

TOWN OF GRANITE FALLS  
GRANITE FALLS, WASHINGTON

ORDINANCE NO. 279

An Ordinance of the Town of Granite Falls adopting a new criminal code, incorporating certain state criminal statutes into said code by reference, setting penalties and prescribing punishments therefor, and repealing all portions of the ordinances of the Town of Granite Falls which are in conflict therewith, or which are superseded thereby.

BE IT ORDAINED by the Town Council of the Town of Granite Falls, Washington, as follows:

CHAPTER 1. GENERAL PROVISIONS

Section 1.01. Short Title. This title shall be known and may be cited as the Granite Falls Penal Code.

Section 1.02. Effective Date. The provisions of this title shall apply to any offense committed on or after June 13, 1979 which is defined in this title, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such offense.

Section 1.03. Not Retroactive. The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this title, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

Section 1.04. Severability. If any provision of this title, or its application to any person or circumstances 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.

Section 1.05. Classification of Crimes - Penalties. All offenses defined by this title or by any state statute which is incorporated herein by reference, constitute crimes and are hereby classified as misdemeanors. Any person convicted of having committed such a misdemeanor shall be punished by imprisonment for a term not to exceed 6 months, or by a fine not to exceed \$500, or by both such fine and imprisonment. Provided, however, certain misdemeanors specified in this title shall be punishable solely by a fine not to exceed \$500.

Section 1.06. Restitution. 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 the court, in lieu of imposing the fine authorized by Section 1.05 above, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or the victim's loss from the commission of a crime. Such amount shall be used to provide restitution to the victim at the order of the court.

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In such case 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 the 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.

Section 1.07. Collection of Judgment. Upon a judgment for fine and costs rendered on a conviction, execution may be issued against the property of a defendant and returned in the same manner as in civil actions.

Section 1.08. Civil Contempt. A court may, in its discretion, treat any intentional failure to comply with a court order in respect to fines or costs or both, upon conviction, as civil contempt.

Section 1.09. Costs of Prosecution--Credit for Work or Imprisonment.

Whenever anyone is convicted of an offense under this title, in addition to the fine imposed, he must pay the costs of prosecution. Costs of prosecution shall include any or all of the following: cost of docketing, cost of issuing the warrant, cost for mileage in processing the warrant, a fee for a personal recognizance bond, and costs for witness fees. If in default, the defendant shall be imprisoned until such fine and costs of prosecution are paid or worked out at a community service project designated by the Town. A defendant shall be given credit for \$10 per each full day of imprisonment or work, of \$15 per each full day of imprisonment and work.

Section 1.10. Age of Capacity. Children under the age of 8 years are incapable of committing crime. Children of 8 and under 12 years of age are presumed to be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it was wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians, whose opinion shall be competent evidence upon the question of his age.

Section 1.11. Statute of Limitations. Prosecutions for offenses defined in this title, and for those incorporated herein by reference, may be commenced at any time within one year after their commission; provided, that any length of time during which the party charged was not usually and publicly resident within the State of Washington shall not be reckoned within the one-year period.

Section 1.12. Presumption of Innocence. 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.

Section 1.13. Arrests--Citations--Warrants. A peace officer may arrest a person without a warrant if the officer has probable cause to believe that such person has:

- (a) Committed a crime in the officer's presence, or
- (b) Committed a crime not in the officer's presence if allowed by RCW 10.31.100 as now or hereafter amended.

Whenever a person is arrested for a violation of the law, the arresting officer, or any other authorized peace officer, may serve upon the arrested person a citation and notice to appear, in lieu of continued custody, as provided by the Criminal Rules for Justice Court, as now or hereafter amended.

Warrants shall issue and bail be set for person who violate their promise to appear in court as provided by the Criminal Rules for Justice Court, as now or hereafter amended. The Criminal Rules for Justice Court shall apply to procedures relating to arrests, citations, warrants and other criminal proceedings.

Section 1.14. Adoption of State Statutes by Reference.

Statutes of the State of Washington specified herein are adopted by reference as and for a portion of the Penal Code of the Town of Granite Falls as if set forth in full, with the exception of the penalty provisions thereof which are superceded by the penalty provisions of this title as set forth in Section 1.05 above.

Section 1.15. Automatic Amendments. The amendment or repeal by the Washington State Legislature of any of the statutes adopted herein by reference shall be deemed to automatically amend this title in conformity therewith, and it shall not be necessary for the legislative authority of the Town to take any action with respect to such amendments or repealers.

Section 1.16. Statute Incorporated by Reference.

RCW 9A.04.110 (definitions).

CHAPTER 2. PRINCIPLES OF LIABILITY

Section 2.01. Statutes Incorporated by Reference.

RCW 9A.08.101 (general requirements of culpability).

RCW 9A.08.020 (liability for conduct or another--complicity).

RCW 9A.08.030 (criminal liability of corporations and persons acting or under a duty to act in their behalf).

CHAPTER 3. INSANITY.

Section 3.01. Statute Incorporated by Reference.

RCW 9A.12.010 (defense of insanity).

CHAPTER 4. DEFENSES.

Section 4.01. Statutes Incorporated by Reference.

RCW 9A.16.010 (definitions).

RCW 9A.16.010 (use of force--when lawful).

RCW 9A.16.060 (duress).

RCW 9A.16.070 (entrapment).

RCW 9A.16.080 (action for being detained on mercantile establishment premises for investigation--"reasonable grounds" as defense).

RCW 9A.16.090 (Intoxication).

CHAPTER 5. ANTICIPATORY OFFENSES.

Section 5.01. Statutes Incorporated by Reference.

RCW 9A.28.020 (criminal attempt).  
RCW 9A.28.030 (criminal solicitation).  
RCW 9A.28.040 (criminal conspiracy).

CHAPTER 6. ASSAULT.

Section 6.01. Assault.

A person is guilty of assault when:

- (a) With intent to cause bodily injury, he causes bodily injury to any person or;
- (b) He unlawfully and knowingly beats, touches or strikes any other person; or
- (c) He unlawfully and intentionally places or attempts to place another person in fear of bodily injury; or
- (d) He, with intent to inflict bodily harm or to create an apprehension the eof, shall attempt to offer, with force and violence, to do a corporeal hurt to another; or
- (e) He attempts unlawfully to use force or inflict bodily injury on another, accompanied with apparent present ability to give effect to the attempt if not prevented.

Section 6.01. Provoking Assault. Every person who shall, by action, word, signs or gestures, wilfully provoke, or attempt to provoke another person to commit an assault or breach of the peace, shall be guilty of a misdemeanor.

Section 6.03. Statutes Incorporated by Reference.

RCW 9A.36.050 (reckless endangerment).  
RCW 9A.36.070 (coercion)

CHAPTER 7. ARSON, RECKLESS BURNING, AND MALICIOUS MISCHIEF.

Section 7.01. Statutes Incorporated by Reference.

RCW 9A.48.010 (definitions).  
RCW 9A.48.050 (reckless burning).  
RCW 9A.48.060 (reckless burning--defense).  
RCW 9A.48.090 (malicious mischief)  
RCW 9A.48.100 (malicious mischief=="physical damage" defined)

CHAPTER 8. BURGLARY AND TRESPASS.

Section 8.01. Statutes Incorporated by Reference.

RCW 9A.52.010 (definitions).  
RCW 9A.52.060 (making or having burglar tools).  
RCW 9A.52.070(1) (criminal trespass in the 1st degree).  
RCW 9A.52.080 (criminal trespass in the 2nd degree).  
RCW 9A.52.090 (criminal trespass--defenses).  
RCW 9A.52.100(1) (vehicle prowling).

CHAPTER 9. THEFT.

Section 9.01. Statutes Incorporated by Reference.

RCW 9A.56.010 (definitions).  
RCW 9A.56.020 (theft--definition, defense).  
RCW 9A.56.050(1) (theft in the 3rd degree).  
RCW 9A.56.060(1)(3) (unlawful issuance of checks or drafts).  
RCW 9A.56.170 (possessing stolen property in the 3rd degree).  
RCW 9A.56.180 (obscuring identity of a machine).

Section 9.02. Shoplifting.

(a) A person who wilfully takes possession of any goods, wares or merchandise of a value which does not exceed \$250 offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, is guilty of shoplifting.

(b) Upon a first conviction for shoplifting a person shall be punished by a fine of not less than \$50 and not more than \$500, or by imprisonment for not less than 5 days and not more than 6 months, or by both such fine and imprisonment. Upon each subsequent conviction for shoplifting, a person shall be punished by fine of not less than \$500, or by imprisonment for not less than 30 days and not more than 6 months, or by both such fine and imprisonment.

CHAPTER 10. FRAUD.

Section 10.01. Statutes Incorporated by Reference.

RCW 9A.60.010 (definitions).  
RCW 9A.60.040(1) (criminal impersonation).  
RCW 9A.60.050(1) (false certification).

CHAPTER 11. INTERFERENCE WITH OFFICIAL PROCEEDINGS.

Section 11.01. Statute Incorporated by Reference.

RCW 9A.72.150(1) (2) (tampering with physical evidence).

Section 11.02. Criminal Contempt. A person shall be guilty of criminal contempt by wilfully committing one or more of the following acts:

(a) Disorderly, contemptuous or insolent behavior committed during the sitting of the Granite Falls Municipal Court or the Granite Falls Town Council, in its immediate view and presence and directly tending to interrupt its proceedings or to impair the respect due to its authority; or

(b) Breach of the peace, noise or other disturbance directly tending to interrupt the proceedings of the Granite Falls Municipal Court or the Granite Falls Town Council; or

(c) Unlawful refusal to be sworn as a witness before the Granite Falls Municipal Court or before the Town Council; or after being sworn, unlawful refusal to answer any question legally posed.

#### CHAPTER 12. OBSTRUCTION GOVERNMENTAL OPERATION.

##### Section 12.01. Statutes Incorporated by Reference.

RCW 9A.76.010	(definitions).
RCW 9A.76.020	(obstructing a public servant).
RCW 9A.76.030	(refusing to summon aid for a peace officer).
RCW 9A.76.040	(resisting an arrest).
RCW 9A.76.050	(rendering criminal assistance: definitions).
RCW 9A.76.090	(rendering criminal assistance, in the 3rd degree).
RCW 9A.76.100(1) (2)	(
RCW 9A.76.130(1)	(escape in the 3rd degree).
RCW 9A.76.160	(introducing contraband in the 3rd degree).
RCW 9A.76.170	(bail jumping).
RCW 9A.76.050(1)	(custodial interference).

#### CHAPTER 13. ABUSE OF OFFICE.

##### Section 13.01. Statute Incorporated by Reference.

RCW 9A.80.010(1) (official misconduct).

#### CHAPTER 14. PUBLIC DISTURBANCE.

##### Section 14.01. Statute Incorporated by Reference.

RCW 9A.84.010(1)	(riot).
RCW 9A.84.020	(failure to disperse).
RCW 9A.84.040(1)	(false reporting).

Section 14.02. Disorderly Conduct. A person is guilty of disorderly conduct if he:

(a) Uses abusive, vulgar, profane, obscene or indecent language, or conducts himself in an indecent manner, when such language or conduct intentionally creates a risk of assault or a civil disturbance; or

(b) Wilfully annoys, bothers, molests, insults or offers an affront or indignity to any person; or

(c) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

(d) Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or

(e) Fights or quarrels in a public place; or

(f) Goes upon premises occupied by any person other than himself and looks through any window or windows from the outside of any building on the premises after dusk and before daylight without permission of the tenant or occupant, and without lawful authority to do so; provided that the proscriptions of this section shall not apply to commercial property with displays which are designed and intended for public viewing; or

(g) Suffers or permits in any building or place owned by him or under his control any riotous or disorderly conduct or drunkenness or fighting to the annoyance of the public; or

(h) Hitches or ties any animal or thing to, or obstructs, injures, connects with or opens any fire hydrant in the Town, without a permit from the Chief of the Fire Department or other municipal officer; or

(i) Drives or rides a horse or horses or other livestock in the Town in such a manner as to endanger or to be likely to endanger any person or property, or drives or rides a horse or horses or other livestock upon any sidewalk in the Town, except across a crosswalk on a street; or

(j) Removes, destroys, tears down or defaces, either in whole or in part, or marks or writes upon, changes, obliterates or marring, or in any manner alters or changes the writing, printing or signature, or any part of the writing, printing or signature, upon any bulleting, legal notice or advertisement, poster or paper writing of the Town lawfully posted or placed in the Town, unless such person be an officer or employee of the Town and is duly-authorized to perform such acts; or

(k) Except as permitted by Title 66 RCW, has an open package containing liquor or intoxicating beverages, or consumes liquor or intoxicating beverages while on a public street or sidewalk or while in the Town Park located at the \_\_\_\_\_, or while on a public conveyance; or

(l) Performs any acts not herein specifically described which tend to or do stir up public peace, provoke disorder, or endanger the safety of others.

CHAPTER 15. VAGRANCY.

Section 15.01. Vagrancy. A person is guilty of vagrancy, and upon conviction shall be punished by a fine not to exceed \$500, if he:

(a) Is a healthy person who solicits alms; or

(b) Is a lewd, disorderly or dissolute person; or

(c) Lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes without the permission of the owner or person entitled to the possession thereof; or

(d) Loiters about the building or buildings of any public or private school or institution of higher learning, or the public premises adjacent thereto without lawful purpose, except a person enrolled as a student in such institution, or the parent or guardians of such student, or person employed by such institution; or

(e) Wanders, loiters or prowls in a place, and at a time and in a manner not usual for law-abiding individuals, and under circumstances that warrant alarm for the safety of persons or property in the neighborhood in

Section 15.01. Vagrancy.

(e) Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, the peace officer shall, prior to any arrest for an offense under this subsection, afford the actor an opportunity to dispell any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true, and if believed by the peace officer at the time, would have dispelled the alarm.

CHAPTER 16. PUBLIC INDECENCY--PROSTITUTION--SEX CRIMES.

Section 16.01. Statute Incorporated by Reference.

RCW 9A.88.010 (public indecency).  
 RCW 9A.88.020 (communication with a minor for immoral purposes)  
 RCW 9A.88.030 (prostitution).  
 RCW 9A.88.050 (prostitution--sex of parties immaterial--no defense).  
 RCW 9A.88.090 (permitting prostitution).

Section 16.02. Public Exposure of Female Breasts or Lower Torso.

No owner, manager or operator of a tavern, bar, cocktail lounge or any place where the public is invited and intoxicating liquors are sold shall knowingly permit or cause any female over the age of 10 years to appear therein with one or both breasts and/or the lower portion of the torso wholly or substantially exposed to public view. Every such owner, manager or operator, and every person who aids, abets or participates in such an appearance by a female, is guilty of a misdemeanor.

CHAPTER 17. OBSCENITY.

Section 17.01. Statute Incorporated by Reference.

RCW 9.68.010 (obscene literature, shows, etc.--exception).  
 RCW 9.68.015 (obscene literature, shows, etc.--exceptions).  
 RCW 9.68.020 (prohibited publications).  
 RCW 9.68.030 (indecent articles, etc.).

CHAPTER 18. WEAPONS CONTROL.

Section 18.01. Statute Incorporated by Reference.

RCW 9.41.050 (carrying concealed weapon).  
 RCW 9.41.060 (exception).  
 RCW 9.41.080 (delivery to minors and others forbidden).  
 RCW 9.41.230 (aiming or discharging firearms).  
 RCW 9.41.240 (use of firearms by minors).  
 RCW 9.41.270 (carrying, exhibiting, displaying or drawing weapons apparently capable of producing obdily harm).



Section 18.02. Dangerous Knives.

(a) "Dangerous knife" means any knife having a blade more than  $3\frac{1}{2}$  inches in length, or any dagger, sword, bayonet, bolo knife, machete, straightedge razor, or razorblade not in a package, dispenser or shaving appliance.

(b) It is unlawful for anyone knowingly to carry concealed on his person or in any vehicle any dangerous knife, or to sell or give away to any person under the age of 18 years of age any dangerous knife, or for any such person to purchase or possess any such dangerous knife.

(c) The proscriptions of this section shall not apply to:

(1) Individual licensed hunters or fishermen while on hunting, camping or fishing trips.

(2) Any person possessing or carrying such knife in a secure wrapper or sheath for one of the following purposes:

(a) Transporting it to or from a place of purchase or repair;

(b) Transporting it to or from a place where it was or will be used for a lawful purpose;

(c) Transporting it from one place of abode or business to another;

(d) Storing it in the owner's place of abode or fixed place of business.

Section 18.03. Air Guns.

(a) As used in this chapter, "air gun" means and includes the following: air gun, air pistol, air rifle, BB-gun, and toy guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hardtipped arrow, bean, pea, BB, rock or other hard substance a distance of more than 25 feet with sufficient force to break windows or inflict injury upon persons or animals.

(b) Except as hereinafter provided, it is unlawful:

(1) For any person under 16 years of age to carry or shoot any air gun within the Town when not in the presence of his parent or other adult in loco parentis and under the direction and control of such adult;

(2) For any person to point or shoot an air gun at any person or property of another, or to aim or discharge such weapons in the direction of the person or residence of another while within such range as to cause or inflict injury to the person or damage the property of another;

(3) For any parent or person in loco parentis to allow, give or permit the possession of any air gun falling within the definition contained herein to any child under the age of 16 years, except under the provisions of subsection (1) above;

(4) For any merchant to sell or rent any air guns to minors under 16 years of age, except when such minor is in the presence of his parent or other adult in charge of such child.

(c) The provisions of subsection (b) (1) and (3) above shall not apply:

(1) When any such minor is possessing or using such weapons on a gun range operated or conducted by any school, educational institution or other regulated group pursuant to rules and regulations provided by the Chief of Police or Town ordinance and licensed by the Town; or

(2) When such minor is possessing or using such air gun with a regulated or supervised course or range provided by the Town Park Department under regulations or ordinances duly promulgated and adopted therefore; or

(3) When any such minor is carrying such weapon unloaded or otherwise properly dismantled, to and from such licensed or authorized course; or

(4) When such minor has obtained a certificate of proficiency from the Chief of Police under the rules and regulations promulgated by the Chief to insure the safe handling of such toys or weapons by such minor, or when confined to an area within the property of the parents of such minor complies with the regulations relating to private practice or target ranges as promulgated by the Chief.

(d) Any person convicted of violation of the provisions of this section shall be punished by a fine in a sum not exceeding \$100, and the weapon so used shall be confiscated by the Chief of Police.

Section 18.04. Confiscation. Upon the conviction of any person for an offense defined in this chapter, the Chief of Police shall confiscate the firearm or other weapons or unlawful instrument carried, worn, concealed, drawn, exhibited, used or attempted to be used, fired, set off or discharged in violation of this chapter, and shall dispose of them in the manner provided by law.

#### CHAPTER 19. OFFENSES BY AND AGAINST JUVENILES.

##### Section 19.01. Statute Incorporated by Reference.

RCW 13.04.010 (definition of dependent and delinquent child).  
RCW 66.04.010(16) (definition of liquor).

Section 19.02. Contribution to the Dependency or Delinquency of a Minor. It is unlawful for anyone, by act or omission, knowingly to encourage, cause or contribute to the dependency or delinquency of a minor.

(a) RCW 26.28.080(1) (permitting person under age of 18 to remain in place where intoxicating liquors are sold).

(b) RCW 26.28.080(2) (permitting person under age of 18 to remain in any place of entertainment injurious to health or morals).

(c) RCW 26.28.080(3) (permitting person under age of 18 to gamble, to remain in a house of prostitution, or in any place where a controlled substance is used).

(d) RCW 26.28.080(4) (selling or giving any person under 21 years of age intoxicating liquor, or any person under 18 years of age any cigarette or tobacco in any form).

(e) RCW 26.28.080(5) (sell or give any person under age of 18 a revolver or pistol).

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.

Section 19.04. Minor Consuming or in Possession of Liquor. It is unlawful for any person under the age of 21 years to acquire in any manner, consume or have in his possession any intoxicating liquor as defined by RCW 66.04.010, provided that the foregoing shall not apply in the case of liquor given or permitted to be given to such person under the age of 21 years by his parent or guardian for medicinal purposes. It shall be prima facie evidence that a minor has unlawfully consumed intoxicating liquor within the jurisdictional boundaries of the Town of Granite Falls if at the time of his arrest within the Town he has an odor of intoxicants upon his breath.

Section 19.05. Minor Misrepresenting Age. It is unlawful for any minor to misrepresent his or her age for the purpose of aiding, abetting or benefitting from any of the acts prohibited in Section 19.03 above.

Section 19.06. Loitering Within Fifty Feet of Tavern Entrance. It is unlawful for any person under the age of 18 years to loiter alone or in a group within 50 feet of the entrance to a tavern, lounge or other place of business in the Town of Granite Falls at which alcoholic beverages are sold.

Section 19.07. Statute Incorporated by Reference.

RCW 9.91.060 (leaving children unattended in parked automobile).

Section 19.08. Curfew. No child under the age of 18 years shall be permitted to walk, ride, play, loaf or lounge in any street, road, alley, or public place or public park within the Town limits between the hours of 10:00 p.m. and 5:00 a.m., according to the standard time then legally prevailing in the Town, without being on any lawful business or occupation. Provided that the provisions of this section shall not apply to any child or children who are in the company of a parent or other adult having custody of said child or children, as the case may be, nor to a child or children who may be sent for medicine, medical or other assistance, in case of an accident or sickness or other necessary errand by a parent or guardian attending or returning home from entertainment provided for sanctioned by regularly organized schools or churches.

Section 19.09. Violators Under Eighteen. Any persons under the age of 18 years violating sections of this chapter shall be cited to the Snohomish County Juvenile Court for investigation, and the event that said persons are remanded to the Town authorities by the judge of said Juvenile Court, they may be tried and punished as otherwise provided in this Penal Code.

CHAPTER 20. CONTROLLED SUBSTANCE.

Section 20.01. Statute Incorporated by Reference.

RCW 69.50.101	(definitions).
RCW 69.50.201	(authority to control).
RCW 69.50.202	(nomenclature).
RCW 69.50.204	(marijuana defined as a controlled substance).
RCW 69.50.401(d)	(possession of 40 grams or less of marijuana prohibited).
RCW 69.50.505	(forfeiture of controlled substances, and equipment and vehicles associated therewith).

CHAPTER 21. PUBLIC NUISANCES.

Section 21.01. Premises. A public nuisance is a crime against the order and economy of the Town. Every building, place or premises shall be declared a public nuisance wherein:

(a) Any unlawful gambling, swindling game or device, bookmaking, pool selling or any agency therefore shall be conducted, or any article, apparatus or device useful therefore, shall be kept;

(b) Any lawful fighting between man or animals or birds shall be conducted;

(c) Any intoxicating liquors are kept for unlawful use, sale or distribution:

(d) Vagrants resort.

Section 21.02. Acts or Omissions. Every act done and every omission to perform a duty shall be declared a public nuisance, which act or omission;

(a) Shall annoy, injure or endanger the safety, health, comfort or repose of any considerable number of persons; or

(b) Shall offend public decency; or

(c) Shall unlawfully interfere with, befoul, obstruct or tend to obstruct or render dangerous for passage a public park, square, street, alley, sidewalk, highway or river; or

(d) Shall in any way render a considerable number of persons insecure in life or the use of property.

Section 21.03. Forced Abatement. If within three days after receiving a notice in writing for the abatement of any nuisance detrimental to health, or removal of rubbish or other offensive materials mentioned in this chapter, signed by the Police Chief or his authorized representative, the person owning, occupying or controlling such premises shall fail, neglect or refuse to remove the same, such nuisance may be removed or abated by order of the Police Chief, and the person on whom such notice for removal was served, in addition to incurring the penalty provided in this chapter, shall become indebted to the Town for the damages, costs and charges incurred by the Town in the removal of such nuisance, such costs and charges to be recovered by a civil action brought by the Town against the person so served with such notice.

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Section 21.04. Maintaining or Permitting Nuisance. Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed, or who shall wilfully omit or refuse to perform any legal duty relating to the removal of such nuisance, and every person who shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance, shall be guilty of a misdemeanor, and shall be punished by imposition of a fine not to exceed \$500. In addition to such fine, such person shall be ordered to abate the nuisance at his cost.

Section 21.05. Keeping Explosives Unlawfully. Every person who shall make or keep any explosive or combustible substance in the Town, or carry it through the streets thereof, in a quantity or careless, negligent or unauthorized use or management of any such explosive or combustible substance, shall injure or cause injury to the person or property of another, shall have committed a public nuisance.

Section 21.06. Smoking Where Prohibited. Every person who shall light a pipe, cigar or cigarette in, or who shall enter with allighted pipe, cigar or cigarette, any building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters stating that no smoking is allowed in such building, shall have committed a public nuisance.

Section 21.07. Disposal of Diseased Animal's Carcass. Every person owning or having in charge any animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least three feet underground at a place approved by the Chief of Police, or cause the same to be consumed by fire. No person shall sell or offer to sell or give away the carcass of any animal which died or was killed on account of disease. Every violation of this section shall be deemed a public nuisance.

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Section 21.08. Discarded Iceboxes and Refrigerators. It shall be unlawful for any person to have or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, and abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock or other automatic locking device which may not be released from the inside, without first removing said door or lid, snap lock or other locking device from said refrigerator, icebox or container. Every violation of this section shall be deemed a public nuisance.

Section 21.09. Abandoned Wells and Cisterns. It shall be unlawful for any person to abandon or discontinue use of or to permit or to maintain on his premises any abandoned or unused well, cistern or storage tank, without first demolishing or removing from the Town such storage tank or securely closing and barring any entrance or trap door thereto, or filling any well or cistern or capping the same with sufficient security to prevent access thereto by children. Any violation of this section shall be deemed a public nuisance.

Section 21.10. Detriments to Health. Every person who:

(a) Shall throw, place, leave or cause or permit to be thrown, placed or left any substance detrimental to health, or any ashes, dirt, filth, cans, glass, rubbish, garbage, decaying animal matter or vegetable matter, or any animal or human excrement or septic tank effluent, in or upon any street, alley, avenue or sidewalk in the Town of Granite Falls, or in or upon premises owned, occupied or controlled by him, or by another; or

(b) Shall throw, place, leave, or cause to be placed, thrown or left in or upon any street, alley, avenue or sidewalk of the Town, or in or upon premises owned, occupied or controlled by him, or by another, any paper or card, handbill, dodger, advertisement, notice or waste paper; or

(c) Shall expectorate on the floor of any public building or in any hall or entrance, or any place where entertainments or meetings are held, or on any sidewalk in the Town of Granite Falls;

shall be guilty of committing a public nuisance.

## CHAPTER 22. BIRD SANCTUARY.

Section 22.01. Area Designated. The entire area embraced in \_\_\_\_\_ Park, as now or hereafter constituted, and the entire area of Town-owned property surrounding and including the Granite Falls sewer lagoon, as now or hereafter constituted, is hereby designated as a bird sanctuary.

Section 22.02. Molesting Birds. It is unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl, or to rob bird nests or wild fowl nests within the designated bird sanctuary of the Town of Granite Falls, Provided, however, if starlings or similar birds are found to be congregating in such numbers in a particular locality that they constitute a nuisance or menace to health or property in the opinion of the Chief of Police, then the foregoing prohibition may be temporarily stayed, and the Chief may designate the manner, time and place for bird control measures to be taken.

Section 22.03. Penalty. Any person violating provisions of this chapter shall be punished, upon conviction, by a fine of not more than \$500.

REPEALER. All those portions of the ordinances of the Town of Granite Falls heretofore adopted which are in direct conflict with any portion of this Ordinance No. \_\_\_\_\_, and no other portion of said prior ordinances, is hereby repealed.

Passed by the Town Council and APPROVED by the Mayor this 13 th day of May, 1981.

This Ordinance shall become effective May 14, 1981.

The Town of Granite Falls.

By Howard Hughes  
Mayor

ATTEST:

By Mildred M. Allen  
Town Clerk

CERTIFICATE

I, Mildred Allen, clerk of the Town of Granite Falls, Washington, do hereby certify that the attached Ordinance, being Ordinance No. 279, of said Town, is a full, true, and correct copy of the Original Ordinance passed on the 13 th day of May, 1981, as said Ordinance appears in the Ordinance book of the Town, and that the same was duly posted on the 12 th day of May, 1981, at the following three public places within said Town.

1. United States Post Office.
2. Town Hall.
3. Konnerups Grocery.

Mildred M. Allen  
TOWN CLERK