

Title 9

PUBLIC PEACE, MORALS AND SAFETY¹

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1. For provisions on conduct at public dances see Chapter 5.06 SMC.

Chapter 9.04

ASSAULT

Sections:

- 9.04.010 Definitions.
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9.04.010 Definitions.

(1) “Assault” means an attempt, with lawful force, to inflict bodily injury upon another person, accompanied with the apparent present ability to give effect to the attempt, if not prevented.

(2) “Assault and battery” means an attempt, with unlawful force, to inflict bodily injury upon another person, accompanied with the apparent present ability to give effect to the attempt, if not prevented, and an offensive contact directly, or indirectly, results upon the person of another. (Ord. 295 § 2, 1969).

9.04.020 Deemed misdemeanor.

Every person, who, in the city, shall commit an assault, or an assault and battery, shall be guilty of a gross misdemeanor. (Ord. 295 § 1, 1969).

Chapter 9.08

CIVIL EMERGENCY

Sections:

- 9.08.010 Definitions.
- 9.08.020 Proclamation – Procedure.
- 9.08.030 Orders.
- 9.08.040 Proclamation – Termination, modification.
- 9.08.050 Incendiary object prohibited.
- 9.08.060 Noncompliance prohibited.
- 9.08.070 Interference with officials prohibited.
- 9.08.080 Rioting prohibited.
- 9.08.090 Unlawful assembly defined, prohibited.
- 9.08.100 Looting prohibited.
- 9.08.110 Air raid warnings.

9.08.010 Definitions.

As used herein the following words and terms shall have the meanings herein stated:

(1) A “civil emergency” means:

(a) A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by the apparent power to execute such force or violence by three or more persons acting together which would endanger or tend to endanger the safety of property or persons; and

(b) Any natural disaster or manmade calamity including flood, conflagration, cyclone, tornado, earthquake or explosion within the corporate limits of the city, resulting in the death or injury of persons or the destruction of property to such an extent that, in the exercise of ordinary reason, extraordinary measures should be taken to protect the public health, safety and welfare.

(2) “Curfew” means a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the corporate limits of the city, except those persons officially assigned duty with reference to such civil emergency.

(3) “Incendiary object” means a container of any type containing any inflammable substance having a wick or other ignition device

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attached, or any other type of bomb or contrivance susceptible to spontaneous ignition. (Ord. 291 § 1, 1968).

9.08.020 Proclamation – Procedure.

Whenever the mayor, or in the event of his inability to act, the mayor pro tem, or a majority of the city council, or in the event of their inability to act, any other member of the council, or public official acting for and instead of the mayor, determines that an emergency exists arising out of a civil emergency, causing or tending to cause danger of injury to persons or damage to property, he shall forthwith proclaim in writing the existence of such state of emergency, file a copy thereof in the office of the clerk-treasurer, immediately advise all available news media within the vicinity of the city of the signing of the proclamation and the contents thereof, and post copies of the proclamation at such public places as designated by such authority. (Ord. 291 § 2, 1968).

9.08.030 Orders.

After proclamation of a civil emergency, the mayor, or such person issuing such proclamation, may in the interest of public safety and welfare, make any or all of the following orders:

(1) The closing of all cocktail lounges, taverns, bars, and other places where intoxicating liquor is sold or dispensed by the drink, including all private clubs;

(2) The discontinuance of the sale of all beer, wine and hard liquor;

(3) The discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products, or in his discretion, prevent all sales thereof except sales where the flammable or combustible product is transferred directly to a gasoline tank properly affixed to a motor vehicle, or in the case of heating oil or liquefied gas into commercial or household tanks;

(4) The closing of all gasoline stations and other establishments, the chief activity of which is the sale, distribution, or dispensing of liquid flammable or combustible products, except the distribution of heating oil and liquefied gas as herein provided in subsection (3);

(5) The discontinuance of selling, distributing, dispensing, or giving away of any firearms or ammunition of any character whatsoever;

(6) The closing of all establishments, portions or departments thereof, the chief activity of which is the sale, distribution, dispensing, or giving away of firearms and/or ammunition;

(7) Prohibit any person or persons from carrying or possessing upon any street, alley, highway, or public place or vacant premises within the city any firearms, knives, clubs, rocks, bricks, or other weapons, objects or contrivances susceptible for use in causing injury to persons or damage to property;

(8) Impose a curfew upon all persons in the city, or upon persons of certain ages within the city, or order a curfew upon such geographical areas of the city or to the city as a whole as the ordering authority may deem advisable, to be applicable during such hours of the day or night as deemed necessary in the interest of public safety and welfare, during the hours of which no person shall be allowed in the public streets, thoroughfares or places open to the public throughout the city or any designated sections of the city, except persons officially assigned to duty with reference to such civil emergency;

(9) Designate any one or more of the public streets, thoroughfares, or places within the city closed to vehicular traffic and/or pedestrian traffic. (Ord. 291 § 3, 1968).

9.08.040 Proclamation – Termination, modification.

After the issuance of a written proclamation of a state of emergency as provided for in SMC 9.08.020, the mayor or in the event of his inability to act, the governing mayor pro tem, or any three members of the council, or in the absence thereof, the governing authority of the city, may terminate, modify or amend at any time such proclamation by written declaration thereof, and notice given in the same manner as set forth in SMC 9.08.020. (Ord. 291 § 4, 1968).

9.08.050 Incendiary object prohibited.

It is unlawful for any person to make, carry, possess, or use any type of gasoline or petroleum base fire bomb, or any other type of

explosive or incendiary missile or object. (Ord. 291 § 5, 1968).

9.08.060 Noncompliance prohibited.

It is unlawful for any person to violate or refuse to comply with any lawful order or regulation promulgated by the governing authority of the city pursuant to SMC 9.08.030. (Ord. 291 § 6, 1968).

9.08.070 Interference with officials prohibited.

It is unlawful for any person to interfere with any police or fire official or other public officer or employee when engaged in the performance of his official duty or to permit or assemble for the purpose of committing any act which would interfere with such officials and persons in the performance of their duty. (Ord. 291 § 7, 1968).

9.08.080 Rioting prohibited.

It is unlawful for any person to participate in or engage in any riot. (Ord. 291 § 8, 1968).

9.08.090 Unlawful assembly defined, prohibited.

It is unlawful for any person to engage or participate in any unlawful assembly after the police by announcement has warned and ordered such assembly to disperse and disband. "Unlawful assembly" means any threat, actual or implied, to use force or violence when accompanied by immediate power to execute such force or violence by three or more persons acting together without authority of law, and where the threat to use force or violence would endanger or tend to endanger the safety of property or persons. (Ord. 291 § 9, 1968).

9.08.100 Looting prohibited.

It is unlawful for any person to engage in the activity of looting, stealing, or carrying away personal property without the owner's consent from any and all premises within the city during the time that a civil emergency exists; provided, that this section shall be deemed cumulative and be in addition to all other laws and ordinances of the city relating to the taking of personal property. (Ord. 291 § 10, 1968).

9.08.110 Air raid warnings.

In the event the duly authorized federal, military or civil authorities or city authorities shall deem it necessary for the public safety to give an air raid warning within the city, such warning shall be given in the following manner and the following rules and regulations shall be observed:

(1) Air raid and blackout warnings will be signaled by intermittent blasts of the fire department's siren continuing for two minutes. The all-clear signal will be a continuous two-minute blast of the siren;

(2) During such warning no person, firm or corporation shall permit any lights of any kind under their control to be displayed outside any building, or within any building, except where the lights can be displayed within the building in such a manner so that they cannot be seen from outside of the building;

(3) No motor vehicle or other vehicle shall be driven on any street within the city during such period, except official army and emergency vehicles, unless the vehicle shall be equipped with blackout lights, both front and rear. A "blackout light" means a light not more than one inch in diameter where it is projected from the lens, the lens to be covered or painted so that only a blue light is shown;

(4) During the period of any air raid alarm no person shall be on the street or operate any motor vehicle through the streets of the city except where necessary to carry out emergency business, and during darkness any vehicles operated, except official vehicles, shall proceed at no greater speed than 10 miles per hour;

(5) During the period of any air raid any person shall obey any orders given by any police or military officer. Persons shall not congregate in crowds upon the streets or sidewalks. (Ord. 159 § 1, 1942).

Chapter 9.12

CRIMES AGAINST PROPERTY

Sections:

- 9.12.010 Fire hydrant – Unauthorized water use prohibited.
- 9.12.020 Fire hydrant – Interference prohibited.
- 9.12.030 Shoplifting.
- 9.12.040 Petit larceny.

9.12.010 Fire hydrant – Unauthorized water use prohibited.

It is unlawful for anyone except the fire chief, the sanitation officer, and the street superintendent, or the authorized agent of any one of them to withdraw or attempt to withdraw water from any fire hydrant owned by the city. (Ord. 310 § 1, 1970).

9.12.020 Fire hydrant – Interference prohibited.

It is unlawful for anyone to injure, damage, interfere or tamper with, in any manner, any fire hydrant owned by the city. (Ord. 310 § 2, 1970).

9.12.030 Shoplifting.

A person who willfully takes possession of any goods, wares or merchandise of the value of less than \$75.00, offered for sale by any wholesale or retail store, or other mercantile establishment in the city, 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 thereof, is guilty of a gross misdemeanor of shoplifting. (Ord. 289 § 1, 1968).

9.12.040 Petit larceny.

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

- (1) Shall take, lead or drive away the property of another;
- (2) Shall obtain from the owner or another the possession of or title to any property, real or personal, by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or

drawer of such order, check or draft was not authorized or entitled to make or draw the same, or by color or aid of any fraudulent or false representation, personation or pretense or by any false token or writing or by any trick, device, bunco game or fortunetelling;

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

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

(5) Every person, who, knowing the property to have been so appropriated, shall bring into this city, or buy, sell, receive or aid in concealing or withholding any property wrongfully appropriated, whether within or outside of this city, in such manner as to constitute petit larceny under the provisions of this section; or

(6) Shall draw or utter or deliver to another person any check, or draft, on any bank or other depository for the payment of money, knowing at the time of drawing, or delivery, that he has not sufficient funds in, or credit with the bank or depository, to meet the check, in full upon its presentation; any such property being valued less than \$75.00, lawful money of the United States of America, steals such property and shall be guilty of a misdemeanor. (Ord. 246 § 1, 1963).

Chapter 9.16

CURFEW

(Repealed by Ord. 1112)

Chapter 9.20

DISORDERLY CONDUCT

Sections:

- 9.20.010 Disorderly persons defined.
- 9.20.020 Intoxication in public places.
- 9.20.030 Fighting, quarreling.
- 9.20.050 Disturbing the peace.
- 9.20.060 False fire alarm.
- 9.20.070 Obscenity.
- 9.20.080 Trespassing.
- 9.20.090 Vandalism.
- 9.20.100 Unlawful carrying of concealed weapons.
- 9.20.110 Discharge of firearms.
- 9.20.113 Carrying loaded firearm in vehicle.
- 9.20.115 Carrying concealed firearm.
- 9.20.120 Impersonation.
- 9.20.130 Molesting women.
- 9.20.140 Malicious littering.
- 9.20.150 Property destruction.
- 9.20.160 Unlawful cohabitation – Indecent exposure.
- 9.20.170 Peeping Toms.
- 9.20.180 Throwing objects on streets.
- 9.20.190 Obstructing public places.

9.20.010 Disorderly persons defined.

All persons who shall conduct themselves in the city in the manner described in this chapter, are declared to be disorderly persons. (Ord. 222 § 1, 1962).

9.20.020 Intoxication in public places.

All persons found intoxicated in any public place, or within view of any public place, or on the private property of another, being thereon without permission of the lawful occupier thereof, within the city shall be disorderly persons. (Ord. 222 § 2, 1962).

9.20.030 Fighting, quarreling.

All persons fighting or quarreling in the city shall be disorderly persons. (Ord. 222 § 3, 1962).

9.20.050 Disturbing the peace.

All persons who shall, by noisy, and/or boisterous, and/or riotous, and/or tumultuous con-

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duct, disturb the peace and quiet of the city, or any lawful meeting or assemblage therein shall be disorderly persons. (Ord. 222 § 5, 1962).

9.20.060 False fire alarm.

All persons who shall willfully give a false alarm of fire shall be disorderly persons. (Ord. 222 § 6, 1962).

9.20.070 Obscenity.

All persons who shall use vulgar, profane, abusive or obscene language in a public place or upon the property of another, or be guilty of any indecent or immoral act, practice or conduct, tending to debauch public morals shall be disorderly persons. (Ord. 222 § 7, 1962).

9.20.080 Trespassing.

All persons trespassing upon or injuring any park, parking strip or grass plot shall be disorderly persons. (Ord. 222 § 8, 1962).

9.20.090 Vandalism.

All persons who shall willfully break, mar, injure or deface any building, fence, awnings, window sign, sign board, tree, flowers, grass, shrubbery, or other thing of value, being the property of another shall be disorderly persons. (Ord. 222 § 9, 1962).

9.20.100 Unlawful carrying of concealed weapons.

All persons (except police or other law enforcement officers) who shall carry without legal permission upon their persons any concealed weapons, consisting of a revolver, pistol or other firearm, or any knife other than an ordinary pocket knife, or any dirk or dagger, slingshot, brass knuckles, blackjack, or any other instrument used as a weapon shall be disorderly persons. (Ord. 222 § 10, 1962).

9.20.110 Discharge of firearms.

All persons (except police or other law enforcement officers in the course of duty) who shall ignite or discharge any explosive device or firearm of any kind, except in the lawful defense of their person or property shall be disorderly persons. (Ord. 222 § 11, 1962).

9.20.113 Carrying loaded firearm in vehicle.

Unless licensed to do so, no person shall keep, maintain or carry a loaded pistol in any vehicle in the city. (Ord. 390 § 1, 1973).

9.20.115 Carrying concealed firearm.

Unless licensed by lawful authority to carry a concealed weapon, no person shall carry a pistol concealed on his person, except in his place of abode or fixed place of business. (Ord. 390 § 2, 1973).

9.20.120 Impersonation.

All persons who shall falsely represent themselves as a law enforcement officer, or who shall with intent to deceive use or imitate any of the signs, signals or devices adopted and used by the police department, or who shall wear in public the uniform, badge or insignia employed by the police department shall be disorderly persons. (Ord. 222 § 12, 1962).

9.20.130 Molesting women.

Any male person who shall willfully annoy, bother, molest, insult, traduce or offer any affront to any female person shall be a disorderly person. (Ord. 222 § 13, 1962).

9.20.140 Malicious littering.

All persons who for the purpose of annoyance or mischief, shall negligently place in any doorway or on any sidewalk, street or alley in the city or upon school property in the city, any box, bottle, barrel, cask, or other things of negligible value, or refuse shall be disorderly persons. (Ord. 222 § 14, 1962).

9.20.150 Property destruction.

All persons who shall remove, interfere with, carry away, or destroy the property of another, or who shall tear down, destroy or mutilate any lawful notice or handbill lawfully posted in the city shall be disorderly persons. (Ord. 222 § 15, 1962).

9.20.160 Unlawful cohabitation – Indecent exposure.

All persons who shall unlawfully cohabit with another, not the husband or wife of such

persons, and any person who shall make any open and/or indecent or obscene exposure of his or her person, or the person of another shall be disorderly persons. (Ord. 222 § 16, 1962).

9.20.170 Peeping Toms.

All persons who go upon the premises occupied by another, and look through any windows from the outside of any building on the premises after dark and before daylight without permission of the occupier of such property shall be disorderly persons. (Ord. 222 § 17, 1962).

9.20.180 Throwing objects on streets.

All persons who shall throw or propel by any manner a ball, stone or any other missile upon the streets of the city, or within the corporate limits without the permission of the chief of police shall be disorderly persons. (Ord. 222 § 18, 1962).

9.20.190 Obstructing public places.

All persons who shall loiter, loaf, wander, stand or remain idle, either alone and/or in consort with others, in a public place in such manner so as to:

(1) Obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; or

(2) Commit in or upon any public street, public highway or public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress therein, thereon and thereto; and who, when ordered by any law enforcement officer to stop such conduct and to move on or disperse, shall fail or refuse to obey such order shall be disorderly persons. (Ord. 356 § 1, 1971; Ord. 222 § 4(a), 1962).

Chapter 9.22

DRUG PARAPHERNALIA RESTRICTIONS

Sections:

- 9.22.010 Statutory provisions adopted by reference.
- 9.22.020 Drug paraphernalia defined.
- 9.22.030 Possession of drug paraphernalia prohibited.
- 9.22.040 Manufacture or delivery of drug paraphernalia prohibited.
- 9.22.050 Advertisement of drug paraphernalia prohibited.
- 9.22.060 Designated acts deemed public nuisance – Abatement.
- 9.22.070 Property subject to seizure and forfeiture.

9.22.010 Statutory provisions adopted by reference.

The city of Stanwood has adopted all the provisions of House Bill 42, Laws 1981, Chapter 48, by reference as though fully set forth; and copies are on file at Stanwood City Hall for public inspection. (Ord. 567, 1981).

9.22.020 Drug paraphernalia defined.

(1) The term “drug paraphernalia” means all equipment, products, and materials of any kind whose primary design function is for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body unlawful drugs, including but not limited to controlled substances as defined by Chapter 69.50 RCW. Such term includes but is not limited to:

(a) Kits used, intended for use, or designed for use in the planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance or unlawful drug can be derived;

(b) Kits used, intended for use, or designed for use in the manufacturing, com-

pounding, converting, producing, processing or preparing of unlawful drugs;

(c) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is an unlawful drug;

(d) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of unlawful drugs;

(e) Scales and balances used, intended for use, or designed for use in weighing or measuring unlawful drugs;

(f) Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting unlawful drugs;

(g) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;

(h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding unlawful drugs;

(i) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of unlawful drugs;

(j) Containers and other objects used, intended for use, or designed for use in storing or concealing unlawful drugs;

(k) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(ii) Water pipes;

(iii) Carburetion tubes and devices;

(iv) Smoking and carburetion masks;

(v) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(vi) Miniature cocaine spoons and cocaine vials;

(vii) Chamber pipes;

(viii) Carburetor pipes;

(ix) Electric pipes;

(x) Air-driven pipes;

(xi) Chillums;

(xii) Bongos;

(xiii) Ice pipes or chillers.

(2) In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(c) The proximity of the object, in time and space, to a direct violation of the Controlled Substance Act, Chapter 69.50 RCW;

(d) The proximity of the object to controlled substances;

(e) The existence of any residue of controlled substances on the object;

(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

(g) Instructions, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National and local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

(l) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;

(m) The existence and scope of legiti-

mate uses for the object in the community;

(n) Expert testimony concerning its use. (Ord. 567 § 1, 1981).

9.22.030 Possession of drug paraphernalia prohibited.

It is unlawful for any person to use, or to possess with intent to use, any item of drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter. Any person who violates this section is guilty of a misdemeanor, and upon conviction may be imprisoned for not more than 90 days or fined not more than \$500.00, or both. (Ord. 567 § 2, 1981).

9.22.040 Manufacture or delivery of drug paraphernalia prohibited.

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, any item of drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this code. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 90 days, fined not more than \$500.00, or both. (Ord. 567 § 3, 1981).

9.22.050 Advertisement of drug paraphernalia prohibited.

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, or to display on any poster, reader board or billboard or sign of any sort, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement or display, in whole or in part, is to promote the sale of any object designed or intended for use as drug paraphernalia.

Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 90 days, fined not more than \$500.00, or both. (Ord. 567 § 4, 1981).

9.22.060 Designated acts deemed public nuisance – Abatement.

The distribution or possession for the purpose of sale, exhibition or display, in any place, public or private, of any devices, contrivances, instruments, or paraphernalia, including all items defined as drug paraphernalia in SMC 9.22.020, which are primarily designed for or intended to be used for the smoking, ingestion, or consumption of marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, is hereby declared to be a public nuisance and may be abated by the city of Stanwood. This remedy shall be in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter. (Ord. 567 § 5, 1981).

9.22.070 Property subject to seizure and forfeiture.

(1) The following are subject to seizure and forfeiture:

(a) All drug paraphernalia.

(2) Upon showing of probable cause that any property is subject to seizure or forfeiture, any court of competent jurisdiction may issue a warrant for the seizure thereof. Any peace officer having probable cause to believe that property is subject to seizure and forfeiture may seize the same, provided proceedings for forfeiture shall be commenced within a reasonable time and in no case more than five days after the initial seizure.

(3) Property seized in accord with this section or subject to forfeiture shall be forfeited by civil proceedings commenced in the same manner as other civil actions of a like nature. Property abandoned or lost, or for whom the owner cannot be determined, shall be disposed of as is other lost property.

(4) The property forfeited shall be the sole property of the city of Stanwood. (Ord. 567 § 6, 1981).

Chapter 9.24

INTOXICATING LIQUOR¹

Sections:

- 9.24.010 Definitions.
- 9.24.020 Purpose.
- 9.24.030 Closing hours.
- 9.24.040 Sale – Restrictions.
- 9.24.050 Giving to minors prohibited – Exception.
- 9.24.060 Minors possession unlawful – Exception.
- 9.24.070 Minors frequenting taverns.
- 9.24.075 Malt liquor by the keg.
- 9.24.080 Consumption in public places.
- 9.24.090 Intoxicated persons creating disturbance prohibited.
- 9.24.100 Illegal purchase.
- 9.24.110 Sale – Illegal.
- 9.24.120 Illegal possession or transportation.
- 9.24.140 Leaving unattended children in parked automobile.

9.24.010 Definitions.

(1) “Interdicted person” means any person to whom sale of liquor is prohibited by any court or governmental board having jurisdiction.

(2) “Liquor” includes alcohol, spirits, wine and beer, having any alcoholic content.

(3) “Public place” includes streets and alleys, and all property owned by governmental bodies; state or county highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those establishments where beer may be lawfully sold; soft drink establishments; public buildings; public meeting halls; lobbies, halls and dining rooms of hotels, restaurants, theaters, stores, garages, filling stations which are open to and generally used by the public and to which the public is to have unrestricted access; public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open

1. For additional regulations on driving under the influence, see Chapter 10.54 SMC.

to the unrestricted use and access by the public; publicly owned parks and playgrounds; and all other places of like or similar nature to which the public has unrestricted right of access and which are generally used by the public.

(4) “Package” means any container or receptacle used for holding liquor.

(5) “Tavern” means any establishment with special space and accommodation for sale by the glass and for consumption, on the premises, of beer. (Ord. 266 § 1, 1966).

9.24.020 Purpose.

This chapter shall be deemed an exercise of the police power of the city for the protection of the welfare, health, peace, morals and safety of the people of the city, and its provisions shall be liberally construed for the accomplishment of that purpose. Any conflict with state or federal law shall be construed in favor of the senior governmental body having jurisdiction. (Ord. 266 § 2, 1966).

9.24.030 Closing hours.

No retail licensee shall sell, deliver, offer for sale, serve or allow to be consumed upon the licensed premises any liquor, nor permit the removal of any liquor from the licensed premises in any manner whatsoever:

(1) Between 2:00 a.m. and 6:00 a.m. each day;

(2) Between 3:00 a.m. and 6:00 a.m. on New Year’s Day. (Ord. 493 § 1, 1978; Ord. 361 § 1, 1971; Ord. 334 § 1, 1970; Ord. 266 § 3, 1966).

9.24.040 Sale – Restrictions.

No person shall sell or provide any liquor to any person apparently under the influence of liquor, an interdicted person, or a person under the age of 21 years. (Ord. 266 § 4, 1966).

9.24.050 Giving to minors prohibited – Exception.

Except in the case of liquor given or permitted to be given to a person under the age of 21 years by his parents or guardian for beverage or 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 any premises under his control. (Ord. 266 § 5, 1966).

9.24.060 Minors possession unlawful – Exception.

It is unlawful for any person under the age of 21 to purchase, drink, consume, or possess intoxicating liquor or liquors within the city limits of Stanwood, Washington, or to have consumed intoxicating liquor or liquors and to be or remain within the city limits of Stanwood, Washington, except in the case of liquor given or permitted to be given to a person under the age of 21 years by his parent or guardian for beverage or medicinal purposes or administered to him by his physician or dentist for medicinal purposes only. (Ord. 720 § 1, 1987; Ord. 266 § 6, 1966).

9.24.070 Minors frequenting taverns.

No person:

(1) Under the age of 21 years shall enter or remain on the premises of a tavern;

(2) Shall serve or allow to remain on the premises of a tavern any person under the age of 21 years;

(3) Under the age of 21 years shall represent his age as 21 years or more for the purpose of securing admission to or remaining on the premises of a tavern; and

(4) Shall represent the age of another, under 21 years of age, to be 21 years or more for the purpose of securing admission to or remaining on the premises of any tavern. (Ord. 266 § 7, 1966).

9.24.075 Malt liquor by the keg.

Chapter 10.50 of the Snohomish County Code pertaining to malt liquor by the keg is hereby adopted by reference. (Ord. 692 § 1, 1986).

9.24.080 Consumption in public places.

No person, except as permitted by RCW Title 66, shall open a package containing liquor or consume liquor in a public place. For the purpose of this section, “public place” means and includes the interior of any vehicle being on, or moving along, any public place

described in SMC 9.24.010(3). (Ord. 266 § 8, 1966).

9.24.090 Intoxicated persons creating disturbance prohibited.

Every person who shall become intoxicated by voluntarily drinking intoxicating liquor, and who while intoxicated shall loiter about any public place or any premises where intoxicating liquors are sold or kept for sale, or create any disturbance or use any profane or indecent language in any public place, street or meeting, or commit any assault or breach of the peace, shall be guilty of a violation of this chapter. (Ord. 266 § 9, 1966).

9.24.100 Illegal purchase.

No person shall buy liquor from any person other than a state liquor store agent or employee, or some other person authorized by law to sell liquor. (Ord. 266 § 10, 1966).

9.24.110 Sale – Illegal.

No person shall sell or offer for sale any liquor in the city unless licensed and authorized to do so under the laws of the state of Washington. (Ord. 266 § 11, 1966).

9.24.120 Illegal possession or transportation.

No person shall keep or transport alcoholic beverages other than those lawfully acquired under the provisions of RCW Title 66. (Ord. 266 § 12, 1966).

9.24.140 Leaving unattended children in parked automobile.

Every person having the care, custody and control (whether temporary or permanent) of minor children under the age of 12 years, who shall leave such children in a parked automobile unattended by an adult while such person enters premises where liquor is dispensed for consumption, shall be guilty of a gross misdemeanor. (Ord. 285 § 1, 1968; Ord. 266 § 14(a), 1966).

Chapter 9.25

**EMERGENCY RESPONSE
COST RECOVERY**

Sections:

- 9.25.010 Purpose and effect.
- 9.25.020 Definitions.
- 9.25.030 Cost recovery fee.
- 9.25.040 Deposits and disbursements.
- 9.25.050 Fees.

9.25.010 Purpose and effect.

The provisions of this chapter shall be deemed an exercise of the power of the city of Stanwood to recover the expense of alcohol-related and/or drug-related emergency response pursuant to the laws of the state of Washington. (Ord. 1113 § 1, 2001).

9.25.020 Definitions.

For the purposes of this chapter, the following definitions apply:

(1) "Emergency" means an incident that requires a normal police, medical examiner, fire, fire marshal, rescue, emergency medical services, public works or utility response as a result of a violation of any of the statutes enumerated in RCW 38.52.430, or any of the following statutes: RCW 46.61.503, 46.61.504 or 46.61.524, as each is currently adopted or hereafter amended.

(2) "Response" means the city's use of police, medical examiner, fire, fire marshal, rescue, emergency medical or utility services during, or in response to, an emergency. (Ord. 1113 § 1, 2001).

9.25.030 Cost recovery fee.

Each person whose use of intoxicants contributes to an incident resulting in an emergency response, and who, in connection with the incident, is found guilty of or has prosecution deferred for (1) Driving under the influence, RCW 46.61.502, (2) Driver under 21 consuming alcohol, RCW 46.61.503, (3) Physical control of a vehicle under the influence, RCW 46.61.504, (4) Negligent driving in the first degree, RCW 46.61.524, (5) Operating an aircraft under the influence of intoxicants or

drugs, RCW 47.68.220, (6) Use of a vessel while under the influence of alcohol or drugs, RCW 79A.60.040, (7) Vehicular homicide, RCW 46.61.520(1)(a), or (8) Vehicular assault, RCW 46.61.522(1)(b), shall pay the city of Stanwood an emergency response fee in an amount as established by city ordinance. The expense of an emergency response is a charge against a person liable for expenses under this section. The emergency response fee shall be due upon the entry of an order or judgment of guilt or deferring prosecution for any offense listed in this section. If the fee is not paid when due it may be collected by the city of Stanwood in the same manner as in the case of an obligation under a contract, expressed or implied.

In no case shall a person's liability under this chapter exceed \$1,000 for a particular incident. (Ord. 1113 § 1, 2001).

9.25.040 Deposits and disbursements.

All emergency response fees paid to or recovered by the city shall be deposited into the city's general fund. (Ord. 1113 § 1, 2001).

9.25.050 Fees.

Fees under this chapter are contained in SMC 3.30.140 and are established or amended by city ordinance. (Ord. 1113 § 1, 2001).

Chapter 9.28

Chapter 9.32

HOUSES OF PROSTITUTION

VAGRANCY

Sections:

- 9.28.010 Declared nuisance.
- 9.28.020 Treated as nuisances.

Sections:

- 9.32.010 Deemed misdemeanor.
- 9.32.020 Acts designated.

9.28.010 Declared nuisance.

All houses of ill-fame or houses of prostitution, or houses resorted to for the purpose of prostitution within the city, are declared to be public nuisances within the city. (Ord. 49 § 1, 1909).

9.32.010 Deemed misdemeanor.

Any person in the city, who is found to be a vagrant as hereinafter defined, shall be guilty of a misdemeanor. (Ord. 297 § 1, 1969).

9.28.020 Treated as nuisances.

All such houses of prostitution, houses of ill-fame or houses resorted to for the purpose of prostitution within the city shall be treated as public nuisances, when proceeded against as such public nuisances, and all remedies which are or may be given by law for the prevention and abatement of nuisances shall apply hereto. (Ord. 49 § 2, 1909).

9.32.020 Acts designated.

Every person shall be adjudged a vagrant who:

- (1) Asks or receives any compensation, gratuity or reward for practicing fortunetelling, palmistry or clairvoyance;
- (2) Keeps a place where lost or stolen property is concealed;
- (3) Practices or solicits prostitution or keeps a house of prostitution;
- (4) Is a common drunkard found in any place where intoxicating liquors are sold or kept for sale, or in an intoxicated condition;
- (5) Is a common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept;
- (6) Is a healthy person who solicits alms;
- (7) Is a lewd, disorderly or dissolute person;
- (8) Lodges in any barn, shed, shop, out-house, vessel, car, saloon, or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof;
- (9) Lives or works in a house of prostitution or solicits for any prostitute or house of prostitution;
- (10) Solicits business for an attorney around any court, jail, morgue or hospital, or elsewhere;
- (11) Is an habitual user of opium, morphine, alkaloid cocaine or alpha or beta eucaine, or any derivation, mixture or preparation of any of them;
- (12) By his own confession thereto or prior conviction thereof is known to have been guilty of larceny, burglary, robbery or any crime of

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which fraud or an intent to defraud is an element, who is found in any drinking saloon or cellar, or any public dance hall or music hall where intoxicating liquors are sold, or is found intoxicated, or who, except upon lawful business, goes about any dark street or alley or any residence section of any city or town in the nighttime, or loiter about any steamboat landing, passenger depot, banking institution or crowded street, shop or thoroughfare, or any public meeting or gathering, or place where people gather in crowds;

(13) Except a person enrolled as a student in or parents or guardians of such students or person employed by such school or institution, without a lawful purpose therefor willfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto. (Ord. 297 § 2, 1969).

Chapter 9.36

INTERFERENCE WITH OR IMPERSONATION OF POLICE OFFICERS

Sections:

- 9.36.010 Resisting or hindering police.
- 9.36.020 Escaping or attempting to escape from custody.
- 9.36.030 Impersonation.
- 9.36.040 Making available tools of escape.
- 9.36.050 Refusal to assist.
- 9.36.060 Sheltering escaped person.
- 9.36.070 Receipt of gratuities for aiding in escape.

9.36.010 Resisting or hindering police.

It is unlawful for any person to knowingly and willfully resist, oppose, hinder, delay or interfere with any member of the police force of the city, or any peace officer or deputy of any law enforcement agency, in the discharge of any official act or duty, or to neglect or refuse to obey any lawful order or direction of any such peace officer in the discharge of any lawful act or duty. (Ord. 434 § 1, 1975; Ord. 420 § 1, 1974).

9.36.020 Escaping or attempting to escape from custody.

It is unlawful for any person who has been lawfully arrested, or who is in the lawful custody of a police officer or other person, to escape or attempt to escape from arrest or the custody of a police officer or other person in the lawful custody of such person. (Ord. 420 § 2, 1974).

9.36.030 Impersonation.

It is unlawful for any person other than an official police officer of the city to wear or carry the uniform, apparel, badge, identification card or any other insignia of office, like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. (Ord. 420 § 3, 1974).

9.36.040 Making available tools of escape.

It is unlawful to make available to, present to or place within the reach of any person in the lawful custody of a police officer any intoxicating liquor, or any tool, implement or other thing, calculated to aid in the escape of such person so confined, or any other person confined or under arrest by authority of the police department. (Ord. 420 § 4, 1974).

9.36.050 Refusal to assist.

It is unlawful for a person to refuse to assist a policeman in the lawful performance of his duties when such person is called upon by any police officer. (Ord. 420 § 5, 1974).

9.36.060 Sheltering escaped person.

No person shall knowingly conceal or harbor, shelter, or entertain a person who has escaped from the lawful custody of a police officer. (Ord. 420 § 6, 1974).

9.36.070 Receipt of gratuities for aiding in escape.

No police officer shall ask or receive directly or indirectly any compensation, gratuity or reward, or promise thereof, to procure, assist, connive at or permit any person under arrest or in his custody to escape, whether such escape is attempted or not. (Ord. 420 § 7, 1974).

Chapter 9.40

PARK REGULATIONS

Sections:

- 9.40.010 Established.
- 9.40.020 Posting.
- 9.40.030 Use of facilities.

9.40.010 Established.

Any person who, without specific authority of the Stanwood park board:

- (1) Cuts, removes or damages any flower, tree or shrub;
- (2) Builds any fire within the park except in a stove or fireplace;
- (3) Permits any dog to run at large;
- (4) Operates, stops, parks or leaves a motor vehicle, including any motorcycle or motor-driven cycle, any place in the park, except on a driveway or parking area;
- (5) Knowingly causes a horse to be upon park premises;
- (6) Parks any vehicle, or without lawful excuse, loiters in any park between the hours of 10:00 p.m. and 8:00 a.m.;
- (7) Mutilates, defaces, injures, damages or molests any building installation, personal property or equipment;
- (8) Engages in the sale of any merchandise or services, or operates any concession within a city park without a permit from the city park board;
- (9) Scatters any litter, including broken glass, waste or discarded paper or waste of any kind, in the park, except in receptacles provided for that purpose;
- (10) Engages in any disorderly conduct proscribed by a city ordinance;
- (11) Has in his possession or under his control any alcoholic beverages, or consumes any alcoholic beverages; or
- (12) Camps or remains overnight within the limits of any city park, is guilty of a misdemeanor. (Ord. 421 § 1, 1974).

9.40.020 Posting.

The Stanwood city park board is authorized and directed to post the rules stated in SMC 9.40.010 at such locations within any city park

where they can be easily and readily observed by park patrons. (Ord. 421 § 2, 1974).

9.40.030 Use of facilities.

The use of city park facilities by any person is conditioned upon their observation of the rules stated in SMC 9.40.010, and the use of park facilities may be denied to any persons who violates the rules concerning the use of the park. (Ord. 421 § 3, 1974).

Chapter 9.44

NARCOTIC DRUGS

Sections:

9.44.010 Purpose.

9.44.020 Marijuana – Possession prohibited.

9.44.030 Violation deemed misdemeanor.

9.44.010 Purpose.

This chapter shall be deemed an exercise of the police power of the city for the protection of the welfare, health, peace, morals, and safety of the people of the city, and its provisions shall be liberally construed for the accomplishment of that purpose. (Ord. 472 § 1, 1977).

9.44.020 Marijuana – Possession prohibited.

No person shall purchase, acquire, use or have in his possession any marijuana, or attempt to purchase, acquire, use or have in his possession any marijuana. (Ord. 472 § 2, 1977).

9.44.030 Violation deemed misdemeanor.

A person found guilty as provided in this chapter shall be guilty of a misdemeanor. (Ord. 472 § 3, 1977).

9.48.010

Chapter 9.48

PUBLIC INDECENCY AND OBSCENITY

Sections:

- 9.48.010 Public indecency – Statutes incorporated by reference.
- 9.48.020 Obscenity – Statutes incorporated by reference.
- 9.48.030 Public exposure of female breasts or lower torso.

9.48.010 Public indecency – Statutes incorporated by reference.

The following statutes regarding public indecency, prostitution and sex crimes are incorporated by reference:

RCW

- 9A.88.010 Public indecency.
- 9A.88.020 Communication with a minor for immoral purposes.
- 9A.88.030 Prostitution.
- 9A.88.050 Prostitution – Sex of parties immaterial – No defense.
- 9A.88.090 Permitting prostitution.
(Ord. 560 § 1, 1980).

9.48.020 Obscenity – Statutes incorporated by reference.

The following statutes regarding obscenity are incorporated by reference:

RCW

- 9.68.010 Obscene literature, shows, etc. – Exception.
- 9.68.015 Exemptions.
- 9.68.020 Prohibited publications.
- 9.68.030 Indecent articles, etc.
- 9.68.040 Using indecent or vulgar language, etc.
- 9.68.050 Erotic material – Definitions.
- 9.68.060 Determination by court – Labeling – Penalties.
- 9.68.070 Prosecution for violation of RCW 9.68.060 – Defense.
- 9.68.080 Unlawful acts.
- 9.68.090 Civil liability of wholesaler or wholesaler distributor.
- 9.68.100 Exceptions to provisions of RCW 9.68.050 through 9.68.120.

- 9.68.110 Motion picture operator or projectionist exempt, when.
- 9.68.120 Provisions of RCW 9.68.050 through 9.68.120 exclusive.
(Ord. 560 § 3, 1980).

9.48.030 Public exposure of female breasts or lower torso.

No owner, manager or operator of a tavern, bar, cocktail lounge or any place where the public is invited and intoxicating liquors are sold shall knowingly permit or cause any person to appear therein with one or both breasts and/or the lower portion of the torso wholly or substantially exposed to public view. Every such owner, manager or operator, and every person who aids, abets or participates in such an appearance by a person, is guilty of a misdemeanor. (Ord. 560 § 2, 1980).

Chapter 9.50

PUBLIC NUISANCE AND DISTURBANCE NOISES

Sections:

- 9.50.010 Public nuisance and disturbance noises – Defined.
- 9.50.020 Public nuisance and disturbance noise violations.
- 9.50.030 Noises exempt – At all times.
- 9.50.040 Noises exempt – Daytime hours.
- 9.50.045 Variances and implementation schedules.
- 9.50.050 Enforcement – Complaints.
- 9.50.060 Enforcement – Criminal penalty.
- 9.50.070 Enforcement – Civil infraction.
- 9.50.080 Provisions not exclusive.
- 9.50.090 Severability.
- 9.50.100 Third-party liability.

9.50.010 Public nuisance and disturbance noises – Defined.

The following sources of sound are hereby defined to be public nuisances, except to the extent that they may be specifically exempted by other provisions of this chapter:

- (1) Frequent, repetitive or continuous noise made by any animal which unreasonably disturbs or interferes with peace, comfort and repose of property owners or possessors, except that such sounds shall be exempt when originating from lawfully operated animal shelters, kennels, pet shops, and veterinary clinics;
- (2) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
- (3) The creation of frequent, repetitive or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, off-highway vehicle, or internal combustion engine within Class A EDNA, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;
- (4) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time and place so as to unrea-

sonably disturb or interfere with peace, comfort and repose of owners or possessors of real property;

(5) The use of a sound amplifier or other device capable of producing or reproducing amplified sound on public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure or property of the contents therein;

(6) The making of any loud and raucous noise which unreasonably interferes with the use of any school, church, hospital, sanitarium, nursing or convalescent facility;

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

(8) Sound from audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than 75 feet from the source, and if not operated upon the property of the operator;

(9) The use of unmuffled engine compression brakes. (Ord. 909 § 1, 1994).

9.50.020 Public nuisance and disturbance noise violations.

It is unlawful for any person to cause or allow to originate, or for any person in possession of property to allow to originate from said property, sound that is a public nuisance. (Ord. 909 § 1, 1994).

9.50.030 Noises exempt – At all times.

(1) The following noises are exempt from the provisions of this chapter at all times; provided, that nothing in these exemptions is intended to preclude the city from requiring installation of the best available noise abatement technology consistent with economic feasibility.

(a) Noise originating from aircraft in flight;

(b) Noise created by safety and protective devices, such as relief valves where noise

9.50.040

suppression would defeat the safety release intent of the device;

(c) Noise created by fire alarms;

(d) Noise created by emergency equipment, including, but not limited to, emergency standby or backup equipment, and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community; and including, but not limited to, any emergency work necessary to replace or repair essential utility services;

(e) Noise created by auxiliary equipment on motor vehicles used for highway maintenance;

(f) Noise originating from officially sanctioned parades, sporting events, and other public events;

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

(h) Noise originating from existing natural gas transmission facilities, subject to any requirements that may be established by appropriate state or federal agencies;

(i) Noise created by existing stationary equipment used in the conveyance of water by a utility and noise created by existing electrical substations;

(j) Noise created by the operation of equipment or facilities by a railroad in interstate commerce;

(k) Noise emanating from temporary construction sites except between the hours of 10:00 p.m. and 7:00 a.m., on weekdays, and except between the hours of 6:00 p.m. and 8:00 a.m. on Saturdays, Sundays, and state recognized holidays;

(l) Noise emanating from marine-oriented construction sites except between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and weekends;

(m) Noise created by aircraft-engine testing and maintenance not related to flight operations, except between the hours of 10:00 p.m. and 7:00 a.m.;

(n) Noise created by existing stationary equipment used in the conveyance of water by a utility and noise created by existing electrical substations. (Ord. 909 § 1, 1994).

9.50.040 Noises exempt – Daytime hours.

The following noises shall be exempt from the provisions of this chapter between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends:

(1) Noise created by powered equipment used in temporary or periodic maintenance or repair of residential property, including but not limited to grounds and appurtenances, such as lawnmowers, powered hand tools, and composters;

(2) Noise created by the discharge of firearms on city police department authorized shooting ranges;

(3) Noise created by the installation or repair of essential utility services;

(4) Noise created by blasting;

(5) Noise created by bells, chimes or carillons not operating for more than five minutes in any one hour;

(6) Noise originating from forest harvesting. (Ord. 909 § 1, 1994).

9.50.045 Variances and implementation schedules.

(1) Variances may be granted to any person from any particular requirement of this chapter, if findings are made that immediate compliance with such requirement cannot be achieved because of special circumstances rendering immediate compliance unreasonable in light of economic or physical factors, encroachment upon an existing noise source, or because of nonavailability of feasible technology or control methods. Any such variance or renewal thereof shall be granted only for the minimum time period found to be necessary under the facts and circumstances.

(2) An implementation schedule for achieving compliance with this chapter shall be incorporated into any variance issued.

(3) Variances shall be issued only upon application in writing and after providing such information as may be requested. No variance shall be issued for a period of more than 30 days except upon due notice to the public with opportunity to comment. Public hearings may be held, when substantial public interest is shown, at the discretion of the city.

(4) Sources of noise, subject to this chapter, upon which construction begins after the effective date hereof shall immediately comply with the requirements of this chapter, except in extraordinary circumstances where overriding considerations of public interest dictate the issuance of a variance. (Ord. 1248 § 1, 2009).

9.50.050 Enforcement – Complaints.

(1) Complaint Only Basis. Only after a complaint for violation of SMC 9.50.020 has been received, and said complaint has been investigated, a city official may initiate proceedings as provided in SMC 13.01.030; provided, that the section of this chapter relating to motor vehicles shall subject the violator to enforcement proceedings regardless of whether a complaint has been received; provided, further, that with the exception of motor vehicle noise, noises created by industrial areas are to be enforced by the state of Washington; provided, further, that a city official may issue a notice of civil infraction or criminal citation to the owner or operator of the source, or the person in possession of the property where the sound originated. (Ord. 1112 § 2, 2001; Ord. 909 § 1, 1994).

9.50.060 Enforcement – Criminal penalty.

(1) Criminal Punishment for Violations and Crimes. Every offense defined by this chapter or conduct made unlawful hereby shall also constitute an offense under the criminal code, and any person convicted of such an offense shall be punished by a fine not to exceed

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\$500.00 or by imprisonment in the jail not to exceed six months, or both imprisonment and fine.

(2) Evidence in Criminal Proceedings. In any criminal prosecution under this chapter, evidence of sound level through the use of a sound level meter reading shall not be necessary to establish the commission of the offense. (Ord. 909 § 1, 1994).

9.50.070 Enforcement – Civil infraction.

A city official may issue a civil infraction in lieu of a criminal citation or arrest. Said violation shall constitute a Class B infraction in accordance with SMC 13.01.045(1) and subject the violator to enforcement as set forth therein. (Ord. 1112 § 2, 2001; Ord. 909 § 1, 1994).

9.50.080 Provisions not exclusive.

The provisions of this chapter shall be cumulative and nonexclusive, and shall not affect any other claim, cause of action or remedy, nor, unless specifically provided, shall this chapter be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise. (Ord. 909 § 1, 1994).

9.50.090 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 city council of the city of Stanwood hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or a portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 909 § 1, 1994).

9.50.100 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 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.

It is the specific intent of this chapter that no provisions nor any term used in this chapter is intended to impose any duty whatsoever upon the city or any of its officers or employees, for whom the implementation and enforcement of this chapter shall be discretionary and not mandatory.

Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 909 § 1, 1994).

9.52.010

Chapter 9.52

JAIL FACILITIES

Sections:

9.52.010 Adoption by reference.

9.52.010 Adoption by reference.

The following chapters and sections of the Washington Administrative Code which pertain to 72-hour “holding facilities,” as defined therein, which are not classified as advisory, including all future amendments thereto, are hereby adopted by reference pursuant to the requirements of Chapter 70.48 RCW, as amended by Chapter 462, Section 17, Laws of 1987:

- (1) Chapter 289-02 WAC, Introduction and Definitions;
- (2) Chapter 289-14 WAC, Administration;
- (3) Chapter 289-15 WAC, Safety;
- (4) Chapter 289-16 WAC, Operations;
- (5) Chapter 289-18 WAC, Security;
- (6) Chapter 289-19 WAC, Prisoner Conduct;
- (7) Chapter 289-20 WAC, Health and Welfare;
- (8) Chapter 289-24 WAC, Communications. (Ord. 739 § 1, 1988).