

**CITY OF GRANITE FALLS**

**ORDINANCE NO. 859-2013**

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, AMENDING THE GRANITE FALLS MUNICIPAL CODE PORTIONS OF TITLE 9 ENTITLED "PEACE AND SAFETY" AS FOLLOWS:**

**AMEND CHAPTER 9.04 ENTITLED "GENERAL PROVISIONS"; AMEND SECTION 9.16.010 ENTITLED "STATUTES INCORPORATED BY REFERENCE"; AMEND CHAPTER 9.24 ENTITLED "ASSAULT" TO BE ENTITLED "CRIMES RELATING TO PERSONS"; AMEND CHAPTER 9.28 ENTITLED "ARSON, RECKLESS BURNING, AND MALICIOUS MISCHIEF"; AMEND CHAPTER 9.36 ENTITLED "THEFT"; AMEND CHAPTER 9.40 ENTITLED "FRAUD"; AMEND CHAPTER 9.44 ENTITLED "INTERFERENCE WITH OFFICIAL PROCEEDINGS"; ADDING A NEW CHAPTER 9.46 ENTITLED "OBSTRUCTION OF FIREFIGHTING"; AMENDING CHAPTER 9.48 ENTITLED "OBSTRUCTION OF GOVERNMENTAL OPERATION"; AMENDING CHAPTER 9.56 ENTITLED "PUBLIC DISTURBANCE"; REPEAL CHAPTER 9.60 ENTITLED "VAGRANCY"; AMEND CHAPTER 9.64 ENTITLED "PUBLIC INDECENCY – PROSTITUTION – SEX CRIMES" TO BE ENTITLED "PUBLIC INDECENCY – PROSTITUTION – SEX CRIMES – EXPLOITATION OF CHILDREN"; AMEND CHAPTER 9.68 ENTITLED "OBSCENITY"; AMEND CHAPTER 9.72 ENTITLED "WEAPONS CONTROL"; AMEND CHAPTER 9.76 ENTITLED "OFFENSES BY AND AGAINST JUVENILES"; AMEND CHAPTER 9.80 ENTITLED "CONTROLLED SUBSTANCE" TO BE ENTITLED "CONTROLLED SUBSTANCE AND DRUG PARAPHERNALIA"; AMEND CHAPTER 9.84 ENTITLED "PUBLIC NUISANCES"; AMEND CHAPTER 9.94 ENTITLED "MALT LIQUOR BY THE KEG"; AMEND SECTION 9.96.040 ENTITLED "FIREARMS AND THE LIKE"; AMEND SECTION 9.96.060 ENTITLED "SOLICIT FOR SERVICES OR MERCHANDISE - EXCEPTIONS"; AMEND CHAPTER 9.98 ENTITLED "FIREWORKS"; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** GFMC Chapter 9.04 entitled "GENERAL PROVISIONS" is amended to read as follows:

**Chapter 9.04 GENERAL PROVISIONS**

Sections:

9.04.010 Short title.

9.04.020 ~~Date Effective.~~

9.04.030 Not retroactive.

9.04.040 Severability.

9.04.050 Adoption of state statutes by reference - Classification of crimes – Penalties.

9.04.060 Restitution.

9.04.070 Judgment – Collection.

- 9.04.080 ~~Civil~~ e-Contempt.
- 9.04.090 Costs of prosecution – Credit for work or imprisonment.
- 9.04.100 Age of capacity.
- 9.04.110 Statute of limitations.
- 9.04.120 Presumption of innocence.
- 9.04.130 Arrests – Citations – Warrants.
- 9.04.140 ~~Adoption of state statutes by reference.~~
- 9.04.150 ~~Automatic amendments.~~
- 9.04.160 Additional Statute incorporated by reference.

**9.04.010 Short title.**

This title shall be known and may be cited as the Granite Falls penal code.  
[Ord. 279 § 1.01, 1980.]

**9.04.020 ~~Date~~ Effective.**

~~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. [Ord. 279 § 1.02, 1980.]~~

**9.04.030 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 ~~the any~~ ordinance codified in 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. [Ord. 279 § 1.03, 1980.]

**9.04.040 Severability.**

If any provision of this title, or its application to any person or circumstances, 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. [Ord. 279 § 1.04, 1980.]

**9.04.050 Adoption of State Code by Reference, Automatic amendments, -  
Classification of crimes – penalties.**

1. The Chapters and Sections of Title 9 of the Granite Falls Municipal Code which are adopted by reference from the Revised Code of Washington shall be construed consistently with judicial decisions about state law.

2. Adoption of State Statutes by Reference.

a. Adoption of State Code generally.

All misdemeanor and gross misdemeanor criminal behavior and the penalties therefore as defined by the State of Washington, Revised Code of Washington, are adopted by reference by the City of Granite Falls, to

become a misdemeanor or gross misdemeanor of the City of Granite Falls, and to the extent otherwise enforceable by the State of Washington, shall likewise be enforceable by the City of Granite Falls, through its Police Department and its prosecuting authority, all in the same manner and fashion as such enactment may be enforced or prosecuted in the name of the state.

b. The sections and chapters of the Revised Code of Washington are herewith adopted by reference, as set forth in the Granite Falls Municipal Code Title 9. This adoption shall not be to the exclusion of those sections not specifically mentioned by this direct reference; rather, this reference shall be a supplement to such adoption.

c. Statutes of the state of Washington Revised Code of Washington specified in the Granite Falls Municipal Code are adopted by reference as and for a portion of the penal code of the City of Granite Falls as if set forth in full.

d. All offenses incorporated in this title from state statute by reference constitute crimes against the people of the City of Granite Falls and violations thereof shall be punished with the same penalty carried by their statutory counterpart.

f. The amendment or repeal by the Washington State Legislature of any of the statutes adopted in the GFMC by reference shall be deemed to automatically amend or repeal said chapters in conformity therewith, and it shall not be necessary for the legislative authority of the city to take any action with respect to such amendments or repealers.

### **3. Classification of crimes – Penalties.**

All offenses defined by this title or by any state statute which is incorporated in this title by reference constitute crimes and are classified as misdemeanors or gross misdemeanors. Any person convicted of having committed such a misdemeanor ~~or gross misdemeanor~~ shall be punished by imprisonment for a term not to exceed 90 days, or by a fine not to exceed \$1,000, 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 \$500.00 as specified within the section.~~ Any persons convicted of having committed a gross misdemeanor shall be punished by imprisonment not to exceed ~~364~~ 5 days or a fine not to exceed \$5,000, or by both such fine and imprisonment. [Ord. 525, 1994; Ord. 421 § 2, 1989; Ord. 397, 1987; Ord. 279 § 1.05, 1980.]

#### **9.04.060 Restitution.**

The following state statutes are hereby adopted by reference:

RCW 9A.20.030 Alternative to a fine — 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 GPMC 9.04.050, 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. 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. [Ord. 279 § 1.06, 1980.]~~

**9.04.070 Judgment – Collection.**

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. In addition such collection may be pursuant to and consistent with RCW Chapter 10.01

[Ord. 279 § 1.07, 1980.]

**9.04.080 Contempt.**

The following state statutes, are hereby adopted by reference:

1. RCW 7.21.010, Definitions.
2. RCW 7.21.020, Sanctions--Who may impose.
3. RCW 7.21.030, Remedial sanctions--Payment for losses.
4. RCW 7.21.040, Punitive sanctions--Fines.
5. RCW 7.21.050, Sanctions--Summary imposition--Procedure.
6. RCW 7.21.060, Administrative, actions or proceedings--Petition to court for imposition of sanctions.
7. RCW 7.21.070, Appellant review.

**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. [Ord. 279 § 1.08, 1980.]~~

**9.04.090 Costs of prosecution – Credit for work or imprisonment.**

Whenever anyone is convicted of an offense under this title, in addition to the fine imposed, such person 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 pursuant to and consistent with state law and RCW Chapter 10.01.

~~or worked out at a community service project designated by the town. A defendant shall be given credit of \$10.00 per each full day of imprisonment or work, or \$15.00 per each full day of imprisonment and work. [Ord. 279 § 1.09, 1980.]~~

**9.04.100 Age of capacity.**

Children under the age of eight years are incapable of committing crime. Children of eight 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, the child may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct the examination by one or more physicians, whose opinion shall be competent evidence upon the question of age. [Ord. 279 § 1.10, 1980.]

**9.04.110 Statute of limitations.**

RCW 9A.04.080 Limitation of actions.

~~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. [Ord. 279 § 1.11, 1980.]~~

**9.04.120 Presumption of innocence.**

RCW 9A.04.100 Proof beyond a reasonable doubt.

~~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. [Ord. 279 § 1.12, 1980.]~~

**9.04.130 Arrests – Citations – Warrants.**

1. The following state statutes, are hereby adopted by reference:

RCW Chapter 10.31 Warrants and Arrests

10.31.030 Service -- How -- Warrant not in possession, procedure -- Bail.

10.31.040 Officer may break and enter.

10.31.050 Officer may use force.

10.31.060 Arrest by telegraph or teletype.

10.31.100 Arrest without warrant.

10.31.110 Arrest -- Individuals with mental disorders.

2. An authorized peace officer may serve upon the arrested person a citation and notice to appear, in lieu of continued custody, as provided by the Washington Court Rules Criminal Rules, as now or hereafter amended.

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

~~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;~~

~~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 persons 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. [Ord. 279 § 1.13, 1980.]~~

**9.04.140 — 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 superseded by the penalty provisions of this title as set forth in GFMC 9.04.050. [Ord. 279 § 1.14, 1980.]~~

**9.04.150 — 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. [Ord. 279 § 1.15, 1980.]~~

**9.04.160 Additional Statute incorporated by reference.**

RCW

9A.04.110 Definitions.

[Ord. 279 § 1.16, 1980.]

**Section 2.** GFMC Section 9.16.010 entitled "Statutes incorporated by reference" is hereby amended to read as follows:

**9.16.010 Statutes incorporated by reference.**

RCW

9A.16.010 Definitions.

9A.16.020 ~~010~~ Use of Force -- When lawful.

9A.16.060 Duress.

9A.16.070 Entrapment.

- 9A.16.080 Action for being detained on mercantile establishment premises for investigation – “Reasonable grounds” as defense.
- 9A.16.090 Intoxication.
- 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable.
- 9A.16.110 Defending against violent crime -- Reimbursement.

**Section 3.** GFMC Chapter 9.24 entitled “ASSAULT” is amended to be entitled “CRIMES RELATING TO PERSONS” and to read as follows:

### **Chapter 9.24** **CRIMES RELATING TO PERSONS**

Sections:

- 9.24.010 Assault and Other Crimes Involving Physical Harm--Adopted by Reference
- 9.24.020 Menacing
- 9.24.030 Aggressive Begging
- 9.24.040 Harassment
- 9.24.050 Custodial Interference

**9.24.010 Assault and other crimes involving physical harm - Adopted by Reference.**

- RCW 9A.36.041 Assault in the fourth degree.
- RCW 9A.36.050 Reckless endangerment
- RCW 9A.36.070 Coercion.
- RCW 9A.36.150 Interfering with the reporting of domestic violence.
- RCW 9A.36.160 Failing to Summon Assistance
- RCW 9A.36.161. Penalty.
- RCW 9A.42.037 Criminal Mistreatment in the fourth degree.
- RCW 9A.42.080 Abandonment of a dependent person in the third degree --  
Exception.
- RCW 9A.42.110 Leaving a child in the care of a sex offender.
- RCW 9A.44.096 Sexual misconduct with a minor in the second degree.
- RCW Chapter 10.99 Domestic Violence--Official Response.
- RCW 26.09.300 Restraining orders - Notice - Refusal to comply - Arrest -  
Penalty - Defense - Peace officers, immunity.
- RCW Chapter 26.50 Domestic violence prevention
- 26.50.110 Violation of order-Penalties.
- 26.50.120 Violation of order-Prosecuting attorney or attorney for municipality  
may be requested to assist-Costs and attorney’s fees.

**9.24.020 Menacing.**

A person is guilty of menacing when he or she knowingly causes or attempts to cause another person to believe that he or she or any member of his or her family will be the victim of serious physical injury or death. Menacing is a gross misdemeanor.

**9.24.030 Aggressive begging.**

1. It is a crime for any person to engage in aggressive begging in any public place in the city as those terms are defined by this section.
2. As used in this section:

- (a) Aggressive begging shall mean to beg with intent to intimidate another person into giving money or goods.
- (b) Beg shall mean to ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.
3. Intimidate shall mean to coerce or frighten into submission or obedience.
4. Public place shall mean any road, alley, lane, parking area, sidewalk or any place, private or other wise, adapted to and fitted for vehicular or pedestrian travel, that is in common use by the public with the consent, expressed or implied, of the owner or owners, and further, any public playground, school grounds, recreation grounds, parks, parkways, park drives, park paths and rights-of-way open to the use of the public.

**9.24.040 Harassment.**

RCW 9A.46.020, Definition--Penalties.  
RCW 9A.46.030, Place where committed.  
RCW 9A.46.040, Court-Ordered requirements upon person charged with crime--Violation.  
RCW 9A.46.050, Arraignment--No-contact order.  
RCW 9A.46.060, Crimes included in harassment.  
RCW 9A.46.070, Enforcement of orders restricting contact.  
RCW 9A.46.080, Order restricting contact--Violation.  
RCW 9A.46.090, Nonliability of peace officer.  
RCW 9A.46.100, "Convicted," time when.  
RCW 9A.46.110, Stalking.

RCW 9.35.030 Soliciting undesired mail.

RCW 9.61.330 Telephone calls to harass, intimidate, torment or embarrass.  
RCW 9.61.240 Telephone calls to harass, intimidate, torment or embarrass--Permitting telephone to be used.  
RCW 9.61.250 Telephone calls to harass, intimidate, torment or embarrass--offenses, where deemed committed.  
RCW 9.61.260 Cyberstalking

RCW Chapter 10.14 "Harassment"  
RCW 10.14.170 Criminal penalty.

**9.24.050 Custodial interference.**

RCW 9A.40.070, Custodial interference in the second degree.  
RCW 9A.40.080, Custodial interference--Assessment of costs--Defense--Consent defenses, restricted.

**Chapter 9.24**

**ASSAULT**

**Sections:**

- 9.24.010 — Assault.  
9.24.020 — Provoking assault.



~~9.24.030 — Statutes incorporated by reference.~~

**9.24.010**

**~~Assault.~~**

~~(A) A person is guilty of assault if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.~~

~~(B) For purposes of this code, assault in the first, second, and third degree and custodial assault shall be defined as set forth in Chapter 9A.36 RCW as now or hereafter amended.~~

~~(C) Assault is a gross misdemeanor. [Ord. 421 § 1, 1989; Ord. 279 § 6.01, 1980.]~~

**9.24.020**

**~~Provoking assault.~~**

~~Every person who shall, by action, word, signs or gestures, willfully provoke, or attempt to provoke, another person to commit an assault or breach of the peace shall be guilty of a misdemeanor. [Ord. 279 § 6.02, 1980.]~~

**9.24.030**

**~~Statutes incorporated by reference.~~**

~~RCW~~

~~9A.36.050 — Reckless Endangerment.~~

~~9A.36.070 — Coercion.~~

~~[Ord. 279 § 6.03, 1980.]~~

**Section 4.** GFMC Chapter 9.28 entitled “ARSON, RECKLESS BURNING, AND MALICIOUS MISCHIEF” is amended to read as follows:

**Chapter 9.28**

**ARSON, RECKLESS BURNING, AND MALICIOUS MISCHIEF**

Sections:

9.28.010 Statutes incorporated by reference.

9.28.020 Injuring property.

**9.28.010 Statutes incorporated by reference.**

~~RCW~~

~~9A.48.010 Definitions.~~

~~9A.48.050 Reckless Burning.~~

~~9A.48.060 Reckless Burning – Defense.~~

~~9A.48.090 Malicious Mischief.~~

~~9A.48.100 Malicious Mischief – “Physical Damage” Defined.~~

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

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

~~[Ord. 279 § 7.01, 1980.]~~

**9.28.020 Injuring property.**

It is unlawful to maliciously cut, mar, injure, deface, spoil, break or destroy any fence, sidewalk, house, building, tree, plant or other property of another, whether real or personal, or any public property within the city, whether real or personal property; or, without municipal authority, to deface, mutilate, tear down or destroy any bulletin, poster, advertisement, notice, signboard or signpost within the corporate limits of the city. Violation of this section is a misdemeanor.

**Section 5.** GFMC Chapter 9.32, entitled "BURGLARY AND TRESPASS" is hereby amended to read as follows:

**Chapter 9.32**

**BURGLARY AND TRESPASS**

Sections:

9.32.010 Statutes incorporated by reference.

**9.32.010 Statutes incorporated by reference.**

RCW

9A.52.010 Definitions.

9A.52.060 Making or Having Burglar Tools.

9A.52.070(+) Criminal Trespass in the First Degree.

9A.52.080 Criminal Trespass in the Second Degree.

9A.52.090 Criminal Trespass – Defenses.

9A.52.100(+) Vehicle Prowling.

9A.52.120 Computer Trespass in the Second Degree

9A.52.130 Computer trespass — Commission of other crime.

[Ord. 279 § 8.01, 1980.]

**Section 6.** GFMC Chapter 9.36 entitled "THEFT" is hereby amended to read as follows:

**Chapter 9.36**

**THEFT**

Sections:

9.36.010 Statutes incorporated by reference.

9.36.020 Shoplifting.

**9.36.010 Statutes incorporated by reference**

RCW

9A.56.010 Definitions.

9A.56.020 Theft – Definition, Defense.

9A.56.050(+) Theft in the Third Degree.

9A.56.060 (1)-(3) Unlawful Issuance of Checks or Drafts  
9A.56.063 Making or Possessing Motor Vehicle Theft Tools  
9A.56.096 Theft of rental, leased, lease-purchased or loaned property  
 9A.56.170 Possessing Stolen Property in the Third Degree.  
 9A.56.180 Obscuring Identity of a Machine.  
9A.56.220 Theft of Subscription Television Services  
9A.56.270 Shopping Cart Theft  
9A.56.330 Possession of Another's Identification

**9.36.020 Shoplifting.**

(A) A person who willfully takes possession of any goods, wares or merchandise of a value which does not exceed \$250.00 offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares or merchandise to such person's 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 \$50.00 and not more than \$500.00, or by imprisonment for not less than five days and not more than six months, or by both such fine and imprisonment. Upon each subsequent conviction for shoplifting, a person shall be punished by a fine of not less than \$500.00, or by imprisonment for not less than 30 days and not more than six months, or by both such fine and imprisonment. [Ord. 279 § 9.02, 1980.]~~

**Section 7.** GFMC Chapter 9.40, entitled "FRAUD" is hereby amended to read as follows:

**Chapter 9.40**

**FRAUD**

Sections:

9.40.010 Statutes incorporated by reference.

**9.40.010 Statutes incorporated by reference.**

RCW

9A.60.010 Definitions.

9A.60.045 ~~040(1)~~ Criminal Impersonation in the second degree.

9A.60.050(1) False Certification.

RCW 9A.60.070 False academic credentials — Unlawful issuance or use — Definitions — Penalties.

~~[Ord. 279 § 10.01, 1980.]~~

**Section 8.** GFMC Chapter 9.44 entitled "INTERFERENCE WITH OFFICIAL PROCEEDINGS" is hereby amended to read as follows:

**Chapter 9.44**

**INTERFERENCE WITH OFFICIAL PROCEEDINGS**

Sections:

9.44.010 Statute incorporated by reference.

~~9.44.020 Criminal contempt.~~

**9.44.010 Statute incorporated by reference.**

9A.72.040. False Swearing

9A.72.150 (1) (2) Tampering with Physical Evidence.

**9.44.020**

**Criminal contempt.**

~~A person shall be guilty of criminal contempt by willfully 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. [Ord. 279 § 11.02, 1980.]~~

**Section 9.** A new Chapter 9.46 GFMC entitled "OBSTRUCTION OF FIREFIGHTING" is hereby added to read as follows:

**Chapter 9.46**

**OBSTRUCTION OF FIREFIGHTING**

**9.46.010 Statutes incorporated by reference.**

RCW

9.40.100 Tampering with fire alarm or fire fighting equipment – False alarm – Penalties.

**9.46.020 Interference with Fire Hydrants.** It shall be an infraction to hitch or tie any animal or thing to, or obstruct, injure, connect with, or open any fire hydrant in the city, without a permit from the city.

**Section 10.** GFMC Chapter 9.48 entitled "OBSTRUCTION OF GOVERNMENTAL OPERATION" is hereby amended to read as follows.

**Chapter 9.48**

**OBSTRUCTION OF GOVERNMENTAL OPERATION**

Sections:

**9.48.010 Statutes incorporated by reference.**

**9.48.010 Statutes incorporated by reference.**

RCW

9A.76.010 Definitions.

9A.76.020 Obstructing a Law Enforcement Officer

9A.76.030	Refusing to Summon Aid for a Peace Officer.
9A.76.040	Resisting an Arrest.
9A.76.050	Rendering Criminal Assistance: Definition of term.
<del>9A.76.050 (1)</del>	<del>Custodial Interference</del>
<u>9A.76.080</u>	<u>Rendering Criminal Assistance in the Second Degree</u>
9A.76.090	Rendering Criminal Assistance in the Third Degree.
9A.76.100 (1) (2)	Compounding.
9A.76.130 (1)	Escape in the Third Degree.
9A.76.160	Introducing Contraband in the Third Degree.
9A.76.170	Bail Jumping.
<u>9A.76.175</u>	<u>Making a false or misleading statement to a public servant.</u>

**Section 11.** GFMC Chapter 9.56 entitled "PUBLIC DISTURBANCE" is hereby amended to read as follows:

### Chapter 9.56

### PUBLIC DISTURBANCE

#### Sections:

9.56.010	Statutes incorporated by reference.
<del>9.56.020</del>	<del>Disorderly conduct.</del>
<u>9.56.030</u>	<u>Window peeping.</u>
<u>9.56.040</u>	<u>Public urination.</u>

**9.56.010** Statutes incorporated by reference.

#### RCW

9A.84.010 (1)	Riot
9A.84.020	Failure to disperse
<u>9A.84.030</u>	<u>Disorderly Conduct</u>
9A.84.040 (1)	False reporting.

#### **9.56.020**

#### **Disorderly conduct.**

A person is guilty of disorderly conduct if such person:

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

(B) Willfully 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 other person 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 or under 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 mars, or in any manner alters or changes the writing, printing or signature, or any part of the writing, printing or signature, upon any bulletin, 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 RCW Title 66, 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 any 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; or~~

~~(M) Urinates or defecates in any public place other than a rest room or toilet. [Ord. 538, 1995; Ord. 279 § 14.02, 1980.]~~

#### **9.56.030 Window peeping.**

It shall be unlawful or any person to enter upon premises occupied by any other person and look 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 designated and intended for public viewing. Violation of this offense is a misdemeanor.

#### **9.56.040 Public urination.**

It shall be an unlawful for any person to urinate or defecate in any public place other than a restroom or toilet or at a place and under circumstances where such act could be observed by any member of the public. Violation of this section is a civil infraction.

**Section 12.** GFMC Chapter 9.60 entitled "VAGRANCY" is hereby repealed.

#### **Chapter 9.60** **VAGRANCY**

Sections:

~~9.60.010 Vagrancy.~~

~~9.60.010~~

~~Vagrancy.~~

~~A person is guilty of vagrancy, and upon conviction shall be punished by a fine not to exceed \$500.00, if such person:~~

~~(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 vicinity.

(F) 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 offer identification, or manifestly endeavors to conceal the actor 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 dispel any alarm which would otherwise be warranted by requesting the actor to offer identification and explain the actor's 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. [Ord. 279 § 15.01, 1980.]

**Section 13.** GFMC Chapter 9.64 entitled "PUBLIC INDECENCY – PROSTITUTION – SEX CRIMES" is hereby amended to be entitled 'PUBLIC INDECENCY – PROSTITUTION – SEX CRIMES – EXPLOITATION OF CHILDREN' and to read as follows:

**Chapter 9.64**  
**PUBLIC INDECENCY – PROSTITUTION – SEX CRIMES –**  
**EXPLOITATION OF CHILDREN**

Sections:

9.64.010 Statutes incorporated by reference.  
9.64.020 Public exposure of female breasts or lower torso.

**9.64.010**

**Statutes incorporated by reference.**

RCW

9A.88.010 Indecent Exposure  
9A.88.020 ~~Communication with a Minor for Immoral Purposes.~~  
9A.88.030 Prostitution.  
9A.88.050 Prostitution – Sex of Parties Immaterial – No Defense.  
9A.88.090 Permitting Prostitution.  
9A.88.110 Patronizing a Prostitute  
9A.88.120 Additional Fee Assessments  
9A.88.130 Additional Requirements  
9A.88.140 Vehicle Impoundment Fees and Fine

9.68A.001 Legislative findings, intent.

9.68A.011 Definitions

9.68A.080 Reporting of depictions of minor engaged in sexually explicit  
conduct -- Civil immunity.

9.68A.090      Communication with minor for immoral purposes--Penalties.  
9.68A.103      Permitting commercial sexual abuse of a minor – Penalty  
9.68A.105      Additional fee assessment  
9.68A.110      Certain defenses barred, permitted  
9.68A.120      Seizure and forfeiture of property  
9.68A.150      Allowing minor on premises of live erotic performance--  
                    Definitions--Penalty.

9A.44.096      Sexual misconduct with a minor in the second degree  
9A.44.170      Custodial sexual misconduct in the second degree

**9.64.020      Public exposure of female breasts or lower torso.**

(1) 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 one to appear therein with one or both breasts and/or the lower portion of the torso wholly or substantially exposed. Every such owner, manager, or operator, and every person who aids, abets or participates in such an appearance is guilty of a misdemeanor.

(2) The act of breastfeeding or expressing milk shall not be an offense.

**Section 14.**      GFMC Chapter 9.68. entitled “OBSCENITY” is hereby amended to read as follows:

**Chapter 9.68**

**OBSCENITY**

Sections:

9.68.010      Statutes incorporated by reference.

**9.68.010 Statutes incorporated by reference.**

~~9.68.010      Obscene Literature, Shows, Etc.      Exception.~~

~~9.68.015      Obscene Literature, Shows, Etc.      Exception.~~

~~9.68.020      Prohibited Publications.~~

9.68.030      Indecent articles, etc.

9.68.050      "Erotic material" -- Definitions.

9.68.060      "Erotic material" -- Determination by court -- Labeling -- Penalties.

9.68.070      Prosecution for violation of RCW 9.68.060 -- Defense.

9.68.080      Unlawful acts.

9.68.130      "Sexually explicit material" -- Defined -- Unlawful display.

**Section 15.**      GFMC Chapter 9.72 entitled “WEAPONS CONTROL” is hereby amended to read as follows.

**Chapter 9.72**

**WEAPONS CONTROL**



Sections:

9.72.010 Statutes incorporated by reference.

~~9.72.020 Dangerous knives.~~

~~9.72.030 Air guns.~~

~~9.72.040 Confiscation.~~

**9.72.010**

**Statutes incorporated by reference.**

RCW

~~9.41.050 Carrying Concealed Weapon.~~

~~9.41.060 Exception.~~

~~9.41.080 Delivery to Minors and Others Forbidden.~~

~~9.41.230 Aiming or Discharging Firearms.~~

~~9.41.240 Use of Firearms by Minors.~~

~~9.41.270 Carrying, Exhibiting, Displaying or Drawing Weapons Apparently Capable of Producing Bodily Harm.~~

~~[Ord. 279 § 18.01, 1980.]~~

RCW

9.41.010 Terms defined.

9.41.050 Carrying firearms.

9.41.060 Exceptions to restrictions on carrying firearms.

9.41.098 Forfeiture of firearms -- Disposition -- Confiscation.

9.41.230 Aiming or discharging firearms, dangerous weapons.

9.41.240 Possession of pistol by person from eighteen to twenty-one.

9.41.250 Dangerous weapons -- Penalty -- Exemption for law enforcement officers.

9.41.260 Dangerous exhibitions.

9.41.270 Weapons apparently capable of producing bodily harm -- Unlawful carrying or handling -- Penalty -- Exceptions.

9.41.280 Possessing dangerous weapons on school facilities -- Penalty -- Exceptions.

9.41.290 State preemption.

9.41.300 Weapons prohibited in certain places -- Local laws and ordinances -- Exceptions -- Penalty.

9.41.800 Surrender of weapons or licenses -- Prohibition on future possession or licensing.

9.41.810 Penalty.

**9.72.020**

**Dangerous knives.**

(A) "Dangerous knife" means any knife having a blade more than three and one-half inches in length, or any dagger, sword, bayonet, bolo knife, machete, straightedge razor, or razor blade not in a package, dispenser or shaving appliance.

(B) It is unlawful for anyone knowingly to carry concealed on the 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. [Ord. 279 § 18.02, 1980.]

**9.72.030**

**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, hard-tipped 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 a 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 (B)(1) of this section;

(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 a parent or other adult in charge of such child.

(C) The provisions of subsections (B)(1) and (3) of this section 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 therefor; 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 ensure 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 that 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 \$100.00, and the weapon so used shall be confiscated by the chief of police. [Ord. 279 § 18.03, 1980.]~~

#### **9.72.040**

##### **Confiscation.**

~~Upon the conviction of any person for an offense defined in this chapter, the chief of police shall confiscate the firearm or other weapon 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. [Ord. 279 § 18.04, 1980.]~~

**Section 16.** GFMC Chapter 9.76 entitled "OFFENSES BY AND AGAINST JUVENILES" is hereby amended to read as follows:

#### **Chapter 9.76**

#### **OFFENSES BY AND AGAINST JUVENILES**

##### Sections:

- 9.76.010 Statutes incorporated by reference.
- 9.76.020 ~~Contribution to the dependency or delinquency of a minor.~~
- 9.76.030 ~~Minor consuming or in possession of liquor.~~
- 9.76.040 ~~Minor misrepresenting age.~~
- 9.76.050 ~~Loitering within 50 feet of tavern entrance.~~
- 9.76.060 ~~Statute incorporated by reference.~~
- 9.76.070 ~~Curfew.~~
- 9.76.080 ~~Violators under 18.~~

**9.76.010 Statute incorporated by reference.**

##### RCW

9.91.060 Leaving Children Unattended in Parked Automobile.

26.26.060 Child labor- Penalty

26.28.070 Certain types of employment prohibited – Penalty

26.28.070 Selling or giving tobacco to minor – Belief of representative capacity no defense – Penalty.

26.28.085 Applying tattoo to minor – Penalty

##### Chapter 66.04 Definitions

66.44.010 Local officers to enforce law — Authority of board — Liquor enforcement officers.

66.44.270 Furnishing liquor to minors — Possession, use — Penalties — Exhibition of effects — Exceptions.

66.44.290 Minor purchasing or attempting to purchase liquor — Penalty.

66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least twenty-one, in public place where liquor sold.

66.44.310 Minors frequenting off-limits area — Misrepresentation of age — Penalty — Classification of licensees.

66.44.325 Unlawful transfer to minor of age identification.

66.44.328 Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card — Penalty.

66.44.370 Resisting or opposing officers in enforcement of title.

~~13.04.010 — Definition of Dependent and Delinquent Child.~~

~~66.04.010(16) Definition of Liquor.~~

~~[Ord. 279 § 19.01, 1980.]~~

~~**9.76.020 — Contribution to the dependency or delinquency of a minor.**~~

~~———— (1) It is unlawful for anyone, by act or omission, knowingly to encourage, cause or contribute to the dependency or delinquency of a minor by:~~

~~———— (A) permitting a person under age 21 to remain in any place where intoxicating liquors are sold;~~

~~———— (B) permitting a person under age 21 to remain in any place of entertainment barred by law to persons under age 21;~~

~~———— (C) permitting a person under age 21 to be present in a house of prostitution or in any place where a controlled substance is used illegally;~~

~~———— (D) selling or giving any person under 21 years of age intoxicating liquor or any person under 18 years any cigarette or tobacco in any form;~~

~~———— (E) selling or giving any person under age 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 an agent or representative of another.~~

~~———— (2) Violation of this section shall be punishable as a gross misdemeanor.~~

~~**9.76.030**~~

~~**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 possess 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 a 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 the breath. [Ord. 279 § 19.03, 1980.]~~

**9.76.040**

**~~Minor misrepresenting age.~~**

~~It is unlawful for any minor to misrepresent age for the purpose of aiding, abetting or benefitting from any of the acts prohibited in GPMC 9.76.030. [Ord. 279 § 19.04, 1980.]~~

**9.76.050**

**~~Loitering within 50 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. [Ord. 279 § 19.05, 1980.]~~

**9.76.060**

**~~Statute incorporated by reference.~~**

RCW

~~9.91.060 — Leaving Children Unattended in Parked Automobile.  
[Ord. 279 § 19.06, 1980.]~~

**9.76.070**

**~~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 while in such service; nor shall such provisions apply to any child or children attending or returning home from entertainment provided or sanctioned by regularly organized schools or churches. [Ord. 279 § 19.07, 1980.]~~

**9.76.080**

**~~Violators under 18.~~**

~~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 in 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. [Ord. 279 § 19.08, 1980.]~~

**Section 17.** GPMC Chapter 9.80 entitled "CONTROLLED SUBSTANCE" is hereby amended to be entitled "CONTROLLED SUBSTANCE AND DRUG PARAPHERNALIA" and to read as follows:

**Chapter 9.80**

**CONTROLLED SUBSTANCE AND DRUG PARAPHERNALIA**

Sections:

9.80.010 Statutes incorporated by reference.

**9.80.010**

**Statutes incorporated by reference.**

RCW

69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited — Exceptions — Penalty.

69.50.101 Definitions.

69.50.102 Definitions- Paraphernalia

~~69.50.201 Authority to Control.~~

69.50.202 Nomenclature.

~~69.50.204 Marijuana Defined as a Controlled Substance.~~

69.50.309 Containers.

~~69.50.401(e) Possession of 40 Grams or Less of Marijuana Prohibited.~~

69.50.4013 Possession of controlled substance -- Penalty -- Possession of useable marijuana or marijuana-infused products.

69.50.4014 Possession of forty grams or less of marihuana Penalty

69.50.412 Prohibited acts: E — Penalties.

69.50.4121 Drug paraphernalia — Selling or giving — Penalty.

69.50.425 Misdemeanor violations — Minimum penalties.

~~69.50.505 Seizure and forfeiture. Forfeiture of Controlled Substances, and Equipment and Vehicles Associated Therewith.~~

~~[Ord. 538, 1995; Ord. 279 § 20.01, 1980.]~~

**Section 18.** GFMC Chapter 9.84 entitled “PUBLIC NUISANCES” is hereby amended to read as follows:

**Chapter 9.84**

**PUBLIC NUISANCES**

Sections:

9.84.005 Statutes incorporated by reference

9.84.010 Premises.

9.84.020 Acts or omissions.

9.84.030 Forced abatement.

9.84.040 Maintaining or permitting nuisance.

9.84.050 Keeping explosives unlawfully.

~~9.84.060 Smoking where prohibited~~

9.84.070 Disposal of diseased animal's carcass. See GFMC 8.04.330

~~9.84.080 Discarded iceboxes and refrigerators.~~

9.84.090 Abandoned wells and cisterns.

9.84.100 Detriments to health.

9.84.110 Exposed fires.

9.84.120 Graffiti.

9.84.130 Appeal.  
9.84.130 Forced abatement.

**9.84.005 Statutes incorporated by reference.**  
**RCW**

Chapter 9.03 Abandoned refrigeration equipment

9.66.010 Public nuisance.

9.66.020 Unequal damage.

9.66.030 Maintaining or permitting nuisance.

9.66.040 Abatement of nuisance.

9.66.050 Deposit of unwholesome substance.

Chapter 70.160 Smoking in public places

**9.84.010 Premises.**

A public nuisance is a crime against the order and economy of the City-city 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 therefor shall be conducted, or any article, apparatus or device useful therefor shall be kept;

(B) Any unlawful fighting between persons or animals or birds shall be conducted;

(C) Any intoxicating liquors are kept for unlawful use, sale or distribution;

(D) Vagrants resort. [Ord. 279 § 21.01, 1980]

**9.84.020 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. [Ord. 279 § 21.01, 1980.]

**9.84.030 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-city~~ for the damages, costs and charges incurred by the ~~town-city~~ in the removal of such nuisance, such costs and charges to be recovered by a civil action brought by the city-town against the person so served with such notice. [Ord. 279 § 21.03, 1980.]

**9.84.040 Maintaining or permitting nuisance.**

Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed, or who shall willfully 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 \$500.00.~~ In addition to such fine, such person shall be ordered to abate the nuisance at such person's cost. [Ord. 279 § 21.05, 1980.]

**9.84.050 Keeping explosives unlawfully.**

Every person who shall make or keep any explosive or combustible substance in the city 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. [Ord. 279 § 21.05, 1980.]

**~~9.84.060 Smoking where prohibited.~~**

~~Every person who shall light a pipe, cigar or cigarette in, or who shall enter with a lighted 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. [Ord. 279 § 21.06, 1980.]~~

**9.84.070 Disposal of diseased animal's carcass. See GFMC 8.04.330**

~~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. [Ord. 279 § 21.07, 1980.]~~

**~~9.84.080 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, any 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. [Ord. 279 § 21.08, 1980.]~~

**9.84.090 Abandoned wells and cisterns.**

It shall be unlawful for any person to abandon or discontinue use of or to permit or to maintain on any premises any abandoned or unused well, cistern, or storage tank, without complying with state and federal laws relating to the first demolishing or removing from the citytown 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. In addition to any state or federal violations, Any violation of this section shall be deemed a public nuisance. [Ord. 279 § 21.08, 1980.]

**9.84.100 Detriments to health.**

Every person who:

(A) Shall throw, place, leave or cause to 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 city town of Granite Falls, or in or upon premises owned, occupied or controlled by such person, 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 citytown, ~~or in or upon premises owned, occupied or controlled by such person, 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 citytown of Granite Falls;

shall be guilty of committing a public nuisance. [Ord. 279 § 21.10, 1980.]

**9.84.110 Exposed fires.**

No person shall kindle, maintain or assist in maintaining any bonfire or other exposed fire within the ~~town~~city, excepting with written permission from the chief of the fire department and under such proper safeguards as the chief may direct as to time and weather conditions and on condition such permit carries an obligation on the part of the grantee to keep a sufficient safe control of said fire, and to be made responsible for all damages therefrom, and that all resultant embers shall be extinguished and the hot ashes removed or wet down at the close of said fire. [Ord. 155 § 4, 1941.]

**9.84.120 Graffiti.**

Every person who allows, permits or maintains any writing, painting or drawing upon any wall, rock, bridge, building, fence, gate or other structure, tree, or other 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" within the city shall be guilty of committing a public nuisance. "Graffiti" means the defacing, damaging or destroying by spraying of paint or marking of ink, chalk, dye or other similar substances on public or private buildings, structures and places.

(Ord. 782 § 1, 2009)

**9.84.130 Appeal.**

(A) The city council shall hear all appeals taken from the administration of this chapter; provided that the council may delegate the appeal to an appointed hearing officer whose decision shall be the final decision of the city. The council or hearing officer shall hear evidence presented by the enforcement officer and by the person appealing the notice of removal or abatement.

(B) Appeal Procedure.

1. All appeals shall be filed in writing with the city clerk. All appeals must be filed within ten days of the date of receiving the notice for removal or abatement from the police chief under GFMC 9.84.030.

2. All appeals shall contain the following:

- a. The names of the appellants participating in the appeal.
- b. A brief statement setting forth the action protested and the reason why it is claimed such protested action should be reversed, modified or otherwise set aside.
- c. The signature of all parties named and telephone numbers and mailing addresses.
- d. Verification, by declaration under penalty of perjury, of at least one appellant of the truth of the matter stated in the appeal. Upon receiving the appeal, the city clerk shall transmit the same to the city council as provided herein.

3. Failure of any person to file a timely appeal or failure of any person who has filed an appeal to attend the scheduled hearing shall constitute a waiver of his or her right to an appeal hearing.

4. A copy of the final order of the city council or hearing officer shall be mailed to or personally served on the appellant(s) within three working days following the entry of a written order under this section.

5. If the final order upholds the notice of removal or abatement, the public nuisance must be removed or abated within ten days of receiving the final order or within such other time period as set forth in the order. If the public nuisance is not removed or abated within said time period, the city may proceed with the removal or abatement as provided in this chapter.

(Ord. 782 § 2, 2009)

**9.84.130 Forced abatement.**

If within ten days after receiving a notice in writing for the abatement of any nuisance under this chapter, signed by the police chief or his authorized representative, the property owner or person committing the public nuisance shall fail, neglect or refuse to remove or abate the same, such nuisance may be removed or abated by the city, and the property owner or person committing the public nuisance, in addition to incurring the penalty provided in this chapter, shall become indebted to the city for the damages, costs and charges incurred by the city in the removal of such nuisance, such costs and charges plus reasonable interest to be recovered as a personal obligation of the property owner or person committing the public nuisance and/or as a lien against the property.

(Ord. 782 § 3, 2009)

**Section 19.** GFMC Chapter 9.94 entitled "MALT LIQUOR BY THE KEG" is hereby amended to read as follows:

**Chapter 9.94**

**MALT LIQUOR BY THE KEG**

Sections:

**9.94.010 Statutes incorporated by reference.**

**RCW**

**66.28.200 Keg registration -- Special endorsement for grocery store licensee -- Requirements of seller**

**6.28.210 Keg registration -- Requirements of purchaser**

**66.28.220 Keg registration -- Identification of containers -- Rules -- Fees -- Sale in violation of rules unlawful.**

**66.28.230 Keg registration -- Furnishing to minors -- Penalties.**

**66.28.240 Keg registration -- State preemption**

Sections:

~~9.94.010 — Seller's duties.~~

~~9.94.020 — Purchaser's duty.~~

~~9.94.030 — Declaration and receipt.~~

~~9.94.040 — Penalty.~~

**9.94.010**

**Seller's duties.**

~~Any person who sells or offers for sale the contents of kegs or other containers containing six gallons or more of malt liquor, or leases kegs or other containers which will hold six 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 and/or beverage in substantially the form provided in GFMC 9.94.030.~~

~~(B) Require the purchaser to provide two pieces of identification, one of which is a motor vehicle operator's license, Washington State identification card, or military identification card.~~

~~(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 21 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 number affixed to the container.~~

~~(D) 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.~~

~~(E) Affix to each keg or container a numbered label, hereafter referred to as the identification number.~~

~~(F) Record the identification number, and any other number appearing on the keg or container, on any declaration or receipt of purchase.~~

~~(G) Retain the original copy of the declaration and receipt for a period of one year for inspection by any law enforcement agency. Such inspection shall be allowed upon request of a law enforcement officer having a reasonable belief that a violation of this chapter or related alcohol enforcement laws has or will occur.~~

~~(H) Provide a copy of the declaration and receipt to the purchaser.~~

~~(I) 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 physical barrier from such keg, during the time that the keg or other container is in the purchaser's possession and/or control. [Ord. 378 § 1, 1986.]~~

#### **9.94.020**

##### **Purchaser's duty.**

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

~~(A) Be of legal age to purchase, possess or use malt liquor;~~

~~(B) Not allow any person under the age of 21 to consume the beverage except as provided by RCW 66.44.270;~~

~~(C) Not remove, obliterate, or allow to be removed or obliterated the number affixed to the container;~~

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

~~(E) Maintain a copy of the declaration and receipt next to or adjacent to the keg or other container, in no event a distance greater than five feet, and visible without physical barrier from such keg, during the time that the keg or other container is in the purchaser's possession and/or control. [Ord. 378 § 1, 1986.]~~

#### **9.94.030**

##### **Declaration and receipt.**

~~The form of the declaration and receipt required in this chapter shall be substantially in the following form and shall require the information contained in the following form:~~

#### **TOWN OF GRANITE FALLS**

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

Date of Sale \_\_\_\_\_ Invoice No. \_\_\_\_\_

Keg Identification Number(s) \_\_\_\_\_

Brand \_\_\_\_\_ Keg Capacity \_\_\_\_\_

No. of Kegs \_\_\_\_\_ Total Gallons \_\_\_\_\_

Name of Purchaser \_\_\_\_\_

Address \_\_\_\_\_

Address or location where keg will be located \_\_\_\_\_

Motor Vehicle Operator's License Number \_\_\_\_\_

Washington State Identification Card \_\_\_\_\_

Other Identification \_\_\_\_\_

~~I declare under penalty or perjury the information provided in this receipt is true and correct and that I am over the legal age to purchase, possess or use malt liquor, that I will not allow the malt liquor purchased and identified by this receipt to be consumed by any person who is under the age of twenty-one (21) except as provided by RCW 66.44.270, and that I will not remove or obliterate the numbered identification label affixed to the container.~~

\_\_\_\_\_  
Signature of Purchaser

Identity of Seller \_\_\_\_\_

Address of Licensed Premises \_\_\_\_\_

#### NOTICE

~~It is unlawful for any person under the age of twenty-one (21) years to acquire in any manner, consume or have in his or her possession, any intoxicating liquor, 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 twenty-one (21) years by his parent or guardian for beverage or medicinal purposes in the home or administered to him by his physician or dentist for medicinal purposes. A person who signs this receipt with knowledge that any information in the receipt is false commits perjury. Violations of any of the provisions of the town of Granite Falls Ordinance which requires this statement and these terms is a misdemeanor punishable by a fine of not more than \$500.00, or by imprisonment not to exceed six months, or by both such fine and imprisonment.~~

~~[Ord. 378 § 1, 1986.]~~

#### 9.94.040

##### **Penalty.**

~~The violation of any provisions of this chapter shall be a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment not to exceed six months, or by both such fine and imprisonment. [Ord. 378 § 1, 1986.]~~

**Section 20.** GFMC Section 9.96.040 entitled "Firearms and the like" is amended to read as follows:

#### **9.96.040 Firearms and the like.**

It is unlawful to possess, use, fire, shoot or explode any ~~firearm~~, fireworks or explosive of any kind ~~or to carry any firearm~~, or to shoot or fire any firearm, air gun, bows and arrow, or B.B. gun or to use a slingshot in any covered premises except designated areas provided for such activities. [Ord. 250 § 4, 1971.]

**Section 21.** GFMC Section 9.96.060 entitled "Solicit for services or merchandise- Exceptions" is amended to read as follows:

#### **9.96.060 Solicit for services or merchandise – Exceptions.**

It is unlawful in any covered premises to solicit or ask for any payment ~~or gift of money~~ or to sell, offer, or solicit for sale any goods, services or merchandise without written city

authorization. the written permission of the park board or a concession contract issued by the town.

[Ord. 250 § 6, 1971.]

**Section 22.** GFMC Chapter 9.98 entitled "FIREWORKS" is amended to read as follows:

### **Chapter 9.98**

### **FIREWORKS**

Sections:

9.98.005        Statutes Incorporated by Reference

9.98.010      Fireworks permitted when.

9.98.020      Violation – Penalty.

9.98.005        Statutes Incorporated by Reference

#### **RCW**

70.77.485      Unlawful possession of fireworks -- Penalties.

70.77.488      Unlawful discharge or use of fireworks -- Penalty.

70.77.510      Unlawful sales or transfers of display fireworks -- Penalty.

70.77.515      Unlawful sales or transfers of consumer fireworks -- Penalty.

70.77.517      Unlawful transportation of fireworks -- Penalty.

70.77.520      Unlawful to permit fire nuisance where fireworks kept -- Penalty.

70.77.525      Manufacture or sale of fireworks for out-of-state shipment.

70.77.535      Articles pyrotechnic, special effects for entertainment media.

70.77.540      Penalty.

70.77.545      Violation a separate, continuing offense.

70.77.547      Civil enforcement not precluded.

#### **9.98.010      Fireworks permitted when.**

In order to ensure safety for the public and eliminate fire danger for the residents of the town of Granite Falls, the use of any and all fireworks shall be allowed only on December 31st from 6:00 p.m. until 1:00 a.m. on January 1st of the subsequent year; and on July 4th between the hours of 9:00 a.m. and 12:00 midnight. [Ord. 804 10 § 1, 2010, Ord. 482 § 1, 1992.]

#### **9.98.020 Violation – Penalty.**

Failure to comply with this chapter is designated as a violation. Penalties for violation of State law are as set by State law in RCW Chapter 70.77. Violations of GFMC section 9.98.010 relating to the use of legal fireworks during unauthorized time periods is an infraction with a penalty in the amount of -and shall constitute a criminal offense and can be punishable by fine and/or imprisonment.

~~Violation:~~ \$200.00. [Ord. 482 § 2, 1992.]

