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9.04.010 Purpose. The purpose of this chapter is to regulate, enforce, and maintain conduct of persons within the corporate limits of the city and to maintain public peace and order within the city. (Ord. 1332, § 1, 1980).

9.04.020 Adoption by reference. Certain sections of the Revised Code of Washington are adopted by reference as and for the criminal ordinance of the city as set forth in full in this chapter, with the exception of the penalty provisions that are superseded as set forth in Sections 9.04.250 and 9.04.260:

ADOPTED BY REFERENCE

RCW 9.01.055	RCW 9A.84.030	RCW 9A.88.050
RCW 9.01.110	RCW 9.91.060	RCW 16.52.100
RCW 0.03.010	RCW 27.12.340	RCW 70.85.020
RCW 0.03.020	RCW 66.44.010	RCW 90.03.410
RCW 9A.04.110	RCW 70.85.030	RCW 9.61.230
RCW 9A.16.080	RCW 9A.52.080	RCW 9.61.250
RCW 9.40.100	RCW 9.61.240	RCW 9A.76.030
RCW 9.73.020	RCW 9A.76.020	RCW 9A.40.070
RCW 9A.76.040	RCW 9A.84.020	RCW 9A.48.090

(Ord. 1563 §4, 1998; Ord. 1332 §2, 1980).

9.04.030 Persons defined. "Person," as used in this title, means and includes natural persons of either sex, associations, copartnerships, and corporations, whether acting by themselves or be servant, agent, or employee; the singular number shall, when necessary, be held and construed to include the plural, and masculine pronoun to include the feminine. (Ord. 1332 §3, 1980).

9.04.040 Principal defined. Every person concerned in the commission of a violation, gross misdemeanor or misdemeanor in violation of any ordinance, whether he directly commits the act constituting the offense or aids or abets in its commission, and whether present or absent; and every person who directly or indirectly counsels, encourages, hires, commands, induces or otherwise procures another to commit a violation, gross misdemeanor or misdemeanor, is a principal, and shall be proceeded against and punished as such. The fact that the person aided, abetted, counseled, encouraged, hired, commanded, induced or procured could not or did not entertain a criminal intent shall not be a defense to any person aiding, abetting, counseling, encouraging, hiring, commanding, inducing or procuring him. (Ord. 1332 §4, 1980).

9.04.050 Peace office defined. For the purpose of this title, the term "peace officer" means a duly appointed city, county or state law enforcement officer. (Ord. 1332 §5, 1980).

9.04.060 Construction of terms. Unless the context thereof indicates to the contrary, words and phrases used in this title in the past, present or future tenses include the past, present, and future tenses; words and phrases used in this title in the masculine, feminine, or neuter genders include the masculine, feminine, and neuter genders; and words and phrases used in this title in the singular or plural include the singular and plural. (Ord. 1332, §6, 1980).

9.04.070 Enforcement--Warrants and arrest. The district court judge shall issue warrants for the arrest of any person or persons accused in a written complaint of violating any of the provisions of this title or as provided in RCW 10.31.100 on his or their pretense. It shall be the duty of the city police to strictly enforce the provisions of this title. (Ord. 1332, §7, 1980).

9.04.080 Convicted persons responsible for cost of prosecution. Whenever anyone is convicted of an offense under any section or the ordinance codified in this title or any section of any other city ordinance, 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, costs for witness fees. If default of such payment, he shall be imprisoned until such fine and costs of prosecution are paid or worked out. (Ord. 1332, §8, 1980).

9.04.090 Defrauding merchants. Every person who obtains any groceries, goods, merchandise or food in any restaurant, grocery store, market or business establishment without paying therefor, with intent to defraud the proprietor or manager thereof, or obtains credit for such items, by color, or aid of any false pretense, representation, token or writing, is guilty of the crime of defrauding a merchant, and shall be guilty of a misdemeanor. (Ord. 1332,, §9, 1980).

9.04.100 Frauds on innkeepers. Every person who obtains food, lodging or accommodation at any hotel, restaurant, boardinghouse or lodginghouse without paying therefor, with intent to defraud the proprietor or manager thereof, or who obtains credit at a hotel, restaurant, boardinghouse, or lodginghouse, by color or aid of any false pretense, representation, token or writing, or who after obtaining board, lodging or accommodation at a hotel, restaurant, boardinghouse, or lodginghouse, absconds or surreptitiously removes his baggage therefrom without paying for such food, lodging or accommodation is guilty of a petty misdemeanor. (Ord. 1332, §10, 1980).

9.04.110 Marijuana possession. Any person who possesses less than forty grams of marijuana will be in violation of this chapter except as provided in RCW Chapter 69.51. Violation is a gross misdemeanor. (Ord. 1332, §11, 1980).

9.04.120 Unlawful issuance of checks or drafts. A. Any person who shall with intent to defraud, make, or draw, or utter, or deliver another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with the bank upon its presentation, shall be guilty of unlawful issuance of bank check. The word "credit" as used in this chapter shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such check or draft to another person without such fund or credit to meet the same be prima facie evidence of an intent to defraud.

B. Any person who shall with intent to defraud, make, or draw or utter or deliver to another person any check, or draft on a bank or other depository for the payment of money and who issues a stop-payment order directing the bank or depository on which the check is drawn not to honor the check and who fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within thirty days of issuing the check or draft shall be guilty of unlawful issuance of a bank check. Unlawful issuance of a bank check in an amount of two hundred fifty dollars or less is a gross misdemeanor. (Ord. 1332, §12, 1980). (Ref. Section 9.10)

9.04.130 Weapons. A. It is unlawful for anyone to carry, exhibit, display or draw any firearm, dagger, sword, knife, or any other cutting or stabbing instrument, club, bow and arrow, cross-bow or weapons of a similar nature, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another that warrants alarm for the safety of other persons. (Ord. 1332, §13, 1980, Ord. 1536, 1996).

B. Any person violating the provisions of subsection A above, shall be guilty of a misdemeanor.

C. Subsection A of this section shall not apply to or affect the following:

1. Any act committed by a person while in his place of abode or fixed place of business;
2. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;
3. Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;
4. Any person making or assisting in making a lawful arrest for the commission of a felony; or
5. Any person engaged in military activities sponsored by the federal or state governments. (Ord. 1332, §13, 1980).

9.04.140 Theft. A. "Theft" means:

1. To wrongfully obtain or exert unauthorized control over property or services of another or the value thereof, with intent to deprive him of such property or services; or
2. By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or
3. To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him of such property or services.

B. In any such prosecution for theft, it shall be a sufficient defense that the property for service was appropriated openly and avowedly under a claim of title made in good faith, even though the claim be untenable.

C. A person is guilty of theft under this section if he commits theft of property or services which does not exceed two hundred and fifty dollars in value. (Ord. 1563 §4, 1998).

D. Theft is a misdemeanor. (Ord. 1332, §14, 1980).

9.04.150 Custodial interference. A person is guilty of custodial interference if, knowing that he has not legal right to do so, he takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or institution. Custodial interference is a gross misdemeanor. (Ord. 1332 §5, 1980).

9.04.160 Malicious mischief. Every person, with intent to cause physical damage to the property of another, or all persons who willfully break, mar, injure, or deface any building, fence, awning, window sign, signboard, tree, shrubbery or other ornamental device in the city are guilty of malicious mischief. Malicious is a gross misdemeanor. (Ord. 1332 §16, 1980).

9.04.170 Automobile and gas theft. Any person who lawfully enters or remains in a vehicle of another to commit a crime therein or who takes a part or parts from a vehicle or removes gasoline from a vehicle shall be guilty of a misdemeanor. (Ord. 1332 §17, 1980).

9.04.180 Furnishing liquor to minors. Except in the case of liquor given or permitted to be given a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any person under that age to consume liquor on his premises or on any premises under his control. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any liquor except as in this section provided and except when liquor is being used in connection with religious services. Any person who supplies false identification to a person under twenty-one years of age or any person to falsely represent himself as being twenty-one years of age or more to purchase an alcoholic beverage will be in violation. Any person violating this section shall be guilty of a misdemeanor. (Ord. 1332 §18, 1980).

9.04.190 Alcoholic beverage in public place. No person will consume an alcoholic beverage in a public place. Violation shall be a gross misdemeanor. (Ord. 1332 §19, 1980).

9.04.200 Selling to one under influence. No person shall sell any alcoholic beverage to any person apparently under the influence of an alcoholic beverage. Violation shall be a gross misdemeanor. (Ord. 1332 §20, 1980).

9.04.210 Assault. Every person shall be guilty of the crime of assault who does any of the following:

A. Intentionally attempts by force or violence to do injury or harm to the person of another; or

B. Makes any threatening gesture, showing in itself or by words accompanying it, an immediate intention, coupled with a present ability, to commit a battery; or

C. Unlawfully attempts or offers with force or violence to do bodily harm or corporeal hurt to another; or

D. Makes an unlawful offer of injury to another by force, or an offer of force unlawfully directed to the person of another, under such circumstances as to create a well-founded fear of immediate peril. The crime of assault is a misdemeanor.

(Ord. 1332 §21, 1980).

9.04.220 Disorderly conduct. All persons shall be deemed to be and declared disorderly person and guilty of disorderly conduct in any of the following instances:

A. All persons fighting or uttering fighting words which have a direct tendency to incite immediate acts of violence by the person or persons addressed.

B. All persons who use abusive language in any public place in the city.

C. All persons who commit or permit, noise, loud or riotous conduct which unreasonably disturbs the peace and quiet of the city. The crime of disorderly conduct is a misdemeanor. (Ord. 1332 §22, 1980).

9.04.230 Snow removal - Parking violation. A. No vehicle will be left on the roadway on Meyers Street between Fourth Avenue and Seventh Avenue and the east side of Meyers Street from Seventh Avenue to Eighth Avenue between the hours of 2:00 a.m. and 7:00 a.m. between November 1st and March 1st. Vehicles so parked during this time may be impounded and cited. (Ord. 1465, 1990).

B. No vehicles will be parked within ten feet of the paved portion of the roadway between November 1st and March 1st except as mentioned in "A" above. Vehicles so parked during this time may be impounded and cited. (Ord. 1465, 1990).

9.04.240 Impersonating a police officer. No person shall impersonate a Kettle Falls police employee or wear a uniform or other clothing that resembles a Kettle Falls police uniform so closely that a reasonable person would not so distinguish it from the official Kettle Falls police department uniform or present a badge, card or other identification purporting the bearer to be a Kettle Falls police officer or representing the Kettle Falls police department without so authorized by the city. Impersonation of a police officer is a misdemeanor. (Ord. 1332 §24, 1980).

9.04.250 Violation - Penalty. All provisions of this chapter not stated as being misdemeanors are gross misdemeanors of the city. The penalty for a misdemeanor shall be a fine not exceeding \$1,000.00, imprisonment not exceeding 90 days, or both, and the penalty for a gross misdemeanor shall be a fine not exceeding \$5,000.00, imprisonment not exceeding one year, or both. (Ord. 1563 §4, 1998; Ord. 1332 §25, 1980).

9.04.260 Misdemeanors. All of the following sections adopted by reference of the RCW are punishable by imprisonment of not more than 90 days in the county jail or by fine not more than \$1,000.00 or by both fine and imprisonment.

9A.76.020

9A.76.040

9A.52.080

(Ord. 1563 §4, 1998; Ord. 1332 §28, 1980).

9.04.270 Nonliability of city. This chapter is intended to be a law of general application for the public at large; it is not intended to impose liability on the part of the city or its employees running to individual members of the public. (Ord. 1332 §28, 1980).