of the Steilacoom Criminal Code is a misdemeanor if not otherwise designated by this Code or by the Code adopted by reference. (Ord. 1501 §1, 2013).

**9.04.010 Purpose.** The purpose of this chapter is to protect public peace, health and safety by declaring that certain acts and omissions constitute criminal violations, subject to fines and incarceration, and that certain other acts and omissions constitute civil violations subject to monetary penalties. (Ord. 972 §1, 1986).

**9.04.020 Jurisdiction.** The following persons are subject to punishment:

(A) A person who commits in the town any crime as defined by ordinance, in whole or part;

(B) A person who commits out of the town any act which, if committed within it, would be theft and is afterward found in the town with any of the stolen property;

(C) A person who being out of the town, counsels, causes, procures, aids, or abets another to commit a crime in the town;

(D) A person who commits an act without the town which affects persons or property within the town which, if committed within the town, would be a crime. (Ord. 1501 §2, 2013; Ord. 972 §2, 1986).

**9.04.030 Authority of officers.** A Public Safety Department Officer may:

(1) Arrest a person for a criminal violation committed in the officer's presence;

(2) Issue a criminal citation if the officer has reasonable cause to believe a criminal violation has been committed;

(3) Issue a notice of civil violation if a civil violation is committed in the officer's presence or if the officer has reasonable cause to believe a civil violation has been committed. (Ord. 972 §3, 1986).

**9.04.070 Civil violations--General.** The commission of an act which is prohibited, or the failure to perform an act required by any codified ordinance of the Town of Steilacoom except this chapter, and except those ordinances for which a penalty is specifically provided is a Class III civil violation. (Ord. 1072 §2, 1991; Ord. 972 §9, 1986).

**9.04.080 Civil violations--Procedures.**

(a) A notice of civil violation represents a determination that a civil violation has been committed. The determination will be final unless contested. Any person receiving a notice of civil violation shall respond thereto, in one of the following three ways, within fifteen days of the date of the notice:

(1) By delivering the amount of the penalty, as prescribed herein, in cash, check or money order, to the Clerk of the Court;

(2) By filing with the Clerk of the Court a written denial that the civil violation has been committed, and request for a contested hearing;

(3) By filing with the Clerk of the Court a written request for a mitigation hearing and written waiver of the right to contest the determination.

(b) A hearing held to explain mitigating circumstances shall be informal. No subpoenas for witnesses shall issue, nor shall the determination that a civil violation occurred be contested. The Court may, following such hearing, reduce but not increase the penalty prescribed by this chapter.

(c) A hearing held for the purpose of contesting a determination shall be an adversarial hearing. The person receiving the notice may be represented by retained counsel, may subpoena witnesses, and may present evidence and examine witnesses in court. Such hearing shall be conducted without a jury. The burden of proof shall be met if a preponderance of evidence establishes the violation was committed. (Ord. 972 §5, 1986).

**9.04.090 Civil violations--Penalties.** Penalties for civil violations are:

(1) Class I civil violations           \$500.00

(2) Class II civil violations         \$250.00

(3) Class III civil violations         \$100.00

(Ord. 1072 §3, 1991: Ord. 972 §7, 1986).

**9.04.100 Boat operations.**

(a) Reckless Operation. Any person who operates a motor driven boat in willful or wanton disregard for the safety of persons or property thereby commits a Class I civil infraction.

(b) Operation Near Public Beach. Any person who operates a motor driven boat within one hundred yards of the exposed shoreline of any public beach posted as prohibited waters for motor boats thereby commits a Class III civil infraction.

(c) Operation While Under Influence. Any person who operates, or is in physical control of the operation of, a motor driven boat, while under the influence of intoxicating liquor or any drug, thereby commits a criminal violation. (Ord. 972 §10, 1986).

**9.04.110 Law enforcement.**

(a) Any person who falsely reports or represents to any Public Safety Department officer that such person has sustained an injury or suffered the loss of any thing of value as the result of criminal activity thereby commits a Class II civil violation.

(b) Any person who without authority possesses or displays any badge issued by the Public Safety Department, or falsely represents that such person is an officer of such department, with intent to deceive, thereby commits a Class I civil violation. (Ord. 972 §11, 1986).

**9.04.120 Parks and beaches.**

(a) Any person who commits any of the following acts within or upon any public park or beach of the Town, or upon waters adjacent to and within one hundred yards of the exposed shoreline of any public beach of the Town, or within any public parking lot serving any public park or beach of the Town, thereby commits a Class III civil violation, except that any person who possesses or consumes liquor in violation of this section thereby commits a Class II civil violation:

- (1) Creates or participates in any noise, disturbance or demonstration which disturbs the quiet enjoyment of other persons using the park or beach;
- (2) Operates any loudspeaker, sound equipment, or similar noisemaking equipment or instrumentality. Provided, however, that portable radios and televisions may be operated in such a manner as to not disturb the quiet enjoyment of other persons using the park or beach;
- (3) Posts any notice, sign, poster or similar device, other than authorized regulatory or informational signs;
- (4) Allows any animal owned, possessed or under the control of a person to run at large;
- (5) Discharges any firearm, fireworks or other explosives, or possesses any air gun, bow, arrow, BB or paintball gun, or any instrument or weapon of any kind usually known as a blackjack, slingshot, sand-club, metal knuckles, chako sticks, nunchuka, throwing stars, clubs or any knife, dagger or dirk, or other similar instruments which are designed or constructed to inflict bodily injury or property damage;
- (6) Solicits funds for any purpose except at charitable events held pursuant to a Special Event Permit issued by the Town of Steilacoom pursuant to SMC Chapter 10.24;
- (7) Possesses or consumes any alcoholic beverage, except pursuant to both a license or permit issued for an authorized activity by the Washington State Liquor Control Board and a Special Event Permit issued by the Town of Steilacoom pursuant to SMC Chapter 10.24;
- (8) Remains on any beach or in any park during the hours between one-half hour after sunset and one-half hour before sunrise;
- (9) Operates any motor vehicle, except within authorized parking lots, and except vehicles used in maintenance, authorized delivery vehicles, medical aid, law enforcement and fire prevention activities;
- (10) Damages or destroys property of any nature;
- (11) Kills, pursues, injures, traps, or exposes any poisonous substance to any mammal, bird, reptile or amphibian, except conduct of any peace or public health officer lawfully engaged in protecting public or animal health or safety;
- (12) Abandons any domestic animal;
- (13) Possesses any glass bottle within or upon any park or beach;
- (14) Starts or maintains a fire for any purpose, except in a park installed barbeque grill or portable barbeque;
- (15) Uses or rides a roller skate, rollerblade, skateboard or motorized foot scooter or similar device;
- (16) Cuts, removes or disturbs any plant or animal without express written approval of the Town Public Works Director or his or her designee. Fish and shellfish may be harvested in accordance with State of Washington regulations.  
(Ord. 1588 §a(5), 2018; Ord. 1463 §1, 2010; Ord. 1462 §1, 2010; Ord. 972 §12, 1986).

#### **9.04.125 Camping.**

(a) As used herein, "camping" means erecting a tent or shelter or arranging bedding or both for the purpose of, or in such a way as will permit remaining overnight, or parking a trailer, camper, or other vehicle for the purpose of remaining overnight.

(b) No camping is allowed at any Town facility, in any Town park or open space, or on trails or rights-of-way.

(c) Any person camping in violation of subsection (b) shall have committed a Class II civil infraction. (Ord. 1431 §1, 2007).

#### **9.04.127 Use of rights-of-way.**

(a) The unimproved portions of Town rights-of-way may be used for fishing or other forms of recreation provided that the following standards are observed:

(1) All vehicles, trailers and boats must be safely and legally parked out of the lanes of travel.

(2) All litter and trash shall be properly disposed of in a trash receptacle.

(3) All chairs, tables, canopies and other personal items shall be removed by 9:00 PM each evening.

(b) Any person in violation of subsection (a) shall have committed a Class II civil infraction. (Ord. 1431 §2, 2007).

#### **SMC 9.04.129 Operation of motor vehicle in bodies of water.**

(a) Definitions. As used in this section, the following words and phrases have the following meanings.

(1) "Body of water" shall mean any estuary, waterway, stream, creek, river, lake, or pond as well as that portion of Puget Sound within the corporate limits of the Town of Steilacoom.

(2) "Motor vehicle" shall have the same meaning as in RCW 46.04.320.

(3) "Ordinary high water mark" shall have the same meaning as in RCW 90.58.030.

(b) Prohibition. No person shall operate a motor vehicle waterward of the ordinary high water mark of any body of water.

(c) Exceptions.

(1) Use of a designated boat ramp by a motor vehicle is permitted.

(2) Nothing herein shall prohibit the use of boats or other watercraft in bodies of water.

(d) Penalty. Any person in violation of subsection B shall have committed a Class 1 civil violation. (Ord. 1512 §1, 2014).

#### **9.04.130 Public order.**

(a) It is a Class II infraction for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

(1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as warning of danger or as specifically permitted or required by law;

(2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property,

(3) Continued yelling, shouting, hooting, whistling or singing on or near public streets 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;

(4) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium which unreasonably interferes with the peace, comfort of owners or possessors of real property, such as sounds from audio equipment, musical instruments, band sessions or social gatherings.

(5) Sound from motor vehicle sound systems, such as tape players, radios and compact disc players, operated at a volume which is audible at greater than fifty (50) feet from the vehicle itself;

(6) Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible further than fifty (50) feet from the source, and if not operated upon the property of the owner.

(7) The squealing, screeching or other such sounds from motor vehicle tires or other such sounds from motor vehicle tires in contact with the ground or other roadway surface because of rapid acceleration, braking or excessive speed around corners or because of such other reason; provided, that sounds which result from actions which are necessary to avoid danger are exempt.

(8) Sound emanating from the construction, maintenance, repair or demolition of buildings, grounds, and appurtenances such as fences and walls, or from activities associated with site clearing, grading, excavation, filling and other alterations, if audible beyond the boundary of the lot or parcel on which the activity is occurring between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and between the hours of 6:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and State recognized holidays.

(b) The foregoing provisions shall not apply to:

(1) Regularly scheduled events at parks and on school grounds, such as public address systems for baseball or football games or park concerts.

(2) Construction noise or other noise generated in response to emergency situations.

(3) The Town Administrator may, in writing, grant exceptions to these provisions when the work is of urgent necessity in the interest of public safety and convenience, or for public works projects and other projects within the public rights-of-way when the Town Administrator determines that the public benefit of night-time construction outweighs the short-term impacts of such construction.

(c) Any person who, with intent to annoy or alarm another person, repeatedly uses fighting words or obscene language, thereby creating a substantial risk of assault, thereby commits a Class II civil violation.

(d) Any person who by physical action intentionally causes or attempts to cause another person reasonably to fear imminent death or serious bodily injury thereby commits a criminal violation.

(e) Any person who by physical action intentionally causes or attempts to cause another person reasonably to fear imminent bodily injury, not constituting serious injury, or property damage or loss, thereby commits a Class II civil violation. (Ord. 1585, 2018; Ord. 1435 §1, 2008; Ord. 1364 §4, 2004; Ord. 1360 §1, 2004; Ord. 1074 §1, 1991; Ord. 972 §13, 1986).

#### **9.04.140 Minors.**

(a) Any person who by act or omission knowingly contributes to a child's becoming a delinquent child, or knowingly causes or encourages a child to commit a delinquent act, thereby commits a criminal violation.

(b) Any person who furnishes intoxicating liquor to a person under the age of twenty-one years, except as permitted by state law, thereby commits a Class II civil violation.

(c) Any person under the age of twenty-one years who possesses or consumes any intoxicating liquor, except as permitted by state law, thereby commits a Class II civil violation.

(d) Any person who sells or gives or permits to be sold or given to any person under the age of eighteen (18) years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form, shall be guilty of the offense of furnishing tobacco to a minor and shall, upon conviction, be punished as provided in SMC 1.04.010. (Ord. 1338 §6, 2003; Ord. 1097 §1, 1992; Ord. 972 §14, 1986).

#### **9.04.150 Weapons.**

(a) A person who commits any of the following acts thereby commits a criminal violation:

(1) A person who, being under the age of eighteen years, possesses or attempts to acquire by purchase or otherwise any dangerous weapon including, without limitation, any device commonly known as "nun-chu-ka sticks," consisting of two or more lengths 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 embed upon impact from any aspect; any dirk, dagger, throwing ax, blow gun, sword, bayonet, straightedge razor, crossbow, bow, arrow, BB gun or pellet gun;

(2) A person, regardless of age, who displays, exhibits or attempts to use any such dangerous weapon;

(3) A person who furnishes any such dangerous weapon to a person under the age of eighteen years.

(b) The restrictions of this section shall not apply to any law enforcement officer while performing duties as such, nor to the possession or use of proscribed articles under direct supervision of a certified safety instructor or on the premises of an established and certified training school. (Ord. 972 §15, 1986).

**9.04.155 Seizure and forfeiture of drug-related items--Statutes adopted.** The following sections of the Revised Code of Washington as now or hereafter amended are adopted by reference:

RCW 69.50.101 - Definitions.

RCW 69.50.102 - Drugs Paraphernalia - Definitions.

RCW 69.50.505 - Seizure and Forfeiture. (Ord. 1063 §1, 1990).

**9.04.156 Disposal of forfeited firearms.**

(a) Except as provided in subsections (b) and (c) of this section, all firearms that come into the possession of the Department of Public Safety after June 30, 1993 that are judicially forfeited under RCW 9.41.098 and are no longer needed for evidence, or forfeited due to a failure to make a claim under RCW 63.32.010 or RCW 63.40.010, may be disposed of by the department of public safety in its discretion as follows:

- (1) Retain for agency use;
- (2) Traded to commercial sellers;
- (3) Destroyed.

(b) All firearms that are "antiques" as defined by RCW 9.41.150, or recognized as curios, relics, and firearms of particular historical significance by the Bureau of Alcohol, Tobacco and Firearms (or any successor agency) shall not be retained for agency use or destroyed.

(c) All firearms that are illegal to possess, as defined in subsection (d), shall be destroyed, and shall not be retained, traded or auctioned. If firearms otherwise illegal to possess may be rendered legal to possess by removal or alteration of component parts, the department of public safety may in its discretion, effect such removal or alteration and may thereafter dispose of the firearm under subsection (a) of this section.

(d) "Firearms that are illegal to possess" means firearms that are illegal to possess as private citizens under state or federal law.

(e) Any proceeds from the trade or auction of firearms shall be used by the department of public safety. (Ord. 1130 §1, 1993).

**9.04.160 Effective date.** This chapter shall take effect January 1, 1987. The provisions of this chapter shall apply to any violation committed on or after the effective date. The provisions of this chapter shall not apply to acts or omissions occurring before the effective date, but the same shall be governed, and punishments imposed, in accordance with provisions of ordinances in effect at the time such acts or omissions occurred. (Ord. 972 §16, 1986).

**9.04.170 Town property.**

(a) No person, firm or corporation shall alter, tamper with, damage, deface or destroy any real or personal property belonging to the Town of Steilacoom without the express written permission of the Town Administrator pursuant to a decision of the Town Council.

(b) Violation of this provision of this chapter shall be a Class II civil violation. Any person convicted of violating subsection (a) of this section shall be punished as provided in SMC 9.04.090.

(c) In addition to any monetary penalties imposed, any person convicted of violating subsection (a) of this section shall be required to make full and complete restitution to the Town



of Steilacoom. This restitution may be monetary or may consist of replacement or repair of the real or personal property so altered, tampered with, damaged, defaced or destroyed. (Ord. 1121 §1, 1993).

## Chapter 9.06

### ADOPTION OF SPECIFIC RCW SECTIONS

#### Sections:

- 9.06.010 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.**
- 9.06.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.**
- 9.06.030 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.**
- 9.06.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.**
- 9.06.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.**
- 9.06.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.**
- 9.06.070 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.**
- 9.06.080 RCW Title 16, entitled “Animals and livestock” – Adoption by reference.**
- 9.06.090 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.**
- 9.06.100 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.**
- 9.06.110 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.**
- 9.06.120 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.**
- 9.06.130 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.**
- 9.06.140 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.**
- 9.06.150 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.**

**9.06.010 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.** The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 2.48.180 Definitions – Unlawful practice a crime – Cause for discipline – Unprofessional conduct – Defense – Injunction – Remedies – Costs – Attorneys’ fees – Time limit for action. (Ord. 1501 §4(part), 2013).

**9.06.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.** The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.21.010 Definitions.  
RCW 7.21.020 Sanctions – Who may impose.  
RCW 7.21.030 Remedial sanctions – Payment for losses.  
RCW 7.21.040 Punitive sanctions – Fines.  
RCW 7.21.050 Sanctions – Summary imposition – Procedure.  
RCW 7.21.070 Appellate review.  
(Ord. 1501 §4(part), 2013).

**9.06.030 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.** For purposes of offenses under this title only, the following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.80.120 Monetary penalties – Restitution. (Ord. 1501 §4(part), 2013).

**9.06.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9.01.055 Citizen immunity if aiding officer, scope – When.  
RCW 9.01.110 Omission, when not punishable.  
RCW 9.01.130 Sending letter, when complete.  
RCW 9.02.050 Concealing birth.  
RCW 9.03.010 Abandoning, discarding refrigeration equipment.  
RCW 9.03.020 Permitting unused equipment to remain on premises.  
RCW 9.03.040 Keeping or storing equipment for sale.  
RCW 9.04.010 False advertising.  
RCW 9.04.090 Advertising fuel prices by service stations.  
RCW 9.08.030 False certificate of registration of animals – False representation as to breed.  
RCW 9.08.065 Definitions.  
RCW 9.08.070 Pet animals – Taking, concealing, injuring, killing, etc. – Penalty.  
RCW 9.12.010 Barratry.  
RCW 9.12.020 Buying, demanding, or promising reward by district judge or deputy.  
RCW 9.16.005 Definitions.  
RCW 9.16.010 Removing lawful brands.  
RCW 9.16.020 Imitating lawful brand.  
RCW 9.16.030 Counterfeit mark – Intellectual property.  
RCW 9.16.035 Counterfeiting – Penalties.  
RCW 9.16.041 Counterfeit items – Seizure and forfeiture.  
RCW 9.16.050 When deemed affixed.  
RCW 9.16.060 Fraudulent registration of trademark.  
RCW 9.16.070 Form and similitude defined.  
RCW 9.16.080 Petroleum products improperly labeled or graded.  
RCW 9.16.100 Use of the words “sterling silver,” etc.  
RCW 9.16.110 Use of words “coin silver,” etc.  
RCW 9.16.120 Use of the word “sterling” on mounting.  
RCW 9.16.130 Use of the words “coin silver” on mounting.  
RCW 9.16.140 Unlawfully marking article made of gold.  
RCW 9.16.150 “Marked, stamped or branded” defined.  
RCW 9.18.080 Offender a competent witness.  
RCW 9.18.120 Suppression of competitive bidding.  
RCW 9.18.130 Collusion to prevent competitive bidding.  
RCW 9.18.150 Agreements outside state.  
RCW 9.24.010 Fraud in stock subscription.  
RCW 9.24.040 Corporation doing business without license.  
RCW 9.26A.090 Telephone company credit cards – Prohibited acts.  
RCW 9.26A.100 Definitions.  
RCW 9.26A.110 Fraud in obtaining telecommunications service – Penalty.  
RCW 9.26A.120 Fraud in operating coin-box telephone or other receptacle.

RCW 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin.  
RCW 9.27.015 Interference, obstruction of any court, building, or residence – Violations.  
RCW 9.35.005 Definitions.  
RCW 9.35.030 Soliciting undesired mail.  
RCW 9.38.010 False representation concerning credit.  
RCW 9.38.015 False statement by deposit account applicant.  
RCW 9.38.020 False representation concerning title.  
RCW 9.40.040 Operating engine or boiler without spark arrester.  
RCW 9.40.100 Tampering with fire alarm or fire fighting equipment – False alarm – Penalties.  
RCW 9.41.010 Terms defined.  
RCW 9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons.  
RCW 9.41.050 Carrying firearms.  
RCW 9.41.060 Exceptions to restrictions on carrying firearms.  
RCW 9.41.090 Dealer deliveries regulated – Hold on delivery.  
RCW 9.41.098 Forfeiture of firearms – Disposition – Confiscation.  
RCW 9.41.100 Dealer licensing and registration required.  
RCW 9.41.110 Dealer’s licenses, by whom granted, conditions, fees – Employees, fingerprinting and background checks – Wholesale sales excepted – Permits prohibited.  
  
RCW 9.41.140 Alteration of identifying marks – Exceptions.  
RCW 9.41.220 Unlawful firearms and parts contraband.  
RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.  
RCW 9.41.240 Possession of pistol by person from 18 to 21.  
RCW 9.41.250 Dangerous weapons – Penalty.  
RCW 9.41.260 Dangerous exhibitions.  
RCW 9.41.270 Weapons apparently capable of producing bodily harm – Unlawful carrying or handling – Penalty – Exceptions.  
RCW 9.41.280 Possessing dangerous weapons on school facilities – Penalty – Exceptions.  
RCW 9.41.300 Weapons prohibited in certain places – Local laws and ordinances – Exceptions – Penalty.  
  
RCW 9.41.360 Unsafe storage of a firearm.  
RCW 9.41.800 Surrender of weapons or licenses – Prohibition on future possession or licensing.  
  
RCW 9.41.810 Penalty.  
RCW 9.44.080 Misconduct in signing a petition.  
RCW 9.45.060 Encumbered, leased, or rented personal property – 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 9.45.270 Fraudulent filing of vehicle report of sale.  
RCW 9.46.170 False or misleading entries or statements, refusal to produce records.  
RCW 9.46.185 Causing person to violate rule or regulation  
RCW 9.46.190 Violations relating to fraud or deceit.  
RCW 9.46.195 Obstruction of public servant -- Penalty.  
RCW 9.46.196 Cheating -- Defined.  
RCW 9.46.1962 Cheating in the second degree.  
RCW 9.46.198 Working in gambling activity without license as violation -- Penalty  
RCW 9.46.217 Gambling records — Penalty — Exceptions.  
RCW 9.46.222 Professional gambling in the third degree.  
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 substances prohibited, when.  
RCW 9.47A.050 Penalty.  
RCW 9.51.010 Misconduct of officer drawing jury.  
RCW 9.51.020 Soliciting jury duty.  
RCW 9.51.030 Misconduct of officer in charge of jury.  
RCW 9.61.230 Telephone harassment.  
RCW 9.61.240 Telephone harassment – Permitting telephone to be used.  
RCW 9.61.250 Telephone harassment – Offense, where deemed committed.  
RCW 9.61.260 Cyberstalking  
RCW 9.62.010 Malicious prosecution.  
RCW 9.62.020 Instituting suit in name of another.  
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 unwholesome substance.  
RCW 9.68.015 Obscene literature, shows, etc. – Exemptions.  
RCW 9.68.030 Indecent articles, etc.  
RCW 9.68.050 “Erotic material” – Definitions.  
RCW 9.68.060 “Erotic material” – Determination by court – Labeling – Penalties.  
RCW 9.68.070 Prosecution for violation of RCW 9.68.060 – Defense.  
RCW 9.68.080 Unlawful acts.  
RCW 9.68.100 Exceptions to RCW 9.68.050 through 9.68.120.  
RCW 9.68.110 Motion picture operator or projectionist exempt, when.  
RCW 9.68.130 “Sexually explicit material” – Defined – Unlawful display.  
RCW 9.68A.011 Definitions.  
RCW 9.68A.080 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.  
RCW 9.68A.090 Communication with minor for immoral purposes – Penalties.  
RCW 9.68A.103 Permitting commercial sexual abuse of a minor – Penalty  
RCW 9.96A.105 Additional fee assessment.  
RCW 9.68A.110 Certain defenses barred, permitted.  
RCW 9.68A.120 Seizure and forfeiture of property.  
RCW 9.68A.150 Allowing minor on premises of live erotic performance – Definitions – Penalty.  
RCW 9.69.100 Duty of witness of offense against child or any violent offense – Penalty.  
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 9.73.050 Admissibility of intercepted communication in evidence.  
RCW 9.73.070 Persons and activities excepted from chapter.  
RCW 9.73.080 Penalties.  
RCW 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080 – Standards – Court authorizations – Admissibility.  
RCW 9.73.100 Recordings available to defense counsel.  
RCW 9.73.110 Intercepting, recording, or disclosing private communications – Not unlawful for building owner – Conditions.  
RCW 9.86.010 “flag,” etc., defined  
RCW 9.86.020 Improper use of flag prohibited.

RCW 9.86.030 Desecration of a flag.  
RCW 9.86.040 Application of provisions.  
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 conduct in a transit vehicle.  
RCW 9.91.060 Leaving children unattended in a parked automobile.  
RCW 9.91.130 Disposal of trash in charity donation receptacle.  
RCW 9.91.140 Food stamps – Unlawful sale.  
RCW 9.91.142 Food stamps-- Trafficking  
RCW 9.91.160 Personal protection spray devices.  
RCW 9.91.170 Interfering with dog guide or service animal.  
RCW 9.91.175 Interfering with search and rescue dog.  
(Ord. 1606, 2019: Ord. 1501 §4(part), 2013).

**9.06.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9A.04.020 Purposes – Principles of construction.  
RCW 9A.04.040 Classes of crimes.  
RCW 9A.04.050 People capable of committing crimes – Capability of children.  
RCW 9A.04.060 Common law to supplement statute.  
RCW 9A.04.070 Who amenable to criminal statutes.  
RCW 9A.04.080 Limitation of actions.  
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.  
RCW 9A.08.010 General requirements of culpability.  
RCW 9A.08.020 Liability for conduct of another –Complicity  
RCW 9A.08.030 Corporate and personal liability.  
RCW 9A.12.010 Insanity.  
RCW 9A.16.010 Definitions.  
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 premises for investigation – “Reasonable grounds” as defense.  
RCW 9A.16.090 Intoxication.  
RCW 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable.  
RCW 9A.28.020 Criminal attempt.  
RCW 9A.28.030 Criminal solicitation.  
RCW 9A.28.040 Criminal conspiracy.  
RCW 9A.36.041 Assault in the fourth degree.  
RCW 9A.36.050 Reckless endangerment.  
RCW 9A.36.070 Coercion.  
RCW 9A.36.150 Interfering with the reporting of domestic violence.  
RCW 9A.36.160 Failing to summons assistance.  
RCW 9A.36.161 Failing to summons assistance – Penalty.  
RCW 9A.40.010 Definitions.  
RCW 9A.40.070 Custodial interference in the second degree.

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

RCW 9A.42.010 Definitions.

RCW 9A.42.035 Criminal mistreatment in the third degree.

RCW 9A.42.037 Criminal mistreatment in the fourth degree.

RCW 9A.42.040 Withdrawal of life support systems.

RCW 9A.42.045 Palliative care.

RCW 9A.42.050 Defense of financial inability.

RCW 9A.42.080 Abandonment of a dependent person in the third degree.

RCW 9A.42.090 Abandonment of a dependent person – Defense.

RCW 9A.42.110 Leaving a child in the care of a sex offender.

RCW 9A.44.010 Definitions.

RCW 9A.44.030 Defenses to prosecution under this chapter.

RCW 9A.44.096 Sexual misconduct with a minor in the second degree.

RCW 9A.44.130 Registration of sex offenders and kidnapping offenders – Procedures – Definition – Penalties.

RCW 9A.44.132 Failure to register as sex offender or kidnapping offender.

RCW 9A.44.170 Custodial sexual misconduct in the second degree.

RCW 9A.44.180 Custodial sexual misconduct – Defense.

RCW 9A.46.010 Legislative finding.

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.46.080 Order restricting contact – Violation.

RCW 9A.46.090 Nonliability of peace officer.

RCW 9A.46.100 “Convicted,” time when.

RCW 9A.46.110 Stalking.

RCW 9A.48.010 Definitions.

RCW 9A.48.050 Reckless burning in the second degree.

RCW 9A.48.060 Reckless burning – Defense.

RCW 9A.48.090 Malicious mischief in the third degree.

RCW 9A.48.100 Malicious mischief – “Physical damage” defined.

RCW 9A.48.105 Criminal street gang tagging and graffiti.

RCW 9A.48.110 Defacing a state monument.

RCW 9A.49.001 Findings.

RCW 9A.49.010 Definitions.

RCW 9A.49.030 Unlawful discharge of a laser in the second degree.

RCW 9A.49.050 Exclusions.

RCW 9A.50.010 Definitions.

RCW 9A.50.020 Interference with health care facility.

RCW 9A.50.030 Penalty.

RCW 9A.52.010 Definitions.

RCW 9A.52.050 Other crime in committing burglary punishable.

RCW 9A.52.060 Making or having burglar 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 in the second degree.

RCW 9A.52.120 Computer trespass in the second degree.

RCW 9A.52.130 Computer trespass – Commission of other crime.  
RCW 9A.56.010 Definitions.  
RCW 9A.56.020 Theft – Definition, defense.  
RCW 9A.56.050 Theft in the third degree.  
RCW 9A.56.060 Unlawful issuance of checks or drafts.  
RCW 9A.56.063 Making or possession motor vehicle theft tools  
RCW 9A.56.096 Theft of rental, leased, or lease-purchased property.  
RCW 9A.56.140 Possessing stolen property – Definition – Presumption.  
RCW 9A.56.170 Possessing stolen property in the third degree.  
RCW 9A.56.180 Obscuring the identity of a machine.  
RCW 9A.56.220 Theft of subscription 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.  
RCW 9A.56.280 Credit, debit cards, checks, etc. – Definitions.  
RCW 9A.56.330 Possession of another’s identification.  
RCW 9A.60.010 Definitions.  
RCW 9A.60.045 Criminal impersonation in the second degree.  
RCW 9A.60.050 False certification.  
RCW 9A.60.070 False academic credentials – Unlawful issuance or use – Definitions – Penalties.  
  
RCW 9A.61.010 Definitions.  
RCW 9A.61.020 Defrauding a public utility.  
RCW 9A.61.050 Defrauding a public utility in the third degree.  
RCW 9A.61.060 Restitution and costs.  
RCW 9A.72.010 Definitions.  
RCW 9A.72.040 False swearing.  
RCW 9A.72.050 Perjury and false swearing – Inconsistent statements – Degree of crime.  
RCW 9A.72.060 Perjury and false swearing – Retraction.  
RCW 9A.72.070 Perjury and false swearing – Irregularities no defense.  
RCW 9A.72.080 Statement of what one does not know to be true.  
RCW 9A.72.085 Unsworn statements, certification.  
RCW 9A.72.140 Jury tampering.  
RCW 9A.72.150 Tampering with physical evidence.  
RCW 9A.76.010 Definitions.  
RCW 9A.76.020 Obstructing a law enforcement officer.  
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 term.  
RCW 9A.76.060 Relative defined.  
RCW 9A.76.070 Rendering criminal assistance in the first degree.  
RCW 9A.76.080 Rendering criminal assistance in the second degree.  
RCW 9A.76.090 Rendering criminal assistance in the third degree.  
RCW 9A.76.100 Compounding.  
RCW 9A.76.130 Escape in the third degree.  
RCW 9A.76.160 Introducing contraband in the third degree.  
RCW 9A.76.170 Bail jumping.  
RCW 9A.76.175 Making a false or misleading statement to a public servant.  
RCW 9A.80.010 Official misconduct.  
RCW 9A.84.010 Riot.  
RCW 9A.84.020 Failure to disperse.

RCW 9A.84.030 Disorderly conduct.  
RCW 9A.84.040 False reporting.  
RCW 9A.86.010 Disclosing Intimate Images.  
RCW 9A.88.010 Indecent exposure.  
RCW 9A.88.030 Prostitution.  
RCW 9A.88.050 Prostitution – Sex of parties immaterial – No defense.  
RCW 9A.88.090 Permitting prostitution.  
RCW 9A.88.110 Patronizing a prostitute.  
RCW 9A.88.120 Additional fee assessments.  
RCW 9A.88.130 Additional requirements.  
RCW 9A.88.140 Vehicle impoundment.  
(Ord. 1542 (part), 2016: Ord. 1501 §4(part), 2013).

**9.06.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 10.14.120 Disobedience of order – Penalties.  
RCW 10.14.170 Criminal penalty.  
RCW 10.99.010 Purpose – Intent.  
RCW 10.99.020 Definitions.  
RCW 10.99.040 Duties of court – No-contact order.  
RCW 10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures – Notice of change.  
RCW 10.99.070 Liability of peace officers.  
RCW 10.99.080 Penalty assessment.  
(Ord. 1501 §4(part), 2013).

**9.06.070 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.** The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 13.32A.080 Unlawful harboring of a minor – Penalty – Defense – Prosecution of adult for involving child in commission of offense. (Ord. 1501 §4(part), 2013).

**9.06.080 RCW Title 16, entitled “Animals and livestock” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 16.08.030 Marauding dog — Duty of owner to kill.  
RCW 16.08.100 Dangerous dogs — Confiscation — Conditions — Duties of animal control authority — Penalties and affirmative defenses for owners of dogs that attack — Dog fights, penalty.  
RCW 16.52.011 Definitions — Principles of liability  
RCW 16.52.015 Enforcement — Law enforcement agencies and animal care and control agencies.  
RCW 16.52.080 Transporting or confining in unsafe manner — Penalty.  
RCW 16.52.090 Docking horses — Misdemeanor.  
RCW 16.52.095 Cutting ears — Misdemeanor.  
RCW 16.52.110 Old or diseased animals at large.  
RCW 16.52.165 Punishment — Conviction of misdemeanor.



RCW 16.52.190 Poisoning animals — Penalty.  
RCW 16.52.193 Poisoning animals — Strychnine sales — Records — Report on suspected purchases.  
RCW 16.52.200 Sentences — Forfeiture of animals — Liability for costs — Civil penalty — Education, counseling.  
RCW 16.52.207 Animal cruelty in the second degree.  
RCW 16.52.300 Dogs or cats used as bait — Seizure — Limitation.  
RCW 16.52.305 Unlawful use of hook — Gross misdemeanor.  
RCW 16.52.310 Dog breeding — Limit on the number of dogs — Required conditions — Penalty — Limitation of section — Definitions. (Ord. 1501 §4(part), 2013).

**9.06.090 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.** The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 26.09.300 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.  
RCW 26.10.220 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.  
RCW 26.26.138 Restraining order – Knowing violation – Penalty – Law enforcement immunity.  
RCW 26.28.080 Selling or giving tobacco to minor – Belief of representative capacity, no defense – Penalty.  
RCW 26.28.085 Applying tattoo to a minor – Penalty.  
RCW 26.44.020 Definitions.  
RCW 26.44.030 Reports – Duty and authority to make – Duty of receiving agency – Duty to notify – Case planning and consultation – Penalty for unauthorized exchange of information – Filing dependency petitions – Interviews of children – Records – Risk assessment process – Reports to legislature.  
RCW 26.44.040 Reports – Oral, written – Contents.  
RCW 26.44.060 Immunity from civil or criminal liability – Confidential communications not violated – Actions against state not affected – False report, penalty.  
RCW 26.44.063 Temporary restraining order or preliminary injunction – Enforcement – Notice of modification or termination of restraining order.  
RCW 26.44.067 Temporary restraining order or preliminary injunction – Contents – Notice – Noncompliance – Defense – Penalty.  
RCW 26.44.080 Violation – Penalty.  
RCW 26.44.150 Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child – Penalty for violating court order.  
RCW 26.50.010 Definitions.  
RCW 26.50.110 Violation of order – Penalties.  
RCW 26.50.140 Peace officers – Immunity.  
RCW 26.52.010 Definitions.  
RCW 26.52.050 Peace officer immunity.  
RCW 26.52.070 Violation of foreign orders – Penalties.  
(Ord. 1501 §4(part), 2013).

**9.06.100 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.** The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty.
- RCW 28A.635.030 Disturbing school, school activities or meetings – Penalty.
- RCW 28A.635.090 Interference by force or violence – Penalty.
- RCW 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful.
- RCW 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception. (Ord. 1501 §4(part), 2013).

**9.06.110 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 46.80.010 Definitions.
- RCW 46.80.080 Records – Penalty. (Ord. 1501 §4(part), 2013).

**9.06.120 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 66.04.010 Definitions.
- RCW 66.20.200 Unlawful acts relating to card of identification and certification card – Penalties.
- RCW 66.20.340 Alcohol servers — Violation of rules — Penalties
- RCW 66.24.481 Public place or club — License or permit required — Penalty.
- RCW 66.28.200 Keg registration – Special endorsement for grocery store licensee – Requirements of seller.
- RCW 66.28.210 Keg registration – Requirements of purchaser.
- RCW 66.28.220 Keg registration – Identification of containers – Rules – Fees – Sale in violation of rules unlawful.
- RCW 66.28.230 Keg registration – Furnishing to minors – Penalties.
- 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, information, process, etc.
- 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 66.44.100 Opening or consuming liquor in a public place – Penalty.
- RCW 66.44.120 Unlawful use of seal.
- RCW 66.44.130 Sales 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 violations.
- RCW 66.44.200 Sales to persons apparently under the influence of liquor – Purchases or consumption by persons apparently under the influence of liquor on licensed premises – Penalty – Notice – Separation of actions.
- RCW 66.44.210 Obtaining liquor for ineligible person.
- RCW 66.44.240 Drinking in public conveyance – Penalty against carrier – Exception.

- RCW 66.44.250 Drinking in public conveyance – Penalty against individual – Restricted application.
- RCW 66.44.270 Furnishing liquor to minors – Possession, use – Exhibition of effects – Exceptions.
- RCW 66.44.280 Minor applying for permit.
- RCW 66.44.290 Minor purchasing or attempting to purchase liquor.
- RCW 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.
- RCW 66.44.310 Minors frequenting off-limits area – Misrepresentation of age – Penalty – Classification of licensees.
- RCW 66.44.316 Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
- RCW 66.44.318 Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.
- RCW 66.44.325 Unlawful transfer to a minor of an identification of age.
- RCW 66.44.328 Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card – Penalty.
- RCW 66.44.340 Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.
- RCW 66.44.350 Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.
- RCW 66.44.370 Resisting or opposing officers in enforcement of title.

**9.06.130 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.** The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 69.41.010 Definitions.
- RCW 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions.
- RCW 69.41.050 Labeling requirements.
- RCW 69.41.300 Definitions.
- RCW 69.41.320 Practitioners – Restricted use – Medical records.
- RCW 69.41.350 Penalties.
- RCW 69.43.010 Report to state board of pharmacy – List of substances – Modification of list – Identification of purchasers – Report of transactions – Penalties.
- RCW 69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – Penalty.
- RCW 69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine – Possession of more than 15 grams – Penalty – Exceptions.
- RCW 69.43.130 Exemptions – Pediatric products – Products exempted by the state board of pharmacy.
- RCW 69.50.101 Definitions.
- RCW 69.50.102 Drug paraphernalia – Definitions.
- RCW 69.50.202 Nomenclature.
- RCW 69.50.4014 Possession of 40 grams or less of marihuana – Penalty.
- RCW 69.50.4016 Provisions not applicable to offenses under RCW 69.50.410.
- RCW 69.50.404 Penalties under other laws.
- RCW 69.50.407 Conspiracy.
- RCW 69.50.412 Prohibited acts: E – Penalties.
- RCW 69.50.4121 Drug paraphernalia – Selling or giving – Penalty.

RCW 69.50.425 Misdemeanor violations – Minimum imprisonment.  
RCW 69.51A.010 Definitions.  
RCW 69.51A.030 Physicians excepted from state's criminal laws  
RCW 69.51A.040 Failure to seize marijuana, qualifying patients' affirmative defense.  
RCW 69.51A.060 Crimes — Limitations of chapter.  
RCW 69.51A.080 Adoption of rules by the department of health — Sixty-day supply for qualifying patients. (Ord. 1501 §4(part), 2013).

**9.06.140 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 70.74.010 Definitions.  
RCW 70.74.160 Unlawful access to explosives.  
RCW 70.74.295 Abandonment of explosives.  
RCW 70.74.300 Explosive containers to be marked – Penalty.  
RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.  
RCW 70.74.400 Seizure and forfeiture.  
RCW 70.155.010 Definitions.  
RCW 70.155.080 Purchasing, possessing, or obtaining tobacco by persons under the age of 18 – Civil infraction – Courts of jurisdiction.  
RCW 70.155.105 Delivery sale of cigarettes – Requirements, unlawful practices – Penalties – Enforcement.  
(Ord. 1501 §4(part), 2013).

**9.06.150 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.** The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 74.34.020 Definitions.  
RCW 74.34.021 Vulnerable adult – Definition.  
RCW 74.34.053 Failure to report – False reports – Penalties.  
RCW 74.34.145 Protection of vulnerable adults – Notice of criminal penalties for violation – Enforcement under RCW 26.50.110. (Ord. 1501 §4(part), 2013).

## **CHAPTER 9.08**

### **ALARM SYSTEMS**

**Sections:**

**9.08.010** Definitions.  
**9.08.020** Permit requirements.  
**9.08.030** Penalties.  
**9.08.040** Additional duties of permittee and/or agents of permittee.  
**9.08.050** Unlawful systems and users.  
**9.08.060** Vehicle installed alarm systems.  
**9.08.070** Enforcement and penalties.  
**9.08.080** Severability.

**9.08.010** Definitions.

(a) "Alarm system" means any system, device, or mechanism which, when activated, transmits a telephone message to a private monitoring company or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle.

(b) "Burglary alarm system" means an alarm system designed or used for detecting and reporting an unauthorized entry or attempted unauthorized entry upon real property protected by the system.

(c) "Robbery alarm system" means an alarm system designed or used for alerting others of a robbery or other crime in progress which involves potential serious bodily injury or death.

(d) "Department" means the Steilacoom Department of Public Safety.

(e) "False alarm" means the activation of any burglary, fire and/or robbery alarm system when no crime is being committed or attempted on the premises. An alarm shall be presumed to be false if the Public Safety Officers responding do not locate any evidence of an unlawful act or emergency on the premises which might have caused the alarm to sound. Alarms caused by earthquakes, hurricanes, tornadoes, other violent acts of nature or power outages related to any of the above, shall not be deemed to be false alarms.

(f) "Fire alarm system" means an alarm system designed or used for detecting fire and sending an alert signal.

(g) "Permittee" means the person(s), corporation, or other business entity to whom a permit has been issued under this chapter.

(h) "Premises" means any area and any portion of any area protected by an alarm system.

(i) "System subscriber" means person(s), corporation(s), or other business entity who purchased or contracted for any alarm system.

(j) A "rolling six month window" means the period of time encompassing the date of false alarm back six months and a day. Example: A false alarm on February 5, 1995 would be added to all false alarms back to September 14, 1994. An alarm date of February 6, 1995 would be added with false alarms back to September 15, 1994, and so on. The six-month window rolls forward each day. (Ord. 1173 §1(part),1995).

#### **9.08.020 Permit requirements.**

(a) Permit required: From and after January 1, 1996, no person shall operate or use an alarm system on any premises within the Town of Steilacoom under that person's control without first having obtained from the Steilacoom Department of Public Safety, a separate permit for each premise protected by an alarm system. Should the Department respond to any alarm system for which a permit has not first been obtained, a notice of infraction will be issued. For the purposes of this section, a person shall be deemed to be an operator or user of an alarm if:

- (1) The person controls both the alarm and the premises upon which it is installed or,
- (2) The person controls the premises and is the subscriber, client or tenant of the system subscriber, or
- (3) The person is the system subscriber.

(b) Application: All persons required to obtain a permit must complete a permit application form. Required information to be provided on the permit application includes, but is not necessarily limited to:

- (1) Subscriber's name, address and telephone number(s).
- (2) Names and telephone numbers of three (3) additional persons who will respond in the event of alarm activation in the absence of the subscriber.
- (3) Name of the alarm company responsible for regular maintenance.
- (4) The information required in Paragraphs 3 of this subsection shall not apply to vehicle alarms.

(c) Permit Fee. Each permit shall be given a unique number which shall not be transferable. The Department shall charge a twenty-five dollar (\$25.00) application fee, except that no fee shall be charged for alarms installed prior to the effective date of this chapter, if a permit application for such existing alarm system is filed with the Department before December 31, 1995. Permit fees shall be deposited in the General Fund.

(d) Any person who owns, operates or possesses any alarm system within the Town of Steilacoom that does not conform to the requirements of this chapter, shall disconnect that alarm and render it inoperable until a proper permit is obtained. (Ord. 1173 §1(part), 1995).

#### **9.08.030 Penalties.**

(a) A bill will be given to the system subscriber for each false alarm in excess of one (1) response during a six-month window. The charge will increase in increments of \$50.00 as follows:

1 False Alarm	None
2 False Alarms	\$ 50.00
3 False Alarms	\$100.00
4 False Alarms	\$150.00
5 False Alarms	\$200.00
No alarm permit	\$ 35.00
Replacement permit	\$ 10.00

(b) It is an affirmative defense to violation of this section for a person whose alarm penalties exceed one (1) in a six-month period, if a person can show a receipt for repair services rendered on said alarm system prior to the last report of false alarm. (Ord. 1292 §1, 2000: Ord. 1270 §1, 1999: Ord. 1173 §1(part), 1995).

#### **9.08.040 Additional duties of permittee and/or agents of the permittee.**

(a) The permittee shall display the permit at or near the entrance of the premises in such a manner that the permit is clearly visible and readable from the exterior of the premises.

(b) All telephone calls from a private monitoring company requesting Department response shall include the permit number for that premises.

(c) The permittee and/or his designee shall respond to a premises following activation of any alarm system for which a permit has been issued. The response shall be made as soon as practicable. (Ord. 1173 §1(part), 1995).

#### **9.08.050 Unlawful systems and users.**

(a) No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within fifteen minutes.

(b) No person shall use an alarm system to protect more than one licensed business and/or private residence without receiving a separate permit for each premises.

(c) No person shall operate or use any alarm system which automatically dials the department directly and delivers a prerecorded message. (Ord. 1173 §1(part), 1995).

#### **9.08.060 Vehicle installed alarm systems.**

(a) Responsible Person: The person who controls and is the registered owner of the vehicle upon which the alarm is installed.

(b) Application: All vehicles within the jurisdiction of the Town of Steilacoom whether traveling on a thoroughfare, parked, visiting or stored on public or private land are subject to this chapter.

(c) Permit requirement: No permit will be required for vehicles.

(d) Enforcement: The first time a person violates provisions of this section, he or she will be issued a warning notice. The second (2nd) violation will result in a notice of infraction.

(e) Penalties: Any person violating any of the provisions of SMC 9.08.060 shall have committed a Class III civil infraction and shall be liable for monetary penalties as set forth in SMC 9.08.030, Penalties. (Ord. 1292 §2, 2000: Ord. 1270 §2, 1999: Ord. 1173 §1(part), 1995).

**9.08.070 Enforcement and penalties.**

(a) Any person or organization violating any of the provisions of this chapter, except SMC 9.08.060, shall have committed a Class III civil infraction and shall be liable for monetary penalties as set forth in SMC 9.08.030.

(b) Any duly commissioned law enforcement officer, having law enforcement authority at the place where a violation of this chapter occurs, is authorized to enforce the provisions of this chapter.

(c) Whenever a monetary penalty is imposed by a court under this section, it is payable within fifteen (15) days. If the person is unable to pay at the time the penalty is imposed, the court may grant an extension of the period in which the penalty may be paid.

(d) The court may waive, reduce or suspend the monetary penalty or fee prescribed herein, and may impose such conditions including, but not limited to, the performance of community service on any waiver, reduction or suspension as it deems just. (Ord. 1173 §1(part), 1995).

**9.08.080 Severability.** If any provision of this chapter or its application to any person or circumstances is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 1173 §1(part), 1995).

## **Chapter 9.12**

### **NUISANCES**

#### **Sections:**

- 9.12.010 Nuisance defined.**
- 9.12.020 Nuisances enumerated.**
- 9.12.040 Abatement procedure.**
- 9.12.050 Lien procedure.**
- 9.12.060 Third party liability.**
- 9.12.070 Severability**

**9.12.010 Nuisance defined.** "Nuisance" means an act, omission to act, occupation or use of property, or permitting any condition to exist which:

- (1) Injures or endangers the health, safety or welfare of the public; or
- (2) Offends public decency; or
- (3) Unlawfully interferes with, obstructs, or renders dangerous for passage any stream, river, channel, public park, square, street, alley, highway or sidewalk; or
- (4) Is offensive to the senses. (Ord. 1101 §1(part), 1992).

**9.12.020 Nuisances enumerated.** Each of the following conditions, unless otherwise permitted by law, constitutes a public nuisance and is declared a Class II civil violation pursuant to SMC 9.04.070. Whenever a complaint is received and the enforcement officer determines that any of these conditions exist upon any premises and affects other properties, the officer shall require or provide for the abatement thereof pursuant to this chapter. No person shall erect, maintain, use, place, deposit, cause, allow, leave or permit any one or more of the following to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, avenue, alley, park, parkway or other public or private place in the Town:

(1) Accumulations of manure, putrid or decomposing vegetable, human or animal matter in such quantity, except reasonable amounts of contained vegetable or animal matter actually used as fertilizer or compost for lawn or garden, so as to adversely affect the public health or safety;

(2) All limbs of trees overhanging a public sidewalk which are fewer than eight (8) feet above the surface of such sidewalk, or overhanging town street which are fewer than fourteen (14) feet above the surface of such street;

(3) Any use of property abutting on a public street or sidewalk or any use of public street or sidewalk which causes any obstructing of traffic and the free use of the streets or sidewalks; provided, that this subsection shall not apply to events, programs or parades authorized by SMC Chapter 10.32.

(4) Any poisonous or harmful substance, or household waste which is reasonably accessible to persons or to animals, and which may adversely affect public health or safety;

(5) All unused, abandoned or discarded refrigerators, freezers, ice boxes, other large appliances or like containers which are left in any place exposed or accessible to children unless all doors or lids are removed from said container;

(6) The presence of any dead, diseased, infested or dying tree that may constitute a danger to the public;

(7) The existence of any fence, screening, or other structure which is sagging, leaning, fallen, decayed, dilapidated or in an unsafe condition creating a hazard;

(8) Privies, vaults, cesspools, sumps, pits, or other like places which are not securely protected from flies or rats or which are foul or malodorous, or any unsecured or abandoned excavation, pit, well or holes which are unsafe;

(9) Accumulations of bottles, glass, plastic material, cans, ashes, small pieces of scrap iron, wire, pipe, metal articles, broken stone or cement, broken crockery, broken glass, broken plaster, packing material, paper, boxes, tires and all other trash or abandoned material; providing, nothing contained in this subsection shall prevent the temporary retention of waste which is screened and protected from flies or rats and is not a threat to health, safety or welfare;

(10) All places which are used for dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn-out, wrecked automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any commercial machinery or equipment used by contractors, truckers or builders or by other persons, which places are kept or maintained so as to interfere with the health, safety and welfare and which cannot be adequately screened unless in compliance with applicable zoning laws;

(11) Accumulations of weeds or grass (excepting open space and natural areas), trash, litter, rags, barrels, boxes, crates, mattresses, bedding, lumber not piled, appliances or anything which threatens the public health, safety, or welfare. (Ord. 1593, 2018: Ord.1101 §1(part),1992).

**9.12.030** (Repealed by Ord. 1593, 2018: Ord.1101 §1(part),1992).

**9.12.040 Abatement procedure.**

(a) Notification of Nuisance. Whenever the Town receives a complaint of a possible nuisance, the Town's Code Compliance Officer shall determine if said property affects other properties or personal rights within the Town and is being maintained contrary to the provisions of SMC 9.12.030, and he/she shall provide written notice by registered or certified mail to both the owner and occupant of said property stating the section(s) being violated. Such notice shall set forth a reasonable time limit, in no event fewer than ten (10) calendar days, for correcting the violation(s). If the time limit has expired but progress can be shown, the time limit may be extended by the code enforcement officer. Provided, however, in the event the Code Compli-



ance Officer determines that an imminent health and/or safety problems exists, then the Code Compliance Officer may require immediate correction of the violation. Such notice shall be served upon the owner and occupant in person or by certified mail.

(b) Abatement of nuisances. In the event said owner and/or occupant shall fail, neglect or refuse to comply with the written notice to abate, the Town may file a notice of civil violation and/or a complaint to abate nuisance. The Steilacoom Municipal Court may, upon appropriate notice and opportunity for hearing to the owner and occupant of the property from which the nuisance arises, impose the penalty provided for Class II civil violations pursuant to SMC 9.04.090 and/or enter an order of abatement, which order shall direct either:

(1) That such nuisance be abated or removed by the owner or occupant within the time limit set by the court but not exceeding thirty (30) days; or

(2) That the nuisance may be abated by the Town at the cost to the owner or occupant. The Town, its employees and agents are expressly authorized to enter upon said property for such purposes. The cost of abating the nuisance shall be billed to the owner and shall become due and payable thirty (30) days thereafter or by approved payment schedule. (Ord. 1101 §1(part), 1992).

**9.12.050 Lien procedure.** In the event the property owner fails to pay within the thirty (30) day period, the total cost for abating such nuisance shall be assessed against the respective lot or parcel of land to which it relates. Upon certification to the County Treasurer by the Town Clerk-Treasurer of the assessment amount due and owing, the County Treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the Town. In addition to the Town's right to assess costs and penalties against owners as provided in its ordinances, the Town shall retain all rights of lien and other rights against the property in question for costs that remain unpaid, in the manner and form provided by state law and town ordinances. (Ord. 1101 §1(part), 1992).

**9.12.060 Third party liability.** It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise designate any particular class or group of persons who are especially protected or benefited by the terms of this chapter. It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner(s) and/or occupiers and no provision in this chapter is intended to impose any duty whatsoever upon the Town or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory. Nothing contained in this chapter shall be construed to create or form the basis for any liability on the part of the Town, or its officers, employees or agents, for any injury or damage resulting from the failure of a property to comply with the provisions of this chapter. (Ord. 1101 §1(part), 1992).

**9.12.070 Severability.** Should any section, subsection, paragraph, sentence, clause or phrase of this chapter or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter or its application to any other person or situation. The Town Council of the Town of Steilacoom declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 1101 §1(part), 1992).

## Chapter 9.14

### PROPERTY MAINTENANCE

#### Sections:

**9.14.010 Definitions.**

**9.14.020 Duty to Maintain Property.**

**9.14.030 Yard Maintenance.**

**9.14.040 Vacant Lot or Building.**

**9.14.050. Unfit Buildings, Structures and Premises.**

**9.14.060 Declaration of Public Nuisance.**

**9.14.070 Enforcement - Penalty.**

**9.14.080 Third Party Liability.**

**9.14.090 Enforcement.**

**9.14.100 Serving of Orders.**

**9.14.110 Contents of Order.**

**9.14.120 Right of Entry.**

**9.14.010 Definitions.** The definitions set forth herein shall apply to this chapter:

(A) *Junk*. "Junk" means discarded, broken or disabled material including, but not limited to: furniture; appliances; toys; or other items that are not in functioning condition.

(B) *Litter*. "Litter" means discarded waste materials, including but not limited to: paper wrappings; packaging materials; discarded or used bottles; and discarded or used cans.

(C) *Owner*. "Owner" means any person owning property, as shown on the real property records of Pierce County or on the last assessment role for taxes, and shall also mean any lessee, tenant or other person having control or possession of the property.

(D) *Property*. "Property" means land and any buildings or structures located thereon.

(E) *Trash*. "Trash" means waste food products and other household garbage. (Ord. 1586, 2018).

**9.14.020 Duty to Maintain Property.**

(A) No person owning, or responsible for any property by virtue of leasing, renting, occupying, or being in possession or having charge of any property in the Town, including vacant lots, shall maintain or allow to be maintained on such property, except as may be permitted by any other Town ordinance, any of the following conditions visible from any public street or alley, or from any other private property:

(1) Junk, trash, litter, boxes, discarded lumber, salvage materials, or other similar materials in any front yard, side yard, rear yard or vacant lot;

(2) Attractive nuisances dangerous to children, including but not limited to abandoned, broken or neglected equipment, machinery, refrigerators and freezers, excavations, wells or shafts;

(3) Broken or discarded furniture, household equipment and furnishings in any front yard, side yard, rear yard or vacant lot;

(4) Shopping carts in any front yard, side yard, rear yard or vacant lot of any property;

(5) Dead, decayed, diseased or hazardous trees, or any other vegetation to include a majority of vegetation (other than vegetation located in flower beds) which is dangerous to public health, safety and welfare, located in any front yard, side yard, rear yard, or upon any vacant lot;

(6) Vehicle parts or other articles of personal property which are discarded or left in a state of partial construction or repair in any front yard, side yard, rear yard or vacant lot;

(7) Vehicles or vehicle bodies which are up on blocks and have not been moved for a period of 30 days;

(8) Utility trailers or unmounted camper tops located in any front yard except in the driveway;

(9) Any accumulation of weeds, brambles, berry vines, or other vegetation which is overgrowing any structure or which exceeds an average height of fifteen (15) inches, or any accumulation of junk, litter, trash, dead organic matter, debris, offal, rat harborages, stagnant water, combustible materials and similar materials or conditions constituting fire, health or safety hazard;

(10) Dilapidation or state of filthiness or uncleanness of any dwelling or other structure which endangers health or life or which permits entrance by rats, mice or other rodents.

(B) For the purposes hereof, the duty to maintain property extends to and includes the area of the public right-of-way adjacent to and between the property of the person owning, leasing, renting, occupying, being in possession or having charge of the private property and the paved roadway. The Town Administrator, or the designee thereof, may make exceptions subject to available budget funds as deemed necessary and appropriate under circumstances such as accident, extreme danger, or Acts of Nature, but in no case for routine maintenance. (Ord. 1593, 2018; Ord. 1586, 2018).

**9.14.030 Yard Maintenance.** Every occupant of a dwelling unit located in the Town shall keep the yard space thereof reasonably neat and clean and free of uncut grass, weeds, blackberry vines, bushes and debris, so as to prevent rodent, insect or other pest infestation, and so as to prevent a fire hazard. (Ord. 1586, 2018).

**9.14.040 Vacant Lot or Building.** Every owner of a vacant lot, building or structure located in the Town shall keep the premises reasonably neat and clean and free of uncut grass, weeds, blackberry vines, bushes and debris, so as to prevent rodent, insect or other pest infestation, and so as to prevent a fire hazard. (Ord. 1586, 2018).

**9.14.050. Unfit Buildings, Structures and Premises.** Any building, structure, or the premises or portions thereof, in or on which any of the following conditions exist to the extent that the health or safety of the occupants, of the occupants of neighboring buildings or structures, or the public is endangered, is declared to be unfit for human habitation or other use:

(A) Structural members that are of insufficient size or strength to safely carry imposed loads, including, but not limited to, the following:

(1) Footings or foundations that are weakened, damaged, decayed, deteriorated, insecure or missing,

(2) Flooring or floor supports that are damaged, defective, deteriorated, decayed or missing,

(3) Walls or partitions that are split or that lean, are decayed, buckled, damaged or missing,

(4) Vertical or lateral supports that are damaged, defective, deteriorated, loose, decayed or missing,

(5) Ceilings or roofs or their supports that sag, buckle, or are split, decayed or missing, and

(6) Fireplaces or chimneys that bulge, settle, or have masonry or mortar which is loose, broken, or missing;

(B) Inadequate protection to the extent that occupants are exposed to the weather, including but not limited to the following:

(1) Crumbling, broken, loose, or missing interior wall or ceiling covering,

- (2) Broken or missing doors, windows, door frames or window sashes,
  - (3) Ineffective or inadequate waterproofing of foundations or floors, and
  - (4) Deteriorated, buckled, broken, decayed or missing exterior wall or roof covering;
- (C) Inadequate sanitation to the extent that occupants or the general public are directly exposed to the risk of illness or injury, including but not limited to:
- (1) Lack of, or inadequate number of toilets, lavatories, bathtubs, showers, or kitchen sinks to enable discharge of all wastewater into the approved sewage disposal system,
  - (2) Defective or unsanitary plumbing or plumbing fixtures,
  - (3) Lack of running water connections to plumbing fixtures or lack of an approved water service,
  - (4) Defective or unsanitary kitchen countertops or cabinets,
  - (5) Lack of connection to an approved sewage disposal system,
  - (6) Inadequate drainage,
  - (7) Infestation by insects, vermin, rodents, or other pests, and
  - (8) Accumulation of garbage and rubbish;
- (D) Inadequate light, heat, ventilation, or defective equipment, including but not limited to:
- (1) Defective, deteriorated, hazardous, inadequate or missing electrical wiring, electrical service, or electrical equipment, and
  - (2) Defective, hazardous, or improperly installed ventilating equipment or systems,
  - (3) Lack of an approved, permanently installed, functioning heating facility and an approved power or fuel supply system that is capable of maintaining an average room temperature of at least sixty-five degrees Fahrenheit (65 F.), measured at a point three feet (3') above the floor in all habitable rooms, baths, and toilet rooms, when the outside temperature is twenty-four degrees Fahrenheit (24°F.) or higher. When the outside temperature is less than twenty-four degrees Fahrenheit (24°F.), the heating facilities must be capable of maintaining an average room temperature of at least fifty-eight degrees Fahrenheit (58°F.), measured at a point three feet (3') above the floor, in all habitable rooms, baths, and toilet rooms;
- (E) Defective or inadequate exits, including, but not limited to exits that are unsafe, improperly located, or less than the required minimum number or dimensions as defined by the Town Building Code;
- (F) Conditions that create a health, fire or safety hazard, including, but not limited to:
- (1) Accumulation of junk, debris, or combustible materials,
  - (2) Any building or device, apparatus, equipment, waste, vegetation, or other material in such condition as to cause a fire or explosion or to provide a ready fuel to augment the spread or intensity of fire or explosion, and
  - (3) To the extent that it endangers or may endanger the occupants of the building, the occupants of neighboring buildings or the public, the presence of friable asbestos or the storage of toxic or hazardous materials. (Ord. 1593, 2018; Ord. 1586, 2018).

**9.14.060 Declaration of Public Nuisance.** Any property found to be maintained in violation of Section 9.14.020, 9.14.030, 9.14.040 or 9.14.050 is hereby declared to be a public nuisance and shall be abated by rehabilitation, removal, trimming, demolition or repair, as appropriate. (Ord. 1586, 2018).

**9.14.070 Enforcement - Penalty.** The provisions of this chapter shall be enforced pursuant to Section 9.14.090 of this Code. In addition to being subject to abatement as a nuisance, violations of this Chapter shall constitute civil infractions punishable by a fine in the amount of \$500 per violation. Each day during which a violation occurs constitutes a separate violation. (Ord. 1586, 2018).

**9.14.080 Third Party Liability.**

(A) It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefitted by the terms of this chapter.

(B) It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this chapter is intended to impose any duty whatsoever upon the Town or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

(C) Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the Town, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the Town related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 1586, 2018).

#### **9.14.090 Enforcement.**

(A) Whenever any property is found by the Town Administrator or designee to constitute a nuisance as provided in Section 9.14.060, the Town Administrator or designee shall have the power and authority to order verbally and/or in writing the owner or occupant or user thereof to abate the nuisance, at the expense of such owner, occupant, or user by rehabilitation, removal, trimming, demolition or repair, as appropriate.

(B) The Town Administrator or designee shall follow up any verbal order with an order in writing as soon as is practical but in any event not less than 5 days following the verbal order.

(C) Written orders shall be served as set forth in Section 9.14.100, and shall be in the form specified in Section 9.14.110.

(D) In the event of the refusal or failure to abate the nuisance within the time frame stated in the order, the Town Administrator or designee may order the nuisance to be abated, and may seek reimbursement for any expenses incurred in any court of competent jurisdiction.

(E) The Town Administrator or designee is also authorized to file a lien against the property on which the nuisance was abated in the amount of the Town's costs in abating the nuisance, and to enforce said lien against the property. In any such abatement by the Town, the Town shall also be entitled to interest accruing at the rate of twelve percent (12%) per annum from the time of the expenditure of funds by the Town for such abatement. The authority for enforcement provided herein shall be in addition to and as an alternative to the authority of the Town to prosecute violations of Town Codes as misdemeanors, gross misdemeanors or infractions. (Ord. 1586, 2018).

#### **9.14.100 Serving of Orders.**

(A) Any order described in Section 9.14.090 of this Chapter required to be served on a person, owner, agent or occupant of a premises, shall be deemed to have been served under any of the following conditions:

(1) Such order is delivered to such person by any authorized representative of the Town Administrator or designee;

(2) Such order is mailed (by registered mail) to the owner, representative of the owner, or the last known occupant of the premises;

(3) Such order, properly signed, is posted by an authorized representative of the Town Administrator or designee upon any portion of such premises visible from a public place.

(B) If the whereabouts of such persons are unknown and the same cannot be ascertained by the Town Administrator or designee in the exercise of reasonable diligence and the Town Administrator or designee shall make an affidavit to that effect, then the order shall be served by publishing the same twice, once each week for two consecutive weeks, in the official newspaper of the Town. (Ord. 1586, 2018).

**9.14.110 Contents of Order.** The order shall contain, among other things, the following information:

- (A) Name of owner or other persons interested;
- (B) Street address and legal description of the premises;
- (C) General description of the premises considered a nuisance;
- (D) A statement or list of items in violation of this Chapter;
- (E) A reasonable time for correction of the violation;
- (F) A copy of the order shall be filed with County Auditor, which filing shall have the same force and effect as other lis pendens orders provided by law. (Ord. 1586, 2018).

**9.14.120 Right of Entry.** The Town Administrator or designee is authorized to enter upon property or premises at any reasonable time whenever he or she has a reasonable suspicion that a violation of this chapter has occurred or is occurring. The Town Administrator or designee may make examinations, surveys, and studies as may be necessary in the performance of his or her duties. These may include the taking of photographs, digital images, videotapes, video images, audio recordings, samples, or other physical evidence. If the premises is occupied, the Town Administrator or designee shall first present credentials and request entry. If an owner, occupant, or agent refuses entry, the Town may seek an administrative or criminal search warrant. (Ord. 1586, 2018).

## **Chapter 9.20**

### **JUNK VEHICLES**

- 9.20.010 Declaration of junk vehicles as nuisance.**
- 9.20.020 Definition of junk vehicle.**
- 9.20.030 Certification.**
- 9.20.040 Junk vehicle violations.**
- 9.20.050 Exceptions.**
- 9.20.060 Notices required.**
- 9.20.070 Abatement and removal.**
- 9.20.080 Costs of abatement and removal.**
- 9.20.090 Hearing and enforcement.**
- 9.20.100 Third party liability.**

**9.20.010 Declaration of junk vehicles as nuisance.** Junk motor vehicles in residential areas are declared a public nuisance subject to abatement and removal. (Ord. 1228 §1(part), 1998).

**9.20.020 Definition of junk vehicle.** “Junk vehicle” means a motor vehicle, that has been certified as meeting three of the following requirements:

- (a) Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield or missing wheels, tires, motor or transmission;
- (b) Is apparently inoperable;
- (c) Is without valid, current license plates or certificate of registration;

- (d) Is three (3) years old or older;
- (e) Has an approximate fair market value equal only to the approximate value of the scrap in it. (Ord. 1228 §1(part), 1998).

**9.20.030 Certification.** The Town Administrator, or designee, shall inspect and/or otherwise certify that a vehicle meets the definition of a junk vehicle. Such certification shall be in writing, substantially in the form of the State of Washington Department of Licensing Junk Vehicle Verification, Notification and Affidavit Form, and shall record the make of the vehicle, the vehicle identification number, and the license plate number of the vehicle if available. The certifying individual shall also describe in detail the damage, missing equipment, or condition, and factors supporting the determination that the vehicle is apparently inoperable. The certifying individual shall also make specific notation regarding the absence of valid, current license plates or certificate of registration. Nothing in this provision shall authorize any town employee or representative to enter upon or remain upon private property in order to carry out the provisions of this chapter. (Ord. 1228 §1(part), 1998).

**9.20.040 Junk vehicle violations.** It shall be unlawful to park, store or abandon junk vehicles on private property, subject only to exceptions provided in SMC 9.20.050. Such a violation shall be deemed a nuisance subject to abatement. (Ord. 1228 §1(part), 1998).

**9.20.050 Exceptions.** The provisions of this chapter relating to junk vehicles shall not apply to a vehicle which:

- (a) is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property;
- (b) is stored or parked in a lawful manner on property zoned for commercial, industrial, or public/quasi-public uses;
- (c) has special collector car license plates as described by RCW 46.16.305(1) and is located on private property out of ordinary public view by means of inside storage, suitable solid fencing, dense trees or shrubbery;
- (d) is a parts car as defined by RCW 46.04.3815 and is located on private property out of ordinary public view by means of inside storage, suitable solid fencing, dense trees or shrubbery;
- (e) is a hobby vehicle that is being repaired or restored on private property for a period of no longer than three months. One three-month extension may be authorized. (Ord. 1228 §1(part), 1998).

**9.20.060 Notices required.** The last registered owner of the junk vehicle and the property owner of record as shown on the real property records of Pierce County or on the last assessment roll for taxes shall each be given a written notice and order pursuant to this chapter. Each shall have the right of hearing as provided by SMC 9.20.090. The notice and order need not be provided to the last registered owner of the vehicle if the vehicle is in such condition that the identification numbers cannot be readily determined. (Ord. 1228 §1(part), 1998).

**9.20.070 Abatement and removal.** After the notice and order becomes final, and after the Town has obtained a warrant from the Pierce County Superior Court permitting entry upon the property, the junk vehicle or vehicles shall be removed by a licensed tow truck operator or hulk hauler and the Town Administrator or designee shall give notice to the Washington State Patrol and to the Washington State Department of Licensing. (Ord. 1228 §1(part), 1998).

**9.20.080 Costs of abatement and removal.** The costs of abatement and removal may be assessed against the last registered owner as in the case of abandoned motor vehicles

pursuant to state law. The costs of abatement and removal, any civil penalties assessed, and costs incurred by the Town, may also be imposed and enforced as provided by law, and pursuant to SMC 9.20.090. (Ord. 1228 §1(part), 1998).

**9.20.090 Hearing and enforcement.** The provisions of this chapter shall be enforced by the Town Administrator or designee as follows:

(a) Written notice shall be given to the property owner of record and to the last registered owner of record of the vehicle if known. The notice shall state that a hearing before the Town's hearing examiner may be requested but that, if no hearing is requested, the vehicle will be removed by the Town by a date specified in the notice. This date shall be no sooner than 30 days after the written notice is mailed. A request for a hearing must be made in writing and received by the Town within 20 days of the mailing of the notice.

(b) If a request for a hearing is received, the Town shall provide a written notice giving the time, location and date of a hearing on the question of abatement and removal of the vehicle. This notice shall be mailed, by certified mail with return receipt requested and regular mail to the property owner and to the last registered owner of record if known. The property where the vehicle is located shall also be posted to provide for public notice of the hearing.

(c) The owner of the property may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle with reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner, and that the owner has not subsequently acquiesced in its presence, then the Town Hearing Examiner shall not assess costs of administration or removal against the property upon which the vehicle is located. The owner of the vehicle may also appear in person or present a written statement in time for consideration at the hearing, stating the reasons why the vehicle does not meet the requirements for a junk vehicle as defined in SMC 9.20.020.

(d) Following a finding that notice was provided pursuant to SMC 9.20.060 and that no hearing was requested, or that notice was provided pursuant to SMC 9.20.060, a hearing was requested and held pursuant to SMC 9.20.090 (b) and (c), and a finding made of a violation pursuant to SMC 9.20.040, the Town shall obtain a warrant from Pierce County Superior Court, permitting entry upon the property on which the junk vehicle is located. Thereafter, the junk vehicle shall be removed at the request of the Town Administrator or designee, with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.

(e) In addition to the enforcement provisions above, violation of this chapter shall constitute a civil infraction punishable by a fine of up to \$500 per violation. (Ord. 1228 §1(part), 1998).

**9.20.100 Third party liability.**

(a) It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

(b) It is the specific intent of this chapter to place the obligation of complying with its requirement upon the property owner and no provisions nor term used in this chapter is intended to impose any duty whatsoever upon the Town or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

(c) Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the Town, or its officers and employees, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspections, notice, order, permission or



approval authorized or issued in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the Town related in any manner to the enforcement of this chapter. (Ord. 1228 §1(part), 1998).

## Chapter 9.24

### CRIMINAL HISTORY BACKGROUND CHECKS

#### Sections:

- 9.24.010 Purpose.**
- 9.24.020 Definitions.**
- 9.24.030 System establishment.**
- 9.24.040 Responsibilities.**
- 9.24.050 Procedures.**

**9.24.010 Purpose.** It is the intent of this chapter to:

- (1) Protect all children who participate organized-organized youth activities, and
- (2) Protect the Town from loss resulting from individuals having unsupervised access to facilities, equipment, moneys, and/or information, by conducting criminal history background checks on prospective employees of the Town. (Ord. 1231 §1(part), 1998).

**9.24.020 Definitions.**

- (a) "ACCESS" means A Central Computerized Enforcement Service System.
- (b) "Criminal history record information" means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrest, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records to the extent that such information does not indicate involvement of the individual in the criminal justice system.
- (c) "NCIC" means National Crime Information Center
- (d) "TAC" means Terminal Agency Coordinator who is responsible for monitoring system use, enforcing system discipline, and assuring ACCESS, WACIC, and NCIC operating procedures are followed by all users of the respective telecommunications lines.
- (e) "WACIC" means the Washington Crime Information Center. (Ord. 1231 §1(part), 1998).

**9.24.030 System establishment.** The use of A Central Computerized Enforcement Service System (ACCESS) has been established between the Washington State Patrol and Steilacoom Department of Public Safety in an ACCESS/WACIC/NCIC user acknowledgment agreement. (Ord. 1231 §1(part), 1998).

**9.24.040 Responsibilities.** The Steilacoom Department of Public Safety shall conform with ACCESS system policy as established by the ACCESS manual before being permitted access to criminal history record information. The Steilacoom Department of Public Safety shall adhere to all federal, state and local laws and regulations with regard to procuring and dissemination of criminal history record information. Conformity allows for control over the data and gives assurance of system security. (Ord. 1231 §1(part), 1998).

**9.24.050 Procedures.**

- (a) A criminal history background request must be made to the TAC of the Steilacoom Department of Public Safety in writing.

- (b) The request must be made and signed by a Department Director.
- (c) The request must be signed and dated by the prospective employee giving his/her permission for a criminal history background check.
- (d) The TAC, or his/her designee, of the Steilacoom Department of Public Safety will have five (5) working days to respond to the request. The TAC's designee must possess an ACCESS Level II certification.
- (e) The TAC, or his/her designee, will conduct the criminal history background check through ACCESS which includes WACIC and NCIC only.
- (f) Criminal history information retrieved will be given orally to the requesting Director and will not include any criminal history background information which does not pertain to working with youth or impacts the security of Town facilities, equipment, moneys, and/or information.
- (g) The TAC, or his/her designee shall maintain a separate criminal history information log which lists all requests for information, to whom all information has been given, and for what purpose. The log is mandated by the ACCESS agreement with Washington State Patrol (WSP) and subject to WSP review and audit. (Ord. 1231 §1(part), 1998).

## **Chapter 9.40**

### **OUTDOOR DANCES**

#### **Sections:**

- 9.40.010 Definition.**
- 9.40.020 Permit--Required.**
- 9.40.030 Permit--Issuance.**
- 9.40.040 Permit--Application.**
- 9.40.050 Sponsorship requirements.**
- 9.40.060 Denial of permit.**
- 9.40.070 Hours.**
- 9.40.080 Security personnel.**
- 9.40.090 Compliance with regulations.**

**9.40.010 Definition.** As used in this chapter "outdoor dance" means a dance open to any members of the public at which any dancing activities, or the production or amplification of music associated therewith, occurs outside the confines of a building. (Ord. 963 §1, 1986).

**9.40.020 Permit--Required.** No person, firm, group, society or association shall conduct or participate in any outdoor dance except pursuant to the authority of a permit issued in accordance with this chapter. (Ord. 963 §2, 1986).

**9.40.030 Permit--Issuance.** Permits for the conduct of outdoor dances shall be issued by the Town Administrator or designee. A separate permit shall be required for each outdoor dance. (Ord. 963 §3, 1986).

**9.40.040 Permit--Application.** Every application for an outdoor dance permit shall be submitted on a form furnished by the Town Administrator. The application shall disclose the date, time and location of the dance, the sponsor's identity, and the names, addresses and telephone numbers of the sponsor's responsible members. The application shall be accompanied by a forfeitable deposit of fifty dollars, securing the sponsor's obligation to control litter and restore to good condition any public property used in the conduct of the outdoor dance. (Ord. 963 §4, 1986).

**9.40.050 Sponsorship requirements.** The sponsor of any outdoor dance shall be a Steilacoom-based, incorporated association, society, club or organization, with at least two members who are adult residents of Steilacoom and who sign the permit application as the sponsor's responsible members. Every person signing an application as a sponsor's responsible member shall personally undertake the obligation to assure that the outdoor dance is conducted in conformity with the requirements of this chapter. (Ord. 963 §5, 1986).

**9.40.060 Denial of permit.** The Administrator or his designee may deny an application for a permit if the application is not completed and accompanied by a deposit as required herein; or if the sponsor or any responsible member has conducted or participated in a prior outdoor dance conducted in violation of the requirements of this chapter. (Ord. 963 §6, 1986).

**9.40.070 Hours.** No outdoor dance or activity associated therewith shall be conducted or occur before the hour of twelve p.m. noon or after the hour of ten p.m. of any day. (Ord. 963 §7, 1986).

**9.40.080 Security personnel.** The sponsor of every outdoor dance shall at its expense furnish security personnel in sufficient numbers to assure adequate crowd control, traffic control and preservation of order. (Ord. 963 §8, 1986).

**9.40.090 Compliance with regulations.** The sponsor and responsible members shall assure that every outdoor dance shall be conducted in compliance with all other applicable laws, ordinances and regulations, including, without limitation, noise control regulations, traffic regulations and liquor laws. (Ord. 963 §9, 1986).

## **Chapter 9.44**

### **FINGERPRINTING FEES**

#### **Sections:**

**9.44.010 Fingerprinting fees.**

**9.44.010 Fingerprinting fees.** Charges for fingerprinting services provided by the Public Safety Department shall be fixed by the Town Council by resolution. (Ord. 1051§2, 1990).

## **Chapter 9.50**

### **SEX OFFENDER RESIDENCY RESTRICTIONS**

#### **Sections:**

**9.50.010 Purpose.**

**9.50.020 Prohibited residences.**

**9.50.030 Exception to residency restriction.**

**9.50.040 Rent or lease to sex offender in restricted area.**

**9.50.050 Exception to rent or lease exception.**

**9.50.010 Purpose.** The purpose of this chapter is to promote the safety of children and other members of the community. (Ord. 1393 §1(part), 2005).

**9.50.020. Prohibited residences.**

(A) Any person who is required to register under the Community Protection Act, RCW 9A.44.130, et seq., and who is assessed as a Level II or Level III offender, shall reside within Town in any residential area excluding those areas within 1000 feet of any public or private school or day care operation. For purposes of this chapter, public or private school includes all public and private elementary schools and secondary schools including but not limited to middle schools and high schools. For purposes of this chapter, "day care operation" shall include day care centers as defined in SMC 18.08.160 and family day care facilities as defined in SMC 18.08.250, and shall include only such operations located within the Town limits.

(B) Any person or organization violating any of the provisions of this section shall have committed a Class II Civil Infraction and shall be liable for monetary penalties as set forth in SMC 9.04.090. In addition, the Town may initiate injunction or abatement proceedings to prevent, enjoin, abate or terminate any violation under this section. (Ord. 1393 §1(part), 2005).

**9.50.030. Exception to residency restriction.**

(A) The prohibition in SMC 9.50.020 shall not apply to a legal resident of a premises zoned for residential use which otherwise becomes a restricted premises in the event a public or private school or day care operation is established after the effective date of this ordinance; provided, however, that such exception shall not apply in the event the subject person either ceases to reside at the premises after the establishment of the public or private school or day care operation or pleads guilty or nolo contendere to or is found guilty of any sex offense or kidnapping offense after establishment of the public or private school or day care operation.

(B) As used in this section, the terms "sex offense" and "kidnapping offense" shall have the same meaning as those terms are defined in RCW 9A.44.130(9). (Ord. 1393 §1(part), 2005).

**9.50.040. Rent or lease to sex offender in restricted area.**

(A) No owner or lessee of real property that is located within 1000 feet of a public or private school or day care operation, shall knowingly rent, lease to, or otherwise allow to reside on said real property a person who is required to register under the Community Protection Act, RCW 9A.44.130, et seq., and who is assessed as a Level II or Level III offender.

(B) Any person who violates any provision of this section shall be guilty of a gross misdemeanor, and upon conviction thereof, shall be punished by a maximum penalty of a fine not to exceed \$5,000 and/or by imprisonment in jail for a period not to exceed 1 year. (Ord. 1393 §1(part), 2005).

**9.50.050. Exception to rent or lease restriction.**

(A) The prohibition in SMC 9.50.040 shall not apply to an owner or lessee of real property zoned for residential use that is located within 1000 feet of a public or private school or day care operation that is established after the effective date of Ordinance 13193 and who has rented, leased, or otherwise legally allowed to reside on said real property a person who is required to register under the Community Protection Act, RCW 9A.44.130, et seq., and who is assessed as a Level II or Level III offender; provided, however, that such exception shall not apply in the event said resident ceases to reside at the premises after the establishment of the public or private school or day care operation. (Ord. 1393 §1(part), 2005).