

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 9.04

Chapter 9.08

GENERAL PROVISIONS

DEFINITIONS

Sections:

9.04.010 General provisions.

Sections:

9.08.010 Definitions.

9.04.010 General provisions.

A. The ordinance codified in this title shall be known as and may be cited as the Sequim criminal code.

B. Words in the present tense include the future tense, the masculine includes the feminine and neuter genders and the singular includes the plural, and vice versa.

C. No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his condition, but whenever the actual existence of any particular mental state is a necessary element to constitute a specific or degree of crime, the fact of his intoxication may be taken into consideration in determining such mental state. (Ord. 357 § 1, 1977)

9.08.010 Definitions.

As defined in this section, the following words and phrases shall be applicable to this title:

A. "Acted" includes, where relevant, omitted to act.

B. "Actor" includes, where relevant, a person failing to act.

C. "Building," in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container or other structure used for the lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods. Each unit of a building consisting of two or more units separately secured or occupied is a separate building.

D. Criminally Negligent. A person is "criminally negligent" or acts with "criminal negligence" when he fails to be aware of a substantial risk that a wrongful act may occur and his failure to be aware of such substantial risk constitutes gross deviation from the standard of care that a reasonable person would exercise in the same situation.

E. "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article or substance, including a vehicle, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury.

F. "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging.

G. Intent. A person acts with "intent" or "intentionally" when he acts with the objective or purpose to accomplish a result which constitutes a crime.

H. Knowingly. A person knows or acts "knowingly" or "with knowledge" when he is aware of a fact, facts or circumstances or result

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described by an ordinance defining an offense, or he has information which would lead a reasonable person in the same situation to believe that facts exist, which facts are described by an ordinance defining an offense.

I. "Jail" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including, but not limited to, any county or city jail.

J. Malice. "Malice" and "maliciously" shall import an evil intent, wish or design to vex, annoy or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty.

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

L. Neglect. Each of the words "neglect," "negligence," "negligent" and "negligently" shall import a want of such attention to the natural or probable consequences of an act or omission as an ordinarily prudent person usually exercises under similar circumstances.

M. "Officer" and "public officer" mean a person holding office under a city, county or state government, or the federal government, who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer.

N. Owner. Any person shall be deemed as "owner" of any property who has a general or special interest in the whole or any part thereof, or lawful possession thereof, either actual or constructive.

O. "Peace officer" means a duly appointed city, county, state or federal law enforcement officer.

P. "Person," "he," and "actor" include any natural person, and, where relevant, a corporation, joint stock association, partnership or other unincorporated association.

Q. "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed or designated to become any officer or employee of the government, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

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

S. "Prisoner" includes any person held in custody under process of law, or under lawful arrest.

T. "Property" means anything tangible or intangible, real or personal.

U. "Signature" includes any memorandum, mark or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto.

V. "Vehicle" means any motor vehicle, aircraft or any vessel equipped for propulsion by mechanical means or sail.

W. "Writing" includes printing. (Ord. 357 § 2, 1977)

Chapter 9.12

OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Sections:

9.12.010 Official misconduct.

9.12.020 Obstructing a public servant.

9.12.010 Official misconduct.

A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:

A. He intentionally commits an unauthorized act under color of law; or

B. He intentionally refrains from performing a duty imposed upon him by law. (Ord. 357 § 11(15), 1977)

9.12.020 Obstructing a public servant.

A. No person shall, without lawful excuse, refuse or knowingly fail to make or furnish any statement, report or information lawfully required of him by a public servant, or in any such statement or report make any knowingly untrue, misleading or exaggerated statement to a public servant, or knowingly hinder, delay or obstruct any public servant in the discharge of his official powers or duties.

B. No person shall intentionally prevent or attempt to prevent a public servant from lawfully apprehending or arresting a person.

C. No person shall directly or indirectly address any threat or intimidation to a public officer with intent to induce him, contrary to his duty, to do or make or omit or delay any act, decision or determination.

D. No person shall escape from custody or attempt to escape from custody, if he is held on a charge, conviction or sentence.

E. No person shall, by force or fraud, rescue from lawful custody a prisoner held upon a charge, arrest, commitment, conviction or sentence.

F. No person shall advise, aid or assist any person in the custody of any police officer or peace officer to escape custody.

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G. No person shall take from the custody of any officer or other person, any personal property in his charge under process of law, or wilfully injure or destroy such property.

H. No person shall knowingly and unlawfully provide contraband to any person confined in a detention center.

I. No person shall have any verbal communication with any prisoner in the city jail, or bring into or convey out of the same, any writing, clothing, food, tobacco or any other article or contraband without the prior authorization by law or by any officer authorized to give such authorization.

J. No person shall, with intent to prevent, hinder or delay the apprehension or prosecution of another person who he knows has committed a crime or is being sought by law enforcement officials for the commission of a crime or has escaped from a detention facility, harbor or conceal such person or warn such person of impending discovery or apprehension, or provide such person with money, transportation, disguise or other means of avoiding discovery or apprehension, or prevent or obstruct by use of force, deception or threat, anyone from performing an act that might aid in the discovery or apprehension of such person, or provide such person with a weapon.

K. No person shall falsely impersonate a public officer, civil or military, or a policeman or fireman, or a private individual having special authority by law to perform an act affecting the rights or interest of another, or, without authority, assume any uniform or badge by which such an officer or person is lawfully distinguished and in such assumed character do any act purporting to be official.

L. No person shall knowingly hinder, delay or obstruct any fireman in the discharge of his official powers and/or duties.

M. No person shall wilfully and without cause tamper with, molest, injure or break any public or private fire alarm apparatus, emergency telephone, radio or other wire or signal, or any fire-fighting equipment or fire hydrant, or wilfully and without having reasonable grounds for believing a fire exists, send, give, transmit or sound any false alarm of fire by

shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or state fire marshal.

N. No person shall wilfully prevent or attempt to prevent by persuasion, threat or otherwise, any person from appearing before any court as a witness in any action, proceeding or investigation, or any officer authorized to subpoena witnesses, with intent thereby to obstruct the course of justice.

O. No person, after having been lawfully commanded to summon for a peace officer, upon request by a person he knows to be a peace officer, shall unreasonably refuse or fail to summon aid for such police officer. (Ord. 357 § 13, 1977)

Chapter 9.16

OFFENSES AGAINST THE PERSON

Sections:

- 9.16.010 Assault.
- 9.16.020 Frauds.
- 9.16.030 False identity.
- 9.16.040 Dangerous conduct.
- 9.16.050 Custodial interference.
- 9.16.060 Restraining orders.
- 9.16.070 Telephone misuse.

9.16.010 Assault.

It is unlawful for any person to commit an assault and battery within the city. A person is guilty of assault when:

A. With intent to cause bodily injury, he causes bodily injury to any person; or

B. He unlawfully and knowingly beats, touches or strikes any other person; or

C. He unlawfully and intentionally places or attempts to place another person in fear of bodily injury; or

D. He, with intent to inflict bodily harm or to create an apprehension thereof, shall attempt or offer, with force and violence, to do a corporeal hurt to another; or

E. He attempts to unlawfully use force or inflict bodily injury on another, accompanied with apparent present ability to give effect to the attempt if not prevented. (Ord. 357 § 4, 1977)

9.16.020 Frauds.

A. Every person who obtains food, lodging, accommodation or service at any motel, hotel, restaurant, boarding house, lodging house or other place of business without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at a motel, hotel, restaurant, boarding house, lodging house or other place of business by color or aid of any false pretense, representation, token or writing, or who, after obtaining board, lodging, accommodation or service at a motel, hotel, restaurant, boarding house, lodging house or other place of business absconds or surreptitiously removes his baggage therefrom

without paying for such food, lodging, accommodation or service, shall be guilty of a misdemeanor.

B. It is unlawful for any person to knowingly and wilfully operate, or cause to be operated, or attempt to operate, or attempt to cause to be operated, any coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, by means of a slug or any false, counterfeited, mutilated, sweated or foreign coin, or by any means, method, trick or device whatsoever not lawfully authorized by the owner, lessee or licensee of the machine, coin-box telephone or other receptacle designed to receive lawful coin of the United States of America in connection with the sale, use or enjoyment of property or service, any goods, wares, merchandise, gas, electric current, article of value, or the use or enjoyment of any telephone or telegraph facilities or service without depositing in and surrendering to the machine, coin-box telephone or receptacle, lawful coin of the United States of America to the amount required therefor by the owner, lessee or licensee of the machine, coin-box telephone or receptacle. (Ord. 357 § 7, 1977)

9.16.030 False identity.

No person shall assume a false identity and do an act in his assumed character with intent to defraud another or for any other unlawful purpose, or pretend to be a representative of some person or organization or a public servant and do an act in his pretended capacity with intent to defraud another or for any other unlawful purpose. (Ord. 357 § 11(7), 1977)

9.16.040 Dangerous conduct.

No person shall engage in any conduct which creates a substantial risk of death or serious physical injury to another person. (Ord. 357 § 11(9), 1977)

9.16.050 Custodial interference.

A person is guilty of custodial interference if, knowing that he has no legal right to do so, he takes or entices from lawful custody any incompetent person or other person entrusted

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by authority of law to the custody of another person or institution. (Ord. 357 § 11(14), 1977)

9.16.060 Restraining orders.

A. Any person having had actual notice of the existence of a restraining order issued by court of competent jurisdiction in an action for the dissolution of a marriage who refuses to comply with the provisions of such order when requested by any peace officer of the state shall be guilty of a misdemeanor.

B. The notice requirements of subsection A of this section may be satisfied by the peace officer giving oral or written evidence to the person subject to the order by reading from or handing to that person a copy certified to be an accurate copy of the original on file by a notary public or the clerk of the court of the court order, which copy may be supplied by the court, the complainant or the complainant's attorney.

C. The remedies provided by this section shall not apply unless restraining orders subject to this section bear the legend:

VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW, AND IS ALSO SUBJECT TO CIVIL CONTEMPT PROCEEDINGS.

D. It is a defense to prosecution under subsection A of this section that the court order was issued contrary to law or court rule; provided that, no right of action shall accrue against any peace officer acting upon a properly certified copy of a court order lawful on its face if such officer used otherwise lawful means to effect the arrest. (Ord. 357 § 20, 1977)

9.16.070 Telephone misuse.

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

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

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

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

4. Without purpose of legitimate communication, shall be guilty of a misdemeanor.

B. No person shall knowingly permit any telephone under his control to be used for any purpose prohibited in subsection A of this section. (Ord. 357 § 22, 1977)

Chapter 9.20

OFFENSES AGAINST PROPERTY

Sections:

- 9.20.010 Unlawful use of motor vehicle.
- 9.20.020 Defacing identification marks.
- 9.20.030 Causing fire or explosion.
- 9.20.040 Damaging property of others.
- 9.20.050 Petit larceny.
- 9.20.060 Property damage.
- 9.20.070 Shoplifting.
- 9.20.080 Trespass and criminal trespass.

9.20.010 Unlawful use of motor vehicle.

No person, with intent to commit a crime against or in respect to a person or property therein, shall enter or remain in a motor vehicle without the permission of the owner thereof. (Ord. 357 § 11(5), 1977)

9.20.020 Defacing identification marks.

A. No person shall obscure or deface the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle, machine, engine, apparatus, appliance or other device with intent to render the same unidentifiable.

B. No person shall possess a vehicle, machine, engine, apparatus, appliance or other device held for sale knowing the serial number or other distinguishing identification number or mark thereon has been obscured or defaced. (Ord. 357 § 11(6), 1977)

9.20.030 Causing fire or explosion.

No person shall knowingly cause a fire or explosion, whether on his property or that of another, which fire or explosion recklessly places a building or other structure, or any vehicle, railway, car, aircraft, watercraft or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage. (Ord. 357 § 11(8), 1977)

9.20.040 Damaging property of others.

No person shall knowingly and maliciously cause physical damage to the property of another. (Ord. 357 § 11(10), 1977)

9.20.050 Petit larceny.

A. No person shall, with intent to defraud, make, draw, utter or deliver to another person any check or draft on a bank or other depository for the payment of money in an amount which does not exceed \$250.00, knowing at the time of such making, drawing, uttering or delivery, that he has not sufficient funds in, or credit with, the bank or other depository, to pay the check or draft in full upon its presentation. The word "credit" as used in this section shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the making, drawing, uttering or delivery of such check or draft to another person without such funds or credit to meet the same shall be prima facie evidence of an intent to defraud.

B. No person shall knowingly receive, retain, possess, conceal or dispose of stolen property knowing it has been stolen, or withhold or appropriate the same, to the use of any person other than the true owner or person entitled thereto.

C. No person shall wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him of such property or services, or by the color or aid of deception obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services, or appropriate lost or misdelivered property or services of another or the value thereof, with intent to deprive him of such property or services, when the value of such property or services does not exceed \$250.00. (Ord. 357 § 15, 1977)

9.20.060 Property damage.

A. It is unlawful for any person with intent to injure, defraud or deface to:

1. Break or deface the seal of any gas, electric or water meter.
2. Obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of gas, electricity or water supplied to a consumer thereof.
3. Make any connection by means of wire, main, cable, pipe or otherwise with any wire, main, cable or pipe used for the delivery

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of gas, electricity, water or television to a consumer thereof, in such a manner as to take gas, electricity, water or television service without its passage through the meter or other instrument provided for registering the amount or quantity consumed, or use any gas, electricity, water or television so obtained.

4. Make any connection or reconnection with such wire, main, pipe or cable, or turn on or off, or in any manner interfere with any valve, stopcock or other appliances connected therewith.

5. Prevent by the erection of any device or construction or by any other means, free access to any meter or other instrument for registering the amount of gas, electricity or water consumed or interfere with, obstruct or prevent, by any means, the reading or inspection of such meter or instrument, by the person, company or corporation owning the same.

B. It is unlawful for any person to wilfully or maliciously remove, damage, deface or destroy any property or property rights within the city, or any property or property right of the city or of any other person wheresoever situated including but not limited to the following:

1. A highway or private way laid out by authority of law, or a bridge span upon such public or private road, or wilfully or maliciously cause to be placed thereon any substance or thing dangerous to any person or animal traveling thereon or which might injure or puncture the tire of any vehicle traveling thereon.

2. A tree, rock, post or other monument erected or marked for the purpose of designating a point on the boundary of the city, or of any property owned by the city, or any tract, lot or parcel of land or any mark or inscription thereon.

3. A mile sign, mile board or guidepost erected on any streets or at any intersection, or any inscription thereon.

4. A telegraph, telephone or electric transmission line or television cable or any part thereof, or any appurtenance thereto, or apparatus connected with the operation thereof.

5. A pipe or main for conducting gas, water or oil or any works erected for the stor-

age or otherwise used for the purpose of supplying the gas, water or oil to consumers.

6. A main or pipe for conducting water or any works erected along the pipe or main through or upon any of the lands through which the city owns a right-of-way for the purpose of conducting water for the inhabitants of the city.

7. A sewer or main, or pipe or drain connected therewith or forming a part thereof.

8. Any engine, hose, truck, hose cart, ladder or ladder truck, extinguisher or other apparatus used by the district fire department, or any rope, wire or bell, signal, instrument or apparatus for the communication or alarms of fire or police calls.

9. A monument erected in any cemetery, street, park or other public place.

10. A legal notice or other legal paper posted in compliance with the requirements of any statute of this state or the ordinances of the city or under the direction of any order of court.

11. Any trees, shrubbery, flowers, buildings, parts of buildings, vehicles, flowers or other property, whether real or personal, belonging to the city or any other person.

C. It is unlawful for any person to break, mutilate or deface or destroy any property belonging to the city or any other person by writing names, advertising matter, signs, words, letters or figures or drawing any pictures upon any sidewalks, or upon or within any building in the city.

D. It is unlawful to open, remove from its normal place of repose or in any other manner interfere with the operation of any coin or currency receptacle, with intent to unlawfully remove money therefrom.

E. It is unlawful for any person being the owner of, or having the care or control of any dog, horse, mule, cow or other animal, to knowingly permit the same to enter upon or do injury to any improved public park or parking strip in the city, or upon private premises, to the injury or annoyance of the owner or occupant thereof. (Ord. 357 § 17, 1977)

9.20.070 Shoplifting.

A. A person who wilfully takes possession of any goods, wares or merchandise of a value not to exceed \$250.00 offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price is guilty of the misdemeanor of shoplifting.

B. Every person, unless in a usual shopping area en route to a checkstand or place of payment, who is found with any merchandise, goods, wares or chattels in his or her possession and having had the opportunity to pay for the same and having failed to do so shall be deemed to have given prima facie evidence of an intention to take and steal the same. (Ord. 357 § 21, 1977)

9.20.080 Trespass and criminal trespass.

A. It is unlawful for any person to go upon the land of another with intent to annoy or vex the owner or occupant thereof, or to commit any unlawful act, or to wilfully go or remain upon any land after having been warned by the owner thereof not to trespass thereon.

B. Every person not privileged or licensed to do so, who enters or remains in any building or occupied structure or separately secured or occupied portion thereof, including but not limited to publicly owned or occupied buildings, structures or portions thereof shall be guilty of criminal trespass.

C. Every person not privileged or licensed to do so, who enters or remains in any public or private place or on any public or private premises as to which notice against trespass thereon is given by the owner or some other authorized person, through actual communication to the actor, or posting in a manner prescribed by law or reasonably likely to come to the attention of intruders or fencing or enclosure manifestly designed to exclude intruders, shall be guilty of criminal trespass.

D. Every person not licensed or privileged to remain who defies an order to leave public or private premises or public or private places

communicated to him by the owner of the place or premises or by some other authorized person shall be guilty of criminal trespass.

E. A person is guilty of criminal trespass if he knowingly enters or remains unlawfully in a building or on real property adjacent thereto or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders, or knowingly enters or remains unlawfully in or upon the premises of another. (Ord. 357 § 23, 1977)

Chapter 9.24

OFFENSES AGAINST PUBLIC PEACE

Sections:

- 9.24.010 Disorderly conduct.
- 9.24.020 Unlawful assembly.
- 9.24.030 Smoking.

9.24.010 Disorderly conduct.

A. Whenever in this section general terms follow a specific enumeration, such general terms shall not be limited to words, acts or things similar or like to those comprised in the specific enumeration, but shall be liberally construed for the purpose of preserving the public safety and peace.

B. The following persons are declared to be disorderly persons:

- 1. Any person fighting or quarreling or encouraging others to fight in any public place in the city.
- 2. Any person who, by noisy, riotous or tumultuous conduct, disturbs the quiet and peace of the city or any meeting or assemblage therein.
- 3. Any person who wilfully annoys, molests, bothers, insults or offers an affront to another person.
- 4. Any person who wilfully breaks, impairs, injures or defaces any building, fence, awning, window, sign, sign board, trees, shrub or other thing of value, being the property of another.
- 5. Any person who intentionally obstructs vehicular or pedestrian traffic without lawful authority.
- 6. Any person who removes, interferes with, carries away or destroys the property of another, or who tears down, destroys or mutilates any notice or handbill lawfully posted in the city.
- 7. Any person who intentionally disrupts any lawful assembly or meeting of persons without lawful authority.
- 8. Any person who looks into the windows of another without a lawful right to do so.
- 9. Any person who creates or participates in any noise, disturbance or any other

demonstration calculated or intended to frighten or intimidate or disturb any person.

C. It is unlawful to be a disorderly person as provided in subsection B of this section. A violation of any of the provisions of subsection B shall be a separate and distinct offense and shall be prosecuted as such. (Ord. 357 § 6, 1977)

9.24.020 Unlawful assembly.

It is unlawful for any two or more persons to assemble together to do any unlawful act or, being assembled, to mutually agree to do an unlawful act with force and violence against the property of the city or the personal property of another, or against the peace or to the terror of others. (Ord. 357 § 11(13), 1977)

9.24.030 Smoking.

No person shall light a pipe, cigar or cigarette in, or shall enter with a lighted pipe, cigar or cigarette, any building on which is posted in a conspicuous place over or near each principal entrance a notice in plain, legible characters stating that no smoking is allowed in such building. (Ord. 357 § 11(1), 1977)

Chapter 9.28

OFFENSES AGAINST DECENCY

Sections:

9.28.010 Lewd conduct.

9.28.020 Prostitution.

9.28.010 Lewd conduct.

A. Definitions.

1. "Lewd conduct" is defined as:

a. An exposure of one's genitals, female breasts or other intimate parts of a person; or

b. The touching, caressing or fondling of the sexual or other intimate parts of another; or

c. Sexual intercourse; or

d. Masturbation.

2. "Public places" is defined as an area generally visible to public view and shall include streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), buildings open to the general public, including those in which food or drink is served or entertainment provided, and the doorways and entrances to buildings or dwellings and the ground enclosing them.

3. "Person" includes any human being.

B. The commission or performance by any person of any lewd conduct or act as defined in this section in a public place shall be, and is, prohibited.

C. The owner, occupant, operator, manager or employee of a public place as defined in this chapter shall be, and he or she is, prohibited from permitting lewd conduct in or about such public place. (Ord. 357 § 10, 1977)

9.28.020 Prostitution.

A. No person shall engage or agree or offer to engage in sexual conduct with another person in return for a fee. The sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial.

B. No person having possession or control of a building, apartment, automobile or other premises shall allow the same to be used for the purposes of prostitution. (Ord. 357 § 18, 1977)

Chapter 9.32

OFFENSES BY OR AGAINST MINORS

Sections:

- 9.32.010 Delinquency.
- 9.32.020 Runaways.
- 9.32.030 Leaving minors unattended.
- 9.32.040 Intoxicating liquor – Unlawful for minors to purchase.

9.32.010 Delinquency.

It is unlawful in all cases where any minor is delinquent for the parent, legal guardian or person having custody of such minor, or any other person, by any act, to encourage, cause or contribute to the delinquency of such minor. (Ord. 357 § 9(2), 1977)

9.32.020 Runaways.

It is unlawful for any person to aid or abet any juvenile running away from home, or to furnish such juvenile a place to stay without first notifying the child’s parents or guardian of his whereabouts, or notifying the appropriate juvenile authority. (Ord. 357 § 9(3), 1977)

9.32.030 Leaving minors unattended.

No person having the care and custody, whether temporary or permanent, of minor children under the age of 12 years, may leave such minor child unattended. (Ord. 357 § 11(2), 1977)

9.32.040 Intoxicating liquor – Unlawful for minors to purchase.

A. In this chapter the term “intoxicating liquors” includes the four varieties of liquor commonly known as alcohol, spirits, wine and beer, and all fermented, spirituous, vinous or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid or other sub-

stance which contains more than one percent of alcohol by weight, which substances shall be conclusively deemed to be intoxicating.

B. Except in the case of liquor given to a person under the age of 21 years by his parent, guardian, physician or dentist for medicinal purposes, no person shall give or otherwise supply liquor to any person under the age of 21 years or permit any person under that age to consume liquor on his premises or on any premises under his control, and it shall be unlawful for any person under the age of 21 years to purchase or attempt to purchase, consume or possess liquor as defined in this section. (Ord. 195, 1963)

Chapter 9.36

WEAPONS

Sections:

- 9.36.010 Weapons and dangerous exhibitions.
- 9.36.020 Disposal of forfeited firearms.
- 9.36.030 Exemption from state law.

9.36.010 Weapons and dangerous exhibitions.

A. It is unlawful for any person to carry, exhibit, display or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club or weapon apparently capable of producing bodily harm, in a manner, under circumstances, at a time that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons, unless otherwise authorized by law.

B. It is unlawful for any person to manufacture, sell, dispose of or have in his possession any instrument or weapon of the kind usually known as a sling shot, sand club, metal knuckles or spring blade knife or any knife other than an ordinary pocket knife; or to carry furtively or with intent to conceal any dagger, dirk, pistol or other dangerous weapon; or to use any contrivance or device for suppressing the noise of any firearm unless otherwise authorized by law.

C. It is unlawful for any person to aim any gun, pistol, revolver or other firearm, whether loaded or not, at or towards any human being, or to wilfully discharge any firearm, air gun or other weapon, or throw any deadly missile in a public place, or in any place where any person might be endangered thereby, although no injury results, unless otherwise authorized by law.

D. It is unlawful for any person to carry any firearm or other dangerous weapon upon any premises within the city limits of the city where alcoholic beverages are sold or consumed; provided that, law enforcement officers in uniform, or on police related business, shall be exempt from the provisions of this subsection.

E. No proprietor, lessee or occupant of any place of amusement, or any plat of ground or building shall allow it to be used for the exhibition of skill in throwing any sharp instrument or in shooting any bow, gun, pistol or firearm of any description, at or toward any human being.

F. No person in the city, except police officers and other persons who are authorized by law or who have obtained proper authority to do so from the chief of police of the city, shall carry or wear in any manner concealed upon his person, any dirk, dagger, Bowie knife, sword, cane, gun, pistol, revolver, sling shot, metal knuckles or other dangerous weapons or other instruments which may be used to inflict injury upon the person of another.

G. No person in the city, except officers engaged in the lawful discharge of their duty, and persons practicing target shooting in a duly licensed shooting gallery or archery range, shall fire off or discharge any gun, pistol or firearm of any kind within the city limits, or shoot an arrow or other projectile from a cross bow, bow or other similar device used for archery within the city limits.

H. It is unlawful for any person to carry, transport or convey, or have in his possession or under his control in any motor driven or horse-drawn vehicle or in any vehicle propelled by man, any shotgun, rifle or handgun for which no permit has been issued to the person, containing shells or cartridges therein. (Ord. 97-012 § 3; Ord. 396 § 1, 1980; Ord. 357 § 24, 1977)

9.36.020 Disposal of forfeited firearms.

A. Except as provided in subsections B and C, all firearms that come into the possession of the Sequim police department after June 30, 1993, that are judicially forfeited under RCW 9.41.098 and are no longer needed for evidence or forfeited due to failure to make a claim under RCW 63.32.010, may be disposed of by the Sequim police department in its discretion as follows:

1. Retained for agency use;
2. Traded to commercial gun sellers;
3. Auctioned to commercial gun sellers;
4. Destroyed.

9.36.030

B. Antique Firearms Exempted. 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 Sequim police department may, in its discretion, effect such removal or alteration, and may thereafter dispose of the firearm under subsection A.

D. “Firearms that are illegal to possess” means firearms that are illegal to possess as defined by Chapter 9.41 RCW. (Ord. 93-020 §§ 1 – 4)

9.36.030 Exemption from state law.

The city shall be exempt from the prohibitions set forth in RCW 9.41.050(4) and subsection 4 of Section 405 of Chapter 7 of the Washington Laws, 1994 First Special Session, as allowed by subsection 405(6) of said law. (Ord. 94-018 § 1)

Chapter 9.40

CONTROLLED SUBSTANCES AND INTOXICATING BEVERAGES

Sections:

9.40.010 Controlled substances.

9.40.010 Controlled substances.

It is unlawful and a misdemeanor for any person to have in his or her possession any form of marijuana, in an amount not exceeding 40 grams. (Ord. 490 § 1, 1986; Ord. 357 § 5, 1977)

Chapter 9.42

KEG SALE OF MALT LIQUOR

Sections:

- 9.42.010 Purpose.
- 9.42.020 Definitions.
- 9.42.030 Sale of malt liquor.
- 9.42.040 Purchaser’s duty.
- 9.42.050 Declaration and receipt.
- 9.42.060 Penalty.

9.42.010 Purpose.

It is the purpose of this chapter to establish keg registration requirements for the sale and distribution of malt liquor within the city, to conform to ordinances recently adopted by Clallam County and the city of Port Angeles, and thus contribute to uniform control and enforcement within the community. (Ord. 521 § 1, 1987)

9.42.020 Definitions.

The following definitions shall be applicable to the provisions of this chapter: “Malt liquor” includes, but is not limited to, beer, strong beer, ale, stout and porter. (Ord. 521 § 1, 1987)

9.42.030 Sale of malt liquor.

Any person who sells or offers for sale the contents of kegs or any other container containing four gallons or more of malt liquor, or leases kegs or other containers which hold four gallons or more of malt liquor, to consumers who are not licensed under Chapter 66.24 RCW as amended as of or after the effective date of the ordinance codified in this chapter shall:

- A. Require the purchaser to sign a triplicate receipt for the keg or container or the contents thereof and provide the following:
 - 1. Two pieces of identification, one of which is a motor vehicle operator’s license or a Washington State identification card;
 - 2. The particular address where the keg or container will be physically located or consumed;
 - 3. A sworn statement, under penalty of perjury, that:

- a. The purchaser is of legal age to purchase, possess, or use malt liquor;
- b. The purchaser will not allow any person under the age of 21 years to consume the beverage except as provided by statute;
- c. The purchaser will not remove or obliterate, or allow to be removed or obliterated, the identification number label affixed to the container or keg;
- d. The purchaser will maintain a copy of the declaration and receipt next to or adjacent to the keg or container, in no event a distance greater than five feet, visible without physical barrier from such keg, during such time the keg or other container is in the purchaser’s possession or control;

B. Record the identification number of the keg or container in the following manner for the purpose of tracing the item if the contents are consumed in violation of this chapter:

- 1. Affix to each keg or container a numbered label, hereafter referred to as the identification number;
- 2. Record the serial number of the keg or container and the identification number on the receipt;

C. Retain the original copy of the receipt for a period of 90 days, subject to inspection by the police department, provide a second copy of the receipt to the purchaser, and the third copy of the receipt to the police department within seven days of the date of purchase;

D. Notify the police department immediately in the event a keg or container purchase exceeds 16 gallons or more of malt liquor to one purchaser. The seller will provide a purchaser’s name, address and driver’s license number to the police department. (Ord. 521 § 1, 1987)

9.42.040 Purchaser’s duty.

Any person who purchases the contents of kegs or other containers containing four gallons or more of malt liquor, or purchases or leases a keg or container which holds four or more gallons of malt liquor shall:

- A. Be of legal age to purchase, possess or use malt liquor;

9.42.050

B. Not allow any person under the age of 21 years to consume the beverage except as provided by statute;

C. Not remove, obliterate or allow to be removed or obliterated, the numbered label affixed to the container;

D. Not remove, keep or store keg or its contents except for transporting to and from the retailer, at any place other than that particular address declared on the receipt and declaration;

E. Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet and visible without physical barrier from such keg during the time that the keg or other container is in the purchaser's possession and/or control. (Ord. 521 § 1, 1987)

9.42.050 Declaration and receipt.

The form of the declaration and receipt required in this chapter shall be substantially in, but not necessarily limited to, the following form:

RECEIPT FOR SALE OF MALT
LIQUOR IN KEGS OR CONTAINERS
TO UNLICENSED PERSONS

(Print all information EXCEPT signatures)

Licensed Premises _____

Address _____ City _____

Date of Sale _____ Invoice No. _____

Keg Identification Number(s) _____

Brand _____ Keg Capacity _____

No. of Kegs _____ Total Gallons _____

Name of Purchaser _____

Address _____

Address or location where keg will be located _____

Motor Vehicle Operator's License
Number _____

Washington State Identification Card

Other Identification _____

I declare under penalty of perjury the information provided in this receipt is true and correct and that:

1. I am over the legal age to purchase, possess or use malt liquor, and

2. That I will not allow anyone under the age of twenty-one (21) to consume any intoxicating liquor except as provided by STATUTE.

3. That I will not remove or obliterate the identification sticker attached to this container and

4. THAT A COPY OF THIS FORM WILL BE DISPLAYED WITHIN FIVE (5) FEET OF THIS CONTAINER (KEG).

VIOLATION OF ANY OF THE ABOVE IS A CRIME AS DEFINED BY WASHINGTON STATE LAW AND/OR COUNTY OR CITY ORDINANCE AND IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500.00, OR IMPRISONMENT NOT TO EXCEED SIX (6) MONTHS OR BY A COMBINATION OF BOTH. ANY PERSON WHO SIGNS THIS RECEIPT WITH KNOWLEDGE THAT ANY INFORMATION ON IT IS FALSE COMMITS PERJURY.

___ PORT ANGELES

___ SEQUIM

___ FORKS

___ COUNTY

Chapter 9.44

MISCELLANEOUS OFFENSES

Signature of Purchaser

Signature of Seller

WHITE-LAW ENFORCEMENT COPY
CANARY-VENDOR'S COPY BUFF-
CUSTOMER'S COPY

(Ord. 521 § 1, 1987)

9.42.060 Penalty.

The violation of any provision of this chapter is a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment not to exceed six months, or both. (Ord. 521 § 1, 1987)

Sections:

- 9.44.010 Posting of handbills.
- 9.44.020 Business licenses required.
- 9.44.030 Leaving poisons exposed.
- 9.44.040 Refrigeration equipment.
- 9.44.050 Possession of tools with intent to use in commission of crime.
- 9.44.060 Failure to obey court order.
- 9.44.070 Failure to appear.

9.44.010 Posting of handbills.

A. It is unlawful for any person, firm or corporation to:

1. Post or attach any handbill, circular, advertising matter or other papers of any kind for advertising or other purposes on any post, fence, tree, building or other structure in the city except upon billboards or other structures erected for the purpose.

2. Throw, deposit, scatter or place any handbills, circulars, papers or other advertising matter upon the streets, alleys or other public places in the city.

3. Throw, deposit, scatter or place any handbills, circulars, papers or other advertising matter upon the walks, yards, porches or vestibules of any private dwelling in the city; provided, however, that newspapers and sealed and addressed envelopes shall not be considered with the prohibitions of this section.

4. Throw, place or deposit any handbill, circulars, papers or any other advertising matter in or upon automobiles without the owner's consent.

B. Subsection A of this section shall not apply to any candidate for political office, their agents, representatives, volunteers or employees engaged in the distribution of materials and information relative to qualifications for election, or to any person distributing information relative to ballot issues preceding election thereon, or public hearings.

C. No person shall use the streets or sidewalks of the city for the purpose of painting or impressing thereon any pictures, sign, mark, letter or words for advertising purposes, or for

9.44.020

any other purpose, provided the provisions of this subsection shall not apply to the officials of the city in painting or impressing markings for traffic control upon the streets or sidewalks of the city. (Ord. 357 § 16, 1977)

9.44.020 Business licenses required.

No person shall carry on or conduct any business, trade or occupation within the city limits of the city, for which a license is required, without the license fee having been paid therefor, and no person shall use or permit the use of any license for any person other than that for which it is issued, or by any other person, place, vehicle or business. (Ord. 357 § 11(11), 1977)

9.44.030 Leaving poisons exposed.

No person shall lay out or expose any kind of poison, or leave exposed any poisoned food or drink for man, animal or fowl, or any substance or fluid whatever, whereon or wherein there is or shall be deposited or mingled, any kind of poison or poisonous substance or fluid whatsoever, on the premises of another, or any unenclosed place, or aid and abet any person so doing. (Ord. 357 § 11(12), 1977)

9.44.040 Refrigeration equipment.

A. No person shall discard or abandon or leave in any place accessible to children any refrigerator, icebox or deep freeze locker having a capacity of one and one-half cubic feet or more, which is no longer in use, and which has not had the door removed or a portion of the latch mechanism removed to prevent latching or locking of the door.

B. No person shall knowingly permit such an unused refrigerator, icebox or deep freeze locker to remain on the premises under his control without having the door removed or a portion of the latch removed to prevent latching or locking of the door.

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

sale so as to prevent entrance of children small enough to fit into such articles. (Ord. 357 § 19, 1977)

9.44.050 Possession of tools with intent to use in commission of crime.

No person shall make or mend or cause to be made or mended, or have in his possession in the day or nighttime, any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed or commonly used for the commission of burglary, larceny or other crime, under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same is intended to be so used. The possession thereof except by a mechanic, artificer or tradesman at and in his established shop or place of business, open to public view, shall be prima facie evidence that such possession was had with intent to use or employ or allow the same to be used or employed in the commission of a crime. (Ord. 357 § 11(3), 1977)

9.44.060 Failure to obey court order.

No person, firm or corporation shall fail or refuse to obey a lawful order of the municipal court. (Ord. 357 § 11(4), 1977)

9.44.070 Failure to appear.

A. Any person having been released by court order or admitted to bail with the requirement of a subsequent personal appearance before the Sequim Municipal Court, and who knowingly fails to appear as required, is guilty of the charge of failure to appear.

B. Any person ordered to pay a fine as the result of a finding of guilt, upon any charge or infraction when levied in the Sequim municipal court, who shall fail to pay such fine is guilty of a failure to appear.

C. Any person, having been released on personal recognizance with the requirement of a subsequent personal appearance before the Sequim municipal court, who wilfully fails to appear when so required by the court, shall be guilty of a failure to appear. Unless otherwise shown, failure to appear when required shall be presumed to be wilful.

D. The penalty for a failure to appear shall be a fine of not more than \$1,000, or by imprisonment for not more than 180 days, or both. The fine imposed under this section shall not exceed the maximum fine for the original crime or infraction charge, or, if there has been no charge, the offense for which the person was arrested. (Ord. 634 § 1, 1992)

Chapter 9.50

VIOLATION – PENALTY

Sections:

9.50.010 Use of state law penalty.

9.50.010 Use of state law penalty.

The punishment for violation of any criminal ordinance of the city shall be the same as the punishment provided in state law for the same crime in state law. (Ord. 94-016 § 1; Ord. 357 § 26a, 1977)

