Title 9

# PUBLIC PEACE, MORALS AND WELFARE

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# Chapter 9.00

## GENERAL PROVISIONS*

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| | |
|---|---|
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* Prior ordinance history: Ords. 360 and 601.

### 9.00.010 Short title.

This title shall be known and may be cited as the Black Diamond penal code. (Ord. 645 § 1 (part), 1998)

### 9.00.020 Alternative dispositions of criminal cases.

A. Compromise and Dismissal. In all cases where a defendant is charged with a criminal act for which there is a civil remedy available to the victim, except in those cases involving offenses against public officers or violence of any nature, the court may, in its discretion, dismiss all criminal charges upon a finding that the victim has acknowledged in writing that the victim has received satisfaction for the injury or loss sustained, and upon payment by the defendant of all costs incurred by the city in the proceedings.

B. Assessment of Punishment. If a defendant is found guilty, the court shall set the punishment therefor in the form of a judgment for costs as provided in Section 9.00.060, and a fine or imprisonment, or both, as provided in Section 9.00.060.

C. Deferral of Sentence. After a conviction, the court may defer sentencing the defendant and place the defendant on probation and prescribe the conditions thereof. Such conditions may including making restitution to the victim of the crime and the payment of court costs and a fine in an amount equivalent to that which would have been assessed had the sentence not been deferred. In no case shall the time of deferral extend for more than two years from the date of conviction. During the time of deferral the court may, for good cause shown, permit a defendant to withdraw his or her plea of guilty, permit him or her to enter a plea of not guilty, and dismiss the charges against him or her. If the defendant fails to comply with any term or condition imposed by the court during the deferral, the defendant shall be required to appear before the court and the court may enter a conviction upon his or her record and impose sentence.

D. Suspension of Sentence. For a period not to exceed two years after imposition of sentence, the court shall have continuing jurisdiction and authority to suspend the execution of all or any part of its sentence upon stated terms and conditions. Such conditions may include making restitution to the victim of the crime and payment of court costs and a fine. If the defendant fails to comply with any term or condition of probation, he or she shall be required to appear before the court for revocation of probation and resentencing.

E. Restitution in Lieu of Punishment. 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 a fine or imprisonment authorized by Section 9.00.110, 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 the 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 the 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 purpose of this section, the terms, "gain" and "loss" refer to the amount of money or the value of property or services gained or lost. (Ord. 645 § 1 (part), 1998)

**9.00.030 Deferred prosecution.**

The following statutes regarding deferred prosecution are incorporated by reference:

| | |
|---|---|
| RCW 10.05.010 | Eligibility—Time for petition. |
| RCW 10.05.015 | Statement of availability. |
| RCW 10.05.020 | Requirements of petition—Rights of petitioner—Court findings. |
| RCW 10.05.030 | Arraignment continued—Referral to treatment facility. |
| RCW 10.05.040 | Investigation and examination by treatment facility. |
| RCW 10.05.050 | Report to court by treatment facility—Recommended treatment plan—Commitment to provide treatment. |
| RCW 10.05.060 | Docket and abstract procedure upon approval of treatment plan. |
| RCW 10.05.070 | Petitioner arraigned when treatment rejected. |
| RCW 10.05.080 | Evidence, uses and admissibility. |
| RCW 10.05.090 | Procedure upon breach of treatment plan. |
| RCW 10.05.100 | Conviction of similar offense. |
| RCW 10.05.110 | Trial delay not grounds for dismissal. |
| RCW 10.05.120 | Dismissal of charges. |
| RCW 10.05.130 | Services provided for indigent defendants. |
| RCW 10.05.140 | Conditions of granting. |
| RCW 10.05.150 | Alcoholism program requirements. |
| RCW 10.05.160 | Appeal of order granting deferred prosecution. |
| RCW 10.05.170 | Supervision as condition—Levy of assessment. |

(Ord. 645 § 1 (part), 1998)

**9.00.040 Collection of judgments.**

Upon conviction and entry of judgment for a fine and costs, execution may be issued against the property of a defendant and returned in the same manner as in civil actions. Upon order of the court, a convicted defendant who is in default on payment of any monetary sums required by the judgment may be imprisoned until all such monetary sums are either paid, credited for time served, or worked out at a community service project designated by the city. A defendant may be given credit in an amount to be determined by the court for each day of imprisonment and in an amount to be determined by the court on an hourly basis for work on a designated community service project. (Ord. 645 § 1 (part), 1998)

**9.00.050 Costs of prosecution and defense.**

Whenever anyone is convicted of an offense under this title, in addition to the fine imposed, he or she must pay the costs of prosecution. Costs of prosecution shall include any or all of the following: cost of docketing, cost of issuing a warrant, cost for mileage and processing the warrant, a fee for a personal recognizance bond, and costs for witness fees. Furthermore, in the court's discretion, a defendant may be required to reimburse the city for the cost of retaining assigned defense counsel. If in default on any of the above costs, a defendant shall be imprisoned until such fine and costs of prosecution and defense are paid, credited for time served, or worked out at a community service project designated by the city. A defendant may be given credit in an amount to be determined by the court for each day of imprisonment and in an amount to be determined by the court on an hourly basis for work on a designated community service project. (Ord. 645 § 1 (part), 1998)

**9.00.060 Costs of incarceration.**

Once a defendant has been convicted of a misdemeanor or gross misdemeanor, unless the defendant has been found by the court, pursuant to RCW 10.101.020, to be indigent, the court may require the defendant to pay for the cost of incarceration at a rate of up to fifty dollars per day of incarceration. Payment of other court-ordered financial obligations,

including all legal financial obligations and costs of supervision, shall take precedence over the payment of the cost of incarceration ordered by the court. All funds received from defendant for the cost of incarceration in the city jail shall be remitted to the city for criminal justice purposes. (Ord. 645 § 1 (part), 1998)

**9.00.070 Statute of limitations.**

Prosecutions for criminal offenses defined in the Black Diamond municipal code, and for those state statutes incorporated herein by reference, may be commenced at any time within two years after their commission if they constitute gross misdemeanors, and at any time within one year after their commission if they constitute misdemeanors; provided, that the statute of limitations prescribed herein shall not run during any time when the person charged is not usually and publicly resident within the state of Washington. (Ord. 645 § 1 (part), 1998)

**9.00.080 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. (Ord. 645 § 1 (part), 1998)

**9.00.090 Arrests—Citations—Warrants.**

A. A peace officer may arrest a person without a warrant if the officer has probable cause to believe that such person has:

1. Committed a crime in the officer's presence; or
2. Committed a crime not in the officer's presence if allowed by RCW 10.31.100, as now or hereafter amended.

B. Whenever a person is arrest 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 in the Criminal Rule for Courts of Limited Jurisdiction, as now or hereafter amended.

C. Warrants shall issue and bail shall be set for persons who violated their promise to appear in court as proved by the Criminal Rules for Courts of Limited Jurisdiction, as now or hereafter amended. The Criminal Rules for Courts of Limited Jurisdiction shall apply to procedures relating to arrests, citations, warrants and other criminal proceedings. (Ord. 645 § 1 (part), 1998)

**9.00.110 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 classified as misdemeanors or gross misdemeanors as indicated by state law for the particular offense; provided, that where no express designation is made in state law or this code, such crimes shall be misdemeanors. Any party convicted of having committed a misdemeanor or gross misdemeanor shall be punished by a fine and/or imprisonment not to exceed the limits set forth for misdemeanors and gross misdemeanors in RCW 9A.20.021(2) and (3). (Ord. 645 § 1 (part), 1998)

**9.00.115 Punishment of gross misdemeanor when not fixed by statute.**

The city adopts by reference as though fully set forth herein RCW Section 9.92.020 as currently existing or as hereafter amended. (Ord. 788 § 1, 2005)

**9.00.120 Punishment of misdemeanor when not fixed by statute.**

The city adopts by reference as though fully set forth herein RCW Section 9.92.030 as currently existing or as hereafter amended. (Ord. 788 § 2, 2005)

## Chapter 9.01

## ADOPTION OF STATE PROVISIONS*

**Sections:**

**9.01.010** **Automatic amendments.**
**9.01.020** **Statute incorporated by reference.**

* Prior ordinance history: Ords. 360 and 601.

### 9.01.010 Automatic amendments.

The amendment or repeal by the Washington State Legislature of any of the statutes adopted by reference in Title 9 of the Black Diamond municipal code shall be deemed to automatically amend such title 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. (Ord. 645 § 2 (part), 1998)

### 9.01.020 Statute incorporated by reference.

The following statute is incorporated in this chapter by reference:

RCW 9A.04.110 Definitions.

(Ord. 645 § 2 (part), 1998)

## Chapter 9.02

## LIABILITY, DEFENSES AND ANTICIPATORY OFFENSES*

**Sections:**

**9.02.010** **Principles of liability.**
**9.02.020** **Defenses—Generally.**
**9.02.030** **Defenses—Insanity.**
**9.02.040** **Anticipatory offenses.**

* Prior ordinance history: Ords. 360 and 601.

### 9.02.010 Principles of liability.

The following statutes regarding principles of liability are incorporated by reference:

| | |
|---|---|
| RCW 9A.08.010 | General requirements of culpability. |
| RCW 9A.08.020 | Liability for conduct of another—Complicity. |
| RCW 9A.08.030 | Criminal liability of corporations and persons acting or under a duty to act in their behalf. |

(Ord. 645 § 3 (part), 1998)

### 9.02.020 Defenses—Generally.

The following statutes regarding defenses are incorporated by reference:

| | |
|---|---|
| RCW 9A.16.010 | Definitions. |
| RCW 9A.16.020 | 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. |
| RCW 9A.16.100 | Use of force on children—Policy—Actions presumed unreasonable. |

(Ord. 645 § 3 (part), 1998)

**9.02.030 Defenses—Insanity.**

The following statues regarding a defense of insanity are incorporated by reference:

| | |
|---|---|
| RCW 9A.12.010 | Insanity. |

(Ord. 645 § 3 (part), 1998)

**9.02.040 Anticipatory offenses.**

The following statutes regarding anticipatory offenses are incorporated by reference:

| | |
|---|---|
| RCW 9A.28.020 | Criminal attempt. |
| RCW 9A.28.030 | Criminal solicitation. |
| RCW 9A.28.040 | Criminal conspiracy. |

(Ord. 645 § 3 (part), 1998)

## Chapter 9.04

## OBSTRUCTING GOVERNMENTAL OPERATIONS*

**Sections:**

**9.04.010 Statutes incorporated by reference.**

**9.04.020 Possessing contraband.**

* Prior ordinance history: Ords. 360, 601 and 628.

**9.04.010 Statutes incorporated by reference.**

The following statutes regarding obstructing governmental operation are incorporated by reference:

| | |
|---|---|
| RCW 9.69.100 | Withholding knowledge of felony involving violence. |
| RCW 9A.76.010 | Definitions. |
| RCW 9A.76.020 | Obstructing of a law enforcement officer. |
| 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.76.060 | Relative defined. |
| RCW 9A.76.070 | Rendering criminal assistance in the first degree. |
| RCW 9A.76.080 | Rendering criminal assistance in the second degree. |
| RCW 9A.76.090 | Rendering criminal assistance in the third degree. |
| RCW 9A.76.100 | Compounding. |
| RCW 9A.76.130 | Escape in the third degree. |
| RCW 9A.76.160 | Introducing contraband in the third degree. |
| RCW 9A.76.170 | Bail jumping. |
| RCW 9A.76.175 | Making a false or misleading statement to a public servant. |

(Ord. 645 § 5 (part), 1998)

**9.04.020 Possessing contraband.**

Every person possessing contraband, as defined in RCW 9A.76.010(3), while said person is

confined in the city jail or in the custody of police or jail officers, shall be guilty of a misdemeanor. (Ord. 645 § 5 (part), 1998)

## Chapter 9.05

## ABUSE OF OFFICE

Section Source of No. Topic—Title Adopted Law

**Sections:**

**9.05.010 Official Misconduct.**

### 9.05.010 Official Misconduct.

RCW 9A.08.010 (Ord. 360 § 7 (part), 1987)

# Chapter 9.06

## INTERFERENCE WITH OFFICIAL PROCEEDINGS*

Sections:

9.06.010 Statutes incorporated by reference.
9.06.020 Criminal contempt.
9.06.030 Penalties.

* Prior ordinance history: Ords. 360, 595 and 601.

### 9.06.010 Statutes incorporated by reference.

The following statutes regarding interference with official proceedings are incorporated by reference:

| | |
|---|---|
| RCW 9.27.015 | Interference, obstruction of any court, building, or residence—Violations. |
| RCW 9.51.010 | Misconduct of officer drawing jury. |
| RCW 9.51.020 | Soliciting jury duty. |
| RCW 9.51.030 | Misconduct of officer in charge of jury. |
| RCW 9.55.020 | Witness refusing to attend legislature or committee or to testify. |
| RCW 9.72.090 | Committal of witness—Detention of documents. |
| RCW 9A.72.010 | Definitions. |
| RCW 9A.72.040 | False swearing. |
| RCW 9A.72.050 | Perjury and false swearing—Inconsistent statements—Degree of crime. |
| RCW 9A.72.060 | Perjury and false swearing—Retraction. |
| RCW 9A.72.070 | Perjury and false swearing—Irregularities no defense. |
| RCW 9A.72.080 | Statement of what one does not know to be true. |
| RCW 9A.72.085 | Unsworn statements, certification. |
| RCW 9A.72.140 | Jury tampering. |
| RCW 9A.72.150 | Tampering with physical evidence. |

(Ord. 645 § 4 (part), 1998)

### 9.06.020 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 Black Diamond municipal court or the Black Diamond city council, in its immediate view and presence and directly tending to interrupt its proceedings or to impair the respect due to its authority;

B. Breach of the peace, noise or other disturbance directly tending to interrupt the proceedings of the Black Diamond municipal court or the Black Diamond city council; or

C. Refusal to be sworn as a witness before the Black Diamond municipal court or before the city council; or, after being sworn, unlawful refusal to answer any question legally posed. (Ord. 645 § 4 (part), 1998)

### 9.06.030 Penalties.

Criminal contempt is a gross misdemeanor. (Ord. 645 § 4 (part), 1998)

## Chapter 9.07

## MALICIOUS PROSECUTION

| Section No. | Topic—Title | Source of Adopted Law |
|---|---|---|
| 9.07.010 | Malicious Prosecution. | RCW 9.62.010 |
| 9.07.020 | Institution Suit in Name of Another. | RCW 9.62.020 |

(Ord. 360 § 7 (part), 1987)

## Chapter 9.08

## MISCELLANEOUS CRIMES*

**Sections:**

**9.08.010** **Statutes incorporated by reference.**
**9.08.020** **Interfering with dog guide or service animal.**
**9.08.030** **Unlawful discharge of a laser in the second degree.**
**9.08.040** **Civil infraction, when.**
**9.08.050** **Cyberstalking.**

* Prior ordinance history: Ords. 360, 595 and 601.

### 9.08.010 Statutes incorporated by reference.

The following statutes regarding miscellaneous crimes are incorporated by reference:

| | |
|---|---|
| RCW 9.91.010 | Denial of civil rights—Terms defined. |
| RCW 9.91.020 | Operating railroad, steamboat, vehicle, etc., while intoxicated. |
| RCW 9.91.025 | Unlawful bus conduct. |
| RCW 9.91.060 | Leaving children unattended in parked automobile. |
| RCW 9.91.110 | Metal buyers—Records of purchases—Penalty. |
| RCW 9.91.130 | Disposal of trash in charity donation receptacle. |
| RCW 9.91.150 | Tree spiking. |
| RCW 9.91.155 | Tree spiking—Action for damages. |
| RCW 9.91.160 | Personal protection spray devices. |

(Ord. 645 § 30, 1998)

### 9.08.020 Interfering with dog guide or service animal.

The city adopts by reference as though fully set forth herein RCW Section 9.91.170 as currently existing or as hereafter amended. (Ord. 788 § 3, 2005)

**9.08.030 Unlawful discharge of a laser in the second degree.**

The city adopts by reference as though fully set forth herein RCW Section 9A.49.030 as currently existing or as hereafter amended. (Ord. 788 § 4, 2005)

**9.08.040 Civil infraction, when.**

The city adopts by reference as though fully set forth herein RCW Section 9A.49.040 as currently existing or as hereafter amended. (Ord. 788 § 5, 2005)

**9.08.050 Cyberstalking.**

The city adopts by reference as though fully set forth herein RCW Section 9.61.260 as currently existing or as hereafter amended. (Ord. 788 § 6, 2005)

## Chapter 9.10

## ALCOHOLIC BEVERAGE CONTROL

**Sections:**

**9.10.010 Retail licenses—Codes adopted.**
**9.10.020 RCW 66.24.010 adopted.**
**9.10.030 Chapter 66.28 RCW adopted.**
**9.10.040 Chapter 66.44 RCW adopted.**
**9.10.050 Chapter 70.155 RCW adopted.**

**9.10.010 Retail licenses—Codes adopted.**

The city adopts by reference as though fully set forth herein WAC Chapter 314-16. (Ord. 699 § 1, 2000)

**9.10.020 RCW 66.24.010 adopted.**

The city adopts by reference as though fully set forth herein RCW 66.24.010. (Ord. 699 § 2, 2000)

**9.10.030 Chapter 66.28 RCW adopted.**

The city adopts by reference as though fully set forth herein Chapter 66.28 RCW. (Ord. 699 § 3, 2000)

**9.10.040 Chapter 66.44 RCW adopted.**

The city adopts by reference as though fully set forth herein Chapter 66.44 RCW. (Ord. 699 § 4, 2000)

**9.10.050 Chapter 70.155 RCW adopted.**

The city adopts by reference as though fully set forth herein Chapter 70.155 RCW. (Ord. 699 § 5, 2000)

## Chapter 9.12

## ASSAULT AND OTHER CRIMES INVOLVING PHYSICAL HARM

Sections:


**9.12.010** **Statutes incorporated by reference.**

**9.12.020** **Interfering with the reporting of domestic violence.**

**9.12.050** **Criminal mistreatment in the third degree.**

**9.12.055** **Criminal mistreatment in the fourth degree.**

**9.12.057** **Abandonment of a dependent person in the third degree—Exception.**

**9.12.058** **Leaving a child in the care of a sex offender.**


### 9.12.010 Statutes incorporated by reference.

The following statutes regarding assault and other crimes involving physical harm are incorporated by reference:

| | |
|---|---|
| RCW 9A.36.041 | Assault in the fourth degree. |
| RCW 9A.36.050 | Reckless endangerment in the second degree. |
| RCW 9A.36.070 | Coercion. |

(Ord. 645 § 6, 1998)

### 9.12.020 Interfering with the reporting of domestic violence.

The city adopts by reference as though fully set forth herein RCW Section 9A.36.150 as currently existing or as hereafter amended. (Ord. 788 § 7, 2005)

### 9.12.050 Criminal mistreatment in the third degree.

The city adopts by reference as though fully set forth herein RCW Section 9A.42.035 as currently existing or as hereafter amended. (Ord. 788 § 8, 2005)

### 9.12.055 Criminal mistreatment in the fourth degree.

The city adopts by reference as though fully set forth herein RCW Section 9A.42.037 as currently existing or as hereafter amended. (Ord. 788 § 9, 2005)

### 9.12.057 Abandonment of a dependent person in the third degree—Exception.

The city adopts by reference as though fully set forth herein RCW Section 9A.42.080 as currently existing or as hereafter amended. (Ord. 788 § 10, 2005)

### 9.12.058 Leaving a child in the care of a sex offender.

The city adopts by reference as though fully set forth herein RCW Section 9A.42.110 as currently existing or as hereafter amended. (Ord. 788 § 11, 2005)

# Chapter 9.16

## THEFT*

Sections:

9.16.010 Statutes incorporated by reference.
9.16.150 Theft of rental, leased, or lease-purchased property.
9.16.160 Possession of another's identification.
9.16.170 Criminal impersonation in the second degree.

* Prior ordinance history: Ords. 360, 595, 601 and 621.

### 9.16.010 Statutes incorporated by reference.

The following statutes relating to theft are incorporated by reference:

| | |
|---|---|
| RCW 9A.56.010 | Definitions. |
| RCW 9A.56.020 | Theft—Definition, defense. |
| RCW 9A.56.050 | Theft in the third degree. |
| RCW 9A.56.060 | Unlawful issuance of checks or drafts. |
| RCW 9A.56.140 | Possessing stolen property—Definition—Access devices, presumption. |
| RCW 9A.56.170 | Possessing stolen property in the third degree. |
| RCW 9A.56.180 | Obscuring the identity of a machine. |
| RCW 9A.56.220 | Theft of subscription television services. |
| RCW 9A.56.240 | Forfeiture and disposal of device used to commit violation. |
| RCW 9A.56.260 | Connection of channel converter. |
| RCW 9A.56.270 | Shopping cart theft. |

(Ord. 645 § 10, 1998)

### 9.16.150 Theft of rental, leased, or lease-purchased property.

The city adopts by reference as though fully set forth herein RCW Section 9A.56.096 as currently existing or as hereafter amended. (Ord. 788 § 12, 2005)

### 9.16.160 Possession of another's identification.

The city adopts by reference as though fully set forth herein RCW Section 9A.56.330 as currently existing or as hereafter amended. (Ord. 788 § 13, 2005)

### 9.16.170 Criminal impersonation in the second degree.

The city adopts by reference as though fully set forth herein RCW Section 9A.60.045 as currently existing or as hereafter amended. (Ord. 788 § 14, 2005)

## Chapter 9.20

## FRAUD*

**Sections:**

**9.20.010 Statutes incorporated by reference.**

* Prior ordinance history: Ords. 360, 595 and 601.

### 9.20.010 Statutes incorporated by reference.

The following statutes relating to fraud are incorporated by reference:

| | |
|---|---|
| RCW 9A.60.010 | Definitions. |
| RCW 9A.60.040 | Criminal impersonation. |
| RCW 9A.60.050 | False certification. |
| RCW 9.04.010 | False advertising. |
| RCW 9.04.050 | False, misleading, deceptive advertising. |
| RCW 9.04.090 | Advertising fuel prices by service stations. |
| RCW 9.45.060 | Encumbered, leased, or rented personal property—Construction. |
| RCW 9.45.062 | Failure to deliver leased property—Requisites for prosecution—Construction. |
| RCW 9.45.070 | Mock auctions. |
| RCW 9.45.080 | Fraudulent removal of property. |
| RCW 9.45.090 | Knowingly receiving fraudulent conveyance. |
| RCW 9.45.100 | Fraud in assignment for benefit of creditors. |
| RCW 9.12.010 | Barratry. |
| RCW 9.12.020 | Buying, demanding, or promising reward by district judge or deputy. |
| RCW 48.30.270 | Public building or construction contracts—Surety bonds or insurance—Violations concerning—Exemption. |

(Ord. 645 § 11, 1998)

# Chapter 9.30

## WEAPONS CONTROL

Sections:

9.30.010 Statutes incorporated by reference.
9.30.020 Disposition of firearms.
9.30.030 Loaded firearm in vehicle—Unlawful use or possession—Penalty.

### 9.30.010 Statutes incorporated by reference.

The following statutes regarding weapons control are incorporated by reference:

| | |
|---|---|
| RCW 9.41.010 | Terms defined. |
| RCW 9.41.050 | Carrying firearms. |
| RCW 9.41.060 | Exceptions to restrictions on carrying firearms. |
| RCW 9.41.098 | Forfeiture of firearms—Disposition—Confiscation. |
| RCW 9.41.120 | Firearms as loan security. |
| RCW 9.41.140 | Alteration of identifying marks—Exceptions. |
| RCW 9.41.230 | Aiming or discharging firearms, dangerous weapons. |
| RCW 9.41.240 | Possession of piston by person from eighteen to twenty-one. |
| RCW 9.41.250 | Dangerous weapons—Penalty. |
| RCW 9.41.260 | Dangerous exhibitions. |
| RCW 9.41.270 | Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty—Exceptions. |
| RCW 9.41.280 | Possessing dangerous weapons on school facilities penalty exemptions. |
| RCW 9.41.300 | Weapons prohibited in certain places—Local laws and ordinances—Exemptions—Penalty. |
| RCW 9.41.810 | Penalty. |
| RCW 77.16.250 | Loaded firearms in vehicles. |
| RCW 77.15.260 | Shooting firearm from public highway. |
| RCW 77.16.290 | Law enforcement officers exempt. |

(Ord. 645 § 17 (part), 1998)

### 9.30.020 Disposition of firearms.

All firearms taken into the custody of the Black Diamond police department on or after July 1, 1993, and that are judicially forfeited or forfeited due to a failure to make a claim under RCW 63.40.010, are to be disposed of as follows:

A. The Black Diamond police department may retain legal firearms for agency use.

B. The chief of police, or his or her designee, may auction or trade legal firearms to properly licensed commercial sellers, as deemed appropriate by the chief of police or his or her designee. All proceeds of an auction/trade may be retained by the Black Diamond police department for agency use.

C. The chief of police or his or her designee may destroy legal firearms in lieu of subsections A and B of this section at the discretion of the chief of police.

D. Firearms determined by the chief of police or his or her designee to be illegal for any person to possess shall be destroyed.

E. No firearm shall be disposed of while it is needed for evidence. (Ord. 645 § 17 (part), 1998)

### 9.30.030 Loaded firearm in vehicle—Unlawful use or possession—Penalty.

The city adopts by reference as though fully set forth herein RCW Section 77.15.460 as currently existing or as hereafter amended. (Ord. 788 § 15, 2005)

## Chapter 9.34

## ALCOHOL AND TOBACCO CONTROL

**Sections:**

**9.34.010** **Statutes incorporated by reference.**

**9.34.020** **Purchasing, possessing by persons under eighteen—Civil infraction—Jurisdiction.**

### 9.34.010 Statutes incorporated by reference.

The following statutes regarding alcohol and tobacco control are incorporated by reference:

| | |
|---|---|
| RCW 26.28.080 | Selling or giving tobacco to minor—Belief of representative capacity, no defense—Penalty. |
| RCW 66.04.010 | Definitions. |
| RCW 66.04.011 | "Public place" not to include certain parks and picnic areas. |
| RCW 66.12.010 | Wine or beer manufactured for home use. |
| RCW 66.20.180 | Card of identification to be presented on request of licensee. |
| RCW 66.20.190 | Identification card holder may be required to sign certification card—Contents—Procedure—Statement. |
| RCW 66.20.200 | Unlawful acts relating to card of identification and certification card—Penalties. |
| RCW 66.24.481 | Public place or club—License or permit required—Penalty. |
| RCW 66.28.210 | Keg registration—Requirements of purchaser. |
| RCW 66.28.220 | Keg registration—Identification of containers—Rules—Fees—Sale in violation of rules unlawful. |
| RCW 66.28.230 | Keg registration—Penalties. |
| RCW 66.32.010 | Possession of contraband liquor. |
| RCW 66.32.020 | Search warrant—Search and seizure. |
| RCW 66.32.030 | Service of warrant—Receipt for seized property. |
| RCW 66.32.040 | Forfeiture of liquor directed if kept unlawfully. |
| RCW 66.32.050 | Hearing. |
| RCW 66.32.060 | Claimants may appear. |
| RCW 66.32.070 | Judgment of forfeiture—Disposition of proceeds of property sold. |
| RCW 66.32.080 | Forfeiture action no bar to criminal prosecution. |
| RCW 66.32.090 | Seized liquor to be reported to board. |
| RCW 66.44.010 | Local officers to enforce law—Authority of board—Liquor enforcement officers. |
| RCW 66.44.040 | Sufficiency of description of offenses in complaints, informations, process, etc. |
| RCW 66.44.050 | Description of offense in words of statutes—Proof required. |
| RCW 66.44.060 | Proof of unlawful sale establishes prima facie intent. |
| RCW 66.44.070 | Certified analysis is prima facie evidence of alcoholic content. |
| RCW 66.44.080 | Service of process on corporation. |
| RCW 66.44.090 | Acting without license. |
| RCW 66.44.100 | Opening or consuming liquor in public place—Penalty. |

| | |
|---|---|
| RCW 66.44.120 | Unlawful use of seal. |
| RCW 66.44.130 | Sales of liquor by drink or bottle. |
| RCW 66.44.140 | Unlawful sale, transportation of spirituous liquor without stamp or seal—Unlawful operation, possession of still or mash. |
| RCW 66.44.150 | Buying liquor illegally. |
| RCW 66.44.160 | Illegal possession, transportation of alcoholic beverages. |
| RCW 66.44.170 | Illegal possession of liquor without intent to sell—Prima facie evidence, what is. |
| RCW 66.44.175 | Violations of law. |
| RCW 66.44.180 | General penalties—Jurisdiction for violations. |
| RCW 66.44.190 | Sales on university grounds prohibited—Exceptions. |
| RCW 66.44.200 | Sales to persons apparently under the influence of liquor. |
| RCW 66.44.210 | Obtaining liquor for ineligible person. |
| RCW 66.44.240 | Drinking in public conveyance—Penalty against carrier—Exception. |
| RCW 66.44.250 | Drinking in public conveyance—Penalty against individual—Restricted application. |
| RCW 66.44.265 | Candidates giving or purchasing liquor on election day prohibited. |
| RCW 66.44.270 | Furnishing liquor to minors—Possession, use—Exhibition of effects—Exceptions. |
| RCW 66.44.280 | Minor applying for permit. |
| RCW 66.44.290 | Minor purchasing or attempting to purchase liquor. |
| RCW 66.44.291 | Minor purchasing or attempting to purchase liquor—Penalty against persons between ages of eighteen and twenty, inclusive. |
| RCW 66.44.292 | Sales to minors by licensee or employee—Board notification to prosecuting attorney to formulate charges against minors. |
| RCW 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. |
| RCW 66.44.310 | Minors frequenting off-limits area—Misrepresentation of age—Penalty—Classification of licensees. |
| RCW 66.44.316 | Certain persons eighteen years and over permitted to enter and remain upon licensed premises during employment. |
| RCW 66.44.318 | Employees aged eighteen to twenty-one stocking, merchandising, and handling beer and wine. |
| RCW 66.44.320 | Sales of liquor to minors a violation. |
| RCW 66.44.325 | Unlawful transfer to a minor of an identification of age. |
| RCW 66.44.328 | Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card—Penalty. |
| RCW 66.44.330 | Prosecutions to be reported by prosecuting attorney and police court. |

| | |
|---|---|
| RCW 66.44.340 | Employees eighteen years and over allowed to sell and handle beer and wine for class E and/or F licensed employers. |
| RCW 66.44.350 | Employees eighteen years and over allowed to serve and carry liquor, clean up, etc., for class A, C, D and/or H licensed employers. |
| RCW 66.44.365 | Juvenile driving privileges—Alcohol or drug violations. |
| RCW 66.44.370 | Resisting or opposing officers in enforcement of title. |
| RCW 66.44.800 | Compliance by Washington wine commission. |

(Ord. 645 § 18, 1998)

**9.34.020 Purchasing, possessing by persons under eighteen—Civil infraction—Jurisdiction.**

The city adopts by reference as though fully set forth herein RCW Section 70.155.080 as currently existing or as hereafter amended. (Ord. 788 § 16, 2005)

## Chapter 9.40

## PUBLIC NUISANCES

| Section No. | Topic—Title | Source of Adopted Law |
|---|---|---|
| 9.40.010 | Public Nuisance. | RCW 9.66.010 |
| 9.40.020 | Unequal Damage. | RCW 9.66.020 |
| 9.40.030 | Maintaining and Permitting Nuisance. | RCW 9.66.030 |
| 9.40.040 | Abatement of Nuisance. | RCW 9.66.040 |
| 9.40.050 | Deposit of Unwholesome Substance. | RCW 9.66.050 |

(Ord. 360 § 7 (part), 1987)

## Chapter 9.42

## LIBEL AND SLANDER

Sections:

9.42.010 Statutes incorporated by reference.

### 9.42.010 Statutes incorporated by reference.

The following statutes regarding libel and slander are incorporated by reference:

| | |
|---|---|
| RCW 9.58.010 | Libel, what constitutes. |
| RCW 9.58.020 | How justified or excused—Malice, when presumed. |
| RCW 9.58.030 | Publication defined. |
| RCW 9.58.040 | Liability of editors and others. |
| RCW 9.58.050 | Report of proceedings privileged. |
| RCW 9.58.060 | Venue punishment restricted. |
| RCW 9.58.070 | Privileged communications. |
| RCW 9.58.080 | Furnishing libelous information. |
| RCW 9.58.090 | Threatening to publish libel. |
| RCW 9.58.110 | Slander of woman. |
| RCW 9.58.120 | Testimony necessary to convict. |

(Ord. 645 § 28, 1998)

## Chapter 9.47

## ABANDONED REFRIGERATION EQUIPMENT

Sections:

9.47.010 Statutes incorporated by reference.

### 9.47.010 Statutes incorporated by reference.

The following statutes regarding abandoned refrigeration equipment are incorporated by reference:

| | |
|---|---|
| RCW 9.03.010 | Abandoning, discarding refrigeration equipment. |
| RCW 9.03.020 | Permitting unused equipment to remain on premises. |
| RCW 9.03.040 | Keeping or storing equipment for sale. |

(Ord. 645 § 19, 1998)

## Chapter 9.48

## GAMBLING

Sections:


| | |
|---|---|
| 9.48.010 | State act adopted. |
| 9.48.020 | Filing of license. |
| 9.48.030 | City tax on gambling. |
| 9.48.040 | Taxes payable to city treasurer—Filing of duplicates. |
| 9.48.050 | Penalties. |
| 9.48.060 | Skill games—Pinball, pool—Operator's fees. |
| 9.48.070 | Skill game operator's license—Application—Prerequisites. |
| 9.48.080 | License—Posting—Duration—License sticker. |
| 9.48.090 | Exception. |
| 9.48.100 | Violation—Misdemeanor—License revocation. |


### 9.48.010 State act adopted.

The 1973 Gambling Act, as hereafter amended by the State Legislature, is adopted in its entirety. (Ord. 360 § 7 (part), 1987)

### 9.48.020 Filing of license.

Any person, association or organization required to obtain a license for gambling under the laws of the state, which receives such a license, shall upon receipt thereof immediately file a copy thereof with the chief of police and shall thereafter promptly notify the chief of police of any change, suspension or action pertaining to such license. (Ord. 360 § 7 (part), 1987)

### 9.48.030 City tax on gambling.

Any person, association or organization engaging in gambling activities pursuant to a state license and as authorized under the laws of the state shall be subject to a city tax as set forth in Section 3.20.030 of this code. (Ord. 360 § 7 (part), 1987)

### 9.48.040 Taxes payable to city treasurer—Filing of duplicates.

The taxes provided in Section 9.48.030 shall be paid to the city treasurer upon the filing of any report of gambling moneys received by a license holder to the Washington Gambling Commission and a duplicate copy of such report(s) shall be filed simultaneously with the city treasurer together with the payment of the city tax. Additionally, a duplicate report shall be simultaneously filed with the city clerk-treasurer and also a duplicate shall be filed with the police chief. (Ord. 360 § 7 (part), 1987)

### 9.48.050 Penalties.

Any person violating the provisions of Sections 9.48.010, 9.48.020, 9.48.030 or 9.48.040 shall be guilty of a misdemeanor punishable as set forth in Section 9.00.110. Additionally, permanent revocation of the old privilege to conduct gambling activities may result. (Ord. 360 § 7 (part), 1987)

### 9.48.060 Skill games—Pinball, pool—Operator's fees.

Each person, firm, corporation or business establishment in possession or operating a device, machine or contrivance for playing games of skill commonly known as pinball, shuffle board, foosball, pool, billiards, air hockey, or other games of skill in which coins are inserted for the privilege of playing the machine, shall pay an operator's fee of twenty-five dollars per year in advance and the additional sum of twenty-five dollars per year shall be paid in advance for each and every machine maintained, possessed or operated within the city by any one person, firm, corporation or business establishment. (Ord. 360 § 7 (part), 1987)

### 9.48.070 Skill game operator's license—Application—Prerequisites.

Any person desirous of operating, maintaining or possessing a skill game machine within the city must apply for a license to be approved by the city council. The city council shall issue such license at its discretion. An application shall satisfy the following prerequisites:

A. Payment of fees pursuant to Section 9.48.060;

B. Submission of a written statement insuring the applicant's knowledge of Sections 9.48.060 and 9.68.070 and other provisions relating to skill game machines and declaring an intent to comply with these provisions. (Ord. 360 § 7 (part), 1987)

**9.48.080 License—Posting—Duration—License sticker.**

Skill game licenses shall be conspicuously posted at the place of business where the machines are located. An operator's license is valid for the calendar year in which it is issued. The city clerk-treasurer shall issue to each licensee a sticker indicating the number and location of each machine, and the name of the operator. It is unlawful to operate any skill game without such sticker attached. (Ord. 360 § 7 (part), 1987)

**9.48.090 Exception.**

The provisions of Sections 9.48.060, 9.48.070 and 9.48.080 are not applicable to private persons who own skill game machines for their own use and enjoyment; provided, that such machines are not available to the public and are used and enjoyed only on the private premises of the owner and not for profit. (Ord. 360 § 7 (part), 1987)

**9.48.100 Violation—Misdemeanor—License revocation.**

Any person in violation of Sections 9.48.060, 9.48.070 or 9.48.080 is guilty of a misdemeanor punishable as set forth in Section 9.00.110 of this title. In addition, upon proof of such conviction, the city council may revoke the license of any convicted operator. Upon such revocation the convicted operator may forfeit any moneys deposited under Section 9.48.060. (Ord. 360 § 7 (part), 1987)

## Chapter 9.51

## PUBLIC INDECENCY—PROSTITUTION—SEX CRIMES

**Sections:**

**9.51.010** Statutes incorporated by reference.

**9.51.015** Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties.

**9.51.020** Custodial sexual misconduct in the second degree.

**9.51.010 Statutes incorporated by reference.**

The following statutes relating to public indecency, prostitution, sexual exploitation of children, and other sex crimes, are incorporated by reference:

| | |
|---|---|
| RCW 9A.44.010 | Definitions for sexual offenses. |
| RCW 9A.44.096 | Sexual misconduct with a minor in the second degree. |
| RCW 9A.44.120 | Admissibility of child's statement. |
| RCW 9A.88.010 | Indecent exposure. |
| RCW 9A.88.030 | Prostitution. |
| RCW 9A.88.050 | Prostitution—Sex of parties immaterial—No defense. |
| RCW 9A.88.090 | Permitting prostitution. |
| RCW 9A.88.110 | Patronizing a prostitute. |
| RCW 9.68A.011 | Definitions. |
| RCW 9.68A.080 | Processing depictions of minors engaged in sexually explicit conduct. |
| RCW 9.68A.090 | Communication with a minor for immoral purposes. |
| RCW 9.68A.110 | Certain defenses barred, permitted. |
| RCW 9.68A.120 | Seizure and forfeiture of property. |

| | |
|---|---|
| RCW 9.68A.140 | Definitions. |
| RCW 9.68A.150 | Allowing minor on premises of live erotic performance. |
| RCW 9.68A.160 | Penalty. |

(Ord. 645 § 8, 1998)

**9.51.015 Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties.**

The city adopts by reference as though fully set forth herein RCW Section 9A.44.130 as currently existing or as hereafter amended. (Ord. 788 § 17, 2005)

**9.51.020 Custodial sexual misconduct in the second degree.**

The city adopts by reference as though fully set forth herein RCW Section 9A.44.170 as currently existing or as hereafter amended. (Ord. 788 § 18, 2005)

## Chapter 9.52

## OBSCENITY AND PORNOGRAPHY

**Sections:**

**9.52.010 Statutes incorporated by reference.**
**9.52.015 Reporting of depictions of minor engaged in sexually explicit conduct—Civil immunity.**
**9.52.020 Communication with a minor for immoral purposes—Penalties.**

**9.52.010 Statutes incorporated by reference.**

The following statutes relating to obscenity and pornography are incorporated by reference:

| | |
|---|---|
| RCW 9.68.015 | Obscene literature, shows, etc.—Exemptions. |
| RCW 9.68.050 | "Erotic material"—Definitions. |
| RCW 9.68.080 | Unlawful acts. |
| RCW 9.68.100 | Exceptions to RCW 9.68.050 through RCW 9.68.120. |
| RCW 9.68.110 | Motion picture operator or projectionist exempt, when. |
| RCW 9.68.120 | Provisions of RCW 9.68.050 through RCW 9.68.120 exclusive. |
| RCW 9.68.130 | "Sexually explicit material"—Defined—Unlawful display. |

(Ord. 645 § 9, 1998)

**9.52.015 Reporting of depictions of minor engaged in sexually explicit conduct—Civil immunity.**

The city adopts by reference as though fully set forth herein RCW Section 9.68A.080 as currently existing or as hereafter amended. (Ord. 788 § 19, 2005)

**9.52.020 Communication with a minor for immoral purposes—Penalties.**

The city adopts by reference as though fully set forth herein RCW Section 9.68A.090 as currently existing or as hereafter amended. (Ord. 788 § 20, 2005)

## Chapter 9.53

## BRANDS AND MARKS

**Sections:**

**9.53.010 Statutes incorporated by reference.**

**9.53.010 Statutes incorporated by reference.**

The following statutes regarding brands and marks are incorporated by reference:

| | |
|---|---|
| RCW 9.16.010 | Removing lawful brands. |
| RCW 9.16.020 | Imitating lawful brand. |
| RCW 9.16.030 | Counterfeiting trademark, brand, etc. |
| RCW 9.16.040 | Displaying goods with false trademark. |
| RCW 9.16.050 | When deemed affixed. |
| RCW 9.16.060 | Fraudulent registration of trademark. |
| RCW 9.16.070 | Form and similitude defined. |
| RCW 9.16.080 | Sales of petroleum products improperly labeled or by wrong grade. |
| RCW 9.16.090 | Sales of petroleum products improperly labeled or by wrong grade—Penalty for violations. |
| RCW 9.16.100 | Use of the words "sterling silver," etc. |
| RCW 9.16.110 | Use of words "coin silver," etc. |
| RCW 9.16.120 | Use of the word "sterling," on mounting. |
| RCW 9.16.130 | Use of the words "coin silver," on mounting. |
| RCW 9.16.140 | Unlawfully marking article made of gold. |
| RCW 9.16.150 | "Marked, stamped or branded," defined. |

(Ord. 645 § 21, 1998)

## Chapter 9.54

## ANIMALS

**Sections:**


**9.54.010 Statutes incorporated by reference.**

**9.54.015 Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.**

**9.54.020 Transporting or confining in unsafe manner—Penalty.**

**9.54.030 Animal fighting—Owners, trainers, spectators—Exceptions.**

**9.54.040 Punishment—Conviction of misdemeanor.**

**9.54.050 Poisoning animals—Penalty.**

**9.54.060 Animal cruelty in the second degree.**


### 9.54.010 Statutes incorporated by reference.

The following statutes regarding animals are incorporated by reference:

| | |
|---|---|
| RCW 9.08.020 | Diseased animals. |
| RCW 9.08.030 | False certificate of registration of animals—False representation as to breed. |

(Ord. 645 § 20, 1998)

### 9.54.015 Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.

The city adopts by reference as though fully set forth herein RCW Section 9.08.070 as currently existing or as hereafter amended. (Ord. 788 § 21, 2005)

### 9.54.020 Transporting or confining in unsafe manner—Penalty.

The city adopts by reference as though fully set forth herein RCW Section 16.52.080 as currently existing or as hereafter amended. (Ord. 788 § 22, 2005)

### 9.54.030 Animal fighting—Owners, trainers, spectators—Exceptions.

The city adopts by reference as though fully set forth herein RCW Section 16.52.117 as currently existing or as hereafter amended. (Ord. 788 § 23, 2005)

### 9.54.040 Punishment—Conviction of misdemeanor.

The city adopts by reference as though fully set forth herein RCW Section 16.52.165 as currently existing or as hereafter amended. (Ord. 788 § 24, 2005)

### 9.54.050 Poisoning animals—Penalty.

The city adopts by reference as though fully set forth herein RCW Section 16.52.190 as currently existing or as hereafter amended. (Ord. 788 § 25, 2005)

### 9.54.060 Animal cruelty in the second degree.

The city adopts by reference as though fully set forth herein RCW Section 16.52.207 as currently existing or as hereafter amended. (Ord. 788 § 26, 2005)

## Chapter 9.55

## BIDDING OFFENSES

**Sections:**

**9.55.010 Statutes incorporated by reference.**

### 9.55.010 Statutes incorporated by reference.

The following statutes regarding bidding offenses are incorporated by reference:

| | |
|---|---|
| RCW 9.18.080 | Offender a competent witness. |
| RCW 9.18.120 | Suppression of competitive bidding. |
| RCW 9.18.130 | Collusion to prevent competitive bidding. |
| RCW 9.18.140 | Penalty. |
| RCW 9.18.150 | Agreements outside state. |

(Ord. 645 § 22, 1998)

## Chapter 9.56

## PUBLIC DISTURBANCES

**Sections:**

**9.56.010 Statutes incorporated by reference.**

**9.56.020 Disorderly conduct.**

### 9.56.010 Statutes incorporated by reference.

The following statutes regarding arson, reckless burning and malicious mischief are incorporated by reference:

| | |
|---|---|
| RCW 9A.84.010 | Riot. |
| RCW 9A.84.020 | Failure to disperse. |
| RCW 9A.84.040 | False reporting. |

(Ord. 645 § 15 (part), 1998: Ord. 601 § 6 (part), 1996; Ord. 360 § 7 (part), 1987)

### 9.56.020 Disorderly conduct.

A. A person is guilty of disorderly conduct if the person:

1. Engages in fighting or brawling in public;

2. Intentionally disrupts or attempts to disrupt any lawful assembly or meeting of persons without lawful authority;

3. Instigates, promotes, or encourages any conduct that constitutes a criminal act or is likely to cause a breach of the peace or injury to persons or property; provided, that prior to making an arrest for such conduct, an order to disperse shall be given and a reasonable time allowed for such dispersion; provided further, that "conduct" shall not be construed to mean the exercise of one's constitutional rights to legally protest;

4. Fails or refuses to disperse when ordered to do so by a peace officer or other public servant engaged in enforcing or executing the law;

5. After having been warned to desist, intentionally interferes with a peace officer who is attempting to lawfully perform his or her duties;

6. Intentionally uses offensive words or gestures toward another person or persons under circumstances likely to create a risk of assault or cause a breach of the peace;

7. Intentionally uses profane, offensive or indecent language or gestures and/or engages in any quarrel in any public conveyance so as to unreasonably disturb others, or intentionally interferes with or annoys any passenger therein so as to unreasonably disturb them or others;

8. Intentionally obstructs vehicular or pedestrian traffic without lawful authority;

9. Intentionally urinates or defecates in a public place, other than through the proper use of a public facility, under circumstances where the act could be observed by any member of the public;

10. Loiters in or about any public restroom for the purpose of engaging in or soliciting any lewd, lascivious, or unlawful act;

11. Persists in requesting assistance from a member of the public, whether such requested assistance be financial or otherwise, after the person being requested has declined to offer such assistance;

12. Provides unrequested goods or services to pedestrians, drivers, or passengers, then demands payment for such unrequested goods or services; or

13. For purposes other than to report an emergency or request immediate aid, intentionally and repetitiously calls 9-1-1 or any telephone number dedicated for reporting emergencies and/or requesting emergency assistance.

B. Disorderly conduct is a misdemeanor. (Ord. 788 § 27, 2005: Ord. 645 § 15 (part), 1998: Ord. 601 § 6 (part), 1996; Ord. 360 § 7 (part), 1987) (Ord. No. 922, § 1, 9-17-2009)

## Chapter 9.57

## CORPORATIONS

**Sections:**

**9.57.010 Statutes incorporated by reference.**

### 9.57.010 Statutes incorporated by reference.

The following statutes regarding corporations are incorporated by reference:

| | |
|---|---|
| RCW 9.24.010 | Fraud in stock subscription. |
| RCW 9.24.040 | Corporation doing business without license. |

(Ord. 645 § 23, 1998)

## Chapter 9.59

## TELECOMMUNICATIONS CRIME

**Sections:**

**9.59.010 Statutes incorporated by reference.**

### 9.59.010 Statutes incorporated by reference.

The following statutes regarding telecommunications crime are incorporated by reference:

| | |
|---|---|
| RCW 9.26A.090 | Telephone company credit cards—Prohibited acts. |
| RCW 9.26A.100 | Definitions. |
| RCW 9.26A.110 | Fraud in obtaining telecommunications service—Penalty. |
| RCW 9.26A.120 | Fraud in operating coin-box telephone or other receptacle. |
| RCW 9.26A.130 | Penalty for manufacture or sale of slugs to be used for coin. |

(Ord. 645 § 24, 1998)

## Chapter 9.61

## FALSE REPRESENTATIONS

Sections:

9.61.010 Statutes incorporated by reference.

### 9.61.010 Statutes incorporated by reference.

The following statutes regarding false representations are incorporated by reference:

RCW 9.38.010 False representation concerning credit.

RCW 9.38.015 False statement by deposit account applicant.

RCW 9.38.020 False representation concerning title.

(Ord. 645 § 25, 1998)

## Chapter 9.63

## FIRE

Sections:

9.63.010 Statutes incorporated by reference.

### 9.63.010 Statutes incorporated by reference.

The following statutes regarding fire are incorporated by reference:

RCW 9.40.040 Operating engine or boiler without spark arrester.

RCW 9.40.100 Tampering with fire alarm or fire fighting equipment—False alarm—Penalties.

(Ord. 645 § 26, 1998)

## Chapter 9.65

## GAMBLING

Sections:

9.65.010 Statutes incorporated by reference.

### 9.65.010 Statutes incorporated by reference.

The following statutes regarding gambling are incorporated by reference:

| | |
|---|---|
| RCW 9.46.170 | False or misleading entries or statements, refusal to produce records. |
| RCW 9.46.185 | Causing person to violate rule or regulation. |
| RCW 9.46.190 | Violations relating to fraud or deceit. |
| RCW 9.46.195 | Obstruction of public servant—Penalty. |
| RCW 9.46.196 | Cheating. |
| RCW 9.46.198 | Working in gambling activity without license as violation—Penalty. |
| RCW 9.46.222 | Professional gambling in the third degree. |
| RCW 9.46.225 | Professional gambling—Penalties not applicable to authorized activities. |
| RCW 9.46.231 | Gambling devices, real and personal property—Seizure and forfeiture. |
| RCW 9.46.235 | Slot machines, antique—Defenses concerning—Presumption created. |
| RCW 9.46.240 | Gambling information, transmitting or receiving. |
| RCW 9.46.250 | Gambling property or premises—Common nuisances, abatement—Termination of interests, licenses—Enforcement. |
| RCW 9.46.260 | Proof of possession as evidence of knowledge of its character. |

(Ord. 645 § 27, 1998)

## Chapter 9.68

## OFFENSES RELATED TO PROPERTY

Sections:

9.68.010 Injury to public utilities and public property.
9.68.020 Injury to property.

### 9.68.010 Injury to public utilities and public property.

Every person is guilty of injury to public utilities and public property who wilfully or maliciously removes, damages or destroys:

A. Any public street, highway, alley or private driveway; or who wilfully or maliciously places or causes to be placed in or upon any such public street, highway, alley or private driveway, any substance or device dangerous to any person or animal traveling thereon, or which might injure or puncture the tire of any vehicle, or otherwise damage a vehicle; or

B. A telegraph, telephone, or electric transmission line, pole, or any part thereof, or any appurtenance thereto or apparatus connected with the operation thereof; or

C. A pipe or main for conducting water to any works erected for the purpose of supplying buildings with water, or any appurtenance or appendage thereto; or

D. A sewer or drain or any pipe or main connected thereto or forming a part thereof; or

E. Any equipment used by the fire department, or any other fire department within the city; or

F. Any schoolhouse, church or other public building whatsoever, or any useful or ornamental object thereon; or

G. Any public sign, notice, or warning, or traffic indicator; or

H. Any other public property, or property used by the general public within the city. (Ord. 360 § 7 (part), 1987)

**9.68.020 Injury to property.**

Every person is guilty of injury to property who wilfully, negligently, or maliciously:

A. Cuts down, girdles or otherwise injures fruit, shade or ornamental trees standing on the land of another or within any public street or highway; or

B. Digs, takes or carries away, without lawful authority or consent, from any lot or land of another or any street, alley or highway, any earth, soil or stone; or

C. Enters without the consent of the owner or occupant, any orchard, garden or vineyard, with intent to take, injure or destroy anything there grown or growing; or

D. Cuts or in any manner destroys or damages any shrub, tree, garden, lawn or other growing thing; or

E. Damages or defaces any building or part thereof or throws any stone or other missile at any building or part thereof; or

F. Unties, unfastens, or liberates, without authority, the horse or team of another; or to otherwise cause another's horse, dog, cat, fowl, or other animals to run free within the city limits, even though such act of liberation may have occurred outside the city limits with consequent arrival of animals within the city; or

G. Kills, maims, shoots at or disfigures any animal belonging to another or exposes any poisons or noxious substance with the intent that it should be taken by any animal; or

H. Places upon the property of another any sign advertising the business of the actor, or the actor's principal without the express permission of the rightful owner; or

I. Otherwise damages any property of another with intent or criminal negligence, and not by excusable mistake. (Ord. 360 § 7 (part), 1987)

## Chapter 9.69

## ARSON, RECKLESS BURNING AND MALICIOUS MISCHIEF*

**Sections:**

**9.69.010 Statutes incorporated by reference.**

*Prior ordinance history: Ord. 360.

**9.69.010 Statutes incorporated by reference.**

The following statutes regarding arson, reckless burning and malicious mischief are incorporated by reference:

| | |
|---|---|
| RCW 9A.48.010 | Definitions. |
| RCW 9A.48.050 | Reckless burning in the second degree. |
| RCW 9A.48.060 | Reckless burning—Defense. |
| RCW 9A.48.090 | Malicious mischief in the third degree. |
| RCW 9A.48.100 | Malicious mischief—"Physical damage" defined. |
| RCW 9A.48.110 | Defacing a state monument. |

(Ord. 645 § 14, 1998)

## Chapter 9.70

## BURGLARY AND TRESPASS*

**Sections:**

**9.70.010** **Statutes incorporated by reference.**

*Prior ordinance history: Ords. 360, 595, 601 and 621.

### 9.70.010 Statutes incorporated by reference.

The following statutes regarding burglary and trespass are incorporated by reference:

RCW 9A.52.010 Definitions.
RCW 9A.52.060 Making or having burglar tools.
RCW 9A.52.070 Criminal trespass in the first degree.
RCW 9A.52.080 Criminal trespass in the second degree.
RCW 9A.52.090 Criminal trespass—Defenses.
RCW 9A.52.100 Vehicle prowling.
RCW 9A.52.120 Computer trespass.

(Ord. 645 § 12, 1998)

## Chapter 9.73

## PRIVACY

**Sections:**

**9.73.010** **Statutes incorporated by reference.**

### 9.73.010 Statutes incorporated by reference.

The following statutes regarding privacy are incorporated by reference:

RCW 9.73.010 Divulging telegram.
RCW 9.73.020 Opening sealed letter.
RCW 9.73.030 Intercepting, recording or divulging private communication—Consent required—Exceptions.
RCW 9.73.050 Admissibility of intercepted communication in evidence.
RCW 9.73.080 Intercepting, recording or divulging private communication—Penalty.
RCW 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through RCW 9.73.080—Standards—Court authorizations—Admissibility.
RCW 9.73.100 Recordings available to defense counsel.

(Ord. 645 § 29, 1998)

# Chapter 9.79

## PUBLIC HEALTH

Sections:

9.79.010 Statutes incorporated by reference.
9.79.015 Acts prohibited without appropriate licenses and permits—Minimum age for license or permit—Activities permitted without license or permit.
9.79.020 Outdoor burning—Fires prohibited—Exceptions.

### 9.79.010 Statutes incorporated by reference.

The following statutes regarding public health are incorporated by reference:

| | |
|---|---|
| RCW 70.54.010 | Polluting water supply—Penalty. |
| RCW 70.54.020 | Furnishing impure water—Penalty. |
| RCW 70.54.050 | Exposing contagious disease—Penalty. |
| RCW 70.54.060 | Ambulances and drivers. |
| RCW 70.54.065 | Ambulances and drivers—Penalty. |
| RCW 70.54.070 | Door of public buildings to swing outward—Penalty. |
| RCW 70.54.090 | Attachment of objects to utility poles. |
| RCW 70.54.100 | Penalty for violation of RCW 70.54.090. |
| RCW 70.54.160 | Public restrooms—Pay facilities. |
| RCW 70.54.170 | Penalty for violation of RCW 70.54.160. |
| RCW 70.74.160 | Unlawful access to explosives. |
| RCW 70.74.295 | Abandonment of explosives. |
| RCW 70.74.310 | Gas bombs, explosives, stink bombs, etc. |
| RCW 70.77.55 | Acts prohibited without a license or permit—Minimum age for license or permit—Activities permitted without license or permit. |
| RCW 70.77.395 | Dates and times common fireworks may be sold or discharged. |
| RCW 70.77.420 | Storage permit required—Application—Investigation—Grant or denial—Conditions. |
| RCW 70.77.480 | Prohibited transfers of fireworks. |
| RCW 70.77.485 | Unlawful possession of fireworks—Penalties. |
| RCW 70.77.488 | Unlawful discharge or use of fireworks—Penalty. |
| RCW 70.77.515 | Unlawful sales or transfers of common fireworks—Penalty. |
| RCW 70.77.517 | Unlawful transportation of fireworks—Penalty. |
| RCW 70.77.520 | Unlawful to permit fire nuisance where fireworks kept—Penalty. |
| RCW 70.93.060 | Littering prohibited—Penalties. |
| RCW 75.10.110 | General penalties for violations—Seizure and forfeiture. |

(Ord. 645 § 31, 1998)

### 9.79.015 Acts prohibited without appropriate licenses and permits—Minimum age for license or permit—Activities permitted without license or permit.

The city adopts by reference as though fully set forth herein RCW Section 70.77.255 as currently

existing or as hereafter amended. (Ord. 788 § 28, 2005)

**9.79.020 Outdoor burning—Fires prohibited—Exceptions.**

The city adopts by reference as though fully set forth herein RCW Section 70.94.775 as currently existing or as hereafter amended. (Ord. 788 § 29, 2005)

## Chapter 9.84

## CRIMES RELATING TO CHILDREN

Sections:


| | |
|---|---|
| 9.84.040 | Contributing—Certain acts prohibited—Belief minor in representative capacity no defense. |
| 9.84.050 | Child labor. |
| 9.84.060 | Certain types of child labor prohibited. |
| 9.84.070 | Employment of truants—Permit. |
| 9.84.080 | Defacing or injuring school property—Liability of parents or guardian. |
| 9.84.090 | Temporary restraining order or preliminary injunction—Enforcement—Notice of modification or termination of restraining order. |
| 9.84.100 | Violation—Penalty. |
| 9.84.110 | Violation of order—Penalties. |


**9.84.040 Contributing—Certain acts prohibited—Belief minor in representative capacity no defense.**

Every person is guilty of a misdemeanor who:

A. Admits to or allows to remain in any concert saloon, or in any place owned, kept, or managed by him or her where intoxicating liquors are sold, given away or disposed of, except a restaurant or dining room, any person under the age of twenty-one years; or

B. Admits to, or allows to remain in any dance-house, public pool or billiard hall, or in any place of entertainment injurious to health or morals, owned, kept or managed by him or her, any person under the age of twenty-one years; or

C. Suffers or permits any such person to play any game of skill or chance, in any such place, or in any place adjacent thereto, or to be or remain therein, or admits or allows to remain in any reputed house of prostitution or assignation, or in any place where

opium or any preparation thereof is smoked, or where any narcotic drug is used, any person under the age of twenty-one years; or

D. Sells or gives, or permits to be sold or given to any person under the age of twenty-one years any intoxicating liquor, or to any person under the age of eighteen years any cigar, cigarette, cigarette paper or wrapper, or any tobacco in any form. (Ord. 601 § 6 (part), 1996; Ord. 360 § 7 (part), 1987)

**9.84.050 Child labor.**

Every person who employs, and every parent, guardian or other person having the care, custody, or control of such child who permits to be employed by another any child under the age of fourteen years at any labor whatsoever, in or in connection with any store, shop, factory, mine or any inside employment not connected with farm or house work, without the written permission of a judge of a superior court of the county wherein such child may live, is guilty of a misdemeanor. (Ord. 360 § 7 (part), 1987)

**9.84.060 Certain types of child labor prohibited.**

Every person shall be guilty of a misdemeanor who employs or causes to be employed, exhibits or has in his or her custody for exhibition or employment any minor actually or apparently under the age of eighteen years; and every parent, relative, guardian, employer or other person having the care, custody, or control of any such minor, who in any way procures or consents to the employment of such minor:

A. In begging, receiving alms, or in any mendicant occupation; or

B. In any indecent or immoral exhibition or practice; or

C. In any practice or exhibition dangerous or injurious to life, limb, health or morals; or

D. As a messenger for delivering letters, telegrams, packages or bundles, to any known house of prostitution or assignment. (Ord. 360 § 7 (part), 1987)

**9.84.070 Employment of truants—Permit.**

No child under the age of fifteen years shall be employed by any person, company or corporation for any purpose, during the hours which the schools of the district in which such child resides are in session unless such child presents a certificate from the school board superintendent as provided in RCW 28A.27.010 excusing the said child from attendance in the public schools and setting forth the reason(s) for such excuse, the residence and age of said child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, company or corporation shall keep such certificate on file so long as such child is employed by him or her. The form of such certificate shall be furnished by the superintendent of public instruction. Proof that any child is under fifteen years of age and is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section. (Ord. 360 § 7 (part), 1987)

**9.84.080 Defacing or injuring school property—Liability of parents or guardian.**

Any pupil who defaces or otherwise injures school property, shall be liable to suspension and punishment. The parent or guardian of such pupil shall be liable for damages as otherwise provided by law. (Ord. 360 § 7 (part), 1987)

**9.84.090 Temporary restraining order or preliminary injunction—Enforcement—Notice of modification or termination of restraining order.**

The city adopts by reference as though fully set forth herein RCW Section 26.44.063 as currently existing or as hereafter amended. (Ord. 788 § 30, 2005)

**9.84.100 Violation—Penalty.**

The city adopts by reference as though fully set forth herein RCW Section 26.44.080 as cur-

rently existing or as hereafter amended. (Ord. 788 § 31, 2005)

**9.84.110 Violation of order—Penalties.**

The city adopts by reference as though fully set forth herein RCW Section 26.50.110 as currently existing or as hereafter amended. (Ord. 788 § 32, 2005)

## Chapter 9.86

## CONDUCT IN PARKS

**Sections:**


**9.86.010 Hours of operation.**
**9.86.015 Permit and user fees authorized.**
**9.86.020 Fire restrictions.**
**9.86.030 Motor vehicle restrictions.**
**9.86.040 Liquor.**
**9.86.050 Animals.**
**9.86.060 Camping.**
**9.86.070 Team sports and group athletic activities.**
**9.86.080 Damaging uses prohibited.**
**9.86.090 Harassing wildlife or disturbing wildlife habitat prohibited.**
**9.86.100 Erecting poles or signs prohibited.**
**9.86.110 Soliciting and commercial activity prohibited.**
**9.86.120 Aggressive begging—Misdemeanor.**
**9.86.130 Firearms and explosives.**
**9.86.140 Open fires—Fires prohibited.**
**9.86.150 Overnight moorage prohibited.**
**9.86.160 Amplified music and public address systems.**
**9.86.170 Littering.**
**9.86.180 Smoking in city parks.**
**9.86.190 Interference with employees.**
**9.86.200 Feeding waterfowl prohibited.**
**9.86.210 Park hours.**
**9.86.220 Violations—Penalties.**
**9.86.230 Adoption of rules and regulations by director.**


**9.86.010 Hours of operation.**

A. The hours of operation of city parks shall be dawn to dusk.

B. The foregoing hours shall not apply to individuals participating in activities established

and sponsored by authorized groups and/or the city, nor for any activity for which written permission has been granted by the city council.

C. Any group wishing to use parks or park facilities for political or religious gatherings, concerns or festivals, must obtain prior consent from the city council and must demonstrate to the council's satisfaction adequate policing and management of the event. (Ord. 569 § 1, 1995: Ord. 360 § 7 (part), 1987)

**9.86.015 Permit and user fees authorized.**

The city may require permits to be issued and user fees to be assessed prior to allowing certain activities to be conducted in city parks. The types of activities subject to permits and user fees, as well as the cost for such permits and fees, shall be established by the city's official fee schedule. (Ord. No. 918, § 1, 8-6-2009)

**9.86.020 Fire restrictions.**

No fire shall be allowed in parks other than in approved fireplaces. (Ord. 360 § 7 (part), 1987)

**9.86.030 Motor vehicle restrictions.**

A. Motorized wheelchairs and other motorized mobility assistance devices necessary for disabled or handicapped persons or others with restricted mobility to access areas of the park are exempt from these restrictions unless noted otherwise.

B. No unauthorized motor vehicles, including automobiles, trucks, buses, motorcycles, motor bikes, all terrain vehicles, camp trailers, campers or trailers shall be operated in any park except as allowed on designated roadways and parking areas.

C. It is unlawful to speed in excess of the posted speed limit or in excess of fifteen miles per hour where no speed limit is posted in any park. In addition, no motorized vehicle, including motorized wheelchairs or other motorized mobility assistance devices, shall be operated in a negligent or reckless manner.

D. It is unlawful for any person in any park to engage in, conduct or hold any trials or competitions for speed, endurance or hill climbing involving any vehicle, boat, aircraft or animal, except at specified places and times designated for such activities by the city council upon determination that:

1. Reasonable provision has been made to insure that the health and safety of participants and spectators will be protected and not be subject to undue hazard, provided, the city shall not be liable for any injuries to participants and may require participants to expressly waive any potential claims against the city as a condition of participation in any event or activity;

2. Such activities will be conducted in such a manner as to minimize potential damage to public or private property;

3. Such activities will not constitute a public nuisance; and

4. Such activities will not unduly interfere with the use of park facilities by the general public.

E. No operator of any vehicle shall park or put such vehicle in any Black Diamond park area, except where the operator is using the area for an allowed recreational purpose and the vehicle is parked either in a designated parking area, or in another area with the permission of a park employee. For purposes of this section, "vehicle" shall mean an automobile, recreational vehicle, trailer of any kind, tent trailer, boat, camper, or other motorized conveyance not otherwise exempted under this chapter. No person shall park, leave standing, or abandon a vehicle in any Black Diamond park area after closing time. Any vehicle found parked in violation of this section may be towed away at the owner's or operator's expense.

F. It is unlawful to park a motor vehicle in a designated handicapped parking space without the officially recognized symbol on the vehicle license plate. All improperly parked vehicles are subject to being towed away at the owner's or operator's expense. (Ord. 360 § 7 (part), 1987) (Ord. No. 918, § 2, 8-6-2009)

**9.86.040 Liquor.**

The possession and/or consumption of intoxicants are prohibited in all parks in the city without a permit. (Ord. 360 § 7 (part), 1987)
(Ord. No. 918, § 3, 8-6-2009)

**9.86.050 Animals.**

No animal shall be allowed in any park without a permit except for police animals, service animals or domesticated animal under restraint by a person able to properly control the animal or while the animal is within a designated off-leash area. All horses shall be confined to those areas designated as roadways, parking areas, or trails that have city signs designating the trail for use by horses. The person who has brought the animal into the park shall be responsible for depositing all of the animal's solid wastes in a designated waste receptacle. No animal shall be abandoned or left to remain unattended in a city park. (Ord. 360 § 7 (part), 1987)
(Ord. No. 918, § 4, 8-6-2009)

**9.86.060 Camping.**

It is unlawful for any person to camp overnight in any park except by permit of the Black Diamond parks/natural resource's director. (Ord. 360 § 7 (part), 1987)
(Ord. No. 918, § 5, 8-6-2009)

**9.86.070 Team sports and group athletic activities.**

Team sports and other group athletic activities, including but not limited to softball, baseball, football, soccer, volleyball, and frisbee football, shall be allowed only in designated areas or by permit.
(Ord. No. 918, § 6, 8-6-2009)

**9.86.080 Damaging uses prohibited.**

It is unlawful for any person to remove, destroy, mutilate or deface any structure, or any part of any structure, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree, fern, plant, flower, lighting system or sprinkling system, or any other property lawfully located within a city park area, provided, insignificant damage to sod or playfield surfaces as a result of permitted activities is exempt.
(Ord. No. 918, § 7, 8-6-2009)

**9.86.090 Harassing wildlife or disturbing wildlife habitat prohibited.**

A. The intentional harassment of wildlife or intentional disturbing of wildlife habitat is prohibited within city parks.

B. Disturbance by Animals. It is unlawful for any person to permit any dog or other pet, whether on or off a leash, to disturb or harass any park personnel, users, neighboring property owners, farm animals, wildlife or other pets.
(Ord. No. 918, § 8, 8-6-2009)

**9.86.100 Erecting poles or signs prohibited.**

A. It is unlawful for any person, without prior written permission of the city council, to attach any notice, bill, banner, poster, sign, wire, rod, or cord to any tree, shrub, railing, post or structure within any park; provided that the director may allow the erection of temporary directional signs or decorations on occasions of public celebration and picnics.

B. It is unlawful for any person, without prior written permission of the city council, to use, place or erect any signboard, sign, banner, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, or to place or erect in any park a permanent or temporary structure of any kind; provided, that before granting any such permit, the city council shall establish general rules and regulations pertaining hereto, including provisions pertaining to removal, protection of the city parks/natural resources department and its employees, protection of the interests of the general public, and of persons using said park.
(Ord. No. 918, § 9, 8-6-2009)

**9.86.110 Soliciting and commercial activity prohibited.**

No person may engage in soliciting or commercial activity in any city park without a permit. (Ord. No. 918, § 10, 8-6-2009)

**9.86.120 Aggressive begging—Misdemeanor.**

No person may engage in aggressive begging in a city park. "Aggressive begging" shall be defined as using threats, profane language, blocking passage or engaging in intentionally intimidating behavior combined with a request for money or other assistance, or making continued requests for money or other assistance from the same person after that person has clearly indicated that they decline to assist. Engaging in aggressive begging shall be a misdemeanor.
(Ord. No. 918, § 11, 8-6-2009)

**9.86.130 Firearms and explosives.**

It is unlawful to shoot, fire, or explode any firearms, rockets, fireworks, firecrackers, torpedo or explosive of any kind or to shoot or fire any air gun, bows and arrows, BB gun, or use any slingshot or other propelling device wherein the applied human energy or force is artificially aided, directed or added to in any park, except in such designated recreational areas as may be permitted by the city council and/or law enforcement officials acting in their official capacity.
(Ord. No. 918, § 12, 8-6-2009)

**9.86.140 Open fires—Fires prohibited.**

A. It is unlawful for any person to build a fire in any park.

B. The city may prohibit barbecues, or other sources of flame within any city park whenever, in the opinion of the fire chief, allowing such activities would create risk of fire.

C. Nothing in this section shall prohibit commissioned members of the fire department from enforcing any other rules or regulations related to open fires and any flame-related cooking activities.

D. Recreational fires may be permitted in city parks, for special events, with prior approval of the fire chief or designee. A special permit as approved by the fire department must be obtained, prior to any recreational fires in city parks.

E. Barbeques, charcoal grills, hibachis and gas fired cooking grills must be raised at least two feet above the ground. Disposal of barbeque coals directly onto the ground or in to park garbage receptacles is forbidden and shall be disposed of in approved receptacles provided by the city.
(Ord. No. 918, § 13, 8-6-2009)

**9.86.150 Overnight moorage prohibited.**

It is unlawful for any person to moor a watercraft overnight in any park, except by permit of the city parks/natural resource's director.
(Ord. No. 918, § 14, 8-6-2009)

**9.86.160 Amplified music and public address systems.**

It is unlawful to operate a powered public address system or amplified music speaker system or other means of amplifying sound at any park areas without a written permit from the director. Battery-operated portable radios and tape players are permitted, provided they shall not be operated at a volume or in any manner which unreasonably disturbs the peace of others.
(Ord. No. 918, § 15, 8-6-2009)

**9.86.170 Littering**

A. No person shall throw or deposit litter on any park property, except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by animals or the elements upon any part of the park, or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away and properly disposed of.

B. No person shall use the parks/natural resources department litter receptacles in the following manner:

1. No person shall damage, deface, abuse, or misuse any litter receptacle so as to interfere with its proper function or detract from its proper appearance.

2. No person shall deposit leaves, clippings, prunings, or gardening refuse in any litter receptacle.

3. No person shall deposit household garbage in any litter receptacle; provided that this subsection shall not be construed to mean that wastes of food consumed on park property may not be deposited in litter receptacles.

C. For purposes of this section, "litter" means garbage, refuse, rubbish, or any other waste material which, if thrown or deposited as prohibited in this section tends to create a nuisance which annoys, injures, or endangers the health, safety, or comfort of the public.

D. Any person littering in an amount less than or equal to one cubic foot the maximum penalty and the default amount shall be fifty dollars, not including statutory assessments; any person littering in an amount greater than one cubic foot the maximum penalty and the default amount shall be two hundred and fifty dollars, not including statutory assessments. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of twenty-five dollars per cubic foot of litter. The court may, in addition to or in lieu of part or the entire cleanup fee, order the person to pick up and remove litter from the property.
(Ord. No. 918, § 16, 8-6-2009)

**9.86.180 Smoking in city parks**

Smoking in city parks shall be prohibited, unless done within designated smoking areas.
(Ord. No. 918, § 17, 8-6-2009)

**9.86.190 Interference with employees.**

No person, firm or corporation shall prevent, delay or interfere with the employees of the city in the lawful performance of their duties, including but not limited to planting, pruning, spraying or removing of trees, plants, or shrubs in a public park or a public place.
(Ord. No. 918, § 18, 8-6-2009)

**9.86.200 Feeding waterfowl prohibited.**

No person, other than authorized personnel, shall feed waterfowl on public property. Nor shall any person supervising a minor and having the ability to control the minor allow the minor to feed waterfowl on public property.
(Ord. No. 918, § 19, 8-6-2009)

**9.86.210 Park hours.**

City parks shall be open from dawn until dusk each day. No unauthorized person shall go upon any city park except during open hours.
(Ord. No. 918, § 20, 8-6-2009)

**9.86.220 Violations—Penalties.**

A. The acts or conditions enumerated in this chapter are proclaimed to be public nuisances. Those persons responsible for maintaining with knowledge such nuisances shall be subject to immediate ejection from the city park area and served with a no trespass order by the police department. Unless otherwise specifically set forth herein, a violation of any of the provisions of this chapter is an infraction. Unless otherwise specified, the penalty for the infraction, not including statutory assessments, shall be as follows:

| | |
|---|---|
| 1st offense within one year | $45.00 |
| 2nd offense within one year | $150.00 |
| 3rd offense within one year | $200.00 |

B. Persons charged with infractions shall be processed by the municipal court in the same manner as persons charged with traffic infractions. Persons failing to appear for hearings for violations of this chapter shall be subject to the penalties set forth in this code.

C. Nothing in this section shall limit or prohibit the ability of the city to pursue additional civil penalties for violations of this chapter, or to seek criminal penalties for behavior that constitutes a crime under any ordinance, law, or regulation adopted under this code.
(Ord. No. 918, § 21, 8-6-2009)

**9.86.230 Adoption of rules and regulations by Director.**

The Black Diamond parks/natural resource's director shall have the power to promulgate and

adopt reasonable rules and regulations pertaining to the operation, management and use of the parks, and shall post the same in conspicuous places in the parks. Such rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Such rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within the designated portion, shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. It is unlawful for any person to violate or fail to comply with any park rule or regulation duly adopted and posted by the department.
(Ord. No. 918, § 22, 8-6-2009)

## Chapter 9.90

## CONTROLLED SUBSTANCES AND DRUG PARAPHERNALIA

**Sections:**


**9.90.010** **Statutes incorporated by reference.**

**9.90.020** **Drug paraphernalia—Possession prohibited.**

**9.90.090** **Reserved.**

**9.90.100** **Minors—Permitting in salesroom prohibited.**

**9.90.110** **Minors—Remaining in salesroom prohibited.**

**9.90.120** **Sale and display rooms—Nuisance.**

**9.90.130** **Violation—Misdemeanor.**

**9.90.140** **Violation—Continued offense.**

**9.90.150** **Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Penalty.**

**9.90.160** **Ephedrine, pseudoephedrine, phenylpropanolamine—Possession of more than fifteen grams—Penalty—Exceptions.**

**9.90.170** **Possession of forty grams or less of marijuana—Penalty.**

**9.90.180** **Drug paraphernalia—Selling or giving—Penalty.**

**9.90.190** **Crimes—Limitations of chapter.**


### 9.90.010 Statutes incorporated by reference.

The following statutes regarding controlled substances and drug paraphernalia are incorporated by reference:

| | |
|---|---|
| RCW 69.41.010 | Definitions of legend drugs. |
| RCW 69.41.030 | Possession of a legend drug unlawful. |
| RCW 69.41.050 | Labeling requirements. |
| RCW 69.41.070 | Penalties. |
| RCW 69.50.101 | Definitions. |

| | |
|---|---|
| RCW 69.50.102 | Definitions. |
| RCW 69.50.202 | Nomenclature. |
| RCW 69.50.204 | Marijuana defined as a controlled substance. |
| RCW 69.50.404 | Penalties under other laws. |
| RCW 69.50.407 | Conspiracy. |
| RCW 69.50.412 | Prohibited acts and penalties regarding use of drug paraphernalia and sale to minors. |
| RCW 69.50.425 | Minimum imprisonment. |
| RCW 69.50.505 | Forfeiture of controlled substances and drug paraphernalia, and equipment and vehicles associated therewith. |
| RCW 69.50.506 | Burden of proof; liabilities. |
| RCW 69.50.509 | Search and seizure of controlled substances. |
| RCW 69.50.510 | Search and seizure at rental premises—Notification of landlord. |
| RCW 69.52.040 | Seizure of contraband. |
| RCW 9.47A.010 | Definition. |
| RCW 9.47A.020 | Unlawful inhalation—Exception. |
| RCW 9.47A.030 | Possession of certain substances prohibited, when. |
| RCW 9.47A.040 | Sale of certain substances prohibited, when. |
| RCW 9.47A.050 | Penalty. |
| RCW 70.155.080 | Possession of tobacco by minors—Penalties. |

(Ord. No. 645 § 7, 1998; Ord. No. 923, § 1, 9-17-2009)

### 9.90.020 Drug paraphernalia—Possession prohibited.

It is unlawful for any person to possess drug paraphernalia, as defined in RCW 69.50.102, as amended, except that it is lawful for any person over the age of eighteen to possess sterile hypodermic syringes and needles for the purpose of reducing bloodborne diseases. A person who violates this section shall be guilty of a misdemeanor. (Ord. No. 923, § 2, 9-17-2009)

### 9.90.090 Reserved.

**Editor's note**—Ord. No. 923, § 4, adopted Sept. 17, 2009, repealed § 9.90.090, which pertained to unlawful acts and derived from Ord. No. 360 § 7, 1987; Ord. No. 637 § 5, 1998.

### 9.90.100 Minors—Permitting in salesroom prohibited.

No owner, manager, proprietor or other person in charge of any place of business selling, or displaying for the purpose of sale, any device, contrivance, instrument or paraphernalia for smoking or injection, or consuming marijuana, hashish, PCP, or any controlled substance, as defined by the laws of the state, other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed for the smoking of the foregoing, shall allow or permit any person under the age of eighteen years to be, remain in, enter or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian. (Ord. 637 § 5 (part), 1998; Ord. 360 § 7 (part), 1987)

### 9.90.110 Minors—Remaining in salesroom prohibited.

A person under the age of eighteen years shall not be, remain in, enter or visit any room in any place intended for the sale, or displaying for sale, devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, unless such person is accompanied by one of his or her parents, or his or her legal guardian. (Ord. 637 § 5 (part), 1998; Ord. 360 § 7 (part), 1987)

**9.90.120 Sale and display rooms—Nuisance.**

The distribution or possession for the purpose of sale, exhibition, or display in any place of business from which minors are not excluded as set forth in this chapter, and where devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance other than prescription drugs or devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, is a public nuisance, and any building, structure, premises, or room or rooms therein, constituting a nuisance as defined in this section, may be abated in a civil action in the manner provided by law, or the court upon final judgment of conviction for violation of this chapter of any person found therein at the time of his or her arrest may forthwith, and as a part of the same proceedings, direct the chief of police to abate summarily any such place as a nuisance as defined by this chapter. Such abatement shall be effected by closing and securely locking the place abated and excluding all persons therefrom. It is unlawful for any owner, agent, lessee, tenant, person in charge or occupant to enter, use or occupy any building, structure or premises, or room or rooms therein, abated as a nuisance under the provisions of this chapter, from and for a period of one year after the date of such abatement, unless he or she as principal shall give and file with the city treasurer a good and sufficient surety bond, to be approved by the court making the order of abatement, or in case of summary abatement to be approved by the chief of police, in penal sum of one thousand dollars, payable to the city, conditioned that such building, structure or premises, or room or rooms therein, will not thereafter be used in violation of this chapter, and further conditioned that he or she will pay all fines, costs and damages assessed against him or her for any violation of this chapter, and in case of the violation of any of the conditions of such bond, the whole amount may be recovered as a penalty to the city. This remedy is in addition to any other remedy provided by law, including the penalty provision applicable for violations of the terms and provisions of this code. (Ord. 637 § 5 (part), 1998; Ord. 360 § 7 (part), 1987)

**9.90.130 Violation—Misdemeanor.**

Unless otherwise specifically provided, any person who violates or fails to comply with any of the provisions of this chapter, or counsels, aids or abets any such violation or failure to comply is guilty of a misdemeanor and any person convicted of such misdemeanor shall be punished as set forth in Section 9.00.110 of this code. (Ord. 637 § 5 (part), 1998; Ord. 360 § 7 (part), 1987)
(Ord. No. 923, § 3, 9-17-2009)

**9.90.140 Violation—Continued offense.**

Each and every offense committed shall be deemed to be a separate offense, and each day that a violation continues shall be deemed to be a separate offense. (Ord. 637 § 5 (part), 1998; Ord. 360 § 7 (part), 1987)

**9.90.150 Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Penalty.**

The city adopts by reference as though fully set forth herein RCW Section 69.43.110 as currently existing or as hereafter amended. (Ord. 788 § 33, 2005)

**9.90.160 Ephedrine, pseudoephedrine, phenylpropanolamine—Possession of more than fifteen grams—Penalty—Exceptions.**

The city adopts by reference as though fully set forth herein RCW Section 69.43.120 as currently existing or as hereafter amended. (Ord. 788 § 34, 2005)

**9.90.170 Possession of forty grams or less of marijuana—Penalty.**

The city adopts by reference as though fully set forth herein RCW Section 69.50.4014 as currently existing or as hereafter amended. (Ord. 788 § 35, 2005)

## Chapter 9.100

## HARASSMENT*

**Sections:**

**9.100.010 Statutes incorporated by reference.**

* Prior ordinance history: Ord. 360.

### 9.100.010 Statutes incorporated by reference.

The following statutes regarding harassment and stalking are incorporated by reference:

| | |
|---|---|
| RCW 9A.46.010 | Legislative finding. |
| 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.46.100 | Convicted—Time when. |
| RCW 9A.46.110 | Stalking. |
| RCW 10.14.020 | Definitions. |
| RCW 10.14.030 | Course of conduct—Determination of purpose. |
| RCW 10.14.120 | Disobedience of order—Penalties. |
| RCW 10.14.170 | Criminal penalty. |
| RCW 9.61.230 | Telephone harassment. |
| RCW 9.61.240 | Telephone harassment—Permitting telephone to be used. |
| RCW 9.61.250 | Telephone harassment—Offense, where deemed committed. |

(Ord. 465 § 13, 1998)

## Chapter 9.110

## MORAL NUISANCES

Sections:

9.110.010 Adoption by reference.

### 9.110.010 Adoption by reference.

RCW Chapter 7.48, "moral nuisances" is incorporated by reference together with all amendment thereto. (Ord. 422 § 1, 1990)

## Chapter 9.112

## DISCHARGE OF FIREARMS AND HUNTING PROHIBITED

Sections:

9.112.010 Prohibited.

### 9.112.010 Prohibited.

The discharge of firearms and/or the hunting of animals and birds is prohibited within the city limits. (Ord. 493 § 1, 1993)