

Next Ord: 1678-10
Next Res: 833-10

VISION STATEMENT

SEDRO-WOOLLEY IS A FRIENDLY CITY THAT IS CHARACTERIZED BY CITY GOVERNMENT AND CITIZENS WORKING TOGETHER TO ACHIEVE A PROSPEROUS, VIBRANT AND SAFE COMMUNITY

MISSION STATEMENT

TO PROVIDE SERVICES AND OPPORTUNITIES WHICH CREATE A COMMUNITY WHERE PEOPLE CHOOSE TO LIVE, WORK AND PLAY

CITY COUNCIL AGENDA

August 11, 2010

7:00 PM

Sedro-Woolley Municipal Building
Council Chambers
325 Metcalf Street

1. Call to Order
2. Pledge of Allegiance
3. Consent Calendar

NOTE: Agenda items on the Consent Calendar are considered routine in nature and may be adopted by the council by a single motion, unless any Councilmember wishes an item to be removed. The Council on the regular agenda will consider any item so removed after the Consent Calendar.

- a. Minutes from Previous Meeting
 - b. Finance
 - Claim Checks #69925 to #70011 in the amount of \$276,071.05.
(Voided Checks #70005 - #70009)
 - Payroll Checks #48397 to #48505 in the amount of \$237,334.64.
 - c. Interlocal Agreement with Skagit County for Library Services - 2010
4. Public Comment (Limited to 3-5 minutes)

NEW BUSINESS

5. Fruitdale Road Annexation Ordinance and Interim Zoning Control Ordinance (*action requested*)
6. Ordinance adopting 2009 Building Codes and Local Amendments (*action requested*)
7. Criminal Code (*first reading*)
8. Brickyard Creek Interlocal (*discussion*)

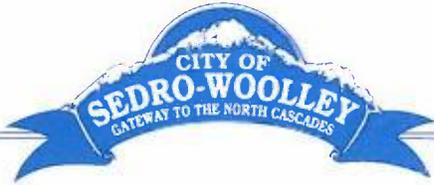
COMMITTEE REPORTS AND REPORTS FROM OFFICERS

9. Fire Station 2 Update

There may be an Executive Session immediately preceding or following the meeting.

AUG 11 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 1-3



DATE: August 11, 2010
TO: Mayor Anderson and City Council
FROM: Patsy Nelson, Finance Director
SUBJECT: 1) CALL TO ORDER; 2) PLEDGE OF ALLEGIANCE; 3) CONSENT
CALENDAR

1. CALL TO ORDER - The Mayor will call the August 11, 2010 Regular Meeting to Order. The Finance Director will note those in attendance and those absent.

___ Ward 1 Councilmember Ted Meamber
___ Ward 2 Councilmember Tony Splane
___ Ward 3 Councilmember Thomas Storrs
___ Ward 4 Councilmember Pat Colgan
___ Ward 5 Councilmember Hugh Galbraith
___ Ward 6 Councilmember Rick Lemley
___ At-Large Councilmember Brett Sandström

2. PLEDGE OF ALLEGIANCE - The Mayor will lead the City Council and citizens in the Pledge of Allegiance to the United States of America.
3. CONSENT CALENDAR - Mayor will ask for Council approval of Consent Calendar items.

AUG 11 2010

CITY OF SEDRO-WOOLLEY

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 3a

Regular Meeting of the City Council
July 28, 2010 – 7:00 P.M. – City Hall Council Chambers

ROLL CALL: Present: Mayor Mike Anderson, Councilmembers: Ted Meamber, Tony Splane, Tom Storrs, Pat Colgan, Hugh Galbraith, Rick Lemley (Late) and Brett Sandström. Staff: Recorder Brue, Finance Director Nelson, City Supervisor/Attorney Berg, Sr. Planner Coleman, Fire Chief Klinger and Police Chief Wood.

The Meeting was called to order at 7:00 P.M.

Pledge of Allegiance

Consent Calendar

- Minutes from Previous Meeting
- Finance
 - Claim Checks 69796 to #69924 in the amount of \$279,446.91 (Voided Checks #69808 - #69813 & #69908 - #69910).
 - Payroll Checks #48289 to #48396 in the amount of \$181,441.55.
- CIAW – Notice of Intent to Withdraw
- Appointment of Marjean Burke to the Sedro-Woolley Library Board
- Resolution #832-10 – Firefighters Grant and Authorization to Purchase Bunker Gear

Councilmember Meamber moved to approve consent calendar as presented. Seconded by Councilmember Colgan. Motion carried (6-0).

Councilmember Lemley arrived at 7:01 P.M.

Public Comment

No public comment received.

Special Presentation – Frontier Communications

Henry Van, General Manager of Frontier Communications addressed the Council. He introduced himself and his company as the new company that has purchased the Verizon land line business within 14 states, including Washington. He thanked the Council for the opportunity to address them and presented information on Frontier Communications which included company size and number of local employees. He stated Frontier has been around since 1935 and is a Fortune 500 company with headquarters out of Stamford, Connecticut. Van said he will be the Manager of Skagit, Island and Whatcom counties and will be based out of Burlington. He also noted that 100% of Frontier's workforce is in the United States. They are a large company but their focus is to run the business as a

small locally owned business and all decisions are made locally. The Washington headquarters are based out of Everett. He also noted that Frontier specializes in rural, small cities and towns.

Discussion ensued regarding internet speed, change over for e-mail, testament to customer service and poles within City right of way.

UNFINISHED BUSINESS

Solid Waste Interlocal

Mayor Anderson requested direction from Council regarding his upcoming vote for the proposed Solid Waste Interlocal.

Discussion ensued regarding no increase in debt and language placement in the Comp Plan.

Councilmember Storrs moved to authorize the Mayor to sign the attached interlocal regarding solid waste management. Seconded by Councilmember Meamber. Motion carried (7-0).

Sedro-Woolley Museum Roof

City Supervisor/Attorney Berg reviewed a proposed grant from the Jack and Shirley McIntyre Foundation for tenant improvements to the current Sedro-Woolley Museum. He noted as outlined in the Council memo, they have offered financial support up to \$60,000 for improvements to the museum and have also offered to manage the project. Staff requested Council authorize the Museum to make tenant improvements.

Councilmember Galbraith moved to authorize the Sedro-Woolley Museum to perform tenant improvements on the city-owned building as outlined in the attached letter and may be expanded and approved by the City supervisor during the project. Councilmember Splane seconded.

Councilmember Sandström noted that this is the second private major investment the city-owned building has had and he encouraged setting up a fund for future maintenance.

Motion carried (7-0).

Mayor Anderson thanked the McIntyre Foundation for their support.

Fire Station 2 Update

City Supervisor/Attorney Berg reviewed progress of the Fire Station 2 project which included pouring of the cement pad, boring of an underground trench for power and lumber package delivery to the site. He noted this will be a standing item on the agenda

from here on out. He also reviewed Change Order 1 which was authorized at the last meeting, noting the price was negotiated down from what was authorized at the last meeting. Berg also said the second pay request will be requested from FEMA next week.

City Supervisor/Attorney Berg requested Council approve ratification of signature on the agreement, granting of an easement and Change Order #1.

Councilmember Colgan moved to ratify the City Supervisor Signature's signature on the Developer's Agreement and Work Order Authorization with Skagit PUD No. 1. Seconded by Councilmember Storrs. Motion carried (7-0).

Councilmember Sandström moved to authorize the Mayor to sign an agreement granting PSE and easement for utility purposes over a 10' X 10' area on the site where a PSE vault and associated electrical facilities will be located in a final form to be approved by the City Attorney. Seconded by Councilmember Galbraith. Motion carried (7-0).

Councilmember Galbraith moved to approve Change Order 1. Seconded by Councilmember Colgan. Motion carried (7-0).

COMMITTEE REPORTS AND REPORTS FROM OFFICERS

Police Chief Wood – reported that all the reviews on the shooting have been completed and Officer Lazon has been cleared to return to duty.

Fire Chief Klinger – reported on the both the Ladder truck and the new Engine. He also reported on a small electrical fire at Life Care.

City Supervisor/Attorney Berg – noted the topic scheduled for the upcoming August worksession is something that will not be brought past the committee level and recommended cancelling the worksession. The Council consensus was to cancel the worksession.

Councilmember Storrs – questioned past inspections on the Museum. Fire Chief Klinger reviewed the process and spoke of the new code enforcement process.

Councilmember Colgan – questioned the time line for paving on 4th Street.

Nathan Salseina, Public Works/Operations Lead reviewed the upcoming paving schedule and noted weather permitting all paving should be completed by next week.

Councilmember Lemley – passed on negative comments he received from business owners about the recent bicycle race.

Mayor Anderson and Councilmember Storrs noted they had both received numerous comments as well and no event will be scheduled for next year.

Councilmember Sandström – stated he had a request for a City facilitated neighborhood meeting and questioned what the protocol is for such a meeting.

A short discussion ensued to include maintenance of yards and foreclosed properties, Arezzo Loop and a recent inquire by the Homeowner's Association President.

EXECUTIVE SESSION

The meeting adjourned to executive session at 7:42 P.M. for approximately 20 minutes for the purpose of collective bargaining with a decision anticipated.

The meeting reconvened at 7:57 P.M.

Councilmember Galbraith moved to approve and to authorize the Mayor and City Supervisor to sign the attached collective bargaining agreements with the Sedro-Woolley Public Safety Guild for 2010-2013. Seconded by Councilmember Colgan. Motion carried (7-0).

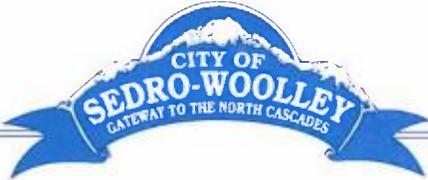
Councilmember Lemley moved to adjourn. Councilmember Colgan seconded. Motion carried (7-0).

The meeting adjourned at 7:58 P.M.

CITY COUNCIL AGENDA
REGULAR MEETING

AUG 11 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 36



DATE: August 11, 2010
TO: Mayor Anderson and City Council
FROM: Patsy Nelson, Finance Director
SUBJECT: FINANCE - CLAIMS

Attached you will find the Claim Checks register proposed for payment for the period ending August 11, 2010.

Motion to approve Claim Checks #69925 to #70011 in the amount of \$276,071.05. (Voided Checks #70005-#70009)

Motion to approve Payroll Checks #48397 to #48505 in the amount of \$237,334.64.

If you have any comments, questions or concerns, please contact me for information during the working day at 855-1661. This will allow me to look up the invoices that are stored in our office.

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
69925	ADVANTAGE BUSINESS &	SUPPLIES	FIN 20.41
		OFFICE SUPPLIES	LGL 5.82
		OFFICE/OPERATING SUPPLIES	IT 5.82
		SUPPLIES/BOOKS	PLN 14.58
		SUPPLIES	ENG 14.58
		OFFICE/OPERATING SUPPLIES	PD 93.27
		OFFICE SUPPLIES	FD 11.66
		OFF/OPER SUPPS & BOOKS	INSP 5.82
		OPERATING SUPPLIES	PK 17.49
		OFFICE SUPPLIES	CEM 5.82
		OPERATING SUPPLIES	ST 17.49
		OPERATING SUPPLIES	LIB 11.66
		OFFICE SUPPLIES	SWR 37.89
		OFFICE SUPPLIES	SAN 29.15
			WARRANT TOTAL
69926	ARAMARK UNIFORM SERVICES	MISC-LAUNDRY	CEM 25.20
		MISC-LAUNDRY	CEM 16.07
		LAUNDRY	SWR 32.75
		LAUNDRY	SWR 17.96
			WARRANT TOTAL
69927	ASSOC PETROLEUM PRODUCTS	AUTO FUEL	CS 144.33
		AUTO FUEL	PD 58.39
		AUTO FUEL	PD 1,216.30
		AUTO FUEL/DIESEL	FD 563.16
		AUTO FUEL/DIESEL	PK 12.16
		AUTO FUEL/DIESEL	ST 90.76
		AUTO FUEL/DIESEL	SWR 85.87
		AUTO FUEL/DIESEL	SWR 42.47
		AUTO FUEL/DIESEL	SAN 1,848.20
			WARRANT TOTAL
69928	AT & T	TELEPHONE	JUD 2.16
		TELEPHONE	FIN 11.85
		TELEPHONE	LGL 2.16
		TELEPHONE	PLN 2.16
		TELEPHONE	ENG 29.11
		TELEPHONE	PD 43.13
		TELEPHONE	FD 11.85
		TELEPHONE	INSP 2.16
		TELEPHONE	LIB .54
		TELEPHONE	SWR .54
		TELEPHONE	SAN 2.16
			WARRANT TOTAL
69929	BANK OF AMERICA	SPECIAL INVESTIGATIONS	PD 55.40
		SMALL TOOLS & MINOR EQUIP	SAN 373.98
			WARRANT TOTAL
69930	BARNETT IMPLEMENT CO. INC	REPAIR/MT-SMALL TOOLS EQUIP	PK 75.74
		REPAIR/MT-SMALL TOOLS EQUIP	PK 92.51

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		REPAIR/MT-SMALL TOOLS EQUIP PK	1,017.08
		REPAIR/MAINT-OFFICE EQUIP CEM	12.44
		WARRANT TOTAL	1,197.77
69931	BANK OF AMERICA	SMALL TOOLS/MINOR EQUIP IT	53.64
		NETWORK HARDWARE IT	216.39
		NETWORK HARDWARE IT	306.13
		WARRANT TOTAL	576.16
69932	BAY CITY SUPPLY	OPERATING SUPPLIES SAN	70.29
		WARRANT TOTAL	70.29
69933	BERGMAN, PAUL DDS	RETIRED MEDICAL PD	141.00
		WARRANT TOTAL	141.00
69934	BIO-ENVIRONMENTAL SOLUTIONS	MAINTENANCE OF LINES SWR	1,244.30
		WARRANT TOTAL	1,244.30
69935	BLUMENTHAL UNIFORM & EQUP	UNIFORMS/ACCESSORIES PD	21.10
		WARRANT TOTAL	21.10
69936	BRIGHT RAIN SOLUTIONS	PROFESSIONAL SERVICES SWR	3,045.00
		WARRANT TOTAL	3,045.00
69937	BROWN & COLE STORES	OPERATING SUPPLIES FD	4.47
		WARRANT TOTAL	4.47
69938	CARDIAC SCIENCE CORP.	OPERATING SUPPLIES FD	282.40
		WARRANT TOTAL	282.40
69939	CARLETTI ARCHITECTS P.S.	ARCHITECTURAL SERVICES F-C	300.00-
		ARCHITECTURAL SERVICES F-C	2,883.24
		WARRANT TOTAL	2,583.24
69940	COLEMAN, JOHN	TRAVEL PLN	21.28
		WARRANT TOTAL	21.28
69941	COLLINS OFFICE SUPPLY, INC	SUPPLIES FIN	71.35
		WARRANT TOTAL	71.35
69942	COMCAST	INTERNET SERVICES IT	99.95
		WARRANT TOTAL	99.95
69943	HSBC BUSINESS SOLUTIONS	OPERATING SUPPLIES FD	55.24
		WARRANT TOTAL	55.24
69944	COUNTRYSIDE CHEVROLET	REPAIR & MAINT - AUTO PD	628.34
		REPAIR & MAINT - AUTO PD	43.01
		WARRANT TOTAL	671.35
69945	CRIMSON FIRE	FIRE TRUCK FD	179,360.00
		WARRANT TOTAL	179,360.00

CITY OF SEDRO-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 08/11/2010 (Printed 08/06/2010 08:49)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
69946	CRYSTAL SPRINGS	OPERATING SUPPLIES	SAN	88.53
		WARRANT TOTAL		88.53
69947	CUES	MISC-TUITION/REGISTRATION	SWR	1,319.94
		WARRANT TOTAL		1,319.94
69948	DC'S PRINTING & AWARDS	SUPPLIES/BOOKS	PLN	9.74
		WARRANT TOTAL		9.74
69949	E & E LUMBER	MACHINERY & EQUIPMENT	PD	13.33
		REPAIR/MAINT-EQUIP & BLDG	CEM	58.43
		OPERATING SUPPLIES	ST	8.93
		REPAIRS/MAINT-BUILDING	SAN	415.57
		OPERATING SUPPLIES	SAN	16.18
		OFFICE SUPPLIES	SAN	14.06
		WARRANT TOTAL		526.50
69950	ENTERPRISE OFFICE SYSTEMS	SUPPLIES	FIN	11.57
		OFFICE/OPERATING SUPPLIES	PD	53.67
		WARRANT TOTAL		65.24
69951	EMERGENCY MEDICAL PRODUCTS INC	OPERATING SUPPLIES	FD	101.94
		WARRANT TOTAL		101.94
69952	FEDERAL EXPRESS CORP.	CONSTRUCTION- METCALF LINE	PWT	21.06
		WARRANT TOTAL		21.06
69953	FRISBEE, BRENT	OPERATING SUPPLIES	SAN	123.00
		WARRANT TOTAL		123.00
69954	GALL'S, AN ARAMARK CO.	UNIFORMS/ACCESSORIES	PD	91.93
		WARRANT TOTAL		91.93
69955	GEOTEST SERVICES, INC.	CONSTRUCTION	F-C	246.50
		WARRANT TOTAL		246.50
69956	GAYLORD BROS.	SUPPLIES	LIB	123.28
		SUPPLIES	LIB	28.43
		WARRANT TOTAL		151.71
69957	GREAT AMERICA LEASING COR	REPAIR/MAINTENANCE-EQUIP	LIB	139.63
		WARRANT TOTAL		139.63
69958	GUARDIAN SECURITY	PROFESSIONAL SERVICES	PD	114.00
		OPERATING SUP - COMM CENTER	PK	150.00
		OPERATING SUP - SENIOR CTR	PK	135.00
		OPERATING SUP - CITY HALL	PK	156.00
		OPERATING SUPPLIES	SWR	114.00
		WARRANT TOTAL		669.00
69959	HEDEEN & CADITZ, PLLC	CONSTRUCTION- METCALF LINE	PWT	9,796.20
		WARRANT TOTAL		9,796.20

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
69960	IKON OFFICE SOLUTIONS	REPAIRS & MAINTENANCE	PD	50.71
		REPAIRS & MAINTENANCE	PD	75.74
		EQUIPMENT LEASE	FD	75.74
		REPAIRS/MAINT-EQUIP	FD	50.71
		WARRANT TOTAL		252.90
69961	INGRAM LIBRARY SERVICES	BOOKS, PERIOD, RECORDS	LIB	69.14
		BOOKS, PERIOD, RECORDS	LIB	75.10
		WARRANT TOTAL		144.24
69962	INFRASTRUCTURE TECHNOLOGIES LLC	MAINTENANCE OF LINES	SWR	1,500.00
		MACHINERY/EQUIPMENT	SWR	2,705.00
		WARRANT TOTAL		4,205.00
69963	JJ'S CRUISERS	ADVERTISING	HOT	75.00
		WARRANT TOTAL		75.00
69964	JOHN, RONALD	RETIRED MEDICAL	PD	93.80
		WARRANT TOTAL		93.80
69965	KCDA PURCHASING COOPERATIVE	SUPPLIES	FIN	161.96
		OFFICE SUPPLIES	SAN	32.39
		WARRANT TOTAL		194.35
69966	KROESEN'S INC.	UNIFORMS	FD	63.30
		WARRANT TOTAL		63.30
69967	L N CURTIS & SONS	FIRE TRUCK	FD	103.87
		WARRANT TOTAL		103.87
69968	LAWN SALON LANDSCAPING SVC LLC	CONST-FRUIT MC MITIGATION		2,542.20
		WARRANT TOTAL		2,542.20
69969	LEONARD BOUDINOT & SKODJE	CONST-FRUITDALE MCGARIGLE	AST	1,927.50
		WARRANT TOTAL		1,927.50
69970	MCLOUGHLIN & EARDLEY CORP	REPAIRS/MAINT-EQUIP	FD	61.65
		WARRANT TOTAL		61.65
69971	MYRON CORP.	EMPLOYEE RECOGNITION	EYE	150.14
		WARRANT TOTAL		150.14
69972	NATIONAL HOSE TESTING	REPAIRS/MAINT-EQUIP	FD	2,315.40
		WARRANT TOTAL		2,315.40
69973	NEXTEL COMMUNICATIONS	TELEPHONE	PD	421.60
		WARRANT TOTAL		421.60
69974	NORTH CASCADE FORD	REPAIR & MAINT - AUTO	PD	149.15
		REPAIR & MAINT - AUTO	PD	928.92
		WARRANT TOTAL		1,078.07

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
69975	OASYS	OPERATING RENTALS/LEASES	FIN	404.34
		WARRANT TOTAL		404.34
69976	OFFICE DEPOT	OFFICE/OPERATING SUPPLIES	IT	198.45
		SUPPLIES/BOOKS	PLN	63.77
		SUPPLIES/BOOKS	PLN	19.91
		SUPPLIES/BOOKS	PLN	19.91
		SUPPLIES/BOOKS	PLN	17.69
		SUPPLIES	ENG	63.77
		SUPPLIES	ENG	26.29
		OFF/OPER SUPPS & BOOKS	INSP	63.76
		WARRANT TOTAL		433.73
69977	OLIVER-HAMMER CLOTHES	SAFETY EQUIPMENT	SWR	185.97
		WARRANT TOTAL		185.97
69978	PAT RIMMER TIRE CTR, INC	REPAIR & MAINT - AUTO	PD	475.17
		REPAIR/MT-SMALL TOOLS EQUIP	PK	18.90
		REPAIR/MAINTENANCE-EQUIP	ST	162.88
		REPAIR/MAINTENANCE-EQUIP	ST	884.40
		WARRANT TOTAL		1,541.35
69979	PARTSMASTER	SMALL TOOLS & MINOR EQUIP	SWR	68.25
		WARRANT TOTAL		68.25
69980	PETROCARD	AUTO FUEL/DIESEL	PK	17.74
		AUTO FUEL/DIESEL	CEM	63.86
		AUTO FUEL/DIESEL	ST	127.37
		AUTO FUEL/DIESEL	SWR	44.35
		WARRANT TOTAL		253.32
69981	PROTECH AUTOMOTIVE	REPAIR & MAINTENANCE	CS	245.52
		WARRANT TOTAL		245.52
69982	PUBLIC SAFETY TESTING	ADVERTISING	CIV	200.00
		WARRANT TOTAL		200.00
69983	PUGET SOUND ENERGY	PUBLIC UTILITIES	PD	28.72
		REPAIRS & MAINTENANCE	PD	9.94
		UTILITIES-RIVERFRONT	PK	610.29
		UTILITIES-COMMUNITY CTR	PK	118.94
		UTILITIES-SENIOR CENTER	PK	383.38
		UTILITIES-TRAIN	PK	46.13
		UTILITIES-HAMMER SQUARE	PK	245.05
		UTILITIES-BINGHAM & MEMORIAL P		45.95
		UTILITIES - SHOP	PK	60.65
		UTILITIES - SHOP	PK	16.92
		UTILITIES - OTHER	PK	9.94
		PUBLIC UTILITIES-MUSEUM	PK	25.79
		PUBLIC UTILITIES-MUSEUM	PK	9.94
		PUBLIC UTILITIES-CITY HALL	PK	2,550.08
		PUBLIC UTILITIES	CEM	51.85

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
		PUBLIC UTILITIES	ST	7.25
		PUBLIC UTILITIES	ST	63.31
		PUBLIC UTILITIES	ST	169.74
		PUBLIC UTILITIES	ST	69.49
		PUBLIC UTILITIES	LIB	478.05
		ADVERTISING	HOT	39.15
		PUBLIC UTILITIES	SWR	9,505.77
		PUBLIC UTILITIES	SAN	96.30
		PUBLIC UTILITIES	SWTR	60.95
		WARRANT TOTAL		14,711.58
69984	PURCHASE POWER	POSTAGE	JUD	346.97
		POSTAGE	FIN	247.95
		POSTAGE	LGL	1.61
		POSTAGE	LGL	1.21
		POSTAGE	PLN	58.51
		POSTAGE	ENG	90.36
		POSTAGE	PD	77.73
		POSTAGE	FD	4.35
		POSTAGE	INSP	46.32
		POSTAGE	PK	.40
		POSTAGE	CEM	10.10
		POSTAGE	SWR	142.70
		POSTAGE	SAN	65.86
		OPERATING SUPPLIES	SWTR	10.98
		WARRANT TOTAL		1,105.05
69985	RODDA PAINT CO.	REPAIRS/MAINT-EQUIP	SAN	10.82
		WARRANT TOTAL		10.82
69986	RYBICKI, DANIEL J., DR.	PROFESSIONAL SERVICES	PD	1,375.00
		WARRANT TOTAL		1,375.00
69987	SEDRO-WOLLEY VOLUNTEER	SALARIES-VOLUNTEERS	FD	7,840.50
		WARRANT TOTAL		7,840.50
69988	SEVENTEEN	BOOKS, PERIOD, RECORDS	LIB	21.97
		WARRANT TOTAL		21.97
69989	SKAGIT COUNTY SHERIFF	PRISONERS	PD	1,336.82
		WARRANT TOTAL		1,336.82
69990	SKAGIT COUNTY TREASURER	CRIME VCTM & WITNSS PROG	LGL	109.28
		WARRANT TOTAL		109.28
69991	SKAGIT DV & SA SERVICES	SKAGIT CO DOMESTIC VIOLENCE DV		521.05
		WARRANT TOTAL		521.05
69992	SKAGIT RIVER STEEL	CONTAINERS	SAN	48.19
		WARRANT TOTAL		48.19
69993	SKAGIT VALLEY PUBLISHING	PROFESSIONAL SERVICES	SWTR	108.75

WARRANT	VENDOR NAME	DESCRIPTION	AMOUNT
		WARRANT TOTAL	108.75
69994	STAPLES BUSINESS ADVANTAGE	OFFICE/OPERATING SUPPLIES PD	62.40
		OFFICE SUPPLIES FD	40.29
		OFFICE SUPPLIES SWR	238.55
		WARRANT TOTAL	341.24
69995	TRUE VALUE	OPERATING SUPPLIES FD	1.86
		OPERATING SUPPLIES FD	1.86
		OPERATING SUPPLIES FD	1.94
		OPERATING SUP - SENIOR CTR PK	21.63
		OPERATING SUP - CITY HALL PK	49.74
		OPERATING SUP - MEMORIAL PARK	44.33
		OPERATING SUPPLIES ST	30.29
		OPERATING SUPPLIES SWR	7.02
		OPERATING SUPPLIES SAN	33.53
		SMALL TOOLS & MINOR EQUIP SAN	7.02
		WARRANT TOTAL	199.22
69996	VALLEY AUTO SUPPLY	REPAIR/MAINT-EQUIP & BLDG CEM	14.79
		REPAIR/MAINTENANCE-EQUIP ST	79.70
		MAINTENANCE OF VEHICLES SWR	59.12
		REPAIRS/MAINT-EQUIP SAN	29.76
		REPAIRS/MAINT-EQUIP SAN	119.60
		REPAIRS/MAINT-EQUIP SAN	535.82
		REPAIRS/MAINT-EQUIP SAN	64.92
		WARRANT TOTAL	773.87
69997	VERIZON WIRELESS	TELEPHONE FIN	66.87
		TELEPHONE FIN	56.87
		TELEPHONE LGL	57.16
		TELEPHONE IT	56.87
		NEXTEL CELL PHONES	131.73
		TELEPHONE PD	559.27
		TELEPHONE PD	24.36
		TELEPHONE FD	129.03
		TELEPHONE FD	150.11
		TELEPHONE INSP	13.80
		TELEPHONE PK	114.07
		TELEPHONE CEM	23.33
		TELEPHONE ST	73.32
		NEXTEL CELL PHONES	263.80
		NEXTEL CELL PHONES SAN	202.41
		WARRANT TOTAL	1,923.00
69998	VERIZON NORTHWEST	TELEPHONE PD	58.71
		TELEPHONE PK	86.06
		PUBLIC UTILITIES-CITY HALL PK	17.86
		TELEPHONE CEM	65.28
		TELEPHONE LIB	123.31
		TELEPHONE SWR	253.37
		WARRANT TOTAL	604.59

CITY OF SEDRO-WOOLLEY
 SORTED TRANSACTION WARRANT REGISTER
 08/11/2010 (Printed 08/06/2010 08:49)

WARRANT	VENDOR NAME	DESCRIPTION		AMOUNT
69999	WABO BOOKSTORE (THE)	OFF/OPER SUPPS & BOOKS	INSP	99.54
		WARRANT TOTAL		99.54
70000	WA STATE CRIMINAL JUSTICE	TUITION/REGISTRATION	PD	60.00
		WARRANT TOTAL		60.00
70001	WA STATE DEPT OF ECOLOGY	DOE DISCHARGE PERMIT	SWR	4,602.91
		WARRANT TOTAL		4,602.91
70002	WA ST OFF OF TREASURER	STATE REMITTANCES-COURT		5,847.28
		WARRANT TOTAL		5,847.28
70003	WA STATE UNIVERSITY - CDPE	MISC-TUITION/REGISTRATION	SWR	415.00
		WARRANT TOTAL		415.00
70004	WAPATO POLICE DEPARTMENT	PRISONERS	PD	5,050.00
		WARRANT TOTAL		5,050.00
70010	WIDENER AND ASSOCIATES	CONSTRUCTION	F-C	1,930.60
		PROF SVS-ENGINEERING	SWR	2,051.00
		WARRANT TOTAL		3,981.60
70011	WOOD'S LOGGING SUPPLY INC	POSTAGE	PD	12.71
		POSTAGE	FD	80.18
		POSTAGE	FD	10.44
		FIRE TRUCK	FD	32.45
		REPAIR/MT-SMALL TOOLS EQUIP PK		58.66
		REPAIR/MAINT-EQUIP & BLDG	CEM	29.20
		REPAIR/MAINT-EQUIP & BLDG	CEM	20.55
		WARRANT TOTAL		244.19
		RUN TOTAL		276,071.05

FUND	TITLE	AMOUNT
001	CURRENT EXPENSE FUND	215,178.10
101	PARK FUND	6,216.43
102	CEMETERY FUND	396.92
103	STREET FUND	1,784.93
104	ARTERIAL STREET FUND	4,469.70
105	LIBRARY FUND	1,071.11
108	STADIUM FUND	114.15
330	1996 FIRE STATION CONST FUND	4,760.34
332	PWTF SEWER CONSTRUCTION FUND	9,817.26
401	SEWER FUND	27,983.53
412	SOLID WASTE FUND	4,097.90
425	STORMWATER	180.68
TOTAL		276,071.05

CITY OF SEDRO-WOOLLEY
SORTED TRANSACTION WARRANT REGISTER
08/11/2010 (Printed 08/06/2010 08:49)

PAGE 10

DEPARTMENT	AMOUNT
001 000 000	5,847.28
001 000 012	349.13
001 000 013	150.14
001 000 014	1,053.17
001 000 015	177.24
001 000 016	200.00
001 000 017	937.25
001 000 018	389.85
001 000 019	187.73
001 000 020	355.84
001 000 021	13,423.62
001 000 022	191,354.40
001 000 024	231.40
001 000 062	521.05
FUND CURRENT EXPENSE FUND	215,178.10
101 000 076	6,216.43
FUND PARK FUND	6,216.43
102 000 036	396.92
FUND CEMETERY FUND	396.92
103 000 042	1,784.93
FUND STREET FUND	1,784.93
104 000 042	4,469.70
FUND ARTERIAL STREET FUND	4,469.70
105 000 072	1,071.11
FUND LIBRARY FUND	1,071.11
108 000 019	114.15
FUND STADIUM FUND	114.15
330 000 082	4,760.34
FUND 1996 FIRE STATION CONST FUND	4,760.34
332 000 082	9,817.26
FUND PWTIF SEWER CONSTRUCTION FUND	9,817.26
401 000 035	27,983.53
FUND SEWER FUND	27,983.53
412 000 037	4,097.90
FUND SOLID WASTE FUND	4,097.90
425 000 039	180.68
FUND STORMWATER	180.68
TOTAL	276,071.05

AUG 11 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 30

After Recording Return to:

SKAGIT COUNTY BOARD OF COMMISSIONERS
1800 CONTINENTAL PLACE, SUITE 100
MOUNT VERNON, WA 98273

**INTERLOCAL COOPERATIVE AGREEMENT
FOR
LIBRARY SERVICES**

This Interlocal Cooperative Agreement for Library Services is entered into between Skagit County, hereinafter referred to as the "County", and the City of Sedro-Woolley, hereinafter referred to as the "City" pursuant to RCW 39.34.

This Agreement is based upon the following facts and circumstances:

- The County does not, nor is it required by statute to provide general library services to the citizens residing in unincorporated Skagit County.
- Historically, the City has provided library services to residents and nonresidents alike.
- Non-residents are required to pay a fee for library services.
- Due to increasing competition for funding and increasing library usage, the City is having difficulty providing services to residents and non-residents.
- The County, in 2010, has made funding available for a portion of the costs to provide services to non-resident users of libraries located within the City.

In consideration of the facts listed above, the parties agree as follows:

1. During 2010 the County will provide the City a total sum of \$7,405 to assist in providing library services to the citizens of unincorporated Skagit County. The sum will be distributed to the City based upon the library book, audio, film, video and subscription collection and circulation of each municipal library.

2. None of the County funds received by the City may be used to supplant funding that the City would otherwise provide for library services.
 - 2.1 The City must provide documentation that non-resident library users pay at least \$10 per library card.
 - 2.2 Funds distributed to the City must be used to purchase materials for circulation that will benefit non-resident library users.
3. It is agreed that any portion not used for its intended purpose will be returned to the County within a reasonable time period after the close of the fiscal year.
4. All assets acquired as a result of this funding will become the property of the City. The City will be responsible for all aspects of library operation.
5. Administration: The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under or greater than this Agreement. In the event such representatives are changed, the party making the change shall notify the other party.
 - 6.1 The County's representative shall be the Budget and Finance Director.
 - 6.2 The City's representative shall be the Library Director.
6. Indemnification: Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agree to save, indemnify, defend, and hold the other party harmless from any such liability. It is further provided that no liability shall attach to the County by reason of entering into this contract except as expressly provided herein.
7. Changes, Modifications, Amendments and Waivers: The Agreement may be changed, modified, amended or waived only by written agreement executed by the parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.
8. Severability: In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.
9. Entire Agreement: This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.
10. The term of this agreement is the date of execution through December 31, 2009.

IN WITNESS WHEREOF, the parties have signed this Agreement as of this _____ day of _____, 2010.

CITY OF SEDRO-WOOLLEY

Mike Anderson, Mayor

ATTEST:

Clerk, City of Sedro-Woolley

APPROVED AS TO FORM:

Attorney, City of Sedro-Woolley

IN WITNESS WHEREOF, the parties have signed this Agreement as of this _____ day of _____, 2010.

**BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON**

Sharon D. Dillon, Chairman

Ron Wesen, Commissioner

Kenneth A. Dahlstedt, Commissioner

APPROVED AS TO CONTENT:

Department Head

Budget and Finance Director

Risk Manager

APPROVED AS TO FORM:

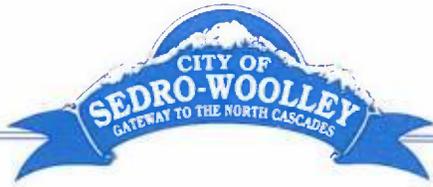
Civil Deputy

ATTEST:

Clerk of the Board

AUG 11 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. _____

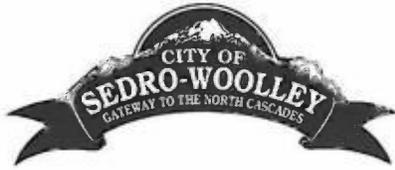


SUBJECT: PUBLIC COMMENT

Name:
Address:
Narrative:

NEW

BUSINESS



CITY COUNCIL AGENDA
REGULAR MEETING

AUG 11 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 5

Planning Department
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro Woolley, WA 98284
Phone (360) 855-9929
Fax (360) 855-0733

MEMO:

To: City Council
Mayor Anderson

From: Jack Moore 
Planning Director/ Building Official

Date: August 11, 2010

Subject: Fruitdale Rd. Annexation and interim zoning control ordinance

ISSUES

1. Should the Council approve an ordinance to annex property near Fruitdale Road?
2. Should Council approve an Interim Zoning Control ordinance to allow the Planning Commission to hold public hearings and make a recommendation regarding possible zoning changes?

DESCRIPTION

The City Council previously heard presentations regarding both of the above topics at regular meetings and at a work session.

Direction was given to the proponents (Earles, Weatherby and Hickman) to proceed with the annexation. All required procedures have been completed and annexation is ready for final action by the City Council.

The zoning control ordinance is to allow time for the Planning Commission to hold public hearings on possibly changing the zoning designation from R-7 to a combination of R-5, MC and/or Industrial.

Included in this memo is:

Exhibit A – Ordinance to annex property near Fruitdale Road

Exhibit B – Interim Zoning Control ordinance

RECOMMENDED ACTION

1. Make a motion to adopt ordinance _____ to annex 43.39 acres near Fruitdale Road.
2. Make a motion to adopt interim ordinance _____ to temporarily restrict development applications in the annexation area.

ORDINANCE NO. _____

**AN ORDINANCE TO ANNEX INTO THE CITY OF SEDRO-WOOLLEY
APPROXIMATELY 43.39 ACRES OF REAL PROPERTY CONTIGUOUS TO
THE EASTERN PORTION OF THE CITY – KNOWN AS THE FRUITDALE
ROAD/ EARLES ANNEXATION**

WHEREAS Roger Dean Earles, James Paul Hickman and Harry Weatherby, all owners of real property contiguous to the City limits and within the Sedro-Woolley urban growth area, initiated proceedings to annex the real property to the City by filing a notice of intent to commence annexation proceedings; and

WHEREAS, the City Council held a meeting with the initiating parties as required by RCW 35A.14.120, whereat the City Council agreed to accept a Petition for Annexation between the initiating parties and the City; and

WHEREAS, the City received a Petition for Annexation for 43.39 acres of property in the urban growth area, signed by property owners of not less than 60% of the total assessed value of the annexation area as required by RCW 35A.14.120; and

WHEREAS, the Skagit County Assessor issued a Certification of Petition on January 26, 2010 certifying that the Petition for Annexation meets the 60% ownership criteria of RCW 35A.14.120; and

WHEREAS, pursuant to the requirements of RCW 35A.14.130, the City Council held a public hearing on January 27, 2010 to consider the annexation petition and held a second public hearing on February 10, 2010 to further consider the proposed annexation. Both public hearings were advertised in the local newspaper and posted on three locations in the annexation area; and

WHEREAS, the City Council determined that the Petition for Annexation meets the requirements of RCW 35A.14.120-150 and is sufficient according to the requirements of RCW 35A.14.120; and

WHEREAS, the City Council passed resolution No. 822-10 which accepted the request for the proposed annexation subject to simultaneous adoption of the City Comprehensive Plan zoning and the assumption of a pro-rata share of indebtedness of the City which has been approved by the voters, contracted, or incurred prior to, or existing at the date of annexation; and

WHEREAS, attached as Exhibit “A” is a map and description of the property to be annexed; and

WHEREAS, the property’s proposed zoning designations were determined during previous Urban Growth Area expansion hearings and review and the zoning may be modified during the City’s 2010 Comprehensive Plan Amendment cycle; now, therefore,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DOES ORDAIN AS FOLLOWS:

Section 1. That the real property described in exhibit "A" attached hereto is hereby annexed into the City of Sedro-Woolley; and that the corporate city limits of the City of Sedro-Woolley shall include the property and territory hereinbefore fully described; and

Section 2. The property within the annexation area shall be subject to the laws and regulations of the City of Sedro-Woolley, as now and hereafter adopted; and

Section 3. The property within the annexation area shall be subject to and assume a pro-rata share of indebtedness of the City which has been approved by the voters, contracted, or incurred prior to, or existing at the date of annexation; and

Section 4. The property within the annexation area shall be subject to the Residential-5 land use classification and zoning designations as set forth on the current Sedro-Woolley Comprehensive Plan and Zoning Code maps; and

Section 5. That the City Clerk is instructed to file a certified copy of this ordinance with the Skagit County Commissioners, the Skagit County Auditor, the Skagit County Assessor and the Skagit County Boundary Review Board not less than thirty (30) days prior to the effective date of this ordinance; and

Section 6. That the Planning Director shall file a Certificate of Annexation with the state Office of Financial Management not later than 30 days of the effective date of this annexation; and

Section 7. That this ordinance shall be in full force and effect thirty (30) days after publication of a summary thereof.

PASSED by majority vote of the members of the Sedro-Woolley City Council this 11th day of August, 2010.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Clerk/Treasurer

Approved as to form:

Eron Berg, City Attorney



806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

LEGAL DESCRIPTION
FOR
ROGER DEAN EARLES
OF

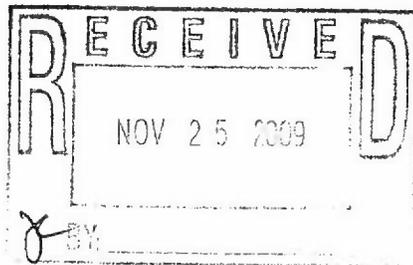
EXHIBIT A

PROPERTY EAST OF FRUITDALE ROAD
INCLUDED IN PROPOSED ANNEXATION

November 24, 2009

Beginning at the northeast corner of the southeast quarter of Section 18, Township 35 North, Range 5 East, W.M.; thence S 02°23'16" E along the east line of said southeast quarter, a distance of 969.20 feet to its intersection with the northwesterly right of way line of State Route 20; thence S 53°40'19" W along said northwesterly right of way line, a distance of 1604.36 feet to its intersection with the east right of way line of Fruitdale Road; thence northerly along the east right of way line of Fruitdale Road through the following thirteen courses; N 02°14'31" W, a distance of 1381.36 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 90.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 40.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 70.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet to the north line of said southeast quarter; thence N 88°19'16" E along the north line of said southeast quarter, a distance of 1326.33 feet to the point of beginning of this description.

Containing 43.39 acres.



11/24/09

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY ADOPTING AN INTERIM OFFICIAL CONTROL FOR APPROXIMATELY 43.39 ACRES OF RECENTLY ANNEXED REAL PROPERTY– KNOWN AS THE FRUITDALE ROAD ANNEXATION – SUBJECT TO REVIEW OF THE ZONING OF THE PROPERTY

WHEREAS the City of Sedro-Woolley has completed an annexation of 43.39 acres of real property contiguous to the eastern portion of the City referred to as the Fruitdale Road Annexation; and

WHEREAS, the Comprehensive Plan zoning for the Fruitdale Road Annexation was designated as Residential-5 at the time the area was included in the Sedro-Woolley urban growth area; and

WHEREAS, during the annexation process, the City Council heard testimony from owners of property in the Fruitdale Road Annexation area and other members of the public concerning the desired zoning of the area; and

WHEREAS, the City Council finds that a full review of the zoning of the Fruitdale Road Annexation serves the best interests of the City and its residents; and

WHEREAS, time is needed for the Planning Commission to hold public hearings on possible changes to the zoning of the Fruitdale Road Annexation, make a recommendation to the City Council, and for the City Council to act on a final decision; and

WHEREAS, the City Council has determined that further subdivision and the effects of residential development within the Fruitdale Road Annexation according to the existing Residential-5 zoning designation prior to completion of the zoning review is inconsistent with the City's Land Use Policy LU5.6 to ensure that the planning program reflects the basic community values; and

WHEREAS, the City Council finds that it is in the best interest of the public to adopt interim official controls that suspend development in the recently annexed properties known as the Fruitdale Road Annexation so the Planning Department, Planning Commission and City Council proceed with the process of evaluating and amending as necessary the zoning in said area; and

WHEREAS, RCW 36.70A.390 provides that the City Council may adopt a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control; and

WHEREAS, RCW 36.70A.390 further states that if the City adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without first holding a public hearing then the City shall hold a hearing within at least

sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department; and

WHEREAS, a moratorium, interim zoning map, interim zoning ordinance, or interim official control enacted under RCW 36.70A.390 are methods by which local governments may preserve the status quo so that the new plans and regulations will not be rendered moot by intervening development; and

WHEREAS, pursuant to WAC 197-11-880, the adoption of this ordinance is exempt from the requirements of a threshold determination under the State Environmental Policy Act; and

WHEREAS, the City Council adopts the forgoing as its findings of fact justifying its adoption of this Ordinance;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY DOES ORDAIN AS FOLLOWS:

Section 1. The City Council hereby adopts the recitals of this ordinance as the findings of fact to support the interim official control established by Sections 2 and 3 of this Ordinance.

Section 2. An interim official control is hereby adopted to restrict acceptance of development applications in the subject area, known as the Fruitdale Road Annexation and further described in Exhibit A, so as to provide the Planning Department, Planning Commission and City Council time to proceed with the process of evaluating and amending as necessary the zoning in said area.

Section 3. The interim official control hereby adopted shall continue in effect for six (6) months from the date the ordinance is adopted. The interim official control may be extended for one or more six (6) month periods in the event that a work plan or further study determines that such an extension is necessary to complete the zoning review process in the Fruitdale Road Annexation.

Section 4. In accordance with RCW 36.70A.390 the City shall hold a public hearing on the interim official control within at least sixty days of the adoption of this ordinance.

Section 5. If any section, subsection, paragraph, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 6. That this ordinance shall be in full force and effect after approval by the City Council and thirty (30) days after publication of a summary thereof.

PASSED by majority vote of the members of the Sedro-Woolley City Council
this 11th day of August, 2010.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Clerk/Treasurer

Approved as to form:

Eron Berg, City Attorney



806 Metcalf St., Sedro-Woolley, WA 98284 Phone: (360) 855-2121 FAX: (360) 855-1658

LEGAL DESCRIPTION
FOR
ROGER DEAN EARLES
OF

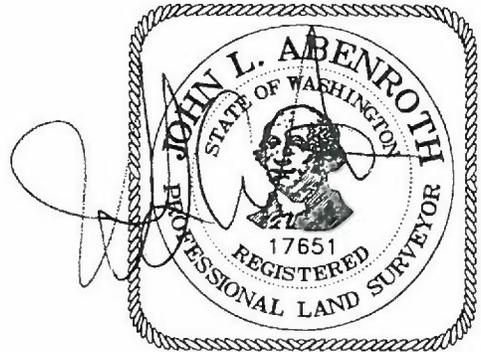
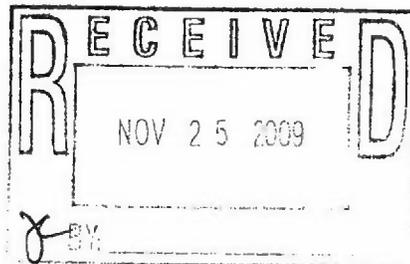
EXHIBIT A

PROPERTY EAST OF FRUITDALE ROAD
INCLUDED IN PROPOSED ANNEXATION

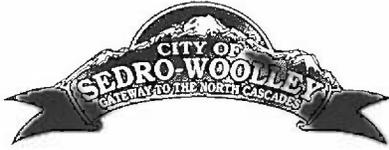
November 24, 2009

Beginning at the northeast corner of the southeast quarter of Section 18, Township 35 North, Range 5 East, W.M.; thence S 02°23'16" E along the east line of said southeast quarter, a distance of 969.20 feet to its intersection with the northwesterly right of way line of State Route 20; thence S 53°40'19" W along said northwesterly right of way line, a distance of 1604.36 feet to its intersection with the east right of way line of Fruitdale Road; thence northerly along the east right of way line of Fruitdale Road through the following thirteen courses; N 02°14'31" W, a distance of 1381.36 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 90.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 40.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 70.00 feet; N 88°19'16" E, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet; S 88°19'16" W, a distance of 10.00 feet; N 02°14'31" W, a distance of 100.00 feet to the north line of said southeast quarter; thence N 88°19'16" E along the north line of said southeast quarter, a distance of 1326.33 feet to the point of beginning of this description.

Containing 43.39 acres.



11/24/09



CITY COUNCIL AGENDA
REGULAR MEETING

AUG 11 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 6

Building Department
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro Woolley, WA 98284
Phone (360) 855-0771
Fax (360) 855-0733

MEMO:

To: City Council
Mayor Anderson

From: Jack Moore, 
Planning Director/ Building Official

Date: August 11, 2010

Subject: Proposed revisions to SWMC 15.04, local amendments to adopted state building codes

ISSUE

Should the Council approve an ordinance to acknowledge the State adoption of the 2009 editions of the building codes and enact certain local amendments?

DESCRIPTION

Updates are proposed to the SWMC sections 1504.020, 1504.035, 1504.039 and 1504.044.
Details of the changes are as follows:

- 15.04.020** Updated references to reflect the 2009 editions of the codes as well as the appendices adopted by Washington State
- 15.04.035** Removed duplicate section stating that permits are required
Increase size of exempt sheds in the IBC to 200 square feet to match the IRC
Exempt uncovered decks not more than 30" above grade
Exempt projects with valuation less than \$2,000
Removed amendments to Appendix that is no longer adopted by WA State
- 15.04.039** Removed duplicate section stating that WA State deleted UPC Chapter 12
- 15.04.044** Clarified that design professional's seal must be accompanied by an original signature

Included with this memo is an ordinance to adopt revised Chapter 15.04 SWMC

RECOMMENDED ACTIONS

Make motion to adopt ordinance _____ to revise Chapter 15.04 SWMC to reflect State adoption of 2009 building codes and enact certain local amendments.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SWMC 15.04 REGARDING ADOPTION OF 2009
STATE BUILDING CODES WITH LOCAL AMENDMENTS**

WHEREAS, the City Building Official reviewed the codes adopted and enacted by Washington State effective July 1, 2010; and

WHEREAS, the City Building Official recommended certain modifications and adoption of certain appendices; and

WHEREAS, the City Council reviewed the Building Official's recommendations; and

WHEREAS, the City Council desires to revise SWMC 15.04 regarding adoption of the 2009 State Building Code with certain local amendments;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY
DOES ORDAIN AS FOLLOWS:**

Section 1. SWMC 15.04 is amended to read as follows:

Chapter 15.04

BUILDING CODE*

Sections:

- 15.04.010 Title.**
- 15.04.020 Codes adopted.**
- 15.04.030 Amendments generally.**
- 15.04.035 Specific amendments and additions to International Building Code.**
- 15.04.038 Specific amendments to International Fire Code.**
- 15.04.039 Amendments.**
- 15.04.040 Fees—Building permit and plan review fees.**
- 15.04.042 Building valuation data.**
- 15.04.043 Administration and enforcement.**
- 15.04.044 Certification of plans by architects and engineers.**
- 15.04.045 Plan check fees for identical plans.**
- 15.04.047 Mandatory street signs.**
- 15.04.050 Prohibitions.**
- 15.04.055 Repealed.**
- 15.04.060 Violations—Penalties.**

* Prior ordinance history: Ords. 1025 and 1078.

15.04.010 Title.

This chapter shall be known as the building code of the city of Sedro-Woolley. (Ord. 1477-04 § 1, 2004; Ord. 1154 § 1, 1992)

15.04.020 Codes adopted.

The following codes are hereby adopted by reference, subject to modifications and/or amendments hereinafter set forth in this chapter:

A. International Building Code, ~~2006~~ 2009 Edition, published by the International Code Council, together with all supplements thereto, subject to the modifications set forth by the state of Washington in Chapter 51-50 WAC; and ~~Appendices B, C, J and M~~ Appendix E (WA State amendments);

B. International Residential Code, ~~2006~~ 2009 Edition, except Chapters 11 and 25-42-43, published by the International Code Council, together with all supplements thereto, Appendix E, ~~Appendices E, F and G~~ and R (WA State amendments); and subject to the modifications set forth by the state of Washington in Chapter 51-51 WAC;

C. International Mechanical Code, ~~2006~~ 2009 Edition, published by the International Code Council, together with all supplements thereto, and subject to the modifications set forth by the state of Washington in Chapter 51-52 WAC;

D. Uniform Plumbing Code, ~~2006~~ 2009 Edition, published by the International Association of Plumbing and Mechanical Officials, together with all supplements thereto, and subject to the modifications set forth by the state of Washington in Chapters 51-56 and 51-57 WAC; provided that Chapters 12 and 15 are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted (WA State amendments);

E. International Fire Code, ~~2006~~ 2009 Edition, published by the International Code Council, and all supplements thereto; mandated state amendments, Chapter 51-54 WAC: and ~~Appendices Chapter B, Chapter C, Chapter E, Chapter F;~~

F. International Fuel Gas Code, ~~2006~~ 2009, published by the International Code Council, together with standards NFPA 58 and NFPA 54;

G. International Existing Building Code, ~~2006~~ 2009 Edition;

H. The Washington State Energy Code, ~~2006~~ 2009 Edition, and Reference Standard 29, developed by the Washington State Building Code Council, and set forth in Chapter 51-11 WAC;

I. The Washington State Ventilation and Indoor Air Quality Code, ~~2006~~ 2009 Edition, as set forth in Chapter 51-13 WAC;

J. Installation of factory built housing and commercial structures, RCW 43.22.460, together with WAC 296-150C-0540, 296-150F-0540 and the installation of manufactured and mobile homes, RCW 43.22.440 and WAC 296-150M-0650;

K. The International Property Maintenance Code, ~~2006~~ 2009 Edition, published by the International Code Council, together with all supplements thereto. Insert (6") into Section 302.4.

In case of conflict among the codes numerated in subsections A through K of this section, the first named code shall govern over those following. (Ord. 1592-07 § 1, 2007: Ord. 1492-04 § 1, 2004: Ord. 1477-04 § 2, 2004: Ord. 1323-99 § 1, 1999: Ord. 1280-97 § 1, 1997: Ord. 1154 § 2, 1992)

15.04.030 Amendments generally.

Pursuant to authority granted by the Revised Code of the state of Washington under the State Building Code Act, amendments to the codes adopted in Section 15.04.020, when

adopted by the state of Washington and Building Code Council, are hereby adopted and incorporated by reference, and apply within this jurisdiction. (Ord. 1592-07 § 2, 2007; Ord. 1477-04 § 3, 2004; Ord. 1211 § 1, 1994; Ord. 1154 § 3, 1992)

15.04.035 Specific amendments and additions to International Building Code and International Residential Code.

A. Sections 104.8 of the International Building Code and the International Residential Code, ~~2006~~ 2009 Editions, are hereby amended to include the additional paragraphs as follows:

This code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or its parent jurisdiction be held as assuming any such liability by reasons of the inspections authorized by this code or any certificates of ~~inspection~~ occupancy issued under this code. Enforcement of this code shall not be construed to be for the particular benefit of any individual person or group of persons, other than the general public. In the event of a conflict between the intent of this section and any other section or subsection herein, this subsection shall govern insofar as applicable.

B. ~~Sections 105.1 of the International Building Code and the International Residential Code, 2006 Editions, are amended to read as follows:~~

~~105.1 – Permits Required~~

~~No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building, structure, parking facility, or parking lot in the city, except as specified in Section 105.2, or cause the same to be done, without obtaining a separate building permit for each such building, structure, or parking facility from the building official, nor shall any person, firm, or corporation excavate, fill, or grade for any purpose in the city, or cause the same to be done, without first obtaining a permit therefore from the building official as required by code.~~

~~C. Section 105.2 of the International Building Code, 2009 Edition, Building exemption one, shall read as follows: One-story detached accessory structures used as sheds, playhouses and similar uses, provided that the floor area does not exceed 200 square feet.~~

~~D. Section 105.2 of the International Residential Code, 2009 Edition, Building exemption ten, shall read as follows: Uncovered decks not more than 30 inches above grade.~~

~~E. Section 105.2 of the International Building Code, 2006 2009 Edition, is amended to add an enumerated paragraph a Building exemption “14” to the numbered paragraphs therein; and Section 105.2 of the International Residential Code, 2006 2009 Edition, is amended to add an enumerated paragraph a Building exemption “10 11” to the numbered paragraphs, as follows:~~

~~105.2 – Work Exempt from Permit~~

~~(14)/(10) Pursuant to WAC 51-50-007 Exceptions, Permits will not be required for the installation or relocation of framed membrane structures or tent type structures as defined in the International Building Code Chapter 3102.2, provided that:~~

- ~~(1) The structure is used exclusively for the protection or propagation of plants; and~~
- ~~(2) The structure is located a minimum of 20 feet from any property line or other structure.~~

F. Section 105.2 of the International Building Code, 2009 Edition, is amended to a Building exemption "15"; and Section 105.2 of the International Residential Code, 2009 Edition, is amended to add a Building exemption "12, as follows: Any project that has a valuation of less than \$2,000 as calculated using the method currently adopted by the City.

F. Section 112.1 of the International Building Code and the International Residential Code, 2006 2009 Editions, are hereby amended to read as follows:

112.1 - General

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to ~~pass rule~~ upon matters pertaining to building construction and who are not employees of the City of Sedro-Woolley.

The building official and fire chief shall be ex officio members of said Board but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the mayor and shall hold office at the mayor's pleasure. The Board shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

G. Section 3304.1 of the International Building Code, 2006 2009 Edition, is amended to read as follows:

3304.1 - Excavation and fill

All stumps and roots shall be removed from the soil to a depth of at least twelve inches (12") below the surface of the ground in the area to be occupied by the building.

All wood forms which have been used in placing concrete, if within the ground or between foundation sills and the ground, shall be removed before a building is occupied or used for any purpose. Before completion, loose or casual wood shall be removed from direct contact with the ground under the building.

The finished grade and elevation under the building shall be above the ground drainage flow of the land around the building to prevent surface or subsurface water from draining to the space under the building, provided that alternates may be used if shown on the building plans and approved by the building official, such as drain tile, or exterior drainage of the building, or an approved sump pump system. At least two percent (2%) gradient toward approved drainage facilities is required from building walls unless waived by the building official for non-hill terrain. Approved sump pump systems shall in no case be connected to the sanitary sewer system. Tight-lined downspout and perimeter building drains may be connected together at a point no closer than 10 feet from a building.

~~H. Appendix Section J109 of the International Building Code, 2006 Edition, is amended to add the following subsection and read as follows:~~

~~J109.5 Disposal~~

~~All drainage facilities shall be designed to carry water to nearest practicable drainage way approved by the building official and/or any appropriate administrative authority as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices. The building official shall not approve plans for drainage facilities which adversely affect the rights of nonconsenting owners other than the applicant.~~

I. ~~Appendix J of the International Building Code, 2006~~ 2009 Edition, is amended to add the following section to read as follows:

Section J112 – Hazards

~~Whenever the building official determines that a proposed or existing excavation, embankment, or fill on any land within the City of Sedro-Woolley is or may become a hazard to life or limb, endangers property, adversely affects the environment or the safety, use, or stability of a public way, or adversely affects a drainage channel or other natural watercourse by siltation, erosion, diversion, concentration, or an increase in storm water runoff, the owner of the property upon which the excavation or fill is located or other person or agent in control of said property shall upon receipt of notice from the building official repair or eliminate such excavations, embankments, or fill so as to eliminate the hazard and be in conformance with the requirements of this code.~~

J. Whenever the word “shall” is used in the referenced adopted Codes, it is defined to have the following meanings:

1. With respect to the functions and powers of the chief code official, building official, or any agents and employees of the city and any board authorized hereunder, a direction and authorization to act in the exercise of sound discretion and in good faith;
2. With respect to the obligation upon owners and occupants of premises and their agents, a mandatory requirement to act in compliance with the provisions of the code at the risk of civil and/or criminal liability upon failure.

K. Appendix E of the International Residential Code, ~~2006~~ 2009 Edition, is amended to add the following section to read as follows:

Section AE607 - Local Requirements

1. Mobile homes: before any mobile home or manufactured housing unit is located or placed upon a lot or parcel, the person desiring to locate or place the mobile home/unit must obtain a building permit from the building department. Thereafter the building department shall ascertain if the mobile home/unit meets the requirements of the city zoning code, that the wheels and tongue have been removed and the proper support is provided.
2. All applicable zoning requirements must be adhered to. No mobile home/unit shall be located or placed until permits and approvals have been obtained.
3. Mobile homes and manufactured housing not located within a sale lot nor within an approved mobile home park shall:
 1. Consist of at least two fully enclosed parallel sections of each of not less than twelve feet wide by thirty-six feet long;
 2. Be placed on a poured or permanent concrete block perimeter foundation similar to that required for site-built residential construction;
 3. Have a roof which was originally constructed, pitched with a slope no less than 3 inches of rise to 12 inches of run, is constructed as an integral part of the home, and is made of either composition, shakes or shingles;
 4. Have exterior siding similar in appearance to siding materials commonly used on conventional site-built (per the International Residential Code) single-family residences;
 5. Have the tongue removed if designed to allow removal;
 6. Have a minimum of eighteen inches crawl space;
 7. Have permanent steps affixed to all exits; and

8. Be approved by and bear the insignia of the U.S. Department of Housing and Urban Development.
 4. Mobile homes and manufactured housing within approved mobile home parks shall:
 1. Be placed on a permanent foundation or footings and piers and meet all manufacturer's specifications for support;
 2. Be securely tied down in accordance with the manufacturer's specifications or those of a licensed architect or engineer;
 3. Have the tongue removed;
 4. Maintain a minimum of eighteen inches crawl space under the entire mobile home;
 5. Have permanent steps affixed to all exits;
 6. Be approved by and bear the insignia of the U.S. Department of Housing and Urban Development;
 7. Have a securely attached exterior skirting material consisting of concrete, masonry, or pressure treated wood, or vinyl siding that extends around the entire mobile home between the ground and the outer bottom portion of the dwelling;
 8. Have a finished exterior consisting of a composition roof and wood or wood-type siding;
 9. Have a minimum floor area of 500 square feet; and
 10. Have a minimum width of not less than 14 feet.
- (Ord. 1592-07 § 3, 2007; Ord. 1477-04 § 4, 2004)

15.04.038 Specific amendments to International Fire Code.

Pursuant to authority granted by the Revised Code of the State of Washington under the State Building Code Act, the following amendments to the International Fire Code are hereby adopted and apply within this jurisdiction.

A. Appeals, to read as follows:

In order to determine the suitability of alternate materials and type of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a Board of Appeals. This Board shall consist of the same membership as the Building Code Board of Appeals. The Fire Chief and Building Official shall be Ex-Officio members. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Chief and Building Official with a duplicate copy to the applicant.

B. Authority for Inspection and Enforcement, to read as follows:

The Fire Chief is authorized to administer this code. Under the Fire Chief's direction, the Fire Department is authorized to enforce all ordinances of the jurisdiction pertaining to:

- (i) The prevention of fires.
- (ii) The storage, use and handling of hazardous materials.
- (iii) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
- (iv) The maintenance and regulation of fire escapes.
- (v) The maintenance of exists.
- (vi) The investigation of the cause, origin and circumstances of fires which are of unknown suspicious of incendiary origin.

C. Definitions and Abbreviations, to read as follows:

Chief—the terms “Chief”, or “Chief of the Bureau of Fire Protection”, or “Fire Chief” shall mean the Sedro-Woolley Fire Chief, when used in the International Fire Code.

Jurisdiction—Jurisdiction shall mean City of Sedro-Woolley.

Municipality—Municipality shall be added to this section to mean City of Sedro-Woolley.

D. Fire Department Access, to read as follows:

Required Access. Fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when the facility is in excess of one hundred fifty feet (150') from fire apparatus access.

1. Driveways. Roads serving one (1) or two (2) Residential lots.

a. Driveways where building is less than one-hundred fifty feet (150') from approved access road have no specific requirements.

b. Driveway over one-hundred fifty feet (150') long serving one (1) or two (2) residential lots.

i. Width—twelve foot (12') driving surface with turnouts located every three-hundred feet (300') when required by the Fire Marshal. To create a turnout, the road shall be widened to twenty feet (20') in the direction of travel for a distance of not less than thirty feet (30') to allow vehicles to pull over and allow emergency vehicles to proceed.

ii. Vertical clearance—thirteen foot (13') six inches (6") unobstructed head clearance.

iii. Surface—short plat standard—six inches (6") of gravel.

iv. Turning radius for turns along the length of driveway—fifty feet (50') outside radius. (Note: This is not a cul-de-sac standard.)

v. An acceptable means of turning around a fire apparatus must be provided. This does not necessarily require a cul-de-sac for a driveway serving one or two residential lots: Means of turning apparatus must be acceptable to the Fire Marshal.

vi. Bridges—must meet Sedro-Woolley Public Works Standards as approved by the City Engineer.

vii. Grade—land division standard—twelve percent (12%) gravel or fourteen percent (14%) paved.

2. Fire Department Vehicle Access Roads. Roads serving other than one or two single family residential lots.

a. Width—twenty foot (20') driving surface.

b. Vertical clearance—thirteen foot (13') six inches (6") unobstructed overhead clearance.

c. Surface—short plat standard—six inches (6") of gravel.

d. Turning radius—fifty feet (50') outside radius.

e. Turnarounds—seventy foot (70') cul-de-sac or as approved by Fire Marshal.

f. Bridges—must meet Sedro-Woolley Public Works Standards. (See Public Works).

g. Grade—land division standard—twelve percent (12%) gravel or fourteen percent (14%) paved.

3. These standards apply to all building permits and are minimum for building permit purposes. City zoning, development, and public works construction standards may exceed these standards, and these standards are in no way intended to eliminate the need for full compliance with land division, zoning and public works construction standards requirements.

4. The Fire Chief may make modifications in these standards if the road is not buildable because of topography, waterways, non-negotiable grades, or similar conditions. These modifications are based on:

- a. The building being protected by NFPA 13D Automatic Sprinkler Systems.
- b. Additional fire protection as required by the Fire Chief.
- c. Exceptions may be made for minor additions or small accessory buildings to existing dwellings when in the opinion of the Fire Marshal the addition or accessory building will not create significantly more dangerous situations.

5. For roads accepted or platted or short platted roads by Skagit County prior to June 11, 1990 and subsequently annexed into the City, these standards may be modified by the Fire Marshal provided that, in his opinion, fire fighting or rescue operations would still be possible.

E. Regulations Applicable to Existing Buildings, Life Safety Requirements for Existing Buildings Other Than High Rise; to read as follows:

1. General. The purpose of this appendix as amended is to provide a reasonable degree of safety to persons occupying existing buildings that do not conform with the minimum requirements of this code by providing for alterations to such buildings which are identified to the Sedro-Woolley Fire Chief by either investigation by the Fire Chief or by a signed complaint from any member of the general public stating specifically why they believe a building does not provide such a reasonable degree of safety.

F. Fire Flow Requirements for Buildings.

1. Section 3—Modifications.

Section 3.1 Decreases. Fire flow requirements may be modified downward by the Sedro-Woolley Fire Chief for isolated buildings or a group of buildings in rural areas or small communities where development of full fire flow requirements is impractical. The Fire Chief may be guided by written procedures entitled “Sedro-Woolley Fire Department Procedures Concerning Fire Flow and Placement of Fire Hydrants” in making this determination.

Section 3.3 Buildings That May Not Require Fire Flow. When in the opinion of the Fire Chief a proposed building meets the criteria stated in the “Skagit County Fire Marshal Procedures Concerning Fire Flow and Placement of Fire Hydrants” a permit may be issued without meeting the requirements for fire flow for the following:

- (i) Agricultural buildings.
- (ii) Buildings exempt by Board of Appeals Precedent.

G. Fire Hydrant Locations and Distributions. Footnote 3 shall be amended to read as follows:

“Where new water mains are upgraded or extended along streets or roads where hydrants are not otherwise required, hydrants shall be installed for filling tanker trucks at major roadway intersections wherever possible, and the distance between hydrants shall not exceed one mile.”

(Ord. 1477-04 § 5, 2004)

15.04.039 Amendments.

The following shall be deleted from the Uniform Plumbing Code, 2003 Edition:

A. Chapter 12 of said Plumbing Code. (Ord. 1477-04 § 6, 2004)

15.04.040 Fees—Building permit and plan review fees.

- A. General. Fees shall be assessed in accordance with the provisions of this section.
- B. Fees shall be assessed as designated in the current city of Sedro-Woolley building, planning and engineering fee schedule, as adopted by resolution of the city council and on file with the city clerk.
- C. Plan Review Fees. The applicant shall pay the plan review fee at time of submitting a building permit application.
- D. Building Permit Fees. The applicant shall pay the building permit fee prior to the building department issuing the building permit.
- E. A building permit is required before any mobile home can be placed in the city.
- F. Payment of Permit Fees. Upon notification by the city that a permit application has been approved, the applicant shall submit payment to the city for all permit fees for which approval has been received prior to permit application expiration. All permit applications shall expire six months from date application was submitted. Notification shall be given by any means reasonably calculated by the city to provide the applicant with notice that the applicant's permit may be issued, and may include notice by telephone, facsimile, or through the U.S. mail. The applicant shall promptly advise the city of any changes that would limit or otherwise hinder the city in contacting the applicant.
- G. Repealed by Ord. 1651-09.
- H. Repealed by Ord. 1651-09.
- I. Investigation Fees—Work without a Permit.
 - 1. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made by the building official before a permit may be issued for such work.
 - 2. An investigation fee, in addition to the permit fee and plan review fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be assessed as designated in the current city of Sedro-Woolley building, planning and engineering fee schedule, as adopted by resolution of the city council and on file with the city clerk. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.
- J. Fee Refunds. The building official may authorize refunding any fee paid hereunder which was erroneously paid or collected. The building official may authorize refunding not more than eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official shall not authorize the refunding of any fee paid except upon the written application filed by the original permittee not later than one hundred eighty days after the date of fee payment. Plan review fees are not refundable. (Ord. 1651-09 §§ 1—9, 2009; Ord. 1477-04 § 7, 2004; Ord. 1154 § 4, 1992)

15.04.042 Building valuation data.

For the purposes of determining valuation for issuance of building permits and charging building permit fees, the current building valuation data published in the Building Safety Magazine by International Code Council shall be utilized. (Ord. 1477-04 § 8, 2004)

15.04.043 Administration and enforcement.

The building code of the city shall be administered and enforced by the building official of the city. (Ord. 1477-04 § 9, 2004)

15.04.044 Certification of plans by architects and engineers.

The original set of any plans, computations or specifications submitted as part of or in conjunction with any application for a building permit which has been required by the building official to be prepared by an engineer or architect licensed by the state shall be submitted with ~~an original~~ a stamp or seal and original signature of such engineer or architect on each page thereof. No application for which such plans, computations or specifications have been required shall be deemed complete until such ~~original~~ stamp or seal and original signature have been affixed. (Ord. 1477-04 § 10, 2004)

15.04.045 Plan check fees for identical plans.

A. An owner, builder or developer seeking to build more than one structure of an identical design, may obtain a discount of the plan check fee required by this chapter and the uniform building code for subsequent identical design submissions within a period of six months of the original submission. The discounted fee shall be thirty percent of the full fee applicable at the time of payment, or the actual cost to the city for plan check review if conducted by an outside official, whichever is greater. The plans must be identical to those submitted by the same applicant within the previous six months for which a full fee was paid.

B. At the time of submission of the original plans, the applicant may submit up to four minor construction alternatives for a common design, and pay the applicable additional fee based on the value of the alternative as determined by the building official. The approved alternative plans shall be considered part of the original plans for purposes of determining what constitutes an identical plan.

C. The decision of the building official as to what constitutes a minor construction alternative and identical plan, for purposes of the discount provided by this section, shall be final and binding. (Ord. 1443 § 1, 2003)

15.04.047 Mandatory street address signs.

A. Every lot for which a permit is issued under this chapter for any purpose shall have an assigned street number affixed as prescribed by this section. The number shall be posted within thirty days of issuance of the permit or prior to issuance of a certificate of occupancy, whichever is sooner, unless a later date is prescribed in writing by the building official. Compliance with this section shall be the responsibility of both the building owner and the permit applicant.

B. For structures situated fifty feet or less from the street, the address shall be conspicuously placed immediately above, upon, or at the side of the proper door of each building so that the number can be seen plainly from the street. If the main entrance is on the side or does not face the street, the address shall be conspicuously placed on the side of the building facing the street.

C. For structures situated more than fifty feet from the street, or when the view of the building is blocked, the number shall be conspicuously placed on a post, gate, fence, tree, etc. This placement must be somewhere in an arc within thirty feet from where the center of the driveway or access meets the street. It will be posted in such a way so that the

address placard is parallel with the main street or visible when accessing from either direction. It shall be at a height of between four and six feet from the level of the street. On streets which may be accessed from only one direction, the placard may be posted perpendicular to the main street in such a way that it is clearly visible when being approached by emergency responders. If more than one address is on one driveway and the buildings or entities are further than fifty feet from the street, then the addresses shall be posted at the street and also on the buildings or addressable entities. The address shall also be posted at any confusing intersection within the private drives.

D. Addressable entities other than buildings, such as recreational lots, play fields, or stand alone utility sites, shall display the address at the access or driveway in the same manner as a building located more than fifty feet from a street. On a corner lot, the building number shall face the street named in the address.

E. Building addresses shall be set on a white background which is approximately twelve inches by six inches in size. Building addresses shall be blue reflective numbers a minimum of five inches in height that are easily visible at night.

F. The fire chief is authorized to obtain and sell address placards which comply with this section at cost and expense as part of a safety awareness program, provided that nothing in this section shall prohibit any owner from acquiring a conforming sign from a private vendor.

G. A certificate of occupancy or inspection may be withheld for violation of this section. In addition, violation of this section is punishable as set forth in Section 15.04.060 of this chapter. (Ord. 1516-05 § 1, 2005)

15.04.050 Prohibitions.

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter and the codes adopted by reference. (Ord. 1154 § 5, 1992)

15.04.055 Enforcement—Civil suits.

Repealed by Ord. 1670-10. (Ord. 1211 § 2, 1994)

15.04.060 Violations—Penalties.

Any person violating or failing to comply with any of the provisions contained in this chapter shall be subject to the enforcement provisions contained in Title 18, Code Enforcement. (Ord. 1670-10 § 25, 2010)

Section 2. EFFECTIVE DATE. This ordinance shall take effect five (5) days after the approval by the City Council and publication as provided by law.

Section 3. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED by majority vote of the members of the Sedro-Woolley City Council this _____ day of _____, and signed in authentication of its passage this ____ day of _____.

Mike Anderson, Mayor

Attest:

Christine Salseina, Deputy Clerk

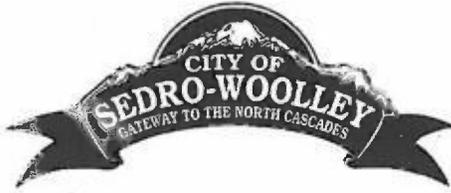
Approved as to form:

Eron Berg, City Attorney

Published _____

CITY COUNCIL AGENDA
REGULAR MEETING

AUG 11 2010



7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 7

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Criminal Code
DATE: August 11, 2010

ISSUE: Should the Council adopt the attached ordinance that revises the City's criminal code to repeal most of the city's criminal code and replace it with state statutes?

BACKGROUND: The legislature updated a number of crimes in the last couple of sessions to increase the monetary amount that can be prosecuted in municipal court. The state has also adopted various domestic violence crimes. This ordinance repeals most of our city's criminal code and adopts state statutes that cover the same or similar crimes.

Attached is the draft ordinance, the existing Title 9, SWMC, with the sections proposed to be repealed crossed out and copies of the state statutes that are proposed to be adopted by reference.

RECOMMENDATION: First reading only – no action requested tonight.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SEDRO-WOOLLEY REPEALING AND REENACTING SECTIONS OF THE SEDRO-WOOLLEY MUNICIPAL CODE TITLE 9 AND ADOPTING STATE CRIMINAL STATUTES

WHEREAS The City Council of the City of Sedro-Woolley hereby finds that it is no longer necessary to have a separate Sedro-Woolley Municipal Code where a State Statute (RCW) already exists; and

WHEREAS, The City Council of the City of Sedro-Woolley desires to adopt additional state criminal statutes; and

WHEREAS, the City Council finds that it is in the interests of the public health, safety and welfare to adopt the sections set forth below, now therefore;

THE CITY COUNCIL OF THE CITY OF SEDRO-WOOLLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Preliminary Article**, to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.04.010 Title, Effective Date, Application, Severability, Captions
- B. RCW § 9A.04.020 Purposes -- Principles of Construction
- C. RCW § 9A.04.040 Classes of Crimes
- D. RCW § 9A.04.060 Common Law to Supplement Statute
- E. RCW § 9A.04.080 Criminal Procedure, Limitation of Actions
- F. RCW § 9A.04.090 Application of General Provisions of the Code
- G. RCW § 9A.04.100 Proof Beyond a Reasonable Doubt
- H. RCW § 9A.04.110 Criminal Code, Officer Defined

SECTION 2. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Principles of Liability**, to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.08.010 General Requirements of Culpability

B. RCW § 9A.08.020 Liability For Conduct of Another - Complicity

SECTION 3. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Restitution**, to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

A. RCW § 9A.20.030 Alternative to a Fine

SECTION 4. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Anticipatory Offenses**, to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

A. RCW § 9A.28.020 Criminal Attempt
B. RCW § 9A.28.030 Criminal Solicitation

SECTION 5. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Assault – Physical Harm**, to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

A. RCW § 9A.36.041 Assault in the fourth degree
B. RCW § 9A.36.050 Reckless Endangerment
C. RCW § 9A.36.070 Coercion
D. RCW § 9A.36.150 Interfering with Reporting of Domestic Violence
E. RCW § 10.14.120 Disobedience of Order
F. RCW § 26.50.110 Violation of Order
G. RCW § 7.21 Contempt of Court

SECTION 6. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Criminal Mistreatment**, to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

A. RCW § 9A.42.035 Criminal Mistreatment 3rd Degree
B. RCW § 9A.42.037 Criminal Mistreatment 4th Degree
C. RCW § 9A.42.110 Leaving Child in Care of Sex Offender

SECTION 7. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Sex Offenses**, to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.44.096 Sexual Misconduct With Minor 2nd Degree

SECTION 8. Chapter 9.__ A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Harassment**, to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.46.020 Harassment – Definition - Penalties
- B. RCW § 9A.46.080 Order restricting contact – Violation
- C. RCW § 9A.46.110 Stalking
- D. RCW § 9.61.230 Telephone Harassment
- E. RCW § 9.61.240 Telephone Harassment- Permitting telephone to be used
- F. RCW § 9.61.250 Telephone Harassment- offense, where deemed committed
- G. RCW § 9.61.260 Cyberstalking

SECTION 9. Chapter 9.__ A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Arson, Reckless Burning and Malicious Mischief**, to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.48.050 Reckless Burning 2nd Degree
- B. RCW § 9A.48.090 Malicious Mischief 3rd Degree

SECTION 10. Chapter 9.__ A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Burglary and Trespass**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.52.060 Making or Having Burglar Tools
- B. RCW § 9A.52.070 Criminal Trespass in the 1st Degree
- C. RCW § 9A.52.080 Criminal Trespass in the 2nd Degree
- D. RCW § 9A.52.100 Vehicle Prowling in the 2nd Degree
- E. RCW § 9A.52.120 Computer Trespass in the 2nd Degree

SECTION 11. Chapter 9.__ A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Theft and Robbery**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.56.050 Theft 3rd Degree
- B. RCW § 9A.56.060 Unlawful Issuance of Bank Checks
- C. RCW § 9A.56.096 Theft of Rental/Leased/Leased-Purchased Property
- D. RCW § 9A.56.170 Possession of Stolen Property 3rd Degree
- E. RCW § 9A.56.330 Possession of Another's Identification

SECTION 12. Chapter 9.__ A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Fraud**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.60.045 Criminal Impersonation 2nd Degree

SECTION 13. Chapter 9.__ A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Perjury and Interference With Official Proceedings**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.72.040 False Swearing
- B. RCW § 9A.72.150 Tampering With Physical Evidence

SECTION 14. Chapter 9.__ A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Obstructing Governmental Operation**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.76.020 Obstructing a Law Enforcement Officer
- B. RCW § 9A.76.030 Refusing to Summon Aid For a Peace Officer
- C. RCW § 9A.76.040 Resisting Arrest
- D. RCW § 9A.76.080 Rendering Criminal Assistance 2nd Degree
- E. RCW § 9A.76.090 Rendering Criminal Assistance 3rd Degree
- F. RCW § 9A.76.170 Bail Jumping
- G. RCW § 9A.76.175 Making a False/Misleading Statement to a Public Servant

SECTION 15. Chapter 9.__ A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Public Disturbance**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.84.020 Failure to Disperse
- B. RCW § 9A.84.040 False Reporting/Information

SECTION 16. Chapter 9.__. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Indecent Exposure - Prostitution**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9A.88.010 Indecent Exposure
- B. RCW § 9A.88.030 Prostitution
- C. RCW § 9A.88.050 Prostitution – Sex of Parties Immaterial
- D. RCW § 9A.88.090 Permitting Prostitution
- E. RCW § 9A.88.110 Patronizing a Prostitute

SECTION 17. Chapter 9.__. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **General Provisions**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.01.055 Citizen Immunity if Aiding Officer, Scope – When
- B. RCW § 9.01.110 Omission, When not Punishable
- C. RCW § 9.01.120 Civil Remedies Preserved
- D. RCW § 9.01.160 Application to existing civil rights

SECTION 18. Chapter 9.__. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Animals, Crimes Relating To**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.08.070 Pet Animals – Taking, Concealing, Injury, Killing, Etc.

SECTION 19. Chapter 9.__. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Firearms and Dangerous Weapons**, which shall consist of one (1) section to read as follows:

SWMC 9.__ The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.41.050 Carrying Firearms
- B. RCW § 9.41.098 Forfeiture of Firearms – Disposition - Confiscation
- C. RCW § 9.41.230 Aiming or Discharging a Firearm, Dangerous Weapons
- D. RCW § 9.41.240 Possession of a Pistol Ages 18-21
- E. RCW § 9.41.250 Dangerous Weapon - Penalty
- F. RCW § 9.41.270 Weapon Capable of Producing Bodily Harm/Unlawful Carrying
- G. RCW § 9.41.280 Possessing Dangerous Weapons on School Grounds
- H. RCW § 9.41.300 Weapons Prohibited in Certain Places

SECTION 20. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Gambling – 1973 Act**, which shall consist of one (1) section to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.46.1962 Cheating in the 2nd Degree for Crimes Committed After 1984

SECTION 21. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Inhaling Toxic Fumes**, which shall consist of one (1) section to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.47A.020 Unlawful Inhalation
- B. RCW § 9.47A.030 Possession of Inhalants
- C. RCW § 9.47A.040 Sale of Inhalants

SECTION 22. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Obscenity and Pornography**, which shall consist of one (1) section to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.68.130 Sexually Explicit Material – Defined – Unlawful Display

SECTION 23. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Sexual Exploitation of Children**, which shall consist of one (1) section to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.68A.090 Communicating With A Minor for Immoral Purposes
- B. RCW § 9.68A.150 Allowing Minor on Premises of Live Erotic Performance

SECTION 24. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Duty of Witnesses**, which shall consist of one (1) section to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.69.100 Duty of Witness of Offense Against Child or Any Violent Offense

SECTION 25. Chapter 9. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Miscellaneous Crimes**, which shall consist of one (1) section to read as follows:

SWMC 9. The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 9.91.025 Unlawful Bus Conduct
- B. RCW § 9.91.060 Leaving Children Unattended in Parked Automobile
- C. RCW § 9.91.160 Personal Protection Spray Devices

SECTION 26. Chapter 9.08. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Domestic Relations**, which shall consist of one (1) section to read as follows:

10.08 The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 26.09.300 Restraining orders - Notice - Refusal to comply –
- B. RCW § 26.50.110 Violation of order – Penalties

SECTION 27. Chapter 9.12. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Age of Majority (Tobacco/Tattooing by Minors)**, which shall consist of one (1) section to read as follows:

9.12 The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 26.28.080 Selling or Giving of Tobacco by Minors
- B. RCW § 26.28.085 Applying Tattoo to Minor

SECTION 28. Chapter 9.16. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Liquor Permits (Unlawful Acts Relating to Identification or Certification Card)**, which shall consist of one (1) section to read as follows:

9.16 The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 66.20.200 Unlawful Acts Relating to ID or Certification Card

SECTION 29. Chapter 9.20. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Alcoholic Beverage Control – Enforcement - Penalties**, which shall consist of one (1) section to read as follows:

9.20 The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 66.44.100 Opening or Consuming Liquor in a Public Place
- B. RCW § 66.44.250 Drinking in Public Conveyance
- C. RCW § 66.44.270(2)(a)Furnishing Liquor to a Minor/Possession/Use
- D. RCW § 66.44.290 Minor Purchasing or Attempting to Purchase Liquor
- E. RCW § 66.44.310 Minor Frequenting a Tavern – Off Limits –
- F. RCW § 66.44.325 Unlawful Transfer of Identification to a Minor

SECTION 30. Chapter 9.24. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Foods, Drugs, Cosmetics and Poisons**, which shall consist of one (1) section to read as follows:

9.24 The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 69.43.120 Ephedrine, Pseudoephedrine, Phenylpropanolamine
- B. RCW § 69.50.102 Possession of Drug Paraphernalia
- C. RCW § 69.50.4014 Possession of Marijuana 40 Grams or Less

SECTION 31. Chapter 9.28. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Public Health and Safety**, which shall consist of one (1) section to read as follows:

10.28 The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

- A. RCW § 70.74.310 Gas Bombs, Explosives, Stink Bombs
- B. RCW § 70.93.060 Littering Prohibited

SECTION 32. Chapter 9.32. A new chapter of the Sedro-Woolley Municipal Code is hereby adopted to be known as **Fish and Wildlife (Firearms in Vehicles)**, which shall consist of one (1) section to read as follows:

9.32 The following Statutes of the State of Washington are hereby adopted by reference as they now exist or hereafter may be modified;

B. RCW § 77.15.460 Loaded Firearm in Vehicle – Unlawful Use or Possession

SECTION 33. Chapters 9.04; 9.08; 9.10; 9.12; 9.14; 9.16; 9.18; 9.20; 9.21; 9.22; 9.23; 9.24; 9.30; 9.36; 9.41; 9.50; 9.51; 9.52; 9.54; 9.56; 9.58; 9.60; 9.62; 9.64; 9.65; 9.74; 9.75; 9.78; and 9.82 of the Sedro-Woolley Municipal Code are hereby repealed in their entirety. Chapters 9.34; 9.37; 9.40; 9.42; 9.43; 9.44; 9.46; 9.48; 9.53; 9.66; 9.70; 9.80 and 9.86 of the Sedro-Woolley Municipal Code shall remain in their entirety in the Sedro-Woolley Municipal Code.

SECTION 34. Effective date. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

SECTION 35. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, clause or phrase of this ordinance.

SECTION 36. Short Title & Application. This ordinance shall be known as the Sedro-Woolley Criminal Code and may be cited as such. The provisions of this ordinance shall apply to any offense committed on or after the effective date of this ordinance, which is defined in this ordinance, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense. The provisions of this ordinance do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this ordinance, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this ordinance had not been enacted.

PASSED by majority vote of the members of the Sedro-Woolley City Council
this ____ day of _____, 2010, and signed in authentication of its passage this
____ day of _____, 2010.

Mike Anderson, Mayor

Attest:

Patsy Nelson, Finance Director

Approved as to form:

Eron Berg, City Attorney

Filed with the City Clerk:	August 3, 2010
First Reading:	August 11, 2010
Second Reading:	August 25, 2010
Passed by the City Council:	
Signed by the Mayor:	
Date of Publication:	

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Division I. General Provisions

Chapter 9.04

GENERAL PROVISIONS

Sections:

- 9.04.010 Purpose.**
9.04.020 Definitions.

9.04.010 Purpose.

The purpose of this title is as follows:

- A. To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;
- B. To give fair warning of the nature of the conduct declared to constitute an offense;
- C. To prescribe appropriate penalties for each offense. (Ord. 1113 § 1, 1991)

9.04.020 Definitions.

In this title unless a different meaning plainly is required:

“Bodily injury” or “physical injury” means physical pain, illness, or any impairment or invasion of physical condition.

“Dwelling” means any building, structure, or vehicle or vessel whether movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging.

Enter. The word “enter” when constituting an element or part of a crime, shall include the entrance of a person, or the insertion of any part of his body or any instrument by that person.

Enters or Remains Unlawfully. A person “enters or remains unlawfully” when he has not been licensed, invited or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A limited or qualified license, invitation or privilege to enter on is not a license, invitation or privilege to enter or remain beyond the terms of said limited or qualified

license, invitation or privilege. A person who enters or remains upon an unimproved and apparent unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

Knowledge. A person knows or acts knowingly or with knowledge when:

1. He is aware of a fact, facts, or circumstances or result described by a statute defining an offense; or
2. He has information which would lead a reasonable man in the same situation to believe that facts exist, which facts are described by statute defining offense.

“Malice” and “malicious” shall import an evil intent, which, or design or vex, annoy or injure another person or property. Malice may be inferred from an act done in wilful disregard of the right 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.

“Officer” and “public officer” means 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 officers and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer.

“Omission” means a failure to act.

“Peace officer” means a duly appointed city, county or state law enforcement officer.

“Person” “he” or “actor” includes any natural person and where relevant, a corporation, joint stock association, or an unincorporated association.

“Property” means anything of value, whether tangible or intangible, real or personal.

“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 government, including a

legislator, judge, judicial officer, juror, peace officer or any person participating as an advisor, consultant, or otherwise in performing a governmental function.

Recklessness. A person is reckless or acts recklessly when he knows of and disregards a substantial risk that a wrongful act may occur and his disregard of such substantial risk is a gross deviation from conduct that a reasonable man would exercise in the same situation.

“Unlawfully” or “without lawful authority” means not licensed, permitted, invitation, or otherwise privileged or done by a public officer in the performance of official duty.

“Vehicle” means a motor vehicle as defined in the Vehicle and Traffic Laws of the Revised Code of Washington, any aircraft, boat or other vessel.

“Wilful” means the requirement that an “offense be committed wilfully” is satisfied if a person acts knowingly with respect to the material elements of the offense. (Ord. 1113 § 2, 1991)

**Division II. Offenses by or Against Public
Officers and Government**

Chapter 9.08

ANTICIPATORY OFFENSES

Sections:

**9.08.010 Criminal attempt—Crime
declared.**

**9.08.020 Criminal solicitation—Crime
declared.**

**9.08.010 Criminal attempt—Crime
declared.**

A. A person is guilty of an attempt to commit a crime, if, with the intent to commit a specific crime, as provided for in this title, he does any act which is a substantial step toward the commission of that crime.

B. If the conduct in which a person engages constitutes an attempt to commit a crime, it is not a defense to a prosecution of such attempt that the crime alleged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

C. An attempt to commit a crime is a crime. (Ord. 1113 § 3.1, 1991)

**9.08.020 Criminal solicitation—Crime
declared.**

A. A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he offers to give or gives money or other thing of value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission or attempted commission had such crime been attempted or committed.

B. Criminal solicitation is a crime. (Ord. 1113 § 3.2, 1991)

Chapter 9.10

**OBSTRUCTING GOVERNMENT
OPERATION**

Sections:

**9.10.010 Obstructing a public officer—
Crime declared.**

9.10.020 Making false statements.

**9.10.010 Obstructing a public officer—
Crime declared.**

A. Every person who shall knowingly hinder, delay or obstruct any public officer in the discharge of his official powers or duties, shall be guilty of obstructing a public officer.

B. Obstructing a public officer is a crime. (Ord. 1113 § 7.1, 1991)

9.10.020 Making false statements.

A. A person who knowingly makes a false or misleading material statement to a public servant is guilty of making a false statement. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

B. Making a false statement is a crime, and shall be punished as provided in Section 9.86.010. (Ord. 1328-99 § 1, 1999)

Chapter 9.12

**REFUSAL TO SUMMON AID FOR POLICE
OFFICER**

Sections:

**9.12.010 Determination of guilt—Crime
declared.**

**9.12.010 Determination of guilt—Crime
declared.**

A. A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he knows to be a peace officer, he unreasonably refuses or fails to summon aid for such peace officer.

B. Refusing to summon aid for a peace officer is a crime. (Ord. 1113 § 7.2, 1991)

Chapter 9.14

RESISTING ARREST

Sections:

9.14.010 **Determination of guilt—Crime declared.**

9.14.010 **Determination of guilt—Crime declared.**

A. A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from lawfully arresting him.

B. Resisting arrest is a crime. (Ord. 1113 § 7.3, 1991)

Chapter 9.16**BAIL JUMPING****Sections:**

**9.16.010 Failure to appear at court—
Crime declared.**

**9.16.010 Failure to appear at court—Crime
declared.**

A. Any person charged with a crime having been released by order or having signed a written promise to appear or having been admitted to bail with the requirement of a subsequent personal appearance before the Sedro-Woolley Court, and who knowingly fails without lawful authority to appear as required is guilty of bail jumping. Unless otherwise established, the failure to appear when required shall be inferred to have been without lawful authority.

B. Bail jumping is a crime. (Ord. 1113 § 7.4, 1991)

Chapter 9.18

FALSE REPORTING

Sections:

9.18.010 **Determination of guilt—Crime declared.**

9.18.010 **Determination of guilt—Crime declared.**

A. A person is guilty of false reporting if with knowledge that the information reported, conveyed or circulated is false, he initiates or circulates a false report or warning on an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.

B. False reporting is a crime. (Ord. 1113 § 8.4, 1991)

Division III. Offenses Against the Person

Chapter 9.20

ASSAULT AND OTHER CRIMES INVOLVING PHYSICAL HARM— HARASSMENT

Sections:

- 9.20.010 Definitions.
- 9.20.020 Assault.
- 9.20.030 Provoking assault.
- 9.20.040 Reckless endangerment.
- 9.20.050 Aiming or discharging weapons.
- 9.20.060 Harassment.
- 9.20.070 Making or permitting telephone calls to harass, intimidate or embarrass.
- 9.20.080 Cyberstalking.

9.20.010 Definitions.

“Assault” is any intentional, offensive, unpermitted touching of another person or an attempt to intentionally inflict bodily injury on another person, accompanied with the apparent, present ability to effectuate the attempt if not prevented. (Ord. 1113 § 4.1, 1991)

9.20.020 Assault.

Every person who shall commit an assault shall be guilty of a crime. (Ord. 1113 § 4.2, 1991)

9.20.030 Provoking assault.

A. Every person who by word, sign or gesture, wilfully provokes, or attempts to provoke, another person to commit an assault is guilty of provoking assault.

B. Provoking assault is a crime. (Ord. 1113 § 4.3, 1991)

9.20.040 Reckless endangerment.

A. Every person who recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person is guilty of reckless endangerment.

B. Reckless endangerment is a crime. (Ord. 1113 § 4.4, 1991)

9.20.050 Aiming or discharging weapons.

A. It is unlawful for any person, without lawful authority, to aim any gun, pistol, revolver or other firearm whether loaded or not, at or toward any human being, or to wilfully discharge any firearm within the city limits, or to wilfully discharge an air gun, bow and arrow, sling shot, or like weapon in any place where persons or property might be unreasonably endangered thereby, whether or not injury or damage results.

B. The unlawful aiming or discharging of weapons is a crime. (Ord. 1113 § 4.5, 1991)

9.20.060 Harassment.

A. A person is guilty of harassment if:

1. Without lawful authority the person knowingly threatens:

a. To cause bodily injury in the future to the person threatened or to any other person, or

b. To cause physical damage to the property of another, or

c. To subject the person threatened or any other person to physical confinement or restraint, or

d. Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and

2. The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

B. Any harassment committed may be deemed to have been committed where the conduct occurred, the place from which the threat or threats were made, or the place where the threat or threats were received.

C. Harassment is a crime. (Ord. 1113 § 4.6, 1991)

9.20.070 Making or permitting telephone calls to harass, intimidate or embarrass.

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

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

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

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

shall be guilty of a crime.

B. Any person who knowingly permits any telephone under his control to be used for any purpose prohibited by subsection A of this section shall be guilty of a crime.

C. Any offense committed by use of a telephone as set forth in this section may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received.

D. Violation of this section is a crime. (Ord. 1375-00 § 1, 2000; Ord. 1113 § 4.7, 1991)

9.20.080 Cyberstalking.

A. A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

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

2. Anonymously or repeatedly whether or not conversation occurs; or

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

B. Cyberstalking is a gross misdemeanor.

C. Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

D. For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, electronic mail, internet-based communications, pager service, and electronic text messaging. (Ord. 1636-09 § 1, 2009)

Chapter 9.21**DOMESTIC VIOLENCE****Sections:**

9.21.010 Interfering with the reporting of domestic violence.

9.21.010 Interfering with the reporting of domestic violence.

A. A person commits the crime of interfering with the reporting of domestic violence if the person:

1. Commits a crime of domestic violence, as defined in RCW 10.99.020 or the analogous provision of Title 9 of this code; and
2. Prevents or attempts to prevent the victim of or a witness to that domestic violence crime from calling 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.

B. Commission of a domestic violence under subsection A of this section is a necessary element of the crime of interfering with the reporting of domestic violence.

C. Interference with the reporting of domestic violence is a crime, and shall be punishable as provided in Section 9.86.010. (Ord. 1278-97 § 1, 1997)

Chapter 9.22

RESTRAINING ORDER—ORDER OF PROTECTION—NO-CONTACT ORDER

Sections:

- 9.22.010** **Violation of a restraining order, order of protection, or no-contact order.**
- 9.22.020** **Notice.**
- 9.22.030** **Violation—Crime declared.**

9.22.010 **Violation of a restraining order, order of protection, or no-contact order.**

Any person who knowingly violates the provisions of a restraining order issued under RCW Chapters 26.09, 26.66 and 26.44, or an order of protection issued under Chapter 26.50, or no-contact order issued under RCW Chapter 10.99, is guilty of violation of a restraining order, order of protection, or no-contact order. (Ord. 1376-00 § 1, 2000; Ord. 1113 § 7.5(a), 1991)

9.22.020 **Notice.**

A person is deemed to have notice of a restraining order, order of protection, or no-contact order if:

A. The order was signed by the person to be restrained or the attorney for the person to be restrained;

B. The order recites that the person to be restrained or the person's attorney appeared in person before the court; or

C. The order was served upon the person to be restrained; or

D. The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order. (Ord. 1113 § 7.5(b), 1991)

9.22.030 **Violation—Crime declared.**

Violation of a restraining order, order of protection, or no-contact order is a crime. (Ord. 1113 § 7.5(c), 1991)

Chapter 9.23**COERCION****Sections:****9.23.010 Coercion defined.****9.23.020 Penalty.****9.23.010 Coercion defined.**

A. A person is guilty of coercion if by use of a threat he compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he has a legal right to engage in.

B. "Threat" as used in this section means:

1. To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or

2. To communicate, directly or indirectly the intent

a. To cause bodily injury in the future to the person threatened or to any other person, or

b. To cause physical damage to the property of a person other than the actor, or

c. To subject the person threatened or any other person threatened or any other person to physical confinement or restraint. (Ord. 1207 § 1, 1994)

9.23.020 Penalty.

Coercion is a crime, which shall be punishable as set forth in Section 9.86.010. (Ord. 1207 § 2, 1994)

Division IV. Offenses Against Public Decency

Chapter 9.24

PUBLIC INDECENCY

Sections:

9.24.010 Defined—Crime declared.

9.24.010 Defined—Crime declared.

A. A person is guilty of public indecency if he (1) makes any open and obscene exposure of his person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm, or (2) urinates or defecates in public.

B. Public indecency is a crime. (Ord. 1113 § 9.1, 1991)

Chapter 9.30

PUBLIC MORALS

Sections:

- 9.30.010 Definitions.
- 9.30.020 Unlawful public exposure prohibited.
- 9.30.030 Facilitating unlawful public exposure prohibited.
- 9.30.040 Exemptions.
- 9.30.050 Affirmative defenses.
- 9.30.060 Violation—Penalty.

9.30.010 Definitions.

As used in this chapter, the following words and terms shall have the meaning set forth in this section:

A. "Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas.

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

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

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

E. "Unlawful public exposure" means:

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

3. A public exposure consisting of touching, caressing or fondling of the male or female genitals or female breasts, whether clothed or unclothed. (Ord. 1067 § 1 (part), 1989)

9.30.020 Unlawful public exposure prohibited.

It is unlawful for any person to intentionally commit any act constituting unlawful public exposure as defined in this chapter. (Ord. 1067 § 1 (part), 1989)

9.30.030 Facilitating unlawful public exposure prohibited.

It is unlawful for the owner, lessee, manager, operator or other person in charge of any public place to knowingly permit, encourage or cause to be committed, whether by commission or omission, any unlawful public exposure upon the premises. (Ord. 1067 § 1 (part), 1989)

9.30.040 Exemptions.

The prohibitions set forth in Sections 9.30.020 and 9.30.030 shall not apply to any:

- A. "Expressive dance" as defined in Section 9.30.010;
- B. Play, opera, musical, or other dramatic work;
- C. Class, seminar, or lecture, conducted for a scientific or educational purpose;
- D. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities. (Ord. 1067 § 1 (part), 1989)

9.30.050 Affirmative defenses.

It is an affirmative defense to a prosecution for violation of Sections 9.30.020 or 9.30.030 that the nudity or other public exposure, when considered in the context in which presented, provided actual literary, artistic, political or scientific value and was not provided for commercial or sexual exploitation or with an emphasis on an appeal to a prurient interest. (Ord. 1067 § 1 (part), 1989)

9.30.060

9.30.060 Violation—Penalty.

Violation of any of the provisions of this chapter constitutes a misdemeanor, punishable by a fine of up to five hundred dollars, and imprisonment for a period of up to six months, or by both such fine and imprisonment. (Ord. 1067 § 1 (part), 1989)

Chapters 9.34

MALT LIQUOR—SALES AND DISTRIBUTION

Sections:

- 9.34.010** **Keg registration—Special endorsement for grocery store licensee—Requirements of seller.**
- 9.34.020** **Keg registration—Requirements of purchaser.**
- 9.34.030** **Compliance—Crime.**
- 9.34.010** **Keg registration—Special endorsement for grocery store licensee—Requirements of seller.**

Licensees holding a beer and/or wine restaurant or a tavern license in combination with an off-premises beer and wine retailer's license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid. Under a special endorsement from the board, a grocery store licensee may sell malt liquor in containers no larger than five and one-half gallons. The sale of any container holding four gallons or more must comply with the provisions of RCW 66.28.200 through 66.28.240. Any person who sells or offers for sale the contents of kegs or other containers containing four gallons or more of malt liquor, or leases kegs or other containers that will hold four gallons of malt liquor, to consumers who are not licensed under Chapter 66.24 RCW shall do the following for any transaction involving the container:

A. Require the purchaser of the malt liquor to sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

B. Require the purchaser to provide one piece of identification pursuant to RCW 66.16.040;

C. Require the purchaser to sign a sworn statement, under penalty of perjury, that:

1. The purchaser is of legal age to purchase, possess or use malt liquor,

2. The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270,

3. The purchaser will not remove, obliterate or allow to be removed or obliterated, the identification required under RCW 66.28.220 to be affixed to the container,

4. Require the purchaser to state the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located, and

5. Require the purchaser to 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 a physical barrier from the keg, during the time that the keg or other container is in the purchaser's possession or control. (Ord. 1377-00 § 1, 2000: Ord. 1005 § 1, 1984)

9.34.020 **Keg registration—Requirements of purchaser.**

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

A. Sign a declaration and receipt for the keg or other container or beverage in substantially the form provided in RCW 66.28.220;

B. Provide one piece of identification pursuant to RCW 66.16.040;

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

D. Not allow any person under the age of twenty-one to consume the beverage except as provided by RCW 66.44.270;

E. Not remove, obliterate or allow to be removed or obliterated, the identification required under rules adopted by the board;

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

G. 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 a physical barrier from the keg, during the

9.34.030

time that the keg or other container is in the purchaser's possession or control. (Ord. 1377-00 § 2, 2000: Ord. 1005 § 2, 1984)

9.34.030 Compliance—Crime.

Any person who shall sell or offer for sale or to purchase any keg or container of malt liquor in violation of Sections 9.34.010 and 9.34.020, or who shall knowingly supply false information on the receipt and declaration required by Sections 9.34.010 and 9.34.020, or who shall sell any keg or container knowing that any information on the receipt and declaration required by Sections 9.34.010 and 9.34.02 is false, shall be guilty of a crime. (Ord. 1377-00 § 3, 2000: Ord. 1005 § 3, 1984)

Chapter 9.36**MARIJUANA****Sections:**

- 9.36.010** **Defined.**
9.36.020 **Determination of guilt.**
9.36.030 **Crime declared.**

9.36.010 **Defined.**

“Marijuana” means all parts of the plant Cannabis Sativa 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, or 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. (Ord. 1113 § 10.1, 1991)

9.36.020 **Determination of guilt.**

A person is guilty of possession of marijuana if he possesses less than forty grams of marijuana. (Ord. 1113 § 10.2, 1991)

9.36.030 **Crime declared.**

The possession of less than forty grams of marijuana is a crime. (Ord. 1113 § 10.3, 1991)

Chapter 9.37

DRUG PARAPHERNALIA

Sections:

- 9.37.010** **Definitions adopted by reference.**
- 9.37.020** **Use of drug paraphernalia unlawful.**
- 9.37.030** **Manufacture or delivery of drug paraphernalia unlawful.**
- 9.37.040** **Advertisement of drug paraphernalia unlawful.**
- 9.37.050** **Crime declared.**

9.37.010 **Definitions adopted by reference.**

RCW 69.50.101 and 69.50.102 are adopted by reference. The definitions contained therein shall be construed according to the full context of RCW Chapter 69.50. A copy of RCW Chapter 69.50, including the definitions in RCW 69.50.101 and 69.50.102, shall be available for inspection in the office of the clerk-treasurer along with a copy of this chapter. (Ord. 1113 § 12.1, 1991)

9.37.020 **Use of drug paraphernalia unlawful.**

It is unlawful for any person to use 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. (Ord. 1113 § 12.2, 1991)

9.37.030 **Manufacture or delivery of drug paraphernalia unlawful.**

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver 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. (Ord. 1113 § 12.3, 1991)

9.37.040 **Advertisement of drug paraphernalia unlawful.**

It is unlawful for any person to place in any newspaper, magazine, handbill or other publication, any advertising, knowing or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. (Ord. 1113 § 12.4, 1991)

9.37.050 **Crime declared.**

The use, sale, manufacture, delivery or advertisement of drug paraphernalia is a crime. (Ord. 1113 § 12.5, 1991)

Division V. Offenses Against Public Peace**Chapter 9.40****OBSTRUCTING STREETS, ALLEYS OR
SIDEWALKS****Sections:**

9.40.010 **Determination of guilt—Crime
declared.**

9.40.010 **Determination of guilt—Crime
declared.**

A. A person is guilty of obstructing streets, sidewalks or alleys if he (1) places or allows to remain on any sidewalk or alley any object or objects, including a vehicle, which obstructs free and public travel upon said alleyway or sidewalk, except that goods, wares and merchandise may be placed on the sidewalk in front of any commercial building by the occupant thereof, not to exceed thirty inches from the property line; (2) leaves any object except a vehicle licensed under RCW Title 46, on a street in such a manner as to obstruct free and public travel thereon. Vehicles licensed under RCW Title 46 are regulated by parking ordinances.

B. Obstructing streets, alleys or sidewalks is a crime. (Ord. 1113 § 8.1, 1991)

Chapter 9.41

FAILURE TO DISPERSE

Sections:

9.41.010 **Determination of guilt—Crime declared.**

9.41.010 **Determination of guilt—Crime declared.**

A. A person is guilty of failure to disperse if, (1) he congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person or substantial harm to property; and (2) he refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law.

B. Failure to disperse is a crime. (Ord. 1113 § 8.2, 1991)

Chapter 9.42**DISORDERLY CONDUCT****Sections:**

9.42.010 **Determination of guilt—Crime declared.**

9.42.010 **Determination of guilt—Crime declared.**

A. A person is guilty of disorderly conduct if he (1) uses abusive language and thereby intentionally creates a risk of assault; or (2) intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or (3) intentionally obstructs vehicle or pedestrian traffic without lawful authority; or (4) intentionally conducts himself in a noisy, riotous or tumultuous manner by the use of profane, vulgar, abusive, or indecent language, knowing that such conduct is likely to cause reasonable affront or alarm or will unreasonably disturb the peace and quiet of the city; or (5) shall be found fighting in the city of Sedro-Woolley.

B. Disorderly conduct is a crime. (Ord. 1113 § 8.3, 1991)

Chapter 9.43

USE OF PARKS AFTER HOURS

Sections:

9.43.010 Park property—Use after hours—Permission required—Penalty.

9.43.010 Park property—Use after hours—Permission required—Penalty.

A. It is unlawful for any person, without prior written permission from the mayor or his designee, to enter or go onto or to remain in or on any public park or other public land of the city between the hours of ten p.m. and six a.m. of the following day, except when using the Community Center at Memorial Park, or using recreational vehicle spaces, after renting or reserving the facility or space from the city.

B. Use of a public park or other public land of the city in violation of this section shall be a crime punishable as set forth in Section 9.86.010. (Ord. 1255-96 § 1, 1996)

Chapter 9.44

PUBLIC DRUNKENNESS

Sections:

- 9.44.010** **Protective custody—Treatment center.**
- 9.44.020** **Treatment center—Confinement—Release.**
- 9.44.030** **Treatment center—Informed of rights.**
- 9.44.040** **Treatment center—Security necessary for patients and personnel.**
- 9.44.050** **Further treatment—Encouragement.**
- 9.44.060** **Treatment center—Voluntary admission.**

9.44.010 **Protective custody—Treatment center.**

A person who appears to be incapacitated by alcohol and who is in a public place or who has threatened, attempted or inflicted physical harm on another, shall be taken into protective custody and as soon as practicable, but in no event beyond eight hours, brought to an approved treatment facility for treatment. If no approved treatment facility is readily available, he shall be taken to an emergency medical service customarily used for incapacitated persons. (Ord. 783 § 2, 1974)

9.44.020 **Treatment center—Confinement—Release.**

At the treatment center the person thus taken into custody shall be examined by a qualified person under the supervision of a licensed physician as soon as possible. He or she may then be admitted to the center as a patient or be referred to and transported to another health facility. Every person thus admitted may be kept at the facility for not more than forty-eight hours, or until he or she is found to be no longer incapacitated by alcohol, whichever is sooner, at which time he or she shall be released unless transferred with his or her consent or under

appropriate judicial order to another health facility, or unless he or she agrees in writing to remain as a patient a longer period of time. At the time of release the person shall be transported to his or her home or if he or she has no home reasonable effort shall be made to obtain shelter. (Ord. 783 § 3, 1974)

9.44.030 **Treatment center—Informed of rights.**

Every person taken to the treatment center shall be immediately informed in writing that he or she has a right to call an attorney (either immediately or later), and he or she may individually or through his or her attorney, demand a court hearing within forty-eight hours (or earlier) which hearing shall then be conducted and the court shall determine whether the person in fact should be kept in such facility under this chapter, and shall order him or her released if the court finds the person is not incapacitated by liquor and that it is safe for him or her to be released. (Ord. 783 § 4, 1974)

9.44.040 **Treatment center—Security necessary for patients and personnel.**

The personnel of the treatment center shall assure that the person does not leave the center until forty-eight hours have passed or until he or she is no longer incapacitated by liquor, whichever is sooner, and shall use such reasonable security measures necessary for the protection of patients or personnel. The police and personnel at the treatment center shall have the right to use reasonable force when necessary to protect personnel. The taking of the person to the treatment center is not an arrest and no record shall be made thereof to indicate the person is guilty of any crime. In carrying out this chapter the police and personnel of the treatment center shall not be individually liable either civilly or criminally for acts taken in good faith to carry out this chapter. (Ord. 783 § 5, 1974)

9.44.050

**9.44.050 Further treatment—
Encouragement.**

All persons released from the treatment center shall be encouraged to undergo further diagnosis and appropriate voluntary treatment. (Ord. 783 § 6, 1974)

**9.44.060 Treatment center—Voluntary
admission.**

Any person who is intoxicated or incapacitated by use of liquor may come to the treatment center voluntarily and be admitted for treatment as a patient. (Ord. 783 § 7, 1974)

Chapter 9.46

PUBLIC DISTURBANCE NOISE

Sections:

9.46.010	Intent.
9.46.020	Unlawful acts designated.
9.46.030	Exemptions.
9.46.040	Violation—Penalty.
9.46.050	Repeated violations are crimes.

9.46.010 Intent.

It is declared to be the policy of the city to minimize the exposure of citizens to the harmful physiological and psychological effects of excessive and unnecessary noise. It is the express intent of the city to control the level of noise in a manner which promotes commerce; the use value and enjoyment of property; sleep and repose; and the quality of the environment. The ordinance codified in this chapter should be construed consistent with this intent. (Ord. 1141 § 1, 1992)

9.46.020 Unlawful acts designated.

It is unlawful for any person knowingly to cause, or for any person in possession or control of property knowingly to allow to originate from the property, sound that is a public disturbance noise. The following sounds or acts are determined to be public disturbance noises or acts producing public disturbance noises:

A. Operation of a motor vehicle, whether or not licensed or equipped for use on a public highway, which is not equipped with a muffler in good working order and in continuous operation;

B. Operation of a motor vehicle in such a manner as to intentionally cause, or allow to be emitted, squealing, screeching, or other such sound, from the tires in contact with the ground because of rapid acceleration, intentional and unnecessary braking or excessive speed around corners or other such reason; provided, that sound resulting from emergency braking or emergency evasive action to avoid imminent danger shall not be considered a public disturbance noise;

C. 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;

D. Using or operating any mechanical or electronic device or loudspeaker in a fixed or movable position exterior to any building, or mounted upon a motor vehicle, aircraft, or boats for commercial or business advertising purposes or for the purpose of attracting attention to any performance, show or sale or display of merchandise, where the sound therefrom may be heard upon any public street, park, or place; provided, that nothing in this chapter is intended to prohibit incidental sounds emanating from a sporting or entertainment or public event; provided further, that ice cream or vegetable vendors whose sole method of selling is from a moving vehicle, shall be exempt from this provision from the hours of seven a.m. to eight p.m. so long as the level of noise is not unreasonably loud;

E. Owning, keeping, possessing or harboring any animals which by frequent or habitual howling, barking, crowing or other noisemaking can be heard in a residential zone;

F. The erection, including excavation, demolition, alteration or repair of any building other than between the hours of seven a.m. to nine p.m. on weekdays and eight a.m. to nine p.m. on weekends, except in cases of urgent necessity in the interest of public safety and convenience, and then only by written permission of the building official or city supervisor;

G. The use, operation or permitting to be used, played or operated any radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such a manner as to unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. To unreasonably disturb the peace, quiet and comfort of the neighboring inhabitants shall include, but not be limited to the operation of any such set,

instrument, phonograph, machine or device in such a manner as to be plainly audible at a distance of fifty feet from the building, structure or vehicle in which it is located. Provided, however, that nothing herein shall prohibit such sounds at or from a wedding, reception, party, musical or theatrical performance or other similar event where a permit therefor has first been obtained from the city supervisor and subject to such conditions and restrictions as the city supervisor shall designate;

H. Operation of any power lawn mower, power snow remover or blower, chain saw or other powered equipment used in temporary or periodic maintenance or repair of residential property or grounds, except between the hours of seven a.m. to nine p.m. on weekdays and eight a.m. to nine p.m. on weekends;

I. Maintaining or possessing any bells, chimes, or carillons which operate or make noise plainly audible in or on neighboring residential property for a period longer than five minutes in any one hour;

J. The operation of any aircraft for the purpose of take-off or landing where the noise therefrom is clearly audible in or on any residential property, whether or not such aircraft are regulated by the Federal Aviation Administration or other federal law, and including those aircraft commonly referred to as "ultralights." (Ord. 1141 § 2, 1992)

9.46.030 Exemptions.

The following sounds are exempt from the provisions of this chapter:

- A. Sounds originated from aircraft in flight;
- B. Sounds created by fire alarms;
- C. Sounds created by emergency equipment and emergency work necessary in the interest of law enforcement or of the health, safety or welfare of persons or community;
- D. Sounds originating from city sanctioned events such as parades or other public events. (Ord. 1141 § 3, 1992)

9.46.040 Violation—Penalty.

Any person, firm or corporation who violates any of the provisions of this chapter shall have committed

a civil infraction. Procedure for issuance of a notice of infraction and the processing thereof in the courts shall be substantially as set forth for traffic infraction pursuant to the justice court traffic infraction rules as now or hereafter promulgated by the Washington State Supreme Court or local court rules. Penalties for violations shall be as follows:

A. Upon a first violation, a fine of not more than one hundred dollars;

B. Upon a second violation, a fine of not more than two hundred fifty dollars;

C. Upon a third violation, a fine of not more than five hundred dollars. (Ord. 1567-07 § 2, 2007; Ord. 1141 § 4, 1992)

9.46.050 Repeated violations are crimes.

Any person, firm or corporation who violates any of the provisions of this chapter more than three times in any twelve-month period of time shall have committed a crime which shall be punishable as set forth in Section 9.86.010. (Ord. 1567-07 § 1, 2007)

Chapter 9.48

BURGLARY AND ROBBERY ALARM
SYSTEMS

Sections:

- 9.48.010** False alarm defined.
9.48.020 Turn-off of activated alarms—
 Responsibility.
9.48.030 Activation of alarm unlawful
 when.
9.48.040 False alarms.
9.48.050 Violation—Penalty.

9.48.010 False alarm defined.

For purposes of this chapter, the term “false alarm” means the activation of a fire, water flow, burglary and/or robbery alarm by other than a fire, smoke, heat, forced entry or attempted forced entry into the premises and at a time when no fire, smoke or heat occurs, or no burglary or robbery is being committed or attempted on a premises. (Ord. 1225-95 § 1 (part), 1995; Ord. 1181 § 2, 1993)

9.48.020 Turn-off of activated alarms—
Responsibility.

It is unlawful to have or maintain on any premises a fire, water flow, burglary and/or robbery alarm unless there is posted at the main entrance to such premises a prominent notice of the telephone numbers at which the person or persons authorized to enter such premises and turn off such alarm can be reached at all times, or unless such information respecting a burglary and/or robbery alarm is on file with the Sedro-Woolley police department, or unless such information respecting a fire and/or water flow alarm is on file with the Sedro-Woolley fire department. It is unlawful for any person so designated to fail to appear and turn off any such alarm within one hour after being notified by the police or fire department to do so. (Ord. 1225-95 § 1 (part), 1995; Ord. 1181 § 3, 1993)

9.48.030 Activation of alarm unlawful
when.

It is unlawful for anyone to activate any fire, water flow, robbery or burglary alarm for the purpose of summoning police or fire department except in the event of an actual or attempted burglary or robbery in progress, or except when fire, smoke, or heat occurs. It is unlawful for anyone notifying the police or fire department of an activated alarm and having knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system to fail at the same time to notify the police or fire department of such apparent malfunction. (Ord. 1225-95 § 1 (part), 1995; Ord. 1181 § 4, 1993)

9.48.040 False alarms.

For a police or fire department response to any false alarm the chief of police or fire chief shall charge and collect from the person having or maintaining such fire, smoke alarm, burglary and/or robbery alarm on premises owned or occupied by him, such person shall pay fees as follows:

A. For a response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a “first response,” no fee shall be charged, but the person having or maintaining such a fire, smoke alarm, burglary and/or robbery alarm shall within three working days after notice to do so make a written report to the chief of police or fire chief on forms prescribed by him setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized service person, and such other information as the chief of police or fire chief may reasonably require to determine the cause of such false alarm and corrective action necessary.

B. For a second response to premises within six months after a first response, no fee shall be charged, but a written report shall be required as in the case of a first response and the chief of police or fire chief shall be authorized to inspect or cause to be inspected, at owner’s expense, the alarm system at such premises, prescribe necessary corrective action,

and shall give notice to the person having or maintaining such alarm system of the conditions and requirements of this section.

C. For a third response to the premises within six months after a second response, and for all succeeding responses within six months of the last response, a fee of fifty dollars shall be charged and if such third false alarm, or any such succeeding false alarm, is as a result of failure to take necessary corrective action prescribed by the chief of police or fire chief, said chief of police or fire chief may order the disconnection of such alarm system and it shall be unlawful to reconnect such alarm system until after such corrective action is taken; provided, that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation; and provided, no fee shall be assessed if the chief of police or fire chief determines that the cause of the false alarm was lighting, weather, power outage or other natural disturbance. (Ord. 1225-95 § 1 (part), 1995: Ord. 1181 § 5, 1993)

9.48.050 Violation—Penalty.

Failure to comply with any of the terms or conditions of this chapter shall be a crime punishable as set forth in Section 9.86.010. (Ord. 1225-95 § 1 (part), 1995: Ord. 1181 § 6, 1993)

Division VI. Offenses Against Property**Chapter 9.50****RECKLESS BURNING****Sections:**

- 9.50.010** **Defined.**
9.50.020 **Crime declared.**
9.50.030 **Defense for prosecution.**

9.50.010 **Defined.**

A person is guilty of reckless burning, if he knowingly causes a fire or explosion, whether on his own property or that of another, and thereby recklessly places a building or other property in danger of destruction or damage. (Ord. 1113 § 5.1(a), 1991)

9.50.020 **Crime declared.**

Reckless burning is a crime. (Ord. 1113 § 5.1(b), 1991)

9.50.030 **Defense for prosecution.**

In any prosecution for the crime of reckless burning it shall be a defense that no person other than the defendant had a possessory or pecuniary interest in the damaged or endangered property, or that if other persons had such an interest, all of them consented to the defendant's conduct. (Ord. 1113 § 5.1(c), 1991)

Chapter 9.51

LITTERING

Sections:

9.51.010 Prohibited—Crime declared.

9.51.010 Prohibited—Crime declared.

A. A person is guilty of littering if he throws, drops, deposits, discards, or otherwise disposes of litter from any public property in the city or upon private property in the city not owned by him or in the waters within the city, whether from a vehicle or otherwise, including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley; except:

1. When such property is designated by the city for the disposal of garbage and refuse, and such person is authorized to use such property for such purposes;

2. Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or water.

B. Littering is a crime. (Ord. 1113 § 5.11, 1991)

Chapter 9.52

MALICIOUS MISCHIEF

Sections:

9.52.010 **Determination of guilt—Crime declared.**

9.52.010 **Determination of guilt—Crime declared.**

A. A person is guilty of malicious mischief if he knowingly and maliciously causes physical damage to the property of another in an amount less than two hundred fifty dollars.

B. Malicious mischief is a crime. (Ord. 1378-00 § 1, 2000; Ord. 1113 § 5.3, 1991)

Chapter 9.53

GRAFFITI

Sections:

- 9.53.010 Graffiti constitutes a nuisance.**
- 9.53.020 Court mandated removal appropriate when possible.**
- 9.53.030 Graffiti abatement is beneficial to the community.**
- 9.53.040 Definitions.**
- 9.53.050 Graffiti is prohibited.**
- 9.53.060 Graffiti—Notice of removal.**
- 9.53.070 Service of notice of removal to be written to property owner.**
- 9.53.080 Form of notice.**
- 9.53.090 City costs constitute a debt-lien.**
- 9.53.100 Appeal.**
- 9.53.110 Abatement by city.**
- 9.53.120 Advance consent to entry.**

9.53.010 Graffiti constitutes a nuisance.

Graffiti and other defacement of public and private property, including walls, rocks, bridges, buildings, fences, gates and other structures, trees and other real and personal property within the city constitutes a nuisance. (Ord. 1244-95 § 1, 1995)

9.53.020 Court mandated removal appropriate when possible.

Although it is appropriate, where possible, to request that the courts require people who are convicted of acts of defacement and vandalism involving application of graffiti to public or private property to restore the property so defaced, damaged or destroyed, obtaining convictions for such acts is difficult because the offenses involved can be committed so very quickly and secretly that witnesses to the acts are frequently non-existent. (Ord. 1244-95 § 2, 1995)

9.53.030 Graffiti abatement is beneficial to the community.

Although the public should be encouraged to cooperate in the elimination of graffiti by reporting

the same to the proper authorities, it is also important to eliminate the presence of graffiti from the community so that the product of illegal acts of those involved in the illegal application of graffiti is not visible, on the property on which the graffiti is located, and so that surrounding properties do not suffer diminishment of value. (Ord. 1244-95 § 3, 1995)

9.53.040 Definitions.

For the purpose of this chapter, the following words shall have the following meaning:

“Graffiti” means the defacing, damaging or destroying by spraying of paint or marking of ink, chalk, dye or other similar substance on public or private buildings, structures and places.

“Graffiti abatement procedure” means the abatement procedure which identifies graffiti, issues notice to the landowner to abate the graffiti, and cures it in the absence of response.

“Private contractor” means any person with whom the city shall have duly contracted to remove graffiti. (Ord. 1244-95 § 4, 1995)

9.53.050 Graffiti is prohibited.

It is unlawful within the city for any person or persons to write, paint or draw upon any wall, rock, bridge, building, fence, gate, road or other structure, tree or real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as “graffiti.” (Ord. 1244-95 § 5, 1995)

9.53.060 Graffiti—Notice of removal.

A. Whenever the police chief or his/her designated representative determines that graffiti exists on any public or private building, structures and places which are visible to any person utilizing any public road, parkway, alley, sidewalk or other right-of-way within the city, and when seasonal temperatures permit the painting of exterior surfaces, the police chief or his/her designated representative shall cause a notice to be issued to abate such nuisance. The property owner shall have fifteen days after the date of the notice to remove the graffiti or

the same will be subject to abatement by the city. (Ord. 1244-95 § 6, 1995)

9.53.070 Service of notice of removal to be written to property owner.

The notice to abate graffiti pursuant to this section shall cause a written notice to be served upon the owner(s) of the affected premises, as such owner's name and address appears on the last property tax assessment rolls of Skagit County, Washington. If there is no known address for the owner, the notice shall be sent in care of the property address. The notice required by this section may be served in any one of the following manners:

A. By personal service on the owner, occupant or person in charge, or control of the property;

B. By registered or certified mail addressed to the owner of the last known address of said owner. If this address is unknown, the notice will be sent to the property address. (Ord. 1244-95 § 7, 1995)

9.53.080 Form of notice.

The notice shall be substantially in the following form:

Notice of Intent to Remove Graffiti

Date:

To:

NOTICE IS HEREBY GIVEN that you are required, by Ordinance Number _____, City of Sedro-Woolley, at your own expense, to remove or paint over the graffiti located on the property commonly known as:

(property address)

Sedro-Woolley, Skagit County, Washington, which graffiti is visible to public view, within fifteen (15) days after the date of this notice; or, if you shall fail to do so, the city requires the nuisance to be abated by removal or painting over the graffiti. The cost of the abatement by the city or private contractors employed by the city to

abate the nuisance will be assessed upon your property and such costs will constitute a lien upon the land, until paid.

All persons having any objection to, or interest said in the matter, are hereby notified to submit any objections or comments to the Chief of Police of the City of Sedro-Woolley or his/her designated representative, within ten (10) days from the date of this notice. If no objections or comments to the notice are received by the city, the city will, at the conclusion of the fifteen (15) day period, proceed with abatement of the graffiti inscribed on your property at your expense, without further notice.

(Ord. 1244-95 § 8, 1995)

9.53.090 City costs constitute a debt-lien.

Any, and all, costs incurred by the city in the abatement of the graffiti nuisance as provided in this chapter shall constitute a debt owed to the city by the property owner or person in charge or control of the property, and shall be enforceable as a lien against the property upon which such nuisance existed, in addition to the other legal remedies available for enforcement of debts. (Ord. 1244-95 § 9, 1995)

9.53.100 Appeal.

Within ten days from the mailing or from the personal service of the notice of intent to remove graffiti, the owner or person occupying or controlling the affected premises may appeal the matter to the city council. Filing of the appeal will stay, during the pendency of the appeal, any enforcement or actions by the city to abate the graffiti nuisance. (Ord. 1244-95 § 10, 1995)

9.53.110 Abatement by city.

Upon failure of the person(s) so notified to comply with the notice, or to appeal the notice, within the designated date, or such continued date thereafter as the police chief of his/her designated representative approves, then the police chief is authorized and directed to cause the graffiti to be abated by city forces, or by private contract, and the city, or its

private contractor is expressly authorized to enter upon the premises for such purposes. All reasonable efforts to minimize damage from such entry shall be taken by the city, and any paint used to obliterate or cover graffiti shall be as close, as feasible, to the background color(s). If the police chief provides for the removal of the graffiti, he/she shall not authorize nor undertake to provide for the painting or repair of any more extensive area than the area where the graffiti is located. (Ord. 1244-95 § 11, 1995)

9.53.120 Advance consent to entry.

Property owners in the city may consent in advance to city entry onto private property for graffiti removal purposes. (Ord. 1244-95 § 12, 1995)

Chapter 9.54

CRIMINAL TRESPASS

Sections:

9.54.010 Determination of guilt—Crime declared.

9.54.010 Determination of guilt—Crime declared.

A. A person is guilty of criminal trespass if he knowingly enters or remains unlawfully in or upon premises or vehicle of another.

B. Criminal trespass is a crime. (Ord. 1113 § 5.4, 1991)

Chapter 9.56

VEHICLE PROWLING

Sections:

9.56.010 **Determination of guilt—Crime declared.**

9.56.010 **Determination of guilt—Crime declared.**

A. A person is guilty of vehicle prowling if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle.

B. Vehicle prowling is a crime. (Ord. 1113 § 5.12, 1991)

Chapter 9.58**THEFT****Sections:**

- 9.58.010** **Defined—Defense.**
9.58.020 **Third degree theft.**
9.58.030 **Crime declared.**

9.58.010 **Defined—Defense.**

A. "Theft" means:

1. To wrongfully take, steal, 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

2. By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

3. To appropriate lost or misdelivered property or services of another, or the value thereof, with the intent to deprive him of such property or services.

B. Defense. In any prosecution for theft, it is a sufficient defense that the property or service was appropriated openly and avowedly under a claim of title proffered in good faith, even though the claim be untenable. (Ord. 1113 § 5.5, 1991)

9.58.020 **Third degree theft.**

A person is guilty of theft in the third degree if he commits theft of property or services in an amount less than two hundred fifty dollars. (Ord. 1113 § 5.6(a), 1991)

9.58.030 **Crime declared.**

Theft in the third degree is a crime. (Ord. 1113 § 5.6(b), 1991)

Chapter 9.60

THEFT OF CABLE TELEVISION SERVICES

Sections:

9.60.010 Determination of guilt.

9.60.010 Determination of guilt.

A person is guilty of theft of cable television services if:

A. With intent to avoid payment of the lawful charge for any communication service of a cable system, he:

1. Tampers with the equipment of the cable system, whether by mechanical, electrical, acoustical, or other means, or

2. Knowingly misrepresents a material fact, or

3. Uses any other artifice, trick, deception, code, or other device; and

B. He wrongfully obtains cable communication services for himself or another. (Ord. 1113 § 5.10, 1991)

Chapter 9.62**UNLAWFUL ISSUANCE OF CHECK OR
DRAFT****Sections:**

- 9.62.010** **Unlawful issuance of bank
check or draft.**
- 9.62.020** **Unlawful stop-payment order.**
- 9.62.030** **Crime declared.**

9.62.030 **Crime declared.**

Unlawful issuance of a bank check is a crime.
(Ord. 1113 § 5.9(c), 1991)

9.62.010 **Unlawful issuance of bank check
or draft.**

Any person who 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, knowing at the time of such drawings, or delivery, that he has not sufficient funds, or credit with said bank or the depository, to meet said check or draft in full upon its presentation, is guilty of unlawful issuance of a bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and uttering or delivery of such check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud. (Ord. 1113 § 5.9(a), 1991)

9.62.020 **Unlawful stop-payment order.**

Any person who 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 and who with intent to defraud issue a stop payment order directing the bank or depository in which the check is drawn not to honor said check and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing said check or draft shall be guilty of unlawful issuance of a bank check. (Ord. 1113 § 5.9(b), 1991)

Chapter 9.64

POSSESSION OF STOLEN PROPERTY

Sections:

- 9.64.010** **Defined.**
- 9.64.020** **Third degree possession of stolen property.**
- 9.64.030** **Crime declared.**

9.64.010 **Defined.**

Possession of stolen property means knowingly to receive, retain, possess, conceal, or dispose of property knowing that it has been stolen. (Ord. 1113 § 5.7, 1991)

9.64.020 **Third degree possession of stolen property.**

A person is guilty of possessing stolen property in the third degree if he possesses stolen property which does not exceed two hundred fifty dollars in value. (Ord. 1113 § 5.8(a), 1991)

9.64.030 **Crime declared.**

Possessing stolen property in the third degree is a crime. (Ord. 1113 § 5.8(b), 1991)

Chapter 9.65**FAILURE TO DELIVER LEASED
PERSONAL PROPERTY****Sections:**

- 9.65.010** **Determination of guilt.**
9.65.020 **Prosecution.**
9.65.030 **Definition.**
9.65.040 **Crime declared.**

9.65.010 **Determination of guilt.**

Any person being in possession thereof, who shall wilfully and without reasonable cause fail to deliver leased personal property to the lessor within ten days after written notice of the expiration of the lease has been mailed to the lessee by certified mail with return receipt requested to the last known address of the lessee, is guilty of failure to deliver leased personal property. (Ord. 1113 § 6(a), 1991)

9.65.020 **Prosecution.**

There shall be no prosecution under this section unless such lease is in writing and contains a warning that failure to promptly return the leased property may result in criminal prosecution and the notice mailed pursuant to the provisions of this chapter shall clearly state that the lessee may be guilty of a crime upon his failure to return the property to the lessor within ten days. (Ord. 1113 § 6(b), 1991)

9.65.030 **Definition.**

As used in this chapter, the term lease shall include rental agreement. (Ord. 1113 § 6(c), 1991)

9.65.040 **Crime declared.**

Failure to deliver leased personal property is a crime. (Ord. 1113 § 6(d), 1991)

Division VII. Consumer Protection

Chapter 9.66

GARAGE SALES

Sections:

- 9.66.010** **Definitions.**
- 9.66.020** **Frequency limitations—Hours.**
- 9.66.030** **Advertising—Posting limitations.**
- 9.66.040** **Occupant responsibility—Impeding of traffic prohibited.**
- 9.66.050** **Permit required—Fee set by resolution.**
- 9.66.060** **Violation—Penalty.**

9.66.010 **Definitions.**

A. "Garage sale" means and includes all general sales open to the public, conducted from or on a residential premises in any residential zone, as defined by the zoning ordinance, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea market" or "rummage sale."

B. "Nonprofit organization" includes but is not limited to fraternal organizations, hobby societies, educational societies, historical societies, museums, hospital auxiliary groups, churches, church auxiliary organizations, student groups and parent-teacher organizations.

C. "Person" means any corporation, individual, or members of a family conducting the sale, but does not include nonprofit organizations. (Ord. 1118 § 1, 1991; Ord. 1084 § 1, 1989)

9.66.020 **Frequency limitations—Hours.**

No person shall operate, conduct, manage, allow or permit a garage sale upon his premises or other property under his control more often than three times per calendar year. Said sale shall not be continued for a period of more than three consecutive days and shall be conducted from eight a.m. to eight p.m. (Ord. 1084 § 2, 1989)

9.66.030 **Advertising—Posting limitations.**

Signs, cards or placards advertising a garage sale shall be placed only on the residential premises on which the garage sale is being conducted or at the community signboard located approximately two hundred feet east of the corner of State and Township Streets. Said signs shall not be posted more than seventy-two hours prior to the sale and shall be removed within twelve hours after the close of the sale. Said signs shall not be attached to any public structures, signs, utility poles or traffic-control devices. (Ord. 1237-95 § 1, 1995; Ord. 1084 § 3, 1989)

9.66.040 **Occupant responsibility—Impeding of traffic prohibited.**

Garage sales shall be supervised by and are the responsibility of the occupant of the residential premises. This person shall not allow vehicles to impede the passage of traffic on any public roads in the area of the residential premises. No yard sale shall be allowed if in the opinion of the city police and fire departments it may constitute a traffic, fire, or other safety hazard. Personal property shall not be displayed on any public rights-of-way. (Ord. 1084 § 4, 1989)

9.66.050 **Permit required—Fee set by resolution.**

Persons desiring to conduct a garage sale shall first obtain a permit prior to any advertising of the sale. Permits shall be obtained from the city clerk's office. Any fee for said permit shall be set by resolution. (Ord. 1084 § 5, 1989)

9.66.060 **Violation—Penalty.**

Any person found to be in violation of this chapter shall be subject to a fine of not more than five hundred dollars. Each day the violation continues shall be considered a separate violation. (Ord. 1084 § 6, 1989)

Division VIII. Offenses by or Against Minors**Chapter 9.70****DELINQUENCY OF MINOR****Sections:**

- 9.70.010** **Definition.**
9.70.020 **Contributing to the delinquency
of a minor—Crime declared.**

9.70.010 **Definition.**

“Delinquent act” is an act committed by any person under the age of eighteen years which, if committed by a person eighteen years of age or older, would constitute a crime. (Ord. 1113 § 11.1, 1991)

9.70.020 **Contributing to the delinquency of
a minor—Crime declared.**

A. Any person who, by any act or omission, encourages, causes or contributes to the committing of delinquent act by a minor as defined in Section 9.70.010 shall be guilty of contributing to the delinquency of a minor.

B. Contributing to the delinquency of a minor is a crime. (Ord. 1113 § 11.2, 1991)

Chapter 9.74

**PURCHASE AND POSSESSION OF LIQUOR
BY MINOR**

Sections:

- 9.74.010** **Liquor defined.**
- 9.74.020** **Furnishing liquor to persons under the age of twenty-one—Crime declared.**
- 9.74.030** **Possession, purchase and consumption of liquor by persons under the age of twenty-one years—Crime declared.**

9.74.010 Liquor defined.

“Liquor or intoxicating liquor,” is defined to mean alcohol, spirits, wine and beer, and all fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixture capable of human consumption and any liquid, semisolid, solid, or other substance which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. (Ord. 1113 § 11.3, 1991)

9.74.020 Furnishing liquor to persons under the age of twenty-one—Crime declared.

A. No person shall give, or otherwise supply liquor to any person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control.

B. It is an affirmative defense to furnish liquor to a person under age twenty-one, when the liquor was given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for medicinal purposes or consumption in the presence of the parent or guardian, or administered to him by his physician or dentist for medicinal purposes.

C. Furnishing liquor to a person under the age of twenty-one years is a crime. (Ord. 1113 § 11.4, 1991)

9.74.030 Possession, purchase and consumption of liquor by persons under the age of twenty-one years—Crime declared.

A. It is unlawful for any person under the age of twenty-one years to purchase or attempt to purchase, drink, consume or possess intoxicating liquor or liquors within the city; provided, it is an affirmative defense to this section that the consumption or possession of liquor is permitted under the provisions of Section 9.74.020(B).

B. Any person violating this section shall be guilty of a crime. (Ord. 1379-00 § 1, 2000; Ord. 1113 § 11.5, 1991)

Chapter 9.75

TOBACCO PRODUCTS RESTRICTIONS

Sections:

- 9.75.010** **Definitions.**
- 9.75.020** **Violation—Infraction.**
- 9.75.030** **Violation—Penalty.**
- 9.75.040** **Unlawful acts.**

9.75.010 **Definitions.**

For purposes of this chapter, the following terms shall mean as follows, unless otherwise required by the context:

A. "Minor" means an individual less than the age of eighteen years.

B. "Public place" means a public street, alley, right-of-way, sidewalk, park or any structure, facility or area within the city generally open to the public. By way of example, and not by way of limitation, it shall include schools, school grounds, stores, restaurants, parking lots, the interior of a motor vehicle located upon or within a public place, or private property upon which the individual does not have specific authority to be present.

C. "Tobacco product" or "tobacco" means a product which contains tobacco and is intended for human consumption; provided, that, with the goal of insuring consistency with state law, to the extent that RCW 70.155.010(7), as now existing or hereafter amended or succeeded provides a definition which is broader, said statutory definition shall be deemed to be adopted by this reference. By way of representation, it shall include cigarettes, cigars, cigarillos, and chewing tobacco. (Ord. 1329-99 § 1, 1999)

9.75.020 **Violation—Infraction.**

A minor commits an infraction who either:

A. Purchases or attempts to purchase or obtains or attempts to obtain tobacco products; or

B. Uses or consumes a tobacco product in a public place. Upon a finding of committed, that individual shall be subject to the civil penalties, and

mitigation therefrom, set forth in Section 9.75.030. (Ord. 1329-99 § 2, 1999)

9.75.030 **Violation—Penalty.**

An individual found to have violated the provisions of Section 9.75.020 shall be subject to the following penalties:

A. For the first violation, a monetary penalty of fifty dollars or, in the discretion of the court, proof of successful participation in a smoking cessation program, or both.

B. For the second violation found to have been committed, a monetary penalty of fifty dollars and, upon the order of the court, proof of successful participation in a smoking cessation program.

C. For the third and successive violations found to have been committed, a monetary penalty of up to two hundred fifty dollars; provided, that, seventy-five dollars of such penalty may not be suspended nor deferred. (Ord. 1329-99 § 3, 1999)

9.75.040 **Unlawful acts.**

It is unlawful to sell, give or transfer, or to allow the sale, giving or transfer to any minor any tobacco product, including, but not limited to any cigar, cigarette, chewing tobacco, or to do or allow the same acts in relation to cigarette papers or wrappers. Compliance with RCW 70.155.090(2), as now existing or hereafter amended or succeeded shall be a defense to a prosecution under this section. A conviction of a violation of this section is a crime, and shall be subject to punishment as provided in Section 9.86.010 of the Sedro-Woolley Municipal Code. (Ord. 1329-99 § 4, 1999)

Chapter 9.78

**MINOR FREQUENTING TAVERNS OR
COCKTAIL LOUNGES**

Sections:

- 9.78.010** **Determination of guilt.**
- 9.78.020** **Classifications.**
- 9.78.030** **Crime declared.**

9.78.010 **Determination of guilt.**

Except as otherwise provided by RCW 66.44.316 and 66.44.350, it shall be a crime:

A. To serve or allow to remain on the premises of any tavern, or cocktail lounge or any portion of any Class H licensed premise, any person under the age of twenty-one years;

B. For any person under the age of twenty-one years to enter or remain on the premises of any tavern, or cocktail lounge portion of any public Class H licensed premise.

C. For any person under the age of twenty-one years to represent his age as being twenty-one or more years for the purpose of securing admission to, or remaining on the premises of, any tavern or cocktail lounge portion of a Class H licensed premise. (Ord. 1113 § 11.6(a), 1991)

9.78.020 **Classifications.**

The Washington State Liquor Control Board shall classify the various licensees, as taverns or otherwise, within the meaning of this section, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public. (Ord. 1113 § 11.6(b), 1991)

9.78.030 **Crime declared.**

Any person violating this section shall be guilty of a crime. (Ord. 1113 § 11.6(c), 1991)

Chapter 9.80

PARENTAL RESPONSIBILITY FOR JUVENILE DEPENDENTS

Sections:

9.80.010	Statement of purpose.
9.80.020	Definitions.
9.80.030	General prohibition.
9.80.040	Exceptions to general prohibition.
9.80.050	Enforcement.
9.80.060	Violations—Penalties.

9.80.010 Statement of purpose.

The city council had determined that it is generally contrary to the well being of minor children to be outside their residences in the late night and early morning hours unsupervised and with no specific purpose. (Ord. 1261 § 1, 1996)

9.80.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

“Child” means any unemancipated person, male or female, and is under the age of sixteen years.

“Parent or custodian” means the father, mother, guardian or person having the care, custody or control of a child.

“Returning home” means traveling, walking, biking or otherwise moving from the point of departure to a child’s home or the residence of the person having the care, custody or control of said child for that evening. Said movement shall be directly from the point of departure to the destination to be accomplished within a reasonable period of time. (Ord. 1261 § 2, 1996)

9.80.030 General prohibition.

Except as provided in Section 9.80.040, no parent or custodian shall permit any child he or she is responsible for to remain in or upon the public streets, roadways, alleys or in or upon private property other than the child’s usual place of residence

which is unoccupied, vacant, abandoned or is not otherwise supervised by responsible adult:

A. From eleven p.m. to five a.m. the following morning, Sunday through Thursday nights; and

B. From 12:01 a.m. to five a.m. on Saturday and Sunday. (Ord. 1261 § 3, 1996)

9.80.040 Exceptions to general prohibition.

The parent or custodian of a child shall not be in violation of this chapter or the general prohibition set forth in Section 9.80.030 when a child is:

A. Engaged in traveling to or from lawful employment;

B. Acting pursuant to directions and permission of his parent or custodian for a specific legitimate, lawful purpose;

C. Seeking emergency assistance; or

D. Returning home from activities supervised by a responsible adult. (Ord. 1261 § 4, 1996)

9.80.050 Enforcement.

Law enforcement officers for the police department shall have authority to momentarily detain and question a child where the law enforcement officer reasonably suspects a violation of this chapter, and to determine whether a specified exception to the general prohibition may apply. Should a law enforcement officer have probable cause to determine that a parent or custodian is in violation of this chapter, said law enforcement officer shall have the authority to direct, accompany or transport the child to his or her residence if reasonably possible or if the circumstances indicate to take custody and place the child in accordance with RCW 13.32A.050(2) and or RCW 13.32A.060 for the safety and in the best interests of the child’s well being and welfare. (Ord. 1261 § 5, 1996)

9.80.060 Violations—Penalties.

A. Should a law enforcement officer determine that a parent or custodian has violated the provisions of this chapter, a written notice/warning thereof shall be given to the parent or custodian if reasonably possible. If the parent or custodian is unavailable, the officer shall mail, or cause to be mailed, the

aforementioned notice/warning to the parent or custodian. Said notice/warning shall inform the parent or custodian of the following:

1. The location where the child was found;
2. The date and time the child was found;
3. The location of the residence where the officer took the child for the safety, or, in the case of placement of the child through Child Protective Services, the telephone number of Child Protective Services; and
4. A warning that the parent or custodian was in violation of this chapter, a copy of which shall be attached to said notice/warning.

B. The law enforcement officer shall maintain a record of any violation and the notice/warning given as a result thereof.

C. Any person in violation of this chapter for a second time shall be deemed to have committed a civil infraction and any such person found to have committed such a civil infraction shall be assessed a monetary penalty, which penalty may not be more than five hundred dollars for each offense. (Ord. 1261 § 6, 1996)

Division IX. Weapons

Chapter 9.82

FIREARMS AND DANGEROUS WEAPONS

Sections:

9.82.010 **Firearms prohibited in certain places—Crime declared.**

9.82.020 **Dangerous weapons—Crime declared.**

9.82.030 **Weapons prohibited in certain places.**

9.82.010 **Firearms prohibited in certain places—Crime declared.**

A. A person is guilty of possessing a firearm in a prohibited place, whether or not the person has a concealed weapons permit, if he enters the following places when he knowingly possesses or knowingly has under his control a firearm:

1. A courtroom or judge's chambers, while either is being used for any judicial proceeding. This does not include common areas of egress and ingress of the courthouse;

2. The restricted access area of a law enforcement facility, or any place used for confinement of persons arrested for, charged with, or convicted of an offense. Restricted access areas do not include common areas open to the public;

3. That portion of an establishment classified by the state liquor control board as off limits to any persons under twenty-one years of age. This section shall not apply to the proprietor of the premises or his employees while engaged in their employment.

B. Knowingly possessing a firearm in a prohibited place is a crime. (Ord. 1113 § 13.1, 1991)

9.82.020 **Dangerous weapons—Crime declared.**

It is unlawful for any person to manufacture, sell or dispose of, or have in his possession any instrument or weapon of the kind usually known as sling shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is

automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement; who shall furtively carry with intent to conceal any dagger, dirk, pistol, or other device for suppressing the noise of any firearm.

B. Any person violating this section shall be guilty of a crime. (Ord. 1113 § 13.2, 1991)

9.82.030 **Weapons prohibited in certain places.**

A. It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

1. The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person:

a. Arrested for, charged with, or convicted of an offense,

b. Held for extradition or as a material witness, or

c. Otherwise confined pursuant to an order of a court, except an order under RCW Chapter 13.32A or 13.34. Restricted access areas do not include common areas of egress or ingress open to the general public;

2. Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judges chambers, offices and areas used to conduct court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's

visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

3. The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public; or

4. That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age.

B. The perimeter of the premises of any specific location covered by subsection A of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

C. Subsection A of this section does not apply to:

1. A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

2. Law enforcement personnel; or

3. Security personnel while engaged in official duties.

D. Subsection (A)(1) of this section does not apply to a person licensed pursuant to RCW 9.41.070 who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the fireworks upon leaving but must

immediately and directly depart from the place or facility.

E. Subsection (A)(3) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

F. Subsection (A)(4) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

G. "Weapon," as used in this section, means any firearm, explosive as defined in RCW 70.74.010, or instrument or weapon listed in RCW 9.41.250.

H. Any person violating the ordinance codified in this section is guilty of a gross misdemeanor. The violation of the ordinance codified in this section shall be a crime punishable as set forth in Section 9.86.010. (Ord. 1231-95 §§ 1—8, 1995)

Divisions X. Violation—Penalties**Chapter 9.86****VIOLATION—PENALTY****Sections:****9.86.010 Violation—Penalty.****9.86.010 Violation—Penalty.**

Except as otherwise provided herein, any person convicted of a crime under this title shall be punished by a fine not to exceed five thousand dollars or imprisonment not to exceed one year in jail, or by both such fine and imprisonment. Provided, however, that wherever there is a lesser maximum penalty prescribed for violation of an analogous provision of Washington State law then such lesser maximum penalty shall apply; and provided further, that wherever a minimum mandatory penalty is provided for violation of an analogous provision of Washington State law, then such minimum mandatory penalty shall apply. (Ord. 1113 § 14, 1991)

SWMC 9.____. PRELIMINARY ARTICLE

9A.04.010. Title, effective date, application, severability, captions

(1) This title shall be known and may be cited as the Washington Criminal Code and shall become effective on July 1, 1976.

(2) The provisions of this title shall apply to any offense committed on or after July 1, 1976, which is defined in this title or the general statutes, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.

(3) The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to July 1, 1976, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

(4) If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

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

9A.04.020. Purposes--Principles of construction

(1) The general purposes of the provisions governing the definition of offenses are:

(a) To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;

(b) To safeguard conduct that is without culpability from condemnation as criminal;

(c) To give fair warning of the nature of the conduct declared to constitute an offense;

(d) To differentiate on reasonable grounds between serious and minor offenses, and to prescribe proportionate penalties for each.

(2) The provisions of this title shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this title.

9A.04.040. Classes of crimes

(1) An offense defined by this title or by any other statute of this state, for which a sentence of imprisonment is authorized, constitutes a crime. Crimes are classified as felonies, gross misdemeanors, or misdemeanors.

(2) A crime is a felony if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for a term in excess of one year. A crime is a misdemeanor if it is so designated in this title or by any other statute of this state or if persons convicted thereof may be sentenced to imprisonment for no more than ninety days. Every other crime is a gross misdemeanor.

9A.04.060. Common law to supplement statute

The provisions of the common law relating to the commission of crime and the punishment thereof, insofar as not inconsistent with the Constitution and statutes of this state, shall supplement all penal statutes of this state and all persons offending against the same shall be tried in the courts of this state having jurisdiction of the offense.

9A.04.080. Limitation of actions

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Homicide by abuse;

(iii) Arson if a death results;

(iv) Vehicular homicide;

(v) Vehicular assault if a death results;

(vi) Hit-and-run injury-accident if a death results ([RCW 46.52.020\(4\)](#)).

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii)(A) Violations of [RCW 9A.44.040](#) or [9A.44.050](#) if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to the victim's twenty-eighth birthday.

(B) If a violation of [RCW 9A.44.040](#) or [9A.44.050](#) is not reported within one year, the rape may not be prosecuted: (I) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (II) more

than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes may be prosecuted up to the victim's twenty-eighth birthday : [RCW 9A.44.073](#), [9A.44.076](#), [9A.44.083](#), [9A.44.086](#), *9A.44.070, 9A.44.080, 9A.44.100(1)(b), 9A.44.079, 9A.44.089, or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission or their discovery, whichever occurs later:

(i) Violations of [RCW 9A.82.060](#) or [9A.82.080](#);

(ii) Any felony violation of chapter 9A.83 RCW;

(iii) Any felony violation of chapter 9.35 RCW; or

(iv) Theft in the first or second degree under chapter 9A.56 RCW when accomplished by color or aid of deception.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in [RCW 9A.64.010](#).

(g) A violation of [RCW 9A.56.030](#) must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under [26 U.S.C. Sec. 501\(c\)\(3\)](#).

(h) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under [RCW 9A.44.115](#), if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(i) No gross misdemeanor may be prosecuted more than two years after its commission.

(j) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) In any prosecution for a sex offense as defined in [RCW 9.94A.030](#), the periods of limitation prescribed in subsection (1) of this section run from the date of commission or one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

9A.04.090. Application of general provisions of the code

The provisions of chapters 9A.04 through 9A.28 RCW of this title are applicable to offenses defined by this title or another statute, unless this title or such other statute specifically provides otherwise.

9A.04.100. Proof beyond a reasonable doubt

- (1) Every person charged with the commission of a crime is presumed innocent unless proved guilty. No person may be convicted of a crime unless each element of such crime is proved by competent evidence beyond a reasonable doubt.
- (2) When a crime has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he is guilty, he shall be convicted only of the lowest degree.

9A.04.110. Definitions

In this title unless a different meaning plainly is required:

- (1) "Acted" includes, where relevant, omitted to act;
- (2) "Actor" includes, where relevant, a person failing to act;
- (3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
- (4)(a) "Bodily injury," "physical injury," or "bodily harm" means physical pain or injury, illness, or an impairment of physical condition;
- (b) "Substantial bodily harm" means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;
- (c) "Great bodily harm" means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ;
- (5) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for 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;
- (6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, 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 substantial bodily harm;

- (7) "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;
- (8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;
- (9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;
- (10) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";
- (11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;
- (12) "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;
- (13) "Officer" and "public officer" means 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;
- (14) "Omission" means a failure to act;
- (15) "Peace officer" means a duly appointed city, county, or state law enforcement officer;
- (16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;
- (17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;
- (18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;
- (19) "Prison" 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 state correctional institution or any county or city jail;
- (20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;
- (21) "Projectile stun gun" means an electronic device that projects wired probes attached to the device that emit an electrical charge and that is designed and primarily employed to incapacitate a person or animal;
- (22) "Property" means anything of value, whether tangible or intangible, real or personal;

(23) "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 government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(24) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(25) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;

(26) "Strangulation" means to compress a person's neck, thereby obstructing the person's blood flow or ability to breathe, or doing so with the intent to obstruct the person's blood flow or ability to breathe;

(27) "Threat" means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships;

(28) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(29) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

9A.08.010. General requirements of culpability

(1) Kinds of Culpability Defined.

(a) INTENT. A person acts with intent or intentionally when he or she acts with the objective or purpose to accomplish a result which constitutes a crime.

(b) KNOWLEDGE. A person knows or acts knowingly or with knowledge when:

(i) he or she is aware of a fact, facts, or circumstances or result described by a statute defining an offense; or

(ii) he or she has information which would lead a reasonable person in the same situation to believe that facts exist which facts are described by a statute defining an offense.

(c) RECKLESSNESS. A person is reckless or acts recklessly when he or she knows of and disregards a substantial risk that a wrongful act may occur and his or her disregard of such substantial risk is a gross deviation from conduct that a reasonable person would exercise in the same situation.

(d) CRIMINAL NEGLIGENCE. A person is criminally negligent or acts with criminal negligence when he or she fails to be aware of a substantial risk that a wrongful act may occur and his or her failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in the same situation.

(2) Substitutes for Criminal Negligence, Recklessness, and Knowledge. When a statute provides that criminal negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally, knowingly, or recklessly. When recklessness suffices to establish an element, such element also is established if a person acts intentionally or knowingly. When acting knowingly suffices to establish an element, such element also is established if a person acts intentionally.

(3) Culpability as Determinant of Grade of Offense. When the grade or degree of an offense depends on whether the offense is committed intentionally, knowingly, recklessly, or with criminal negligence, its grade or degree shall be the lowest for which the determinative kind of culpability is established with respect to any material element of the offense.

(4) Requirement of Wilfulness Satisfied by Acting Knowingly. A requirement that an offense be committed wilfully is satisfied if a person acts knowingly with respect to the material elements of the offense, unless a purpose to impose further requirements plainly appears.

9A.08.020. Liability for conduct of another--Complicity

(1) A person is guilty of a crime if it is committed by the conduct of another person for which he is legally accountable.

(2) A person is legally accountable for the conduct of another person when:

(a) Acting with the kind of culpability that is sufficient for the commission of the crime, he causes an innocent or irresponsible person to engage in such conduct; or

(b) He is made accountable for the conduct of such other person by this title or by the law defining the crime; or

(c) He is an accomplice of such other person in the commission of the crime.

(3) A person is an accomplice of another person in the commission of a crime if:

(a) With knowledge that it will promote or facilitate the commission of the crime, he

(i) solicits, commands, encourages, or requests such other person to commit it; or

(ii) aids or agrees to aid such other person in planning or committing it; or

(b) His conduct is expressly declared by law to establish his complicity.

(4) A person who is legally incapable of committing a particular crime himself may be guilty thereof if it is committed by the conduct of another person for which he is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his incapacity.

(5) Unless otherwise provided by this title or by the law defining the crime, a person is not an accomplice in a crime committed by another person if:

(a) He is a victim of that crime; or

(b) He terminates his complicity prior to the commission of the crime, and either gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the crime.

(6) A person legally accountable for the conduct of another person may be convicted on proof of the commission of the crime and of his complicity therein, though the person claimed to have committed the crime has not been prosecuted or convicted or has been convicted of a different crime or degree of crime or has an immunity to prosecution or conviction or has been acquitted.

SWMC 9.____. RESTITUTION

9A.20.030. Alternative to a fine--Restitution

(1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, the court, in lieu of imposing the fine authorized for the offense under [RCW 9A.20.020](#), may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. It shall be the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

SWMC 9.____. ANTICIPATORY OFFENSES

9A.28.020. Criminal attempt

(1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he or she does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a:

(a) Class A felony when the crime attempted is murder in the first degree, murder in the second degree, arson in the first degree, child molestation in the first degree, indecent liberties by forcible compulsion, rape in the first degree, rape in the second degree, rape of a child in the first degree, or rape of a child in the second degree;

(b) Class B felony when the crime attempted is a class A felony other than an offense listed in (a) of this subsection;

(c) Class C felony when the crime attempted is a class B felony;

(d) Gross misdemeanor when the crime attempted is a class C felony;

(e) Misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor.

9A.28.030. Criminal solicitation

(1) A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he offers to give or gives money or other thing of value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission or attempted commission had such crime been attempted or committed.

(2) Criminal solicitation shall be punished in the same manner as criminal attempt under [RCW 9A.28.020](#).

SWMC 9.____. ASSAULT – PHYSICAL HARM

9A.36.041. Assault in the fourth degree

- (1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.
- (2) Assault in the fourth degree is a gross misdemeanor.

9A.36.050. Reckless endangerment

- (1) A person is guilty of reckless endangerment when he or she recklessly engages in conduct not amounting to drive-by shooting but that creates a substantial risk of death or serious physical injury to another person.
- (2) Reckless endangerment is a gross misdemeanor.

9A.36.070. Coercion

- (1) A person is guilty of coercion if by use of a threat he compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he has a legal right to engage in.
- (2) "Threat" as used in this section means:
 - (a) To communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) Threats as defined in [*RCW 9A.04.110\(25\)](#)(a), (b), or (c).
- (3) Coercion is a gross misdemeanor.

9A.36.150. Interfering with the reporting of domestic violence

- (1) A person commits the crime of interfering with the reporting of domestic violence if the person:
 - (a) Commits a crime of domestic violence, as defined in [RCW 10.99.020](#); and
 - (b) Prevents or attempts to prevent the victim of or a witness to that domestic violence crime from calling a 911 emergency communication system, obtaining medical assistance, or making a report to any law enforcement official.
- (2) Commission of a crime of domestic violence under subsection (1) of this section is a necessary element of the crime of interfering with the reporting of domestic violence.

(3) Interference with the reporting of domestic violence is a gross misdemeanor.

10.14.120. Disobedience of order--Penalties

Any willful disobedience by a respondent age eighteen years or over of any temporary antiharassment protection order or civil antiharassment protection order issued under this chapter subjects the respondent to criminal penalties under this chapter. Any respondent age eighteen years or over who willfully disobeys the terms of any order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter 7.21 RCW. Any respondent under the age of eighteen years who willfully disobeys the terms of an order issued under this chapter may, in the court's discretion, be found in contempt of court and subject to the sanction specified in [RCW 7.21.030\(4\)](#).

26.50.110. Violation of order--Penalties

(1)(a) Whenever an order is granted under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in [RCW 26.52.020](#), and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in [RCW 26.52.020](#), that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance

of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in [RCW 26.52.020](#), shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in [RCW 26.52.020](#), and that does not amount to assault in the first or second degree under [RCW 9A.36.011](#) or [9A.36.021](#) is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in [RCW 26.52.020](#), is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in [RCW 26.52.020](#). The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in [RCW 26.52.020](#), the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

7.21. Contempt of Court

SWMC 9.____. CRIMINAL MISTREATMENT

9A.42.035. Criminal mistreatment in the third degree

(1) A person is guilty of the crime of criminal mistreatment in the third degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) For purposes of this section, "a person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than: (a) A government agency that regularly provides assistance or services to dependent persons, including but not limited to the department of social and health services; or (b) a good samaritan as defined in [RCW 9A.42.010](#).

(3) Criminal mistreatment in the third degree is a gross misdemeanor.

9A.42.037. Criminal mistreatment in the fourth degree

(1) A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

(a) With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

(b) With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

(2) For purposes of this section, "a person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than: (a) A government agency that regularly provides assistance or services to dependent persons, including but not limited to the department of social and health services; or (b) a good samaritan as defined in [RCW 9A.42.010](#).

(3) Criminal mistreatment in the fourth degree is a misdemeanor.

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

(1) A person is guilty of the crime of leaving a child in the care of a sex offender if the person is (a) the parent of a child; (b) entrusted with the physical custody of a child; or (c) employed to provide to the child the basic necessities of life, and leaves the child in the care or custody of another person who is not a parent, guardian, or lawful custodian of the child, knowing that the person is registered or required to register as a sex offender under the laws of this state, or a law or ordinance in another jurisdiction with similar requirements, because of a sex offense against a child.

(2) It is an affirmative defense to the charge of leaving a child in the care of a sex offender under this section, that the defendant must prove by a preponderance of the evidence, that a court has entered an order allowing the offender to have unsupervised contact with children, or that the offender is allowed to have unsupervised contact with the child in question under a family reunification plan, which has been approved by a court, the department of corrections, or the department of social and health services in accordance with department policies.

(3) Leaving a child in the care of a sex offender is a misdemeanor.

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

(1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.

(3) For the purposes of this section:

(a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in [RCW 28A.150.020](#), or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW.

(b) "School employee" means an employee of a common school defined in [RCW 28A.150.020](#), or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

SWMC 9.____. HARASSMENT

9A.46.020. Definition--Penalties

(1) A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(i) To cause bodily injury immediately or in the future to the person threatened or to any other person; or

(ii) To cause physical damage to the property of a person other than the actor; or

(iii) To subject the person threatened or any other person to physical confinement or restraint; or

(iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and

(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out. "Words or conduct" includes, in addition to any other form of communication or conduct, the sending of an electronic communication.

(2)(a) Except as provided in (b) of this subsection, a person who harasses another is guilty of a gross misdemeanor.

(b) A person who harasses another is guilty of a class C felony if either of the following applies: (i) The person has previously been convicted in this or any other state of any crime of harassment, as defined in [RCW 9A.46.060](#), of the same victim or members of the victim's family or household or any person specifically named in a no-contact or no-harassment order; or (ii) the person harasses another person under subsection (1)(a)(i) of this section by threatening to kill the person threatened or any other person.

(3) The penalties provided in this section for harassment do not preclude the victim from seeking any other remedy otherwise available under law.

** This statute has been held and recognized as unconstitutional. Its adoption is proposed for the use of the future amendment from the state.*

9A.46.080. Order restricting contact--Violation

The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. Willful violation of a court order issued under this section is a misdemeanor. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under chapter 9A.46 RCW and will subject a violator to arrest.

9A.46.110. Stalking

(1) A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

(a) He or she intentionally and repeatedly harasses or repeatedly follows another person; and

(b) The person being harassed or followed is placed in fear that the stalker intends to injure the person, another person, or property of the person or of another person. The feeling of fear must be one that a reasonable person in the same situation would experience under all the circumstances; and

(c) The stalker either:

(i) Intends to frighten, intimidate, or harass the person; or

(ii) Knows or reasonably should know that the person is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person.

(2)(a) It is not a defense to the crime of stalking under subsection (1)(c)(i) of this section that the stalker was not given actual notice that the person did not want the stalker to contact or follow the person; and

(b) It is not a defense to the crime of stalking under subsection (1)(c)(ii) of this section that the stalker did not intend to frighten, intimidate, or harass the person.

(3) It shall be a defense to the crime of stalking that the defendant is a licensed private investigator acting within the capacity of his or her license as provided by chapter 18.165 RCW.

(4) Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitutes prima facie evidence that the stalker intends to intimidate or harass the person. "Contact" includes, in addition to any other form of contact or communication, the sending of an electronic communication to the person.

(5)(a) Except as provided in (b) of this subsection, a person who stalks another person is guilty of a gross misdemeanor.

(b) A person who stalks another is guilty of a class C felony if any of the following applies: (i) The stalker has previously been convicted in this state or any other state of any crime of harassment, as defined in [RCW 9A.46.060](#), of the same victim or members of the victim's family or household or any person specifically named in a protective order; (ii) the stalking violates any protective order protecting the person being stalked; (iii) the stalker has previously been convicted of a gross misdemeanor or felony stalking offense under this section for stalking another person; (iv) the stalker was armed with a deadly weapon, as defined in [RCW 9.94A.602](#), while stalking the person; (v)(A) the stalker's victim is or was a law enforcement officer; judge; juror; attorney; victim advocate; legislator; community corrections' officer; an employee, contract staff person, or volunteer of a correctional agency; or an employee of the child protective, child welfare, or adult protective services division within the department of social and health services; and (B) the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties or to influence the victim's performance of

official duties; or (vi) the stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

(6) As used in this section:

(a) "Correctional agency" means a person working for the department of natural resources in a correctional setting or any state, county, or municipally operated agency with the authority to direct the release of a person serving a sentence or term of confinement and includes but is not limited to the department of corrections, the indeterminate sentence review board, and the department of social and health services.

(b) "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.

(c) "Harasses" means unlawful harassment as defined in [RCW 10.14.020](#).

(d) "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.

(e) "Repeatedly" means on two or more separate occasions.

9.61.230. Telephone harassment

(1) Every person who, with intent to harass, intimidate, torment or embarrass any other person, shall make a telephone call to such other person:

(a) Using any lewd, lascivious, profane, indecent, or obscene words or language, or suggesting the commission of any lewd or lascivious act; or

(b) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

(c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household;

is guilty of a gross misdemeanor, except as provided in subsection (2) of this section.

(2) The person is guilty of a class C felony punishable according to chapter 9A.20 RCW if either of the following applies:

(a) That person has previously been convicted of any crime of harassment, as defined in [RCW 9A.46.060](#), with the same victim or member of the victim's family or household or any person specifically named in a no-contact or no-harassment order in this or any other state; or

(b) That person harasses another person under subsection (1)(c) of this section by threatening to kill the person threatened or any other person.

9.61.240. Telephone harassment--Permitting telephone to be used

Any person who knowingly permits any telephone under his control to be used for any purpose prohibited by [RCW 9.61.230](#) shall be guilty of a misdemeanor.

9.61.250. Telephone harassment--Offense, where deemed committed

Any offense committed by use of a telephone as set forth in [RCW 9.61.230](#) may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received.

9.61.260. Cyberstalking

(1) A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

(a) Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;

(b) Anonymously or repeatedly whether or not conversation occurs; or

(c) Threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

(2) Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.

(3) Cyberstalking is a class C felony if either of the following applies:

(a) The perpetrator has previously been convicted of the crime of harassment, as defined in [RCW 9A.46.060](#), with the same victim or a member of the victim's family or household or any person specifically named in a no-contact order or no-harassment order in this or any other state; or

(b) The perpetrator engages in the behavior prohibited under subsection (1)(c) of this section by threatening to kill the person threatened or any other person.

(4) Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

(5) For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, electronic mail, internet-based communications, pager service, and electronic text messaging.

SWMC 9.____. ARSON, RECKLESS BURNING & MALICIOUS MISCHIEF

9A.48.050. Reckless burning in the second degree

(1) A person is guilty of reckless burning in the second degree if he knowingly causes a fire or explosion, whether on his own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

(2) Reckless burning in the second degree is a gross misdemeanor.

9A.48.090. Malicious mischief in the third degree

(1) A person is guilty of malicious mischief in the third degree if he or she:

(a) Knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree; or

(b) Writes, paints, or draws any inscription, figure, or mark of any type on any public or private building or other structure or any real or personal property owned by any other person unless the person has obtained the express permission of the owner or operator of the property, under circumstances not amounting to malicious mischief in the first or second degree.

(2) Malicious mischief in the third degree is a gross misdemeanor.

SWMC 9.____. BURGLARY & TRESPASS

9A.52.060. Making or having burglar tools

(1) Every person who shall make or mend or cause to be made or mended, or have in his possession, any engine, machine, tool, false key, pick lock, bit, nippers, or implement adapted, designed, or commonly used for the commission of burglary under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.

(2) Making or having burglar tools is a gross misdemeanor.

9A.52.070. Criminal trespass in the first degree

(1) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a building.

(2) Criminal trespass in the first degree is a gross misdemeanor.

9A.52.080. Criminal trespass in the second degree

(1) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree.

(2) Criminal trespass in the second degree is a misdemeanor.

9A.52.100. Vehicle prowling in the second degree

(1) A person is guilty of vehicle prowling in the second degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle other than a motor home, as defined in [RCW 46.04.305](#), or a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities.

(2) Vehicle prowling in the second degree is a gross misdemeanor.

9A.52.120. Computer trespass in the second degree

(1) A person is guilty of computer trespass in the second degree if the person, without authorization, intentionally gains access to a computer system or electronic database of another under circumstances not constituting the offense in the first degree.

(2) Computer trespass in the second degree is a gross misdemeanor.

9A.56.050. Theft in the third degree

(1) A person is guilty of theft in the third degree if he or she commits theft of property or services which (a) does not exceed seven hundred fifty dollars in value, or (b) includes ten or more merchandise pallets, or ten or more beverage crates, or a combination of ten or more merchandise pallets and beverage crates.

(2) Theft in the third degree is a gross misdemeanor.

9A.56.060. Unlawful issuance of checks or drafts

(1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he or she has not sufficient funds in, or credit with the bank or other depository, to meet the check or draft, in full upon its presentation, is guilty of unlawful issuance of bank check. The word "credit" as used herein 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 uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor the check, and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within twenty days of issuing the check or draft is guilty of unlawful issuance of a bank check.

(3) When any series of transactions which constitute unlawful issuance of a bank check would, when considered separately, constitute unlawful issuance of a bank check in an amount of seven hundred fifty dollars or less because of value, and the series of transactions are a part of a common scheme or plan, the transactions may be aggregated in one count and the sum of the value of all of the transactions shall be the value considered in determining whether the unlawful issuance of a bank check is to be punished as a class C felony or a gross misdemeanor.

(4) Unlawful issuance of a bank check in an amount greater than seven hundred fifty dollars is a class C felony.

(5) Unlawful issuance of a bank check in an amount of seven hundred fifty dollars or less is a gross misdemeanor and shall be punished as follows:

(a) The court shall order the defendant to make full restitution;

(b) The defendant need not be imprisoned, but the court shall impose a fine of up to one thousand one hundred twenty-five dollars. Of the fine imposed, at least three hundred seventy-five dollars or an amount equal to one hundred fifty percent of the amount of the bank check, whichever is greater, shall not be suspended or deferred. Upon conviction for a second offense within any twelve-month period, the court may not suspend or defer any portion of the fine.

9A.56.096. Theft of rental, leased, lease-purchased, or loaned property

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented, leased, or loaned by written agreement to the person, is guilty of theft of rental, leased, lease-purchased, or loaned property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, lease-purchase, or loan agreement; or

(b) That the renter, lessee, or borrower presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, lease-purchase, or loan period, mailed by certified or registered mail to the renter, lessee, or borrower at: (a) The address the renter, lessee, or borrower gave when the contract was made; or (b) the renter, lessee, or borrower's last known address if later furnished in writing by the renter, lessee, borrower, or the agent of the renter, lessee, or borrower.

(4) The replacement value of the property obtained must be utilized in determining the amount involved in the theft of rental, leased, lease-purchased, or loaned property.

(5)(a) Theft of rental, leased, lease-purchased, or loaned property is a class B felony if the rental, leased, lease-purchased, or loaned property is valued at five thousand dollars or more.

(b) Theft of rental, leased, lease-purchased, or loaned property is a class C felony if the rental, leased, lease-purchased, or loaned property is valued at seven hundred fifty dollars or more but less than five thousand dollars.

(c) Theft of rental, leased, lease-purchased, or loaned property is a gross misdemeanor if the rental, leased, lease-purchased, or loaned property is valued at less than seven hundred fifty dollars.

(6) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, to lease-purchase agreements as defined under [RCW 63.19.010](#), and to vehicles loaned to prospective purchasers borrowing a vehicle by written agreement from a motor vehicle dealer licensed under chapter 46.70 RCW. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter 59.18 RCW.

9A.56.170. Possessing stolen property in the third degree

(1) A person is guilty of possessing stolen property in the third degree if he or she possesses (a) stolen property which does not exceed seven hundred fifty dollars in value, or (b) ten or more stolen merchandise pallets, or ten or more stolen beverage crates, or a combination of ten or more stolen merchandise pallets and beverage crates.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

9A.56.330. Possession of another's identification

(1) A person is guilty of possession of another's identification if the person knowingly possesses personal identification bearing another person's identity, when the person possessing the personal identification does not have the other person's permission to possess it, and when the possession does not amount to a violation of [RCW 9.35.020](#).

(2) This section does not apply to:

(a) A person who obtains, by means other than theft, another person's personal identification for the sole purpose of misrepresenting his or her age;

(b) A person engaged in a lawful business who obtains another person's personal identification in the ordinary course of business;

(c) A person who finds another person's lost personal identification, does not intend to deprive the other person of the personal identification or to use it to commit a crime, and takes reasonably prompt steps to return it to its owner; and

(d) A law enforcement agency that produces or displays counterfeit credit or debit cards, checks or other payment instruments, or personal identification for investigative or educational purposes.

(3) In a proceeding under this section that is related to an identity theft under [RCW 9.35.020](#), the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

(4) A violation of this section is a gross misdemeanor.

SWMC 9.____. FRAUD

9A.60.045. Criminal impersonation in the second degree

(1) A person is guilty of criminal impersonation in the second degree if the person:

(a)(i) Claims to be a law enforcement officer or creates an impression that he or she is a law enforcement officer; and

(ii) Under circumstances not amounting to criminal impersonation in the first degree, does an act with intent to convey the impression that he or she is acting in an official capacity and a reasonable person would believe the person is a law enforcement officer; or

(b) Falsely assumes the identity of a veteran or active duty member of the armed forces of the United States with intent to defraud for the purpose of personal gain or to facilitate any unlawful activity.

(2) Criminal impersonation in the second degree is a gross misdemeanor.

SWMC 9. ____ . PERJURY & INTERFERENCE WITH OFFICIAL PROCEEDINGS

9A.72.040. False swearing

(1) A person is guilty of false swearing if he makes a false statement, which he knows to be false, under an oath required or authorized by law.

(2) False swearing is a gross misdemeanor.

9A.72.150. Tampering with physical evidence

(1) A person is guilty of tampering with physical evidence if, having reason to believe that an official proceeding is pending or about to be instituted and acting without legal right or authority, he:

(a) Destroys, mutilates, conceals, removes, or alters physical evidence with intent to impair its appearance, character, or availability in such pending or prospective official proceeding; or

(b) Knowingly presents or offers any false physical evidence.

(2) "Physical evidence" as used in this section includes any article, object, document, record, or other thing of physical substance.

(3) Tampering with physical evidence is a gross misdemeanor.

SWMC 9.____. OBSTRUCTING GOVERNMENTAL OPERATION

9A.76.020. Obstructing a law enforcement officer

(1) A person is guilty of obstructing a law enforcement officer if the person willfully hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

(2) "Law enforcement officer" means any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in [RCW 10.93.020](#), and other public officers who are responsible for enforcement of fire, building, zoning, and life and safety codes.

(3) Obstructing a law enforcement officer is a gross misdemeanor.

9A.76.030. Refusing to summon aid for a peace officer

(1) A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he knows to be a peace officer, he unreasonably refuses or fails to summon aid for such peace officer.

(2) Refusing to summon aid for a peace officer is a misdemeanor.

9A.76.040. Resisting arrest

(1) A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from lawfully arresting him.

(2) Resisting arrest is a misdemeanor.

9A.76.080. Rendering criminal assistance in the second degree

(1) A person is guilty of rendering criminal assistance in the second degree if he or she renders criminal assistance to a person who has committed or is being sought for a class B or class C felony or an equivalent juvenile offense or to someone being sought for violation of parole, probation, or community supervision.

(2)(a) Except as provided in (b) of this subsection, rendering criminal assistance in the second degree is a gross misdemeanor.

(b) Rendering criminal assistance in the second degree is a misdemeanor if it is established by a preponderance of the evidence that the actor is a relative as defined in [RCW 9A.76.060](#).

9A.76.090. Rendering criminal assistance in the third degree

(1) A person is guilty of rendering criminal assistance in the third degree if he renders criminal assistance to a person who has committed a gross misdemeanor or misdemeanor.

(2) Rendering criminal assistance in the third degree is a misdemeanor.

9A.76.170. Bail jumping

(1) Any person having been released by court order or admitted to bail with knowledge of the requirement of a subsequent personal appearance before any court of this state, or of the requirement to report to a correctional facility for service of sentence, and who fails to appear or who fails to surrender for service of sentence as required is guilty of bail jumping.

(2) It is an affirmative defense to a prosecution under this section that uncontrollable circumstances prevented the person from appearing or surrendering, and that the person did not contribute to the creation of such circumstances in reckless disregard of the requirement to appear or surrender, and that the person appeared or surrendered as soon as such circumstances ceased to exist.

(3) Bail jumping is:

(a) A class A felony if the person was held for, charged with, or convicted of murder in the first degree;

(b) A class B felony if the person was held for, charged with, or convicted of a class A felony other than murder in the first degree;

(c) A class C felony if the person was held for, charged with, or convicted of a class B or class C felony;

(d) A misdemeanor if the person was held for, charged with, or convicted of a gross misdemeanor or misdemeanor.

9A.76.175. Making a false or misleading statement to a public servant

A person who knowingly makes a false or misleading material statement to a public servant is guilty of a gross misdemeanor. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

SWMC 9.____. PUBLIC DISTURBANCE

9A.84.020. Failure to disperse

(1) A person is guilty of failure to disperse if:

(a) He congregates with a group of three or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person, or substantial harm to property; and

(b) He refuses or fails to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law.

(2) Failure to disperse is a misdemeanor.

9A.84.040. False reporting

(1) A person is guilty of false reporting if with knowledge that the information reported, conveyed or circulated is false, he initiates or circulates a false report or warning of an alleged occurrence or impending occurrence of a fire, explosion, crime, catastrophe, or emergency knowing that such false report is likely to cause evacuation of a building, place of assembly, or transportation facility, or to cause public inconvenience or alarm.

(2) False reporting is a gross misdemeanor.

SWMC 9.____. INDECENT EXPOSURE – PROSTITUTION

9A.88.010. Indecent exposure

(1) A person is guilty of indecent exposure if he or she intentionally makes any open and obscene exposure of his or her person or the person of another knowing that such conduct is likely to cause reasonable affront or alarm. The act of breastfeeding or expressing breast milk is not indecent exposure.

(2)(a) Except as provided in (b) and (c) of this subsection, indecent exposure is a misdemeanor.

(b) Indecent exposure is a gross misdemeanor on the first offense if the person exposes himself or herself to a person under the age of fourteen years.

(c) Indecent exposure is a class C felony if the person has previously been convicted under this section or of a sex offense as defined in [RCW 9.94A.030](#).

9A.88.030. Prostitution

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

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact," both as defined in chapter 9A.44 RCW.

(3) Prostitution is a misdemeanor.

9A.88.050. Prostitution--Sex of parties immaterial--No defense

In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial, and it is no defense that:

(1) Such persons were of the same sex; or

(2) The person who received, agreed to receive, or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.

9A.88.090. Permitting prostitution

(1) A person is guilty of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails without lawful excuse to make reasonable effort to halt or abate such use.

(2) Permitting prostitution is a misdemeanor.

9A.88.110. Patronizing a prostitute

(1) A person is guilty of patronizing a prostitute if:

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

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

(c) He or she solicits or requests another person to engage in sexual conduct with him or her in return for a fee.

(2) For purposes of this section, "sexual conduct" has the meaning given in [RCW 9A.88.030](#).

(3) Patronizing a prostitute is a misdemeanor.

SWMC 9.____. ANIMALS, CRIMES RELATING TO

9.08.070. Pet animals--Taking, concealing, injuring, killing, etc.--Penalty

(1) Any person who, with intent to deprive or defraud the owner thereof, does any of the following shall be guilty of a gross misdemeanor punishable according to chapter 9A.20 RCW and by a mandatory fine of not less than five hundred dollars per pet animal, except as provided by subsection (2) of this section:

(a) Takes, leads away, confines, secretes or converts any pet animal, except in cases in which the value of the pet animal exceeds two hundred fifty dollars;

(b) Conceals the identity of any pet animal or its owner by obscuring, altering, or removing from the pet animal any collar, tag, license, tattoo, or other identifying device or mark;

(c) Willfully or recklessly kills or injures any pet animal, unless excused by law.

(2) Nothing in this section shall prohibit a person from also being convicted of separate offenses under [RCW 9A.56.030](#), [9A.56.040](#), or [9A.56.050](#) for theft or under [RCW 9A.56.150](#), [9A.56.160](#), or [9A.56.170](#) for possession of stolen property.

SWMC 9.____. FIREARMS & DANGEROUS WEAPONS

9.41.050. Carrying firearms

(1)(a) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed pistol.

(b) Every licensee shall have his or her concealed pistol license in his or her immediate possession at all times that he or she is required by this section to have a concealed pistol license and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. Any violation of this subsection (1)(b) shall be a class 1 civil infraction under chapter 7.80 RCW and shall be punished accordingly pursuant to chapter 7.80 RCW and the infraction rules for courts of limited jurisdiction.

(2)(a) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed pistol and: (i) The pistol is on the licensee's person, (ii) the licensee is within the vehicle at all times that the pistol is there, or (iii) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle.

(b) A violation of this subsection is a misdemeanor.

(3)(a) A person at least eighteen years of age who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.

(b) A violation of this subsection is a misdemeanor.

(4) Nothing in this section permits the possession of firearms illegal to possess under state or federal law.

9.41.098. Forfeiture of firearms--Disposition--Confiscation

(1) The superior courts and the courts of limited jurisdiction of the state may order forfeiture of a firearm which is proven to be:

(a) Found concealed on a person not authorized by [RCW 9.41.060](#) or [9.41.070](#) to carry a concealed pistol: PROVIDED, That it is an absolute defense to forfeiture if the person possessed a valid Washington concealed pistol license within the preceding two years and has not become ineligible for a concealed pistol license in the interim. Before the firearm may be returned, the person must pay the past due renewal fee and the current renewal fee;

(b) Commercially sold to any person without an application as required by [RCW 9.41.090](#);

(c) In the possession of a person prohibited from possessing the firearm under [RCW 9.41.040](#) or [9.41.045](#);

(d) In the possession or under the control of a person at the time the person committed or was arrested for committing a felony or committing a nonfelony crime in which a firearm was used or displayed;

(e) In the possession of a person who is in any place in which a concealed pistol license is required, and who is under the influence of any drug or under the influence of intoxicating liquor, as defined in chapter 46.61 RCW;

(f) In the possession of a person free on bail or personal recognizance pending trial, appeal, or sentencing for a felony or for a nonfelony crime in which a firearm was used or displayed, except that violations of Title 77 RCW shall not result in forfeiture under this section;

(g) In the possession of a person found to have been mentally incompetent while in possession of a firearm when apprehended or who is thereafter committed pursuant to chapter 10.77 or 71.05 RCW;

(h) Used or displayed by a person in the violation of a proper written order of a court of general jurisdiction; or

(i) Used in the commission of a felony or of a nonfelony crime in which a firearm was used or displayed.

(2) Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence.

(a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under [RCW 63.32.010](#) or [63.40.010](#); may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993.

By midnight, June 30, 1993, every law enforcement agency shall prepare an inventory, under oath, of every firearm that has been judicially forfeited, has been seized and may be subject to judicial forfeiture, or that has been, or may be, forfeited due to a failure to make a claim under [RCW 63.32.010](#) or [63.40.010](#).

(b) Except as provided in (c) of this subsection, of the inventoried firearms a law enforcement agency shall destroy illegal firearms, may retain a maximum of ten percent of legal forfeited firearms for agency use, and shall either:

(i) Comply with the provisions for the auction of firearms in RCW 9.41.098 that were in effect immediately preceding May 7, 1993; or

(ii) Trade, auction, or arrange for the auction of, rifles and shotguns. In addition, the law enforcement agency shall either trade, auction, or arrange for the auction of, short firearms, or shall pay a fee of twenty-five dollars to the state treasurer for every short firearm neither auctioned nor traded, to a maximum of fifty thousand dollars. The fees shall be accompanied by an inventory, under oath, of every short firearm listed in the inventory required by (a) of this subsection, that has been neither traded nor auctioned. The state treasurer shall credit the fees to the firearms range account established in [RCW 79A.25.210](#). All trades or auctions of firearms under this subsection shall be to licensed dealers. Proceeds of any auction less costs, including actual costs of storage and sale, shall be forwarded to the firearms range account established in [RCW 79A.25.210](#).

(c) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States treasury department *bureau of alcohol,

tobacco, and firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(d) Firearms in the possession of the Washington state patrol on or after May 7, 1993, that are judicially forfeited and no longer needed for evidence, or forfeited due to a failure to make a claim under [RCW 63.35.020](#), must be disposed of as follows: (i) Firearms illegal for any person to possess must be destroyed; (ii) the Washington state patrol may retain a maximum of ten percent of legal firearms for agency use; and (iii) all other legal firearms must be auctioned or traded to licensed dealers. The Washington state patrol may retain any proceeds of an auction or trade.

(3) The court shall order the firearm returned to the owner upon a showing that there is no probable cause to believe a violation of subsection (1) of this section existed or the firearm was stolen from the owner or the owner neither had knowledge of nor consented to the act or omission involving the firearm which resulted in its forfeiture.

(4) A law enforcement officer of the state or of any county or municipality may confiscate a firearm found to be in the possession of a person under circumstances specified in subsection (1) of this section. After confiscation, the firearm shall not be surrendered except: (a) To the prosecuting attorney for use in subsequent legal proceedings; (b) for disposition according to an order of a court having jurisdiction as provided in subsection (1) of this section; or (c) to the owner if the proceedings are dismissed or as directed in subsection (3) of this section.

9.41.230. Aiming or discharging firearms, dangerous weapons

(1) For conduct not amounting to a violation of chapter 9A.36 RCW, any person who:

(a) Aims any firearm, whether loaded or not, at or towards any human being;

(b) Willfully discharges any firearm, air gun, or other weapon, or throws any deadly missile in a public place, or in any place where any person might be endangered thereby. A public place shall not include any location at which firearms are authorized to be lawfully discharged; or

(c) Except as provided in [RCW 9.41.185](#), sets a so-called trap, spring pistol, rifle, or other dangerous weapon,

although no injury results, is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) If an injury results from a violation of subsection (1) of this section, the person violating subsection (1) of this section shall be subject to the applicable provisions of chapters 9A.32 and 9A.36 RCW.

9.41.240. Possession of pistol by person from eighteen to twenty-one

Unless an exception under [RCW 9.41.042](#), [9.41.050](#), or [9.41.060](#) applies, a person at least eighteen years of age, but less than twenty-one years of age, may possess a pistol only:

(1) In the person's place of abode;

- (2) At the person's fixed place of business; or
- (3) On real property under his or her control.

9.41.250. Dangerous weapons--Penalty--Exemption for law enforcement officers

(1) Every person who:

(a) Manufactures, sells, or disposes of or possesses any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles, or spring blade knife, or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by the force of gravity, or by an outward, downward, or centrifugal thrust or movement;

(b) Furtively carries with intent to conceal any dagger, dirk, pistol, or other dangerous weapon; or

(c) Uses any contrivance or device for suppressing the noise of any firearm,

is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) Subsection (1)(a) of this section does not apply to:

(a) The possession of a spring blade knife by a law enforcement officer while the officer:

(i) Is on official duty; or

(ii) Is transporting the knife to or from the place where the knife is stored when the officer is not on official duty; or

(b) The storage of a spring blade knife by a law enforcement officer.

9.41.270. Weapons apparently capable of producing bodily harm--Unlawful carrying or handling--Penalty--Exceptions

(1) It shall be unlawful for any person to carry, exhibit, display, or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1) of this section, the person shall lose his or her concealed pistol license, if any. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

(3) Subsection (1) of this section shall not apply to or affect the following:

- (a) Any act committed by a person while in his or her place of abode or fixed place of business;
- (b) Any person who by virtue of his or her office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;
- (c) Any person acting for the purpose of protecting himself or herself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
- (d) Any person making or assisting in making a lawful arrest for the commission of a felony; or
- (e) Any person engaged in military activities sponsored by the federal or state governments.

**9.41.280. Possessing dangerous weapons on school facilities--Penalty--
Exceptions**

(1) It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools:

- (a) Any firearm;
- (b) Any other dangerous weapon as defined in [RCW 9.41.250](#);
- (c) Any device commonly known as "nun-chu-ka sticks", consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;
- (d) Any device, commonly known as "throwing stars", which are multi-pointed, metal objects designed to embed upon impact from any aspect;
- (e) Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas; or
- (f)(i) Any portable device manufactured to function as a weapon and which is commonly known as a stun gun, including a projectile stun gun which projects wired probes that are attached to the device that emit an electrical charge designed to administer to a person or an animal an electric shock, charge, or impulse; or
- (ii) Any device, object, or instrument which is used or intended to be used as a weapon with the intent to injure a person by an electric shock, charge, or impulse.

(2) Any such person violating subsection (1) of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (1)(a) of this section, the person shall have his or her concealed pistol license, if any revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the department of licensing, and the city, town, or county which issued the license.

Any violation of subsection (1) of this section by elementary or secondary school students constitutes grounds for expulsion from the state's public schools in accordance with [RCW 28A.600.010](#). An appropriate school authority shall promptly notify law enforcement and the student's parent or guardian regarding any allegation or indication of such violation.

Upon the arrest of a person at least twelve years of age and not more than twenty-one years of age for violating subsection (1)(a) of this section, the person shall be detained or confined in a juvenile or adult facility for up to seventy-two hours. The person shall not be released within the seventy-two hours until after the person has been examined and evaluated by the designated mental health professional unless the court in its discretion releases the person sooner after a determination regarding probable cause or on probation bond or bail.

Within twenty-four hours of the arrest, the arresting law enforcement agency shall refer the person to the designated mental health professional for examination and evaluation under chapter 71.05 or 71.34 RCW and inform a parent or guardian of the person of the arrest, detention, and examination. The designated mental health professional shall examine and evaluate the person subject to the provisions of chapter 71.05 or 71.34 RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

The designated mental health professional may determine whether to refer the person to the county-designated chemical dependency specialist for examination and evaluation in accordance with chapter 70.96A RCW. The county-designated chemical dependency specialist shall examine the person subject to the provisions of chapter 70.96A RCW. The examination shall occur at the facility in which the person is detained or confined. If the person has been released on probation, bond, or bail, the examination shall occur wherever is appropriate.

Upon completion of any examination by the designated mental health professional or the county-designated chemical dependency specialist, the results of the examination shall be sent to the court, and the court shall consider those results in making any determination about the person.

The designated mental health professional and county-designated chemical dependency specialist shall, to the extent permitted by law, notify a parent or guardian of the person that an examination and evaluation has taken place and the results of the examination. Nothing in this subsection prohibits the delivery of additional, appropriate mental health examinations to the person while the person is detained or confined.

If the designated mental health professional determines it is appropriate, the designated mental health professional may refer the person to the local regional support network for follow-up services or the department of social and health services or other community providers for other services to the family and individual.

(3) Subsection (1) of this section does not apply to:

(a) Any student or employee of a private military academy when on the property of the academy;

(b) Any person engaged in military, law enforcement, or school district security activities. However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully

completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers;

(c) Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;

(d) Any person while the person is participating in a firearms or air gun competition approved by the school or school district;

(e) Any person in possession of a pistol who has been issued a license under [RCW 9.41.070](#), or is exempt from the licensing requirement by [RCW 9.41.060](#), while picking up or dropping off a student;

(f) Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;

(g) Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or

(h) Any law enforcement officer of the federal, state, or local government agency.

(4) Subsections (1)(c) and (d) of this section do not apply to any person who possesses nun-chu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.

(5) Subsection (1)(f)(i) of this section does not apply to any person who possesses a device listed in subsection (1)(f)(i) of this section, if the device is possessed and used solely for the purpose approved by a school for use in a school authorized event, lecture, or activity conducted on the school premises.

(6) Except as provided in subsection (3)(b), (c), (f), and (h) of this section, firearms are not permitted in a public or private school building.

(7) "GUN-FREE ZONE" signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.

9.41.300. Weapons prohibited in certain places--Local laws and ordinances--Exceptions--Penalty

(1) It is unlawful for any person to enter the following places when he or she knowingly possesses or knowingly has under his or her control a weapon:

(a) The restricted access areas of a jail, or of a law enforcement facility, or any place used for the confinement of a person (i) arrested for, charged with, or convicted of an offense, (ii) held for extradition or as a material witness, or (iii) otherwise confined pursuant to an order of a court, except an order under chapter 13.32A or 13.34 RCW. Restricted access areas do not include common areas of egress or ingress open to the general public;

(b) Those areas in any building which are used in connection with court proceedings, including courtrooms, jury rooms, judge's chambers, offices and areas used to conduct

court business, waiting areas, and corridors adjacent to areas used in connection with court proceedings. The restricted areas do not include common areas of ingress and egress to the building that is used in connection with court proceedings, when it is possible to protect court areas without restricting ingress and egress to the building. The restricted areas shall be the minimum necessary to fulfill the objective of this subsection (1)(b).

For purposes of this subsection (1)(b), "weapon" means any firearm, explosive as defined in [RCW 70.74.010](#), or any weapon of the kind usually known as slung shot, sand club, or metal knuckles, or any knife, dagger, dirk, or other similar weapon that is capable of causing death or bodily injury and is commonly used with the intent to cause death or bodily injury.

In addition, the local legislative authority shall provide either a stationary locked box sufficient in size for pistols and key to a weapon owner for weapon storage, or shall designate an official to receive weapons for safekeeping, during the owner's visit to restricted areas of the building. The locked box or designated official shall be located within the same building used in connection with court proceedings. The local legislative authority shall be liable for any negligence causing damage to or loss of a weapon either placed in a locked box or left with an official during the owner's visit to restricted areas of the building.

The local judicial authority shall designate and clearly mark those areas where weapons are prohibited, and shall post notices at each entrance to the building of the prohibition against weapons in the restricted areas;

(c) The restricted access areas of a public mental health facility certified by the department of social and health services for inpatient hospital care and state institutions for the care of the mentally ill, excluding those facilities solely for evaluation and treatment. Restricted access areas do not include common areas of egress and ingress open to the general public;

(d) That portion of an establishment classified by the state liquor control board as off-limits to persons under twenty-one years of age; or

(e) The restricted access areas of a commercial service airport designated in the airport security plan approved by the federal transportation security administration, including passenger screening checkpoints at or beyond the point at which a passenger initiates the screening process. These areas do not include airport drives, general parking areas and walkways, and shops and areas of the terminal that are outside the screening checkpoints and that are normally open to unscreened passengers or visitors to the airport. Any restricted access area shall be clearly indicated by prominent signs indicating that firearms and other weapons are prohibited in the area.

(2) Cities, towns, counties, and other municipalities may enact laws and ordinances:

(a) Restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that humans, domestic animals, or property will be jeopardized. Such laws and ordinances shall not abridge the right of the individual guaranteed by [Article I, section 24 of the state Constitution](#) to bear arms in defense of self or others; and

(b) Restricting the possession of firearms in any stadium or convention center, operated by a city, town, county, or other municipality, except that such restrictions shall not apply to:

(i) Any pistol in the possession of a person licensed under [RCW 9.41.070](#) or exempt from the licensing requirement by [RCW 9.41.060](#); or

(ii) Any showing, demonstration, or lecture involving the exhibition of firearms.

(3)(a) Cities, towns, and counties may enact ordinances restricting the areas in their respective jurisdictions in which firearms may be sold, but, except as provided in (b) of this subsection, a business selling firearms may not be treated more restrictively than other businesses located within the same zone. An ordinance requiring the cessation of business within a zone shall not have a shorter grandfather period for businesses selling firearms than for any other businesses within the zone.

(b) Cities, towns, and counties may restrict the location of a business selling firearms to not less than five hundred feet from primary or secondary school grounds, if the business has a storefront, has hours during which it is open for business, and posts advertisements or signs observable to passersby that firearms are available for sale. A business selling firearms that exists as of the date a restriction is enacted under this subsection (3)(b) shall be grandfathered according to existing law.

(4) Violations of local ordinances adopted under subsection (2) of this section must have the same penalty as provided for by state law.

(5) The perimeter of the premises of any specific location covered by subsection (1) of this section shall be posted at reasonable intervals to alert the public as to the existence of any law restricting the possession of firearms on the premises.

(6) Subsection (1) of this section does not apply to:

(a) A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;

(b) Law enforcement personnel, except that subsection (1)(b) of this section does apply to a law enforcement officer who is present at a courthouse building as a party to an action under chapter 10.14, 10.99, or 26.50 RCW, or an action under Title 26 RCW where any party has alleged the existence of domestic violence as defined in [RCW 26.50.010](#); or

(c) Security personnel while engaged in official duties.

(7) Subsection (1)(a) of this section does not apply to a person licensed pursuant to [RCW 9.41.070](#) who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises or checks his or her firearm. The person may reclaim the firearms upon leaving but must immediately and directly depart from the place or facility.

(8) Subsection (1)(c) of this section does not apply to any administrator or employee of the facility or to any person who, upon entering the place or facility, directly and promptly proceeds to the administrator of the facility or the administrator's designee and obtains written permission to possess the firearm while on the premises.

(9) Subsection (1)(d) of this section does not apply to the proprietor of the premises or his or her employees while engaged in their employment.

(10) Any person violating subsection (1) of this section is guilty of a gross misdemeanor.

(11) "Weapon" as used in this section means any firearm, explosive as defined in [RCW 70.74.010](#), or instrument or weapon listed in [RCW 9.41.250](#).

SWMC 9.____. GAMBLING – 1973 ACT

9.46.1962. Cheating in the second degree

(1) A person is guilty of cheating in the second degree if he or she engages in cheating and his or her conduct does not constitute cheating in the first degree.

(2) Cheating in the second degree is a gross misdemeanor subject to the penalty set forth in [RCW 9A.20.021](#).

SWMC 9.____. INHALING TOXIC FUMES

9.47A.020. Unlawful inhalation--Exception

It is unlawful for any person to intentionally smell or inhale the fumes of any type of substance as defined in [RCW 9.47A.010](#) or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting, or disturbing the audio, visual, or mental processes. This section does not apply to the inhalation of any anesthesia for medical or dental purposes.

9.47A.030. Possession of certain substances prohibited, when

No person may, for the purpose of violating [RCW 9.47A.020](#), use, or possess for the purpose of so using, any substance containing a solvent having the property of releasing toxic vapors or fumes.

9.47A.040. Sale of certain substances prohibited, when

No person may sell, offer to sell, deliver, or give to any other person any container of a substance containing a solvent having the property of releasing toxic vapors or fumes, if he has knowledge that the product sold, offered for sale, delivered, or given will be used for the purpose set forth in [RCW 9.47A.020](#).

9.68.130. "Sexually explicit material"--Defined--Unlawful display

(1) A person is guilty of unlawful display of sexually explicit material if he knowingly exhibits such material on a viewing screen so that the sexually explicit material is easily visible from a public thoroughfare, park or playground or from one or more family dwelling units.

(2) "Sexually explicit material" as that term is used in this section means any pictorial material displaying direct physical stimulation of unclothed genitals, masturbation, sodomy (i.e. bestiality or oral or anal intercourse), flagellation or torture in the context of a sexual relationship, or emphasizing the depiction of adult human genitals: PROVIDED HOWEVER, That works of art or of anthropological significance shall not be deemed to be within the foregoing definition.

(3) Any person who violates subsection (1) of this section shall be guilty of a misdemeanor.

SWMC 9.____. SEXUAL EXPLOITATION OF CHILDREN

9.68A.090. Communication with minor for immoral purposes--Penalties

(1) Except as provided in subsection (2) of this section, a person who communicates with a minor for immoral purposes, or a person who communicates with someone the person believes to be a minor for immoral purposes, is guilty of a gross misdemeanor.

(2) A person who communicates with a minor for immoral purposes is guilty of a class C felony punishable according to chapter 9A.20 RCW if the person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state or if the person communicates with a minor or with someone the person believes to be a minor for immoral purposes through the sending of an electronic communication.

9.68A.150. Allowing minor on premises of live erotic performance--Definitions--Penalty

(1) No person may knowingly allow a minor to be on the premises of a commercial establishment open to the public if there is a live performance containing matter which is erotic material.

(2) Any person who is convicted of violating this section is guilty of a gross misdemeanor.

(3) For the purposes of this section:

(a) "Minor" means any person under the age of eighteen years.

(b) "Erotic materials" means live performance:

(i) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest of minors; and

(ii) Which explicitly depicts or describes patently offensive representations or descriptions of sexually explicit conduct as defined in [RCW 9.68A.011](#); and

(iii) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political, or scientific value for minors.

(c) "Live performance" means any play, show, skit, dance, or other exhibition performed or presented to, or before an audience of one or more, with or without consideration.

(d) "Person" means any individual, partnership, firm, association, corporation, or other legal entity.

SWMC 9.____. DUTY OF WITNESS

**9.69.100. Duty of witness of offense against child or any violent offense--
Penalty**

(1) A person who witnesses the actual commission of:

(a) A violent offense as defined in [RCW 9.94A.030](#) or preparations for the commission of such an offense;

(b) A sexual offense against a child or an attempt to commit such a sexual offense; or

(c) An assault of a child that appears reasonably likely to cause substantial bodily harm to the child,

shall as soon as reasonably possible notify the prosecuting attorney, law enforcement, medical assistance, or other public officials.

(2) This section shall not be construed to affect privileged relationships as provided by law.

(3) The duty to notify a person or agency under this section is met if a person notifies or attempts to provide such notice by telephone or any other means as soon as reasonably possible.

(4) Failure to report as required by subsection (1) of this section is a gross misdemeanor. However, a person is not required to report under this section where that person has a reasonable belief that making such a report would place that person or another family or household member in danger of immediate physical harm.

SWMC 9.____. MISC. CRIMES

9.91.025. Unlawful conduct in a transit vehicle

(1) A person is guilty of unlawful transit conduct if, while on or in a transit vehicle or in or at a transit station, he or she knowingly:

(a) Smokes or carries a lighted or smoldering pipe, cigar, or cigarette, unless he or she is smoking in an area designated and authorized by the transit authority;

(b) Discards litter other than in designated receptacles;

(c) Dumps or discards, or both, any materials on or at a transit facility including, but not limited to, hazardous substances and automotive fluids;

(d) Plays any radio, recorder, or other sound-producing equipment, except that nothing herein prohibits the use of the equipment when connected to earphones or an ear receiver that limits the sound to an individual listener. The use of public address systems or music systems that are authorized by a transit agency is permitted. The use of communications devices by transit employees and designated contractors or public safety officers in the line of duty is permitted, as is the use of private communications devices used to summon, notify, or communicate with other individuals, such as pagers and cellular phones;

(e) Spits, expectorates, urinates, or defecates, except in appropriate plumbing fixtures in restroom facilities;

(f) Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others, except that nothing herein prevents a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law;

(g) Consumes an alcoholic beverage or is in possession of an open alcoholic beverage container, unless authorized by the transit authority and required permits have been obtained;

(h) Obstructs or impedes the flow of transit vehicles or passenger traffic, hinders or prevents access to transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services;

(i) Unreasonably disturbs others by engaging in loud, raucous, unruly, harmful, or harassing behavior;

(j) Destroys, defaces, or otherwise damages property in a transit vehicle or at a transit facility;

(k) Throws an object in a transit vehicle, at a transit facility, or at any person at a transit facility with intent to do harm;

(l) Possesses an unissued transfer or fare media or tenders an unissued transfer or fare media as proof of fare payment;

(m) Falsely claims to be a transit operator or other transit employee or through words, actions, or the use of clothes, insignia, or equipment resembling department-issued

uniforms and equipment, creates a false impression that he or she is a transit operator or other transit employee;

(n) Engages in gambling or any game of chance for the winning of money or anything of value;

(o) Skates on roller skates or in-line skates, or rides in or upon or by any means a coaster, skateboard, toy vehicle, or any similar device. However, a person may walk while wearing skates or carry a skateboard while on or in a transit vehicle or in or at a transit station if that conduct is not otherwise prohibited by law; or

(p) Engages in other conduct that is inconsistent with the intended use and purpose of the transit facility, transit station, or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.

(2) For the purposes of this section:

(a) "Transit station" or "transit facility" means all passenger facilities, structures, stops, shelters, bus zones, properties, and rights-of-way of all kinds that are owned, leased, held, or used by a transit authority for the purpose of providing public transportation services.

(b) "Transit vehicle" means any motor vehicle, street car, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers on a regular schedule.

(c) "Transit authority" means a city transit system under [RCW 35.58.2721](#) or chapter 35.95A RCW, a county transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under [RCW 36.57.100](#), a regional transportation authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(3) Any person who violates this section is guilty of a misdemeanor.

9.91.060. Leaving children unattended in parked automobile

Every person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, who shall leave such children in a parked automobile unattended by an adult while such person enters a tavern or other premises where vinous, spirituous, or malt liquors are dispensed for consumption on the premises shall be guilty of a gross misdemeanor.

9.91.160. Personal protection spray devices

(1) It is unlawful for a person under eighteen years old, unless the person is at least fourteen years old and has the permission of a parent or guardian to do so, to purchase or possess a personal protection spray device. A violation of this subsection is a misdemeanor.

(2) No town, city, county, special purpose district, quasi-municipal corporation or other unit of government may prohibit a person eighteen years old or older, or a person fourteen years old or older who has the permission of a parent or guardian to do so, from purchasing or possessing a personal protection spray device or from using such a device in a manner consistent with the authorized use of force under [RCW 9A.16.020](#). No town, city, county, special purpose district, quasi-municipal corporation, or other unit of government may prohibit a person eighteen years old or older from delivering a personal protection spray device to a person authorized to possess such a device.

(3) For purposes of this section:

(a) "Personal protection spray device" means a commercially available dispensing device designed and intended for use in self-defense and containing a nonlethal sternutator or lacrimator agent, including but not limited to:

(i) Tear gas, the active ingredient of which is either chloracetophenone (CN) or O-chlorobenzylidene malonotrile (CS); or

(ii) Other agent commonly known as mace, pepper mace, or pepper gas.

(b) "Delivering" means actual, constructive, or attempted transferring from one person to another.

(4) Nothing in this section authorizes the delivery, purchase, possession, or use of any device or chemical agent that is otherwise prohibited by state law.

SWMC 9.____. DOMESTIC RELATIONS

26.09.300. Restraining orders--Notice--Refusal to comply--Arrest--Penalty--Defense--Peace officers, immunity

(1) Whenever a restraining order is issued under this chapter, and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, is punishable under [RCW 26.50.110](#).

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained; or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(3) A peace officer shall verify the existence of a restraining order by:

(a) Obtaining information confirming the existence and terms of the order from a law enforcement agency; or

(b) Obtaining a certified copy of the order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

(4) A peace officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) A restraining order has been issued under this chapter;

(b) The respondent or person to be restrained knows of the order; and

(c) The person to be arrested has violated the terms of the order restraining the person from acts or threats of violence or restraining the person from going onto the grounds of or entering the residence, workplace, school, or day care of another, or prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location.

(5) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(6) No peace officer may be held criminally or civilly liable for making an arrest under subsection (4) of this section if the officer acts in good faith and without malice.

26.50.110. Violation of order--Penalties

(1)(a) Whenever an order is granted under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in [RCW 26.52.020](#), and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location;

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in [RCW 26.52.020](#), that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in [RCW 26.52.020](#), shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in [RCW 26.52.020](#), and that does not amount to assault in the first or second degree under [RCW 9A.36.011](#) or [9A.36.021](#) is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in [RCW 26.52.020](#), is a class C felony if the offender has at least two previous convictions

for violating the provisions of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in [RCW 26.52.020](#). The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in [RCW 26.52.020](#), the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

SWMC 9.____. AGE OF MAJORITY (TOBACCO/TATTOO)

26.28.080. Selling or giving tobacco to minor--Belief of representative capacity, no defense--Penalty

Every person who sells or gives, or permits to be sold or given to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or tobacco in any form is guilty of a gross misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

26.28.085. Applying tattoo to a minor--Penalty

Every person who applies a tattoo to any minor under the age of eighteen is guilty of a misdemeanor. It is not a defense to a violation of this section that the person applying the tattoo did not know the minor's age unless the person applying the tattoo establishes by a preponderance of the evidence that he or she made a reasonable, bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license or other picture identification card or paper and did not rely solely on the oral allegations or apparent age of the minor.

For the purposes of this section, "tattoo" includes any permanent marking or coloring of the skin with any pigment, ink, or dye, or any procedure that leaves a visible scar on the skin. Medical procedures performed by a licensed physician are exempted from this section.

**66.20.200. Unlawful acts relating to identification or certification card--
Penalties**

(1) It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee or store employee. Any person who shall permit his or her card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee or store employee or gain admission to a premises or portion of a premises classified by the board as off-limits to persons under twenty-one years of age, shall be guilty of a misdemeanor punishable as provided by [RCW 9A.20.021](#), except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community restitution shall require not fewer than twenty-five hours of community restitution.

(2) Any person not entitled thereto who unlawfully procures or has issued or transferred to him or her a card of identification, and any person who possesses a card of identification not issued to him or her, and any person who makes any false statement on any certification card required by [RCW 66.20.190](#), to be signed by him or her, shall be guilty of a misdemeanor punishable as provided by [RCW 9A.20.021](#), except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community restitution shall require not fewer than twenty-five hours of community restitution.

66.44.100. Opening or consuming liquor in public place--Penalty

Except as permitted by this title, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a class 3 civil infraction under chapter 7.80 RCW.

66.44.250. Drinking in public conveyance--Penalty against individual--Restricted application

Every person who drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, is guilty of a misdemeanor. With respect to a public conveyance that is commercially chartered for group use and with respect to a for-hire vehicle licensed under city, county, or state law, this section applies only to the driver of the vehicle.

66.44.270(2)(a). Furnishing liquor to minors--Possession, use—

(2)(a) It is unlawful for any person under the age of twenty-one years to possess, consume, or otherwise acquire any liquor. A violation of this subsection is a gross misdemeanor punishable as provided for in chapter 9A.20 RCW.

66.44.290. Minor purchasing or attempting to purchase liquor--Penalty

(1) Every person under the age of twenty-one years who purchases or attempts to purchase liquor shall be guilty of a violation of this title. This section does not apply to persons between the ages of eighteen and twenty-one years who are participating in a controlled purchase program authorized by the liquor control board under rules adopted by the board. Violations occurring under a private, controlled purchase program authorized by the liquor control board may not be used for criminal or administrative prosecution.

(2) An employer who conducts an in-house controlled purchase program authorized under this section shall provide his or her employees a written description of the employer's in-house controlled purchase program. The written description must include notice of actions an employer may take as a consequence of an employee's failure to comply with company policies regarding the sale of alcohol during an in-house controlled purchase.

(3) An in-house controlled purchase program authorized under this section shall be for the purposes of employee training and employer self-compliance checks. An employer may not terminate an employee solely for a first-time failure to comply with company policies regarding the sale of alcohol during an in-house controlled purchase program authorized under this section.

(4) Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of this section is guilty of a misdemeanor punishable as provided by [RCW 9A.20.021](#), except that a minimum fine of two hundred fifty dollars shall be imposed and

any sentence requiring community restitution shall require not fewer than twenty-five hours of community restitution.

66.44.310. Minors frequenting off-limits area--Misrepresentation of age--Penalty--Classification of licensees

(1) Except as otherwise provided by [RCW 66.44.316](#), [66.44.350](#), and [66.24.590](#), it shall be a misdemeanor:

(a) To serve or allow to remain in any area classified by the board as off-limits to any person under the age of twenty-one years;

(b) For any person under the age of twenty-one years to enter or remain in any area classified as off-limits to such a person, but persons under twenty-one years of age may pass through a restricted area in a facility holding a spirits, beer, and wine private club license;

(c) For any person under the age of twenty-one years to represent his or her age as being twenty-one or more years for the purpose of purchasing liquor or securing admission to, or remaining in any area classified by the board as off-limits to such a person.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify licensed premises or portions of licensed premises as off-limits to persons under the age of twenty-one years of age.

66.44.325. Unlawful transfer to minor of age identification

Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor punishable as provided by [RCW 9A.20.021](#), except that a minimum fine of two hundred fifty dollars shall be imposed and any sentence requiring community restitution shall require not fewer than twenty-five hours of community restitution: PROVIDED, That corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

SWMC 9.____. FOODS, DRUGS, COSMETICS & POISONS

69.43.120. Ephedrine, pseudoephedrine, phenylpropanolamine--Possession of more than fifteen grams--Penalty--Exceptions

(1) Any person who possesses more than fifteen grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, or a combination of any of those substances, is guilty of a gross misdemeanor.

(2) This section does not apply to any of the following:

(a) A pharmacist or other authorized person who sells or furnishes ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers upon the prescription of a practitioner, as defined in [RCW 69.41.010](#);

(b) A practitioner who administers or furnishes ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers to his or her patients;

(c) A pharmacy, manufacturer, or wholesaler licensed by, or shopkeeper or itinerant vendor registered with, the department of health under chapter 18.64 RCW;

(d) A person in the course of his or her business of selling, transporting, or storing ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers, for a person described in (a), (b), or (c) of this subsection; or

(e) A person in possession of more than fifteen grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts of isomers in their home or residence under circumstances consistent with typical medicinal or household use as indicated by, but not limited to, storage location and possession of products in a variety of strengths, brands, types, purposes, and expiration dates.

69.50.102. Drug paraphernalia--Definitions

(a) As used in this chapter, "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed 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 a controlled substance. It includes, but is not limited to:

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

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances;

- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances;
- (7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;
- (8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances;
- (9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
- (10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
- (11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
- (12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marihuana, 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 marihuana 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) Bongs; and
 - (xiii) Ice pipes or chillers.

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

- (1) Statements by an owner or by anyone in control of the object concerning its use;
- (2) 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;
- (3) The proximity of the object, in time and space, to a direct violation of this chapter;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) 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 or designed for use as drug paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) 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;
- (12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community; and
- (14) Expert testimony concerning its use.

69.50.4014. Possession of forty grams or less of marihuana--Penalty

Except as provided in [RCW 69.50.401\(2\)\(c\)](#), any person found guilty of possession of forty grams or less of marihuana is guilty of a misdemeanor.

70.74.310. Gas bombs, explosives, stink bombs, etc.

Any person other than a lawfully constituted peace officer of this state who shall deposit, leave, place, spray, scatter, spread or throw in any building, or any place, or who shall counsel, aid, assist, encourage, incite or direct any other person or persons to deposit, leave, place, spray, scatter, spread or throw, in any building or place, or who shall have in his possession for the purpose of, and with the intent of depositing, leaving, placing, spraying, scattering, spreading or throwing, in any building or place, or of counseling, aiding, assisting, encouraging, inciting or directing any other person or persons to deposit, leave, place, spray, scatter, spread or throw, any stink bomb, stink paint, tear bomb, tear shell, explosive or flame-producing device, or any other device, material, chemical or substance, which, when exploded or opened, or without such exploding or opening, by reason of its offensive and pungent odor, does or will annoy, injure, endanger or inconvenience any person or persons, shall be guilty of a gross misdemeanor: PROVIDED, That this section shall not apply to persons in the military service, actually engaged in the performance of military duties, pursuant to orders from competent authority nor to any property owner or person acting under his authority in providing protection against the commission of a felony.

70.93.060. Littering prohibited--Penalties--Litter cleanup restitution payment

(1) It is a violation of this section to abandon a junk vehicle upon any property. In addition, no person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or her or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by the state or its agencies or political subdivisions for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle in a manner that will prevent litter from being carried away or deposited by the elements upon any part of the private or public property or waters.

(2)(a) Except as provided in subsection (4) of this section, it is a class 3 civil infraction as provided in [RCW 7.80.120](#) for a person to litter in an amount less than or equal to one cubic foot.

(b) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(c) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(d) If a junk vehicle is abandoned in violation of this section, [RCW 46.55.230](#) governs the vehicle's removal, disposal, and sale, and the penalties that may be imposed against the person who abandoned the vehicle.

(3) If the violation occurs in a state park, the court shall, in addition to any other penalties assessed, order the person to perform twenty-four hours of community restitution in the state park where the violation occurred if the state park has stated an intent to participate as provided in [RCW 79A.05.050](#).

(4) It is a class 1 civil infraction as provided in [RCW 7.80.120](#) for a person to discard, in violation of this section, potentially dangerous litter in any amount.

77.15.460. Loaded firearm in vehicle--Unlawful use or possession--Penalty

(1) A person is guilty of unlawful possession of a loaded firearm in a motor vehicle if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in or on a motor vehicle; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if the person negligently shoots a firearm from, across, or along the maintained portion of a public highway.

(3) Unlawful possession of a loaded firearm in a motor vehicle or unlawful use of a loaded firearm is a misdemeanor.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Possesses a disabled hunter's permit as provided by [RCW 77.32.237](#) and complies with all rules of the department concerning hunting by persons with disabilities.

(5) For purposes of this section, a firearm shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the firearm.

AUG 11 2010

7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 8

After Recording Return to:

SKAGIT COUNTY BOARD OF COMMISSIONERS
1800 CONTINENTAL PLACE, STE. 100
MOUNT VERNON, WA 98273

INTERLOCAL COOPERATIVE AGREEMENT
BETWEEN

SKAGIT COUNTY
AND
THE CITY OF SEDRO-WOOLLEY

THIS AGREEMENT (the "Agreement") is made and entered into by and between the City of Sedro-Woolley, a Washington municipal corporation ("City") and Skagit County, a political subdivision of the State of Washington ("County") pursuant to the authority granted by Chapter 39.34 RCW, INTERLOCAL COOPERATION ACT. The City and the County may be individually referred to herein as a "party", and may be collectively referred to herein as the "parties."

WHEREAS, pursuant to RCW 86.15, the Sedro-Woolley Sub Flood Control Zone was abolished by the Skagit County Board of Commissioners (acting as Board of Supervisors for the Skagit County Flood Control Zone District) by Resolution No. ~~Rxxxxxxx~~, dated ~~xxxxxxxxxxxxxxxxxxx~~; and

WHEREAS, pursuant to _____ and RCW 86.15.210, the assets of the Sedro-Woolley Sub-Flood Control Zone (including funds in the amount of approximately Three ~~Thousand~~ ~~Fifteen~~ ~~Thousand~~ ~~Six~~ ~~Hundred~~ ~~Fifty~~ ~~Eight~~ ~~Dollars~~ ~~and~~ ~~Fifty~~ ~~One~~ ~~Hundredths~~ ~~of~~ ~~a~~ ~~Dollar~~) were transferred from the Sedro-Woolley Sub-Flood Control Zone to the County to be used for flood control purposes (the "Sedro-Woolley Sub-Flood Funds"); and

WHEREAS, the parties recognize the mutual benefit of working jointly to fulfill common flood control needs and to achieve mutually beneficial solutions for regional flood control and related storm water drainage concerns; and

WHEREAS, County has determined that it would be beneficial to provide the Sedro-Woolley Sub-Flood Funds to the City to be used for flood control (and related storm water and drainage) purposes.

NOW THEREFORE in consideration of the foregoing and the mutual covenants herein, and pursuant to provisions of Chapter 39.34 RCW, **THE PARTIES HERETO DO HEREBY AGREE** as follows:

1. PURPOSE: The County shall provide the City with the Sedro-Woolley Sub-Flood Funds in the total amount not to exceed ~~Three Hundred Fourteen Thousand Six Hundred Fifty Eight Dollars and Fifty-One Hundredths (\$314,658.51)~~ to be used by the City for flood control (and related storm water management and drainage) purposes, as more particularly described pursuant to the terms of this Agreement to be performed by the City, and benefiting directly or indirectly properties within the former Sedro-Woolley Sub-Flood Control Zone (as detailed within the attached Exhibit "A", and incorporated by reference).

2. RESPONSIBILITIES: The parties to this Agreement mutually agree as follows:

2.1 The City shall perform the flood control (and related storm water management) work and maintenance (as described in Exhibit "A"), and the County shall reimburse the City for such work with the Sedro-Woolley Sub-Flood Funds in the total amount not to exceed ~~Three Hundred Fourteen Thousand Six Hundred Fifty Eight Dollars and Fifty-One Hundredths (\$314,658.51)~~ pursuant to the terms of this Agreement. The parties agree that such reimbursement in the amount not to exceed ~~Three Hundred Fourteen Thousand Six Hundred Fifty Eight Dollars and Fifty-One Hundredths (\$314,658.51)~~ shall be for such flood control (and related storm water management) work and maintenance performed by the City on or after ~~October 1, 2010~~. The parties recognize and agree that the County has no direct involvement in the flood control (and related storm water management) work and maintenance to be performed by the City, and that such flood control (and related storm water management) work is to be designed, constructed, implemented, used, operated, managed by the City, at the City's expense and liability (as such work is not a County project). The County is not responsible for and shall be held harmless by the City from liability or damages arising from and/or related to the design, construction, implementation, use, operation, and/or maintenance of the flood control (and related storm water management) work performed by the City.

2.2 As part of the flood control (and related storm water management) work to be performed by the City, the City shall maintain the Brickyard Creek corridor in its entirety (within the City of Sedro Woolley municipal limits) by mowing, brush removal, debris removal, cleaning and other applicable work on an annual basis for a period of ten (10) years, from 2011 to 2021. The City may expend up to Fifteen Thousand Dollars (\$15,000) on these annual maintenance activities, which shall be reimbursed by the County out of the total available Sedro-Woolley Sub-Flood Funds (in accordance with Section 4 of this Agreement).

2.3 The City shall submit information to the County for any proposed flood control (and related storm water management) projects to be performed by the City, and the City must receive written approval of any such proposed flood control (and related storm water management) project(s) from the County's representative prior to initiation of any such project(s). Project information submittals from the City to the County shall include a conceptual scope, cost estimate, and estimated schedule in a format and content acceptable to the County.

2.4 The County shall reimburse the City for expenses incurred on approved flood control (and related storm water management) projects and maintenance, pursuant to Section 4. of this Agreement. Unless specifically stated to the contrary in this Agreement, the County is not otherwise obligated to provide any funds, or perform or provide any other services, duties, or responsibilities pursuant to the terms of this Agreement.

3. TERM OF AGREEMENT: The term of this Agreement shall commence upon mutual execution through ~~December 31, 2020~~, unless sooner terminated pursuant to the terms herein, or until the entirety of the Sedro Woolley Sub-Flood Control Zone funds (in the total amount not to ~~Three Hundred Fourteen Thousand Six Hundred Fifty Eight Dollars and Fifty-One Hundredths (\$314,658.51)~~) have been disbursed to the City by the County in accordance with the terms of this Agreement.

4. MANNER OF FINANCING: Of the total available Sedro Woolley Sub-Flood Control Zone funds to be paid by the County to the City, One Hundred Fifty Thousand Dollars (\$150,000) will be applied to the annual maintenance activities described in this Agreement. The remaining total available Sedro Woolley Sub-Flood Control Zone funds (in the amount of ~~One Hundred Sixty-Four Thousand Six Hundred Fifty Eight Dollars and Fifty-One Hundredths (\$164,658.51)~~) shall be used to reimburse the City for completed approved flood control (and related storm water management) projects. Upon completion of such projects by the City, the City will provide billings to the County with proper documentation of such work completed by the City (invoices), and the County will pay such invoice(s) in accordance with the terms of this Agreement, in a total amount not to exceed ~~One Hundred Sixty-Four Thousand Six Hundred Fifty Eight Dollars and Fifty-One Hundredths (\$164,658.51)~~, in the ordinary course of business. Unless expressly provided to the contrary herein, the County is not obligated to perform or provide any additional funds or financing, or provide any other services, duties, or responsibilities pursuant to the terms of this Agreement. Upon request by the County, the City must provide written proof and documentation of expenditure of any and all funds provided to the City by the County pursuant to the terms of this Agreement in a form acceptable to the County. The City shall remain solely and separately responsible and liable for the payment and management of any contractors and subcontractors hired by the City for the purposes described in this Agreement. The City shall be solely and separately responsible and liable for the payment of any and all costs and expenses associated with any flood control (and related storm water management) work and maintenance performed pursuant to this Agreement in excess of the County's maximum potential contribution of the Sedro Woolley Sub-Flood Control Zone funds ~~in the total amount not to exceed Three Hundred Fourteen Thousand Six Hundred Fifty Eight Dollars and Fifty-One Hundredths (\$314,658.51)~~. Any funds provided by the County to the City pursuant to this Agreement shall be used for flood control (and related storm water management) purposes. The parties recognize and agree that but for and only in reliance upon the terms of this Agreement, the County would not have provided the Sedro-Woolley Sub-Flood Funds to the City, and that the use of said Sedro-Woolley Sub-Flood Funds by the City shall be subject to the terms of this Agreement.

5. ADMINISTRATION: The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under this Agreement. In the event such representatives are changed, the party making the change shall notify the other party.

- 5.1 The County's representative shall be:
Janice Flagan
Surface Water Section Manager
Skagit County Public Works
1800 Continental Place
Mount Vernon, WA 98273

5.2 City's representative shall be:
Mark Freiberger
Public Works Director
City of Sedro-Woolley
325 Metcalf Street
Sedro-Woolley, WA 98284

6. TREATMENT OF ASSETS AND PROPERTY: No fixed assets or personal or real property will be jointly or cooperatively, acquired, held, used, or disposed of pursuant to this Agreement. The County shall not be responsible for or liable for the use, operation, maintenance, repair, or replacement of any of the City's storm water, drainage, or flood control facilities, ditches, and/or infrastructure pursuant to the terms of this Agreement.

7. INDEMNIFICATION: Except as is otherwise set forth per the terms of this Agreement, each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agrees to save, indemnify, defend, and hold the other party harmless from any such liability. It is further provided that no liability shall attach to the County by reason of entering into this contract except as expressly provided herein.

8. NO PARTNERSHIP OR JOINT VENTURE: No partnership and/or joint venture exists between the City and the County, and no partnership and/or joint venture is created by and between the City and the County by virtue of this Agreement. No agent, employee, contractor, subcontractor, consultant, volunteer, and/or other representative of the parties shall be deemed an agent, employee, contractor, subcontractor, consultant, volunteer, or other representative of the other party.

9. DEFAULT: Failure of the parties to comply with the terms of this Agreement shall constitute default. The parties shall have all remedies for the enforcement of this Agreement as provided by law.

10. VENUE AND CHOICE OF LAW: In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the Superior Court of the State of Washington in and for the County of Skagit. This agreement shall be governed by the laws of the State of Washington.

11. CAPTIONS & COUNTERPARTS: The captions in this agreement are for convenience and reference only and do not define, limit, or describe the scope or intent of this Agreement. This Agreement may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one Agreement.

12. NEUTRAL AUTHORSHIP: Each of the terms and provisions of this Agreement have been reviewed and negotiated, and represents the combined work product of the parties hereto. No presumption or other rules of construction which would interpret the provisions of this Agreement in favor of or against the party preparing the same shall be applicable in connection with the construction or interpretation of any of the provisions of this Agreement. The parties represent that they have had a full and fair opportunity to seek legal advice with respect to the

terms of this Agreement and have either done so, or have voluntarily chosen not to do so. The parties represent and warrant that they have fully read this Agreement, that they understand its meaning and effect, and that they enter into this Agreement with full knowledge of its terms. The parties have entered into this Agreement without duress or undue influence.

13. **TERMINATION:** Any party hereto may terminate this Agreement upon thirty (30) days notice in writing either personally delivered or mailed postage-prepaid by certified mail, return receipt requested, to the party's last known address for the purposes of giving notice under this paragraph. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

14. **CHANGES, MODIFICATIONS, AMENDMENTS AND WAIVERS:** The Agreement may be changed, modified, amended or waived only by written agreement executed by the parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.

15. **SEVERABILITY:** In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.

16. **USE OF DOCUMENTS AND MATERIALS PRODUCED:** The County shall have the right to use and distribute any and all documents, writings, programs, data, public records or other materials prepared by any party (and/or any party's contractors, consultants, and/or subcontractors), in connection with performance of this Agreement.

17. **NO THIRD PARTY BENEFICIARIES:** This Agreement is not intended to nor does it create any third party beneficiary or other rights in any third person or party, including, but not limited to members of the general public, residents and/or property owners located at or within the vicinity of the former Sedro-Woolley Sub Flood Control Zone, or any agent, contractor, subcontractor, consultant, employee, volunteer, or other representative of either party.

18. **COMPLIANCE WITH LAWS, PERMITS, & GRANTS:** The parties to this Agreement shall comply with all applicable federal, state, and local laws, rules, and regulations in carrying out the terms and conditions of this Agreement. As necessary, the City (at the City's own expense and liability) shall obtain and comply with all necessary permits and approvals from all applicable jurisdictions prior to commencing any flood control (and related storm water management) work, and the City shall be solely and separately responsible and liable for compliance with all terms and conditions of any permit(s) and/or grant(s) obtained or procured by the City.

19. **STATUS OF AGREEMENT:** This Agreement is in addition to, and is not intended to replace, substitute, modify, or otherwise amend any other agreements by and between the parties. Any other agreements by and between the parties shall continue in full force and effect.

20. **ENTIRE AGREEMENT:** This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by reference are attached. No other

understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

APPROVED:

CITY OF SEDRO-WOOLLEY
SKAGIT COUNTY, WASHINGTON

Mike Anderson, Mayor

(Date _____)

Mailing Address:

325 Metcalf Street
Sedro-Woolley, WA 98284

Attest by:

Patsy Nelson, Finance Director

Approved as to Form:

Eron M. Berg
City Attorney

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, 2010.

APPROVED:

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON

SHARON D. DILLON, Chair

RON WESEN, Commissioner

KENNETH A. DAHLSTEDT, Commissioner

Recommended:

By: _____
Department Head

By: _____
Budget & Finance Director

Approved as to Indemnification:

By: _____
Risk Manager

Approved as to Form:

By: _____
Deputy Prosecuting Attorney

Attest:

Clerk of the Board

Exhibit "A"

The following list includes the types of projects for which City performance of flood control (and related storm water management) work will be reimbursed by the County up to an amount not to exceed ~~Three Hundred Fourteen Thousand Six Hundred Fifty Eight Dollars and Fifty-One Cents (\$314,658.51)~~, subject to, and as further specified by the terms of the Agreement:

- Drainage system and channel maintenance, replacement, restoration, and rehabilitation for the purpose of flood control with direct and/or indirect benefits to the properties located within the former Sedro-Woolley Sub-Flood Control Zone.
- Flood control and drainage projects with direct and/or indirect benefits to the properties located within the former Sedro-Woolley Sub-Flood Control Zone.
- Drainage pump projects and/or maintenance that directly and/or indirectly benefit the properties located within the former Sedro-Woolley Sub-Flood Control Zone.

2008 Preliminary Budget

Budget Preparation Forms

Overview Summary Form

Fund Number:	131	Fund Name:	Sedro Woolley SFCZ
Department Number:	72	Department Name:	Public Works
Division Number:	0	Division Name:	Sedro Woolley SFCZ

Purpose/Function

To provide continuing drainage and flood control protection through maintenance and improvements within the established sub-flood control zones of Skagit County. Sub-flood control zones are special assessment districts, wherein property owners have agreed to be assessed in order to pay for specific drainage improvements and maintenance. They differ from drainage districts, in that sub-flood control zones are an entity of the County, instead of a separate district with its own commissioners, etc. The Board of County Commissioners is the governing body for each of the sub-flood control zones.

Goals

To maintain, improve, and operate the capital projects for which the sub-flood control zones were established. Ensure that adequate assessment levels are set to accomplish identified capital projects while maintaining a reasonable balance between cost, benefit, and perceived need by individuals assessed within each sub-flood control zone.

Revenue/Expenditure Comment

Zone consists of 2,166 parcels. Current assessment for Zone is \$20,000.

Other

Skagit County Public Works
Fund 131
2008 Budget
Projected Fund Balance

	Fund Balance	Cash
Fund Balance - January 1, 2007	\$ 295,404	\$ 295,425
Projected 2007 Revenues	\$ 17,225	\$ 17,225
Projected 2007 Expenditures	\$ (12,046)	\$ (12,046)
Projected Fund Balance - Dec. 31, 2007	<u>\$ 300,583</u>	<u>\$ 300,604</u>
2008 Revenue Budget Request	\$ 32,000	\$ 32,000
2008 Expenditure Budget Request	\$ (23,628)	\$ (23,628)
Projected Fund Balance - Dec. 31, 2008	<u>\$ 308,955</u>	<u>\$ 308,976</u>

2009 Preliminary Budget

Budget Preparation Forms

Overview Summary Form

Fund Number:	131	Fund Name:	Sedro Woolley SFCZ
Department Number:	72	Department Name:	Public Works
Division Number:	0	Division Name:	Sedro Woolley SFCZ

Purpose/Function

To provide continuing drainage and flood control protection through maintenance and improvements within the established sub-flood control zones of Skagit County. Sub-flood control zones are special assessment districts, wherein property owners have agreed to be assessed in order to pay for specific drainage improvements and maintenance. They differ from drainage districts, in that sub-flood control zones are an entity of the County, instead of a separate district with its own commissioners, etc. The Board of County Commissioners is the governing body for each of the sub-flood control zones.

Goals

To maintain, improve, and operate the capital projects for which the sub-flood control zones were established. Ensure that adequate assessment levels are set to accomplish identified capital projects while maintaining a reasonable balance between cost, benefit, and perceived need by individuals assessed within each sub-flood control zone.

Revenue/Expenditure Comment

Zone consists of 2,166 parcels. Current assessment for Zone is \$20,000.

Other

Skagit County Public Works
 Fund 131
 2009 Budget
 Projected Fund Balance

	Fund Balance	Cash
Fund Balance - January 1, 2008	\$ 295,404	\$ 327,492
Projected 2008 Revenues	\$ 17,225	\$ 32,001
Projected 2008 Expenditures	\$ (12,046)	\$ (33,434)
Projected Fund Balance - Dec. 31, 2008	<u>\$ 300,583</u>	<u>\$ 326,059</u>
2009 Revenue Budget Request	\$ 32,000	\$ 32,000
2009 Expenditure Budget Request	\$ (133,536)	\$ (133,536)
Projected Fund Balance - Dec. 31, 2009	<u>\$ 199,047</u>	<u>\$ 224,523</u>

2010 Preliminary Budget

Budget Preparation Forms

Overview Summary Form

Fund Number:	131	Fund Name:	Sedro Woolley SFCZ
Department Number:	72	Department Name:	Sedro Woolley SFCZ
Division Number:	0	Division Name:	

Purpose/Function

To provide continuing drainage and flood control protection through maintenance and improvements within the established sub-flood control zones of Skagit County. Sub-flood control zones are special assessment districts, wherein property owners have agreed to be assessed in order to pay for specific drainage improvements and maintenance. They differ from drainage districts, in that sub-flood control zones are an entity of the County, instead of a separate district with its own commissioners, etc. The Board of County Commissioners is the governing body for each of the sub-flood control zones. The zone is administered by the County Engineer. The zone has responsibility for maintaining the Brickyard Creek channel and a pump station at the west end of Sauk Mountain Drive cul-de-sac.

Goals

To maintain, improve, and operate the capital projects for which the sub-flood control zones were established. Ensure that adequate assessment levels are set to accomplish identified capital projects while maintaining a reasonable balance between cost, benefit, and perceived need by individuals assessed within each sub-flood control zone.

Revenue/Expenditure Comment

Zone consists of 2,166 parcels. Current assessment for Zone is \$20,000.

Other

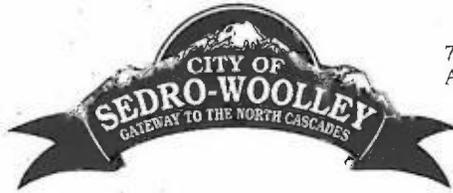
Skagit County Public Works
Fund 131
2010 Budget
Projected Fund Balance

	Fund Balance	Cash
Fund Balance - January 1, 2009	\$ 337,338	\$ 337,367
Projected 2009 Revenues	\$ 22,497	\$ 22,497
Projected 2009 Expenditures	\$ (24,383)	\$ (24,383)
Projected Fund Balance - Dec. 31, 2009	<u>\$ 335,452</u>	<u>\$ 335,481</u>
2010 Revenue Budget Request	\$ 22,497	\$ 22,497
2010 Expenditure Budget Request	\$ (71,717)	\$ (71,717)
Projected Fund Balance - Dec. 31, 2010	<u><u>\$ 286,232</u></u>	<u><u>\$ 286,261</u></u>

COMMITTEE
REPORTS
AND
REPORTS
FROM
OFFICERS

CITY COUNCIL AGENDA
REGULAR MEETING

AUG 11 2010



7:00 P.M. COUNCIL CHAMBERS
AGENDA NO. 9

CITY OF SEDRO-WOOLLEY
Sedro-Woolley Municipal Building
325 Metcalf Street
Sedro-Woolley, WA 98284
Phone (360) 855-9922
Fax (360) 855-9923

Eron M. Berg
City Supervisor/City Attorney

MEMO TO: City Council
FROM: Eron Berg
RE: Fire Station 2 Update
DATE: August 11, 2010

PROJECT STATUS: Site work is still underway. All four borings under SR 9 are complete. PSE and Blackrock have set their vaults, the vault for the double check valve assembly is in the ground as well. The concrete pour from the week before last went fairly well; there were a few cracks noted, mostly at points of penetration. The contractor has agreed to grind and seal with a two part epoxy product to address those cracks. Framing is well underway with the scheduled date for truss installation as the day of your meeting. Now that rooms are evident, a tour might be very interesting to you. If any of you would like a tour of the site, please let me or Dean know and we will be happy to take you for a tour.

ISSUES: None that require Council action at this time.

PENDING ISSUES:

1. Design team oversights – no new update available at this time.

CHANGE ORDER PROPOSALS:

No.	Description	Amount	Approval
1	Over excavation due to site conditions	withdrawn	n/a
2	Add waterline components missing from plans	\$26,207.00	Council 7-14
3	Bore utilities under SR 9 (design team error)	\$40,336.00	Council 7-14
4	Missed switches from electrical plan	\$ 526.00	pending
5	Added cost to pour plinth missing from plans	pending	pending
6	Keypad door openers (design team missed)	pending	pending
7	Central exhaust system design conflicts	pending	pending

8	Gas line addition to address flow for generator	pending	pending
9	Add 3/4" conduit to roof for radio	pending	n/a

CONTRACT CHANGE ORDERS:

No.	Description	Amount	Approval
1	CP-02r.3 & CP-03r.1	\$66,543.00	Council 7-28

The original contract sum is: \$1,348,300.00

CO#1 is: \$ 66,543.00

The new contract total is: \$1,414,843.00

REQUEST FOR ACTION: None tonight.