

## Title 12A

### CRIMINAL CODE<sup>1</sup>

This title is intended for those provisions of the Code which relate to the prohibition and regulation of certain conduct for the preservation of the public peace, morals and welfare.

#### Chapters:

- Subtitle I Criminal Code
- 12A.02 General Provisions—Definitions
- 12A.04 Criminal Liability—Defenses
- 12A.06 Offenses Against Persons
- 12A.08 Offenses Against Property
- 12A.10 Offenses Against Public Morals
- 12A.12 Offenses Against Public Order
- 12A.14 Weapons Control
- 12A.16 Offenses Against Governmental Order
- 12A.18 Offenses By or Against Juveniles
- 12A.20 Controlled Substances
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- 12A.24 Liquor Offenses
- 12A.26 Mayor's Emergency Powers
- 12A.28 Miscellaneous Offenses

Severability: If any provision of Subtitle I, or its application to any person or circumstance is held invalid, the remainder of the subtitle, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of Subtitle I are declared to be severable.  
(Ord. 102843 § 12A.01.010(4), 1973.)

#### Subtitle II Miscellaneous Regulations<sup>1</sup>

- 12A.50 Social Card Games
- 12A.52 Litter
- 12A.54 Climbing on Wedgewood Rock
- 12A.56 Arrest of Probationers
- 12A.58 Unauthorized Police Badges
- 12A.60 Fire Alarm and Police Signal Systems

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**12A.62 Medical Expenses for Citizens Injured While  
Aiding Police**

**12A.64 Trespassing on Garbage Dumps**

1. Cross-reference: For the following provisions, see the Code chapter indicated below:
  - False and misleading advertising, Ch. 7.08
  - Disclosure of unit prices, Ch. 7.12
  - Discriminatory employment practices, Ch. 14.04
  - Unfair housing practices, Ch. 14.08
  - Collection of information for law enforcement purposes, Ch. 14.12
  - Park use rules and regulations, Ch. 18.12
  - Noise control, Ch. 25.08

Seattle Municipal code  
as adopted in 1980  
For current SMC, contact  
the Office of the City Clerk

Subtitle I Criminal Code

Chapter 12A.02  
GENERAL PROVISIONS – DEFINITIONS

Sections:

- 12A.02.010 Title—Effective date.
- 12A.02.020 Applicability of provisions.
- 12A.02.030 Offenses committed prior to effective date.
- 12A.02.040 Purposes—Principles of construction.
- 12A.02.050 City criminal jurisdiction.
- 12A.02.060 Offenses shall be crimes or violations.
- 12A.02.070 Punishment of crime.
- 12A.02.080 Punishment of violation.
- 12A.02.090 Section 12A.02.080 not denial of constitutional rights.
- 12A.02.100 Violations—Judgment for fine and costs.
- 12A.02.110 Violations—Intentional failure to comply.
- 12A.02.120 All offenses defined by ordinance.
- 12A.02.130 Proof beyond a reasonable doubt—Affirmative defenses.
- 12A.02.140 Arrest—Citations.
- 12A.02.150 Definitions.

12A.02.010 Title—Effective date.  
Chapters 12A.02 through 12A.28, hereinafter referred to as “this subtitle” or “this code” shall be known and may be cited as Seattle Criminal Code and shall become effective on December 3, 1974.  
(Ord. 102843 §12A.01.010(1), 1973.)

12A.02.020 Applicability of provisions.  
The provisions of this subtitle shall apply to any offense which is defined in this subtitle or the general ordinances committed on or after the effective date hereof, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.  
(Ord. 102843 §12A.01.010(2), 1973.)

12A.02.030 Offenses committed prior to effective date.  
The provisions of this subtitle do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this subtitle, or to the construction and

application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this subtitle had not been enacted.  
(Ord. 102843 §12A.01.010(3), 1973.)

12A.02.040 Purposes—Principles of construction.

A. The general purposes of the provisions governing the definition of offenses are:

1. To forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens harm to individual or public interests;
2. To safeguard conduct that is without culpability from condemnation as criminal;
3. To give fair warning of the nature of the conduct declared to constitute an offense.

B. The provisions of this subtitle shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this section and the special purposes of the particular provision involved. The discretionary powers conferred by this subtitle shall be exercised in accordance with the criteria stated in this subtitle and, insofar as such criteria are not decisive, to further the general purposes stated in this section.  
(Ord. 102843 §12A.01.030, 1973.)

12A.02.050 City criminal jurisdiction.

A. Except as otherwise provided in this section, a person is subject to prosecution under the law of this city for an offense committed by his own conduct or the conduct of another for which he is legally accountable if:

1. Either the conduct which is an element of the offense or the result which is such an element occurs within this city; or

2. Conduct occurring outside this city intended to cause a result within this city is sufficient under the law of this city to constitute an attempt to commit an offense within this city; or

3. Conduct occurring within this city establishes complicity in the commission of, or an attempt, to commit, an offense in another jurisdiction which also is an offense under the law of this city; or

4. The offense consists of the omission to perform a legal duty imposed by the law of this

city with respect to residence or a relationship to a person, thing or transaction in this city; or

5. The offense is based on an ordinance of this city which expressly prohibits conduct outside the city, when the conduct bears a reasonable relation to a legitimate interest of the city and the actor knows or should know that his conduct is likely to affect that interest.

B. Subsection A1 does not apply when either causing a specified result or an intention to cause or danger of causing such a result is an element of an offense and the result occurs or is designed or likely to occur only in another jurisdiction where the conduct charged would not constitute an offense, unless a legislative purpose plainly appears to declare the conduct criminal regardless of the place of the result.

C. Subsection A1 does not apply when causing a particular result is an element of an offense and the result is caused by conduct occurring outside the city which would not constitute an offense if the result had occurred there, unless the actor knowingly caused the result within this city.

(Ord. 102843 §12A.01.050, 1973.)

**12A.02.060 Offenses shall be crimes or violations.**

Every offense defined by this subtitle or conduct made unlawful thereby shall constitute a crime and a jail sentence may be imposed therefor, except for such offenses or unlawful conduct as shall be specifically designated as violations.

(Ord. 102843 §12A.01.070, 1973.)

**12A.02.070 Punishment of crime.**

A crime may be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the City Jail for a term not to exceed six months or by both such fine and imprisonment.

(Ord. 102843 §12A.01.090(1), 1973.)

**12A.02.080 Punishment of violation.**

A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.

(Ord. 102843 §12A.01.090(2), 1973.)

**12A.02.090 Section 12A.02.080 not denial of constitutional rights.**

Notwithstanding the civil nature of the penalty for violations, Section 12A.02.080, does not deny to the defendant constitutional rights he would have were the penalty deemed criminal, provided that a defendant charged with a violation shall not be entitled to a jury trial.

(Ord. 102843 §12A.01.090(3), 1973.)

**12A.02.100 Violations—Judgment for fine and costs.**

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

(Ord. 102843 §12A.01.090(4), 1973.)

**12A.02.110 Violations—Intentional failure to comply.**

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

(Ord. 102843 §12A.01.090(5), 1973.)

**12A.02.120 All offenses defined by ordinance.**

A. No conduct constitutes an offense unless it is a crime or violation under an ordinance of this city.

B. The provisions of Chapters 12A.02 and 12A.04 are applicable to offenses defined by this subtitle or any other ordinance unless this subtitle or other ordinance specifically provides otherwise.

C. This section does not affect the power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.

(Ord. 102843 §12A.01.110, 1973.)

**12A.02.130 Proof beyond a reasonable doubt—Affirmative defenses.**

A. Every person charged with the commission of an offense is presumed innocent until proven guilty. No person may be convicted of an offense until each element of such offense is proven by competent evidence beyond a reasonable doubt.

B. Subsection A does not:

1. Require the disproof of an affirmative defense unless there is evidence to support such defense; or

2. Require the disproof beyond a reason-

able doubt of any defense which this subtitle or other ordinance expressly requires the defendant to prove by a preponderance of the evidence.

C. A defense is affirmative, within the meaning of subsection B1 when it arises under a section of this subtitle which so provides. (Ord. 102843 §12A.01.130, 1973.)

#### 12A.02.140 Arrest—Citations.

A. As used in this section, "crime" has the meaning specified in Section 12A.02.060.

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

C. Whenever a person is arrested under subsection B, the arresting officer, or any other authorized peace officer, may serve upon the arrested person a citation and notice to appear in municipal court, in lieu of continued custody, as provided by the Rules of Courts of Limited Jurisdiction.

D. Whenever a peace officer has probable cause to believe that a person has committed a violation as defined in Section 12A.02.060, he will issue such person a citation and notice to appear in municipal court in the same manner as provided by the Rules of Courts of Limited Jurisdiction unless:

1. He is unable to reasonably ascertain the actor's identity; or

2. He reasonably believes that the identification is not accurate, in either of which cases the person may be arrested.

E. Upon an arrest as provided in subsection D, such person may be held only to be photographed, administratively searched and fingerprinted, and must be released immediately upon identification.

F. If a person violates his promise to appear in court given in accordance with subsections C or D, a warrant may be issued for his arrest and bail may be set.

(Ord. 107309 §1, 1978; Ord. 102843 §12A.01.140, 1973.)

#### 12A.02.150 Definitions.

In this subtitle, unless a different meaning plainly is required:

1. "Act" or "action" means a bodily movement whether voluntary or involuntary.

2. "Acted" includes, where relevant, omitted to act.

3. "Actor" includes, where relevant, a person failing to act.

4. "Bodily injury" or "physical injury" means significant:

a. Physical pain; or

b. Illness; or

c. An impairment or physical condition.

5. "Conduct" means an action or omission and its accompanying state of mind, or, where relevant, a series of acts or omissions.

6. "Deadly force" means force which creates a substantial risk of causing death or serious bodily injury.

7. "Deadly weapon" means an explosive, firearm, or other weapon, device, instrument, article or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury.

8. "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is for the time being used as a home or place of lodging.

9. "Element of an offense" means: (i) such conduct or (ii) such attendant circumstances, or (iii) such a result of conduct as:

a. Is included in the description of the forbidden conduct in the definition of the offense; or

b. Establishes the required kind of culpability; or

c. Negates an excuse or justification for such conduct; or

d. Negates a defense under the statute of limitations; or

e. Establishes jurisdiction.

10. "Forcible felony" means any felony which involves the use or threat of physical force or violence against any person.

11. "Judge" includes every judicial officer authorized, alone or with others, to hold or preside over a court.

12. "Material element of an offense" means an element that does not relate exclusively to the statute of limitations, jurisdiction or to any other matter similarly unconnected with: (a) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (b) the existence of a justification or excuse for such conduct.

13. "Motor vehicle" means every vehicle which is self-propelled or propelled by electric power obtained from overhead trolley wires.

14. "Officer" and "public officer" has its ordinary meaning and includes all assistants, dep-

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uties, clerks and employees of any public officer and all persons exercising or assuming to exercise any of the powers or functions of a public officer.

15. "Omission" means a failure to act.

16. "Ordinance" means an ordinance of The City of Seattle.

17. "Peace officer" means a public officer charged with the duty to enforce public order and to make arrests for offenses under this subtitle or under the criminal laws of the state.

18. "Person," "he" and "actor" include any natural person, and, in addition, a corporation or an unincorporated association unless a contrary intention plainly appears.

19. "Prison" or "jail" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest.

20. "Prisoner" includes any person held in custody under process of law, or under lawful arrest.

21. "Property" includes both real and personal property.

22. "Reasonably believes" or "reasonable belief" designates a belief which the actor is not reckless or criminally negligent in holding.

23. "Serious bodily injury" or "serious physical injury" means bodily injury which creates a substantial risk of death or which causes serious disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

24. "Sexual conduct" means any of the following:

a. Sexual intercourse in its ordinary sense which occurs upon any penetration, however slight, or contact between persons involving the sex organs of one and the mouth or anus of another;

b. Masturbation, manual or instrumental, of one person by another.

25. "Statute" means the Constitution or an Act of the Legislature of this state.

26. "Vehicle" means every device which may be used on a street, on rails, in the air, or on water, which is capable of transporting persons or property.

27. "Voluntary" has the meaning specified in Section 12A.04.010.

(Ord. 107309 § 2, 1978; Ord. 107232 § 1, 1978; Ord. 102843 § 12A.01.150, 1973.)

## Chapter 12A.04 CRIMINAL LIABILITY—DEFENSES

### Sections:

12A.04.010	Requirement of a voluntary act—Possession as an act.
12A.04.020	Minimum requirement of culpability.
12A.04.030	Kinds of culpability defined.
12A.04.040	Prescribed culpability requirement applies to all material elements.
12A.04.050	Substitutes for criminal negligence—Recklessness and knowledge.
12A.04.060	Culpability as determinant of grade of offense.
12A.04.070	Causal relationship between conduct and result.
12A.04.080	Divergence between result contemplated and actual result.
12A.04.090	Divergence between probable and actual result.
12A.04.100	Construction of ordinances with respect to culpability requirements.
12A.04.110	Criminal liability of corporations and persons acting in their behalf.
12A.04.120	Criminal attempt.
12A.04.130	Liability for conduct of another—Complicity.
12A.04.140	Ignorance or mistake.
12A.04.150	Intoxication.
12A.04.160	Mental disease or defect excluding responsibility.
12A.04.170	Duress.
12A.04.180	De minimis infractions.

### 12A.04.010 Requirement of a voluntary act—Possession as an act.

A. A person is not guilty of an offense unless his liability is based on conduct which includes a voluntary act or an omission to perform an act of which he is physically capable.

B. The possession of property is a voluntary act if the actor was aware of his physical possession of such property or was aware of his control thereof for a sufficient period to have been able to terminate his possession.

C. For purposes of this section:

1. "Voluntary act" means a bodily movement performed consciously as a result of the

actor's effort or determination.

2. "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.  
(Ord. 102843 § 12A.02.010, 1973.)

**12A.04.020 Minimum requirement of culpability.**

A person is not guilty of an offense, other than an offense which involves absolute liability, unless with respect to each material element described by the section defining the offenses, he acts while having one of the mental states described in Section 12A.04.030.  
(Ord. 102843 § 12A.02.030(1), 1973.)

**12A.04.030 Kinds of culpability defined.**

A. Intent. A person intends or acts intentionally or with intent to accomplish a result or to engage in conduct described by the section defining the offense, when his conscious objective or purpose is to accomplish such a result or to engage in conduct of that nature.

B. Knowledge. A person knows or acts knowingly or with knowledge with respect to:

1. A result described by a section defining an offense, when he is aware that it is substantially certain that his conduct will cause such result; or

2. Conduct described by a section defining an offense, when he is aware that his conduct is of that nature; or

3. A circumstance described by a section defining an offense, when he is aware that such circumstance exists; or

4. A particular fact, when he is aware that there is a high probability that such facts exist.

C. Recklessness. A person is reckless or acts recklessly when he knows of and consciously disregards a substantial and unjustifiable risk that:

1. The result described by a section defining an offense may occur; or

2. A circumstance described by a section defining an offense exists, and when the disregard of such risk constitutes a gross deviation from the standard of conduct that a reasonable person would exercise in the situation.

D. Criminal Negligence. A person is criminally negligent or acts with criminal negligence when he fails to be aware of a substantial and unjustifiable risk that:

1. The result described by a section defining an offense may occur; or

2. A circumstance described by a section defining an offense exists, and the failure to be aware of such risk constitutes a gross deviation from the standard of care that a reasonable person would exercise in that situation.  
(Ord. 102843 § 12A.02.030(2), 1973.)

**12A.04.040 Prescribed culpability requirement applies to all material elements.**

When a statute defining an offense prescribes as an element thereof a specified mental state, such mental state is deemed to apply to every material element of the offense unless an intent to limit its application clearly appears.  
(Ord. 102843 § 12A.02.030(3), 1973.)

**12A.04.050 Substitutes for criminal negligence—Recklessness and knowledge.**

When a statute provides that criminal negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally, knowingly or recklessly. When recklessness suffices to establish an element, such element also is established if a person acts intentionally or knowingly. When acting knowingly suffices to establish an element, such element also is established if a person acts intentionally.  
(Ord. 102843 § 12A.02.030(4), 1973.)

**12A.04.060 Culpability as determinant of grade of offense.**

When the grade or degree of an offense depends on whether the offense is committed intentionally, knowingly, recklessly, or with criminal negligence, its grade or degree shall be the lowest for which the determinative kind of culpability is established with respect to any material element of the offense.  
(Ord. 102843 § 12A.02.030(5), 1973.)

**12A.04.070 Causal relationship between conduct and result.**

Conduct is the cause of a result when:

A. The result in question would not have occurred but for the conduct of the actor; and

B. The relationship between the conduct and result satisfies any additional causal requirements imposed by this subtitle or by the ordinance defining the offense.

(Ord. 102843 § 12A.02.050(1), 1973.)

**12A.04.080 Divergence between result contemplated and actual result.**

When intentionally or knowingly causing a particular result is an element of an offense, the element is not established if the actual result is not within the purpose or the contemplation of the actor unless:

A. The actual result differs from that designed or contemplated, as the case may be, only in the respect that a different person or different property is injured or affected or that the injury or harm designed or contemplated would have been more serious or more extensive than that caused; or

B. The actual result involves the same kind of injury or harm as that designed or contemplated and is not too remote or accidental in its occurrence to have a bearing on the actor's liability or on the gravity of his offense.

(Ord. 102843 §12A.02.050 (2), 1973.)

**12.04.090 Divergence between probable and actual result.**

When recklessly or criminally negligently causing a particular result is an element of an offense, the element is not established if the actual result is not within the risk of which the actor is aware or, in the case of criminal negligence, of which he should be aware unless:

A. The actual result differs from the probable result only in the respect that a different person or different property is injured or affected or that the probable injury or harm would have been more serious or more extensive than that caused; or

B. The actual result involves the same kind of injury or harm as the probable result and is not too remote or accidental in its occurrence to have a bearing on the actor's liability or on the gravity of his offense.

(Ord. 102843 § 12A.02.050(3), 1973.)

**12A.04.100 Construction of ordinances with respect to culpability requirements.**

Where an ordinance defining an offense does not clearly indicate a legislative intent to impose absolute liability, it should be construed as defining an offense requiring one of the mental states described in Section 12A.04.030. This section applies to all offenses defined by the ordinances of this city.

(Ord. 102843 § 12A.02.070, 1973.)

**12A.04.110 Criminal liability of corporations and persons acting in their behalf.**

A. As used in this section:

1. "Agent" means any director, officer or employee of a corporation, or any other person who is authorized to act in behalf of the corporation.

2. "Managerial agent" means an officer or director of a corporation or any other person in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

3. "Corporation" has its ordinary meaning and also includes but is not limited to partnerships, professional service corporations, societies and other unincorporated associations whether organized for profit or nonprofit.

B. A corporation is guilty of an offense when:

1. The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or

2. The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or recklessly tolerated by the board of directors or by a managerial agent acting within the scope of his employment and in behalf of the corporation; or

3. The conduct constituting the offense is engaged in by an agent of the corporation, other than a managerial agent, while acting within the scope of his employment and in behalf of the corporation and the offense is one defined by an ordinance which indicates a legislative intent to impose such criminal liability on a corporation.

C. A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or in behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

D. Whenever a duty to act is imposed by law upon a corporation, any agent of the corporation who knows he has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless or, if a managerial agent, for a criminally negligent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent.

(Ord. 102843 § 12A.02.090, 1973.)



**12A.04.120 Criminal attempt.**

A. A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he does any act:

1. Which is a substantial step toward the commission of that crime; and
2. Which strongly corroborates his intent to commit that crime.

B. If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission, if such crime could have been committed had the attendant circumstances been as such person believed them to be.

C. When the actor's conduct would otherwise constitute a criminal attempt under this section, it is an affirmative defense that, under circumstances manifesting a complete and voluntary renunciation of his criminal intent, he:

1. Abandoned his effort to commit the crime; or
2. Prevented the commission of the crime.

D. A person may not be convicted on the basis of the same course of conduct of both an attempt to commit an offense and either complicity in or the commission of that offense.

E. This section shall not apply to liability for the conduct of another as defined in Section 12A.04.130.

(Ord. 102843 § 12A.02.100, 1973.)

**12A.04.130 Liability for conduct of another—Complicity.**

A. A person is guilty of an offense if it is attempted or committed by the conduct of another person for which he is legally accountable.

B. A person is legally accountable for the conduct of another person when:

1. Acting with the kind of culpability that is sufficient for the commission of the offense, he causes an innocent or irresponsible person to engage in such conduct; or
2. He is made accountable for the conduct of such other person by this subtitle or by the law defining the offense; or
3. He is an accomplice of such other person in the commission of the offense.

C. A person is an accomplice of another person in the commission of an offense if:

1. With the intent of promoting or facilitating the commission of the offense, he:

- a. Solicits, commands, or requests such other person to commit it, or
- b. Aids or agrees to aid such other person in planning or committing it; or

2. His conduct is expressly declared by law to establish his complicity.

D. A person who is legally incapable of committing a particular offense himself may be guilty thereof if it is committed by the conduct of another person for which he is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his incapacity.

E. Unless otherwise provided by this subtitle or by the law defining the offense, a person is not an accomplice in an offense committed by another person if:

1. He is a victim of that offense; or
2. The offense is so defined that his conduct is inevitably incident to its commission; or

3. He terminates his complicity prior to the commission of the offense and:

- a. Deprives it of effectiveness in the commission of the offense, or
- b. Gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the offense.

F. An accomplice may be convicted on proof of the commission of the offense and of his complicity therein, though the person claimed to have committed the offense has not been prosecuted or convicted or has been convicted of a different offense or degree of offense or has an immunity to prosecution or conviction or has been acquitted.

G. A person may not be convicted on the basis of the same course of conduct of both the commission of and complicity in that offense. (Ord. 102843 § 12A.02.110, 1973.)

**12A.04.140 Ignorance or mistake.**

A. A person shall not be relieved of criminal liability because he engages in conduct under a mistaken belief of fact, unless:

1. Such factual mistake negates the mental state required for the commission of an offense; or

2. The ordinance defining the offense or ordinance related thereto expressly provides that



the legislature in forbidding the offense.  
(Ord. 102843 § 12A.02.230, 1973.)

Chapter 12A.06

OFFENSES AGAINST PERSONS<sup>1</sup>

Sections:

- 12A.06.010 Assault.
- 12A.06.020 Simple assault.
- 12A.06.030 Menacing.
- 12A.06.040 Harassment.
- 12A.06.050 Reckless endangerment.
- 12A.06.060 Unlawful imprisonment.
- 12A.06.070 Custodial interference.
- 12A.06.080 Sexual abuse.
- 12A.06.090 Coercion.
- 12A.06.100 Telephone calls to harass, intimidate, torment or embarrass.
- 12A.06.110 Telephone calls to harass, intimidate, torment or embarrass—Permitting telephone to be used.

Statutory Reference: For statutory provisions on assault and other crimes involving physical harm, see RCW Ch. 9A.36; for provisions on unlawful imprisonment and custodial interference, see RCW Ch. 9A.40; for provisions on sex crimes, see RCW Ch. 9A.79 and Ch. 9A.88.

1. Cross-reference: For provisions regarding the unlawful sprinkling of water on passersby, see Sections 21.04.280 and 21.04.290.

12A.06.010 Assault.

A person is guilty of assault when:

A. With intent to cause bodily injury to another person, he causes bodily injury to any person; or

B. He recklessly causes bodily injury to another person; or

C. With criminal negligence, he causes bodily injury to another person by means of a deadly weapon.

(Ord. 102843 § 12A.04.020, 1973.)

12A.06.020 Simple assault.

A. A person is guilty of simple assault when he commits an assault and battery not amounting to an assault as defined by Section 12A.06.010.

B. A "simple assault" may be punished by a fine not to exceed Three Hundred Dollars (\$300.00) or by imprisonment in the City Jail

for a term not to exceed ninety days or by both such fine and imprisonment.  
(Ord. 108567 § 3, 1979; Ord. 102843 § 12A.04.030, 1973.)

12A.06.030 Menacing.

A. A person is guilty of menacing when:

1. By physical action he intentionally causes or attempts to cause another person reasonably to fear imminent serious bodily injury or death; or

2. By a present threat to another person subsequent to a history of threats or violence between himself and such other person, he intentionally causes or attempts to cause such other person reasonably to fear serious bodily injury or death.

B. As used in this section "physical action" means an action as defined in Section 12A.02.150 L 1 or an act accompanied by words or threats but not words alone.

C. As used in this section, "threat" has the meaning specified in Section 12A.08.050 L 1.

D. As used in this section, "history of threats or violence" means one or more of the following:

1. Two or more threats; or

2. One or more assaults as defined in Section 12A.06.010; or

3. One or more menacings as defined in subsection A1 of this section.

(Ord. 108567 § 1, 1979; Ord. 102843 § 12A.04.050, 1973.)

12A.06.040 Harassment.

A person is guilty of harassment if with the intent to annoy or alarm another person he repeatedly uses fighting words or obscene language, thereby creating a substantial risk of assault.

(Ord. 102843 § 12A.04.070, 1973.)

12A.06.050 Reckless endangerment.

A person is guilty of reckless endangerment when he recklessly engages in conduct which creates a substantial risk of death or serious bodily injury to another person.

(Ord. 102843 § 12A.04.080, 1973.)

12A.06.060 Unlawful imprisonment.

A. A person is guilty of unlawful imprisonment if he knowingly restrains another person.

B. In any prosecution for unlawful imprisonment, it is an affirmative defense that:

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1. The restraint does not include the use of or the intent to use or the threat to use force, and:

- a. The actor is a relative of the person restrained, and
- b. The actor's sole intent is to assume custody of that person; or

2. The actor reasonably believes that he has legal authority to interfere with the liberty of the other person.

C. For purposes of this section and Section 12A.06.070:

1. "Restrain" means to restrict a person's movement without consent and without legal authority in a manner that interferes substantially with his liberty by moving him from one place to another or by confining him.

2. "Relative" means an ancestor, descendant, sibling, uncle or aunt, including a relative of the same degree through marriage or adoption, or a spouse.

(Ord. 102843 § 12A.04.110, 1973.)

### 12A.06.070 Custodial interference.

A. A person is guilty of custodial interference when:

1. Being a relative of a child less than sixteen years old, intending to hold such child permanently or for a protracted period and knowing he has no legal right to do so, he takes or entices such child from his lawful custodian; or

2. Knowing that he has no legal right to do so, he takes or entices from lawful custody any incompetent person or other person entrusted by authority of law to the custody of another person or institution.

B. It is an affirmative defense to a prosecution under this section if the actor reasonably believed that:

1. His action was necessary to preserve the person from danger to his welfare; or

2. The child was at least sixteen years of age.

(Ord. 102843 § 12A.04.115, 1973.)

### 12A.06.080 Sexual abuse.

A. The following definitions apply in this section:

1. "Forcible compulsion" means physical force that overcomes earnest resistance; or a threat, express or implied, that places a person in fear of death or physical injury to himself or another person, or in fear that he or another

person will be kidnapped.

2. "Sexual contact" means touching the sexual or other intimate parts of another person, done to gratify the sexual desire of either party.

3. "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight. It also means any act of sexual conduct between persons involving the sex organs of one person and the mouth or anus of another.

4. "Spouse" means a person married to the actor; persons living together as man and wife are married for purposes of this section, while persons living apart under a decree of judicial separation are not married to one another for purposes of this section.

5. "Mentally defective" means a person who suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct.

6. "Mentally incapacitated" means a person who is rendered temporarily incapable of appraising or controlling his conduct because of the influence of a narcotic or intoxicating substance administered to him without his consent.

7. "Physically helpless" means a person who is unconscious or who, for any reason, is physically unable to communicate unwillingness to an act.

8. "Incapable of consent" means a legal inability to agree to a course of conduct. A person is deemed incapable of consent if he is less than eighteen years old.

B. A person is guilty of sexual abuse when:

1. He intentionally subjects another person to sexual contact or sexual intercourse by forcible compulsion; or

2. He intentionally subjects another person not his spouse to sexual contact or sexual intercourse when the other person is mentally defective, mentally incapacitated, or physically helpless; or

3. He intentionally subjects another person not his spouse to sexual contact or sexual intercourse when the other person is incapable of consent.

C. In any prosecution under subsection B3 of this section, it is an affirmative defense that if such other person is at least fourteen years old the actor is less than three years older.

D. In any prosecution under subsection B2, it is an affirmative defense that the actor, at the time he engaged in the conduct constituting the offense, reasonably believed that the circum-

stances giving rise to such disability were not present.

E. In any prosecution under subsection B3 of this section, it is an affirmative defense that the actor reasonably believed that the other person was eighteen years old or more. (Ord. 108567 § 2, 1979; Ord. 102843 § 12A.04.140, 1973.)

**12A.06.090 Coercion.**

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

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

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

2. Threats as defined in Section 12A.08.050 L. (Ord. 102843 § 12A.04.170, 1973.)

**12A.06.100 Telephone calls to harass, intimidate, torment or embarrass.**

A. A person is guilty of making telephone calls to harass, intimidate, torment or embarrass any other person if, with intent to harass, intimidate, torment or embarrass any other person, he makes a telephone call to such other person:

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

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

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

4. Without purpose of legitimate communication.

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

(Ord. 107670 § 1(part), 1978; Ord. 102843 § 12A.04.180, 1973.)

**12A.06.110 Telephone calls to harass, intimidate, torment or embarrass—  
Permitting telephone to be used.**

It is unlawful for any person to knowingly permit any telephone under his control to be used for any purpose prohibited by Section 12A.06.100.

(Ord. 107670 § 1(part), 1978; Ord. 102843 § 12A.04.185, 1973.)

Severability: The provisions of Sections 12A.06.100 and 12A.06.110 are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section or portion of Sections 12A.06.100 and 12A.06.110, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of said sections or the validity of its application to other persons or circumstances.

(Ord. 107670 § 2, 1978.)

CHAPTER 12A.08

OFFENSES AGAINST PROPERTY<sup>1</sup>

Sections:

- 12A.08.010 Definitions.
- 12A.08.020 Property destruction.
- 12A.08.030 Reckless burning.
- 12A.08.040 Criminal trespass.
- 12A.08.050 Definitions applicable to Sections 12A.08.060 through 12A.08.100.
- 12A.08.060 Theft.
- 12A.08.070 Unlawful issuance of bank checks.
- 12A.08.080 Extortion.
- 12A.08.090 Receiving stolen property.
- 12A.08.100 Appropriation of lost or misdelivered property.
- 12A.08.110 Unauthorized use of a motor vehicle.
- 12A.08.120 Vehicle prowling.
- 12A.08.130 Criminal impersonation.

Statutory Reference: For statutory provisions on reckless burning and malicious mischief, see RCW Ch. 9A.48; for provisions on burglary and trespass, see RCW Ch. 9A.52; for provisions on theft and robbery, see RCW Ch. 9A.56.

1. Cross-reference: For provisions regarding destruction of park property and no-trespassing regulations in city parks, see Chapter 18.12 of this Code.

For provisions regarding damage to or interference with the city's light and power plant, see Section 21.48.400.

For provisions regarding damage to or interference with the municipal water supply system, see Sections 21.04.540 and 21.04.550.

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### 12A.08.010 Definitions.

As used in this chapter:

A. "Building" means any structure, vehicle, railway car, aircraft or watercraft used for overnight lodging of persons or for carrying on business therein; if a structure consists of two or more units separately secured or occupied it shall be treated as:

1. A single building in Sections 12A.08.020 and 12A.08.030; and

2. As separate buildings in Section 12A.08.040.

B. "Damage" means an injury or harm to property sufficient to lower its value or involving significant inconvenience or loss of efficiency.

C. "Premises" means a building or real property.

(Ord. 102843 § 12A.08.010, 1973.)

### 12A.08.020 Property destruction.

A. A person is guilty of property destruction if he intentionally damages the property of another.

B. In any prosecution under subsection A, it is an affirmative defense that the actor reasonably believed that he had a lawful right to damage such property.

(Ord. 102843 § 12A.08.020, 1973.)

### 12A.08.030 Reckless burning.

A person is guilty of reckless burning if he intentionally causes a fire or explosion and thereby recklessly places a building of another in danger of destruction or damage.

(Ord. 102843 § 12A.08.030, 1973.)

### 12A.08.040 Criminal trespass.

A. "Enter or remain unlawfully" means an unlicensed, uninvited or otherwise unprivileged entry into or remaining in or upon premises. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of the premises or some other authorized person. A license or privilege to enter or remain in a public building which is only partly open to the public is not a license or privilege to enter or remain in that part of the building which is not open to the public.

B. A person is guilty of criminal trespass if he knowingly enters or remains unlawfully in or

upon the premises of another.

C. In any prosecution under subsection B it is an affirmative defense that the actor reasonably believed that:

1. The premises involved at the time were open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining on the premises; or

2. The owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain. (Ord. 102843 § 12A.08.080, 1973.)

### 12A.08.050 Definitions applicable to Sections 12A.08.060 through 12A.08.100.

The following definitions are applicable in Sections 12A.08.060 through 12A.08.100 unless the context otherwise requires:

A. "Credit card" means any instrument or device, whether incomplete, revoked or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guaranty by the issuer.

B. "Deception" occurs when an actor knowingly:

1. Creates or confirms another's false impression which the actor does not believe to be true; or

2. Fails to correct another's false impression which the actor previously has created or confirmed; or

3. Prevents another from acquiring information material to the disposition of the property involved; or

4. Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

5. Promises performance which the actor does not intend to perform or knows will not be performed; or

6. Uses a credit card:

a. Without authorization, or

b. Which he knows to be stolen, forged, revoked or cancelled.

The term "deception" does not include falsity as to matters having no pecuniary significance.

## C. "Obtain" means:

1. In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

2. In relation to labor or service, to secure performance thereof for the benefit of the obtainer or another.

D. "Obtains or exerts unauthorized control" over property includes but is not necessarily limited to conduct heretofore defined or known as common law larceny by trespassory taking, common law larceny by trick, larceny by conversion, embezzlement, extortion, or obtaining property by false pretenses.

E. "Owner" means a person, other than the actor, who has possession of or any other interest in the property involved, and without whose consent the actor has no authority to exert control over the property.

## F. "Permanently to deprive" means:

1. To withhold property or cause it to be withheld from a person permanently or for so extended a period or under such circumstances that the major portion of its economic value, or of the use and benefit of such property, is lost to him; or

2. To dispose of the property so as to make it unlikely that the owner will recover it; or

3. To retain the property with intent to restore it to the owner only if the owner purchases or leases it back, or pays a reward or other compensation for its return; or

4. To encumber, sell, give, pledge, or otherwise transfer any interest in the property.

G. "Property" means any money, credit card, personal property, real property, thing in action, evidence of debt or contract, public record, or article of value of any kind.

H. "Receiving" includes but is not limited to acquiring title, possession, control, or a security interest in the property.

I. "Service" includes but is not limited to labor, professional service, transportation service, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam and water.

## J. "Steal" means:

1. To knowingly obtain or exert unauthorized control over the property of another with intent permanently to deprive him of such

property; or

2. To knowingly obtain by deception control over property of another with intent permanently to deprive him of such property.

K. "Stolen" means obtained by theft, robbery, extortion, or appropriating lost or misdelivered property.

L. "Threat" means to communicate, directly or indirectly, the intent:

1. To cause bodily injury in the future to another; or

2. To cause damage to property of another; or

3. To subject another person to physical confinement or restraint; or

4. To accuse another person of a crime or cause criminal charges to be instituted against another person; or

5. To expose a secret or publicize an asserted fact, whether true or false, tending to subject another person to hatred, contempt or ridicule; or

6. To reveal significant information sought to be concealed by the person threatened; or

7. To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

8. To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

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

10. To do any other act which is intended to harm substantially any person with respect to his health, safety, business, financial condition, or personal relationships.

(Ord. 102843 § 12A.08.210, 1973.)

## 12A.08.060 Theft.

A. A person is guilty of theft if:

1. He steals the property of another; or

2. By deception or by other means to avoid payment for services, he intentionally obtains services which he knows to be available only for compensation; or

3. Having control over the disposition of services of others to which he is not entitled, he knowingly diverts those services to his own benefit or to the benefit of another not entitled

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thereto.

B. In any prosecution under this section, it is an affirmative defense that the property or services were openly obtained under a claim of title made in good faith, even though the claim be untenable.

(Ord. 102843 § 12A.08.220, 1973.)

### 12A.08.070 Unlawful issuance of bank checks.

A. A person is guilty of unlawful issuance of a bank check if, with intent to defraud, he issues or delivers to another person any check, or draft, on a bank or other depository for the payment of money, when at the time of such issuance or delivery he does not have an account in, or sufficient funds or credit with, such bank or depository for payment of such check or draft in full upon presentation.

B. The word "credit" as used in this section shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft in full upon presentation. The issuance or delivery of a check or draft to another person without having an account in or credit with the drawee at the time the same was issued or delivered shall be prima facie evidence of an intent to defraud.

(Ord. 107245 § 1, 1978; Ord. 102843 § 12A.08.230, 1973.)

### 12A.08.080 Extortion.

A. A person is guilty of extortion if he intentionally obtains property or services of another by threat.

B. In any prosecution under this section based on a threat to accuse any person of a crime or to cause criminal charges to be instituted against any person, it is an affirmative defense that the actor reasonably believed the threatened criminal charge to be true and that his sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.

(Ord. 102843 § 12A.08.240, 1973.)

### 12A.08.090 Receiving stolen property.

A. A person is guilty of receiving stolen property if he knowingly receives, retains, or disposes of property and is reckless with respect to the fact that it has been stolen.

B. In any prosecution under this section, it is an affirmative defense that the actor received, retained, or disposed of stolen property with

intent to restore it to the owner.

C. The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of receiving stolen property.

(Ord. 102843 § 12A.08.260, 1973.)

### 12A.08.100 Appropriation of lost or misdelivered property.

A. A person is guilty of appropriating lost or misdelivered property if he obtains or exerts control over the property of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, and the actor fails to take reasonable measures to discover and notify the owner.

B. As used in this section "reasonable measures" includes but is not necessarily limited to notifying the identified owner or any peace officer.

(Ord. 102843 § 12A.08.280, 1973.)

### 12A.08.110 Unauthorized use of a motor vehicle.

A person is guilty of unauthorized use of a motor vehicle when:

A. Knowing that he does not have the consent of the owner, he takes, operates, or exercises control over a motor vehicle; or

B. Knowing that a motor vehicle has been unlawfully obtained, he rides in such vehicle or uses it for transportation purposes; or

C. Having custody of a motor vehicle pursuant to an agreement between himself or another and the owner thereof whereby he or another is to perform for compensation a specific service for the owner, involving the maintenance, repair or use or storage of such vehicle, he intentionally uses or operates the same, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose.

(Ord. 102843 § 12A.08.300, 1973.)

### 12A.08.120 Vehicle prowling.

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

(Ord. 108567 § 4, 1979; Ord. 102843 § 12A.08.310, 1973.)



**12A.08.130 Criminal impersonation.**

A. As used in this section "intent to defraud" means the use of deception in Section 12A.08.050 B with the intention to injure another's interest which has economic value.

B. A person is guilty of criminal impersonation if he:

1. Assumes a false identity and does an act in his assumed character with the intent to defraud another; or

2. Pretends to be a representative of some person or organization and does an act in his pretended capacity with the intent to defraud another.

(Ord. 102843 § 12A.08.320, 1973.)

**CHAPTER 12A.10**

**OFFENSES AGAINST PUBLIC MORALS**

**Sections:**

- 12A.10.010 Prostitution loitering.
- 12A.10.020 Prostitution.
- 12A.10.030 Promoting prostitution.
- 12A.10.040 Patronizing a prostitute.
- 12A.10.050 Prostitution and patronizing a prostitute—No defense.
- 12A.10.060 Permitting prostitution.
- 12A.10.070 Lewd conduct.
- 12A.10.080 Body studios.
- 12A.10.090 Public display of erotic material.

Statutory Reference: For statutory provisions on public indecency, prostitution and sex crimes, see RCW Ch. 9A.88.

**12A.10.010 Prostitution loitering.**

A. As used in this section:

1. "Commit prostitution" means to engage in sexual conduct for money but does not include sexual conduct engaged in as part of any stage performance, play or other entertainment open to the public.

2. "Known prostitute or panderer" means a person who within one year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted in Seattle Municipal Court of an offense involving prostitution.

3. "Public place" is an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or

not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of prostitution loitering if he remains in a public place and intentionally solicits, induces, entices, or procures another to commit prostitution.

C. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he:

1. Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation; or

2. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or

3. Is a known prostitute or panderer.  
(Ord. 102843 § 12A.12.020, 1973.)

Cases: An ordinance prohibiting loitering, "under circumstances manifesting the purpose of inducing, enticing, soliciting or procuring another to commit an act of prostitution," sufficiently describes overt conduct constituting criminal loitering and is therefore not unconstitutionally vague. *Seattle v. Jones* 79 Wn.2d 626, 488 P.2d 750 (1971), aff'g 3 Wn.App. 431, 475 P.2d 790 (1970).

**12A.10.020 Prostitution.**

A. A person is guilty of prostitution if he engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

B. It is an affirmative defense in any prosecution under this section that the sexual conduct was engaged in as part of any stage performance, play, or other entertainment, open to members of the public.

(Ord. 102843 § 12A.12.030, 1973.)

**12A.10.030 Promoting prostitution.**

A person is guilty of promoting prostitution if:

A. Acting other than as a prostitute or as a customer thereof, he knowingly:

1. Causes or aids a person to commit or engage in prostitution, or

2. Procures or solicits customers for prostitution, or

3. Provides persons or premises for prostitution purposes, or

4. Operates or assists in the operation of a house of prostitution or a prostitution enterprise, or

5. Engages in any other conduct designed

to institute, aid or facilitate an act or enterprise of prostitution; or

B. Acting other than as a prostitute receiving compensation for personally rendered prostitution services, he accepts or receives money or other property pursuant to an agreement or understanding with a person whereby he participates or is to participate in the proceeds or prostitution activity.

(Ord. 102843 § 12A.12.050, 1973.)

**12A.10.040 Patronizing a prostitute.**

A person is guilty of patronizing a prostitute if:

A. Pursuant to a prior understanding, he pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him; or

B. He pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him; or

C. He solicits or requests another person to engage in sexual conduct with him in return for a fee.

(Ord. 102843 § 12A.12.080, 1973.)

**12A.10.050 Prostitution and patronizing a prostitute—No defense.**

In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

A. Such persons were of the same sex; or

B. The person who received, agreed to receive or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.

(Ord. 102843 § 12A.12.085, 1973.)

**12A.10.060 Permitting prostitution.**

A person is guilty of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails to make reasonable effort to halt or abate such use.

(Ord. 102843 § 12A.12.110, 1973.)

**12A.10.070 Lewd conduct.**

A. As used in this section a "lewd act" is:

1. An exposure of one's genitals or female breasts; or

2. The touching, caressing or fondling of

the genitals or female breasts; or

3. Sexual intercourse as defined in Section 12A.06.070 A7; or

4. Masturbation; or

5. Urination or defecation in a place other than a washroom or toilet room.

B. A person is guilty of lewd conduct if he intentionally performs any lewd act in a public place or at a place and under circumstances where such act could be observed by any member of the public.

1. "Public place" has the meaning defined in Section 12A.10.010 A3.

C. The owner, manager or operator of premises open to the public wherein alcoholic beverages are sold, served or consumed is guilty of permitting lewd conduct if he intentionally permits or causes any lewd act on the premises.

D. This section shall not be applied to artistic or dramatic performances in a theater or a museum.

(Ord. 102843 § 12A.12.150, 1973.)

Cases: An ordinance prohibiting bar and tavern owners from permitting any female employee to appear in a bar or tavern with one or both breasts exposed does not contravene free speech. *Seattle v. Hinkley*, 83 Wn.2d 205, 517 P.2d 592 (1973).

**12A.10.080 Body studios.**

A. As used in this section, a "body studio" is any premises, other than a massage parlor, reducing salon, or public bathhouse as defined in the License Code (Ordinance 48022)<sup>1</sup> and licensed as such, upon which is furnished for a fee or charge or other like consideration the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity, and shall include any such premises which is advertised or represented in any manner whatsoever as a "body painting studio," "model studio," "sensitivity awareness studio" or any other expression or characterization which conveys the same or similar meaning and which leads to the reasonable belief that there will be furnished on such premises for a fee or charge or other like consideration the opportunity to paint, massage, feel, handle, or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity.

B. It is unlawful for any person to operate, conduct, or maintain a body studio, or to knowingly conduct any business related thereto on the premises of a body studio, or to knowingly be employed on such premises. (Ord. 104485 § 1, 1975; Ord. 104312 § 1, 1975; Ord. 102843 § 12A.12.160, 1973.)

1. Editor's Note: The License Code is codified in Title 6 of this Code.

**12A.10.090 Public display of erotic material.**

A. Definitions. As used in this section:

1. "Erotic material" means any pictorial or three-dimensional material depicting human sexual intercourse, masturbation, sodomy (i.e. bestiality or oral or anal intercourse), direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or emphasizing the depiction of adult human genitals; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition. In determining whether material is prohibited for public display by this section such material shall be judged without regard to any covering which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of this subsection.

2. Material is placed upon "public display" if it is placed by the defendant on or in a billboard, viewing screen, theater marquee, newsstand, display rack, window, showcase, display case or similar place so that matter bringing it within the definition of subsection 1 of this subsection is easily visible from a public thoroughfare or from the property of others.

B. Offense Defined. A person is guilty of displaying erotic material if he knowingly places such material upon public display, or if he knowingly fails to take prompt action to remove such a display from property in his possession after learning of its existence. (Ord. 102843 § 12A.12.180, 1973.)

**Chapter 12A.12**

**OFFENSES AGAINST PUBLIC ORDER**

Sections:

- 12A.12.010 Disorderly conduct.
- 12A.12.020 Failure to disperse.

**12A.12.030 Disruption of school activities.**

Statutory reference: For statutory provisions regarding public disturbances, see RCW Ch. 9A.84; for provisions on disturbing school or school meetings, see RCW 28A.87.060.

**12A.12.010 Disorderly conduct.**

A. As used in this section "obstruct" means to render impassible and thereby subject passers-by to unreasonable inconvenience or hazard.

B. A person is guilty of disorderly conduct if without lawful authority he knowingly:

- 1. Makes noise which unreasonably disturbs another; or
- 2. Unreasonably disrupts any lawful assembly or meeting of persons; or
- 3. Obstructs pedestrian or vehicular traffic; and refuses or intentionally fails to cease such activity when ordered to do so by a police officer or additionally in the case of subsection 2 by the person in charge of the assembly or meeting.

(Ord. 102843 § 12A.16.020, 1973.)

Cases: Petit larceny by embezzlement or otherwise, committed by stealth and unaccompanied by a public disturbance or physical violence, is not an offense defined or included in the general disorderly conduct ordinance of the city. *Seattle v. Alexander*, 79 Wn.2d 4, 483 P.2d 119 (1971).

**12A.12.020 Failure to disperse.**

A. As used in subsection B of this section, "public safety order" is an order issued by a peace officer designed and reasonably necessary to prevent or control a serious disorder, and promote the safety of persons or property. No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media, unless he is physically obstructing lawful efforts by such officer to disperse the group.

B. A person is guilty of failure to disperse if:

- 1. He congregates with a group of four or more other persons and there are acts of conduct within that group which create a substantial risk of causing injury to any person or substantial harm to property; and
- 2. He refuses or intentionally fails to obey a public safety order to move, disperse or refrain from specified activities in the immediate vicinity.

(Ord. 102843 § 12A.16.040, 1973.)

Cases: An ordinance which made it unlawful for any person to wander or loiter abroad and fail to give a satisfactory account of himself upon the demand of a police officer was violative of due

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process of law, since it made no distinction between conduct calculated to harm and that which is essentially innocent. *Seattle v. Drew*, 70 Wn.2d 405, 423 P.2d 522 (1967).

### 12A.12.030 Disruption of school activities.

A. A person is guilty of disruption of school activities if he comes into or remains in any school building, classroom, or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful reason, and intentionally causes substantial disruption of the activities of the school.

B. As used in this section "school" has its ordinary meaning and also includes, universities, colleges, community colleges, and institutions of higher education.  
(Ord. 102843 § 12A.16.060, 1973.)

## Chapter 12A.14

### WEAPONS CONTROL<sup>1</sup>

#### Sections:

- 12A.14.010 Definitions.
- 12A.14.020 License application for concealed pistol.
- 12A.14.030 License issuance and denial.
- 12A.14.040 False statement to obtain pistol permits.
- 12A.14.050 Unlawful sale of pistol.
- 12A.14.060 Unlawful delivery to purchaser.
- 12A.14.070 Unlawful purchases—False statements.
- 12A.14.080 Unlawful use of weapons.
- 12A.14.090 Exceptions—Gas pens, gas pencils, gas bombs, and gas pistols.
- 12A.14.100 Exemptions—Dangerous knives.
- 12A.14.110 Exemptions—Pistols.

Statutory Reference: For statutory provisions regarding firearms and dangerous weapons, see RCW Ch. 9.41.

1. Cross-reference: For provisions regarding the use of weapons in city parks, see Chapter 18.12 of this Code.

#### 12A.14.010 Definitions.

The following definitions apply in this chapter:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary and kidnapping.

B. "Dangerous knife" means any knife having a blade more than three and one-half inches in length, or any dagger, sword, bayonet, bolo knife, hatchets, straight-edge razor, or razor blade not in a package, dispenser, or shaving appliance.

C. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

D. "Gas pen," "gas pencil," "gas bomb" and "gas pistol" mean any pen, pencil, bomb, pistol or other device which is capable of containing and emitting tear gas or any noxious liquid, gas or substance.

E. "Pistol" means any firearm or other weapon for the purposes of discharging a projectile by means of compressed air, chemical combustion, or otherwise and having a barrel less than twelve inches in length.

F. "Switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or blade that opens, falls or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.  
(Ord. 103472 § 1, 1974; Ord. 102843 § 12A.17.010, 1973.)

#### 12A.14.020 License application for concealed pistol.

Any person applying to the Chief of Police of the city pursuant to RCW 9.41.070 for a license to carry a pistol concealed on his person shall file with the Chief of Police, on a form to be provided by him, an application in writing which shall include the following information and material:

- A. Name and address of the applicant;
- B. The applicant's citizenship and age;
- C. A statement whether the applicant:

1. Has ever been convicted in any court of a crime punishable by imprisonment for a term exceeding one year, or is at the time of such application under indictment for or charged by information, with, any such crime,

2. Is a fugitive from justice,

3. Is an unlawful user of or addicted to marijuana or any depressant or stimulant or narcotic drug,

4. Has ever been adjudicated as a mental defective or committed to any mental institution,

5. Has ever been adjudicated as a common or habitual drunk;

D. A photograph of the applicant, taken within sixty days immediately prior to the date of filing of the application, which shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;

E. The applicant's fingerprints;

F. A statement of the applicant's reasons for desiring such license including such factual information as the Chief of Police finds reasonably necessary to effectuate the purpose of, and determine compliance with, this chapter and RCW Chapter 9.41.

(Ord. 102843 § 12A.17.020, 1973.)

#### 12A.14.030 License issuance and denial.

Upon receipt of such application and after investigation of the information stated therein and such other investigation as the Chief of Police finds reasonably necessary to effectuate the purpose of, and determine compliance with, this chapter and RCW Chapter 9.41 the Chief of Police shall within thirty days after the filing of such application issue a license to such person to carry a pistol concealed on his person for the purposes of protection or while engaged in business, sport or while traveling within this state for such period of time not more than one year as shall be requisite for the purpose for which such license is issued; provided, that the Chief of Police shall issue no license to any person who the Chief of Police reasonably believes is ineligible to own or possess a firearm under the laws of the state or the United States.

(Ord. 102843 § 12A.17.040, 1973.)

#### 12A.14.040 False statement to obtain pistol permits.

It is unlawful for a person to knowingly make any false statement in his application for concealed pistol permit.

(Ord. 102843 § 12A.17.060, 1973.)

#### 12A.14.050 Unlawful sale of pistol.

It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to knowingly sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record in triplicate of every pistol

sold or disposed of. Such record, which shall be in the form of an application for purchase, shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain the date and hour of the application; the caliber, make, model and manufacturer's number of the weapon; the name, address, occupation, and place of birth of the purchaser; and a statement whether the purchaser:

A. Has ever been convicted in any court of a crime of violence or any crime punishable by imprisonment for a term exceeding one year, or is at the time of such application under indictment for or charged by information with, any such crime;

B. Is a fugitive from justice;

C. Is an unlawful user of or addicted to marijuana or any depressant or stimulant or narcotic drug, or has ever been convicted of drug addiction;

D. Has ever been adjudicated as a mental defective or of unsound mind or committed to any mental institution;

E. Has ever been adjudicated as a common or habitual drunk.

One copy shall within six hours be sent by registered mail to the Chief of Police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report in writing his findings to the merchant or secondhand dealer, and if the Chief of Police denies such application to purchase, he shall in such report so notify the merchant or secondhand dealer stating the grounds for such denial; provided, that such application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind; provided further, that this section and Section 12A.14.060 shall not apply to sales by wholesalers to dealers, or to the sale of antique pistols or revolvers manufactured prior to 1890 and held as collector's items.

(Ord. 103472 § 2, 1974; Ord. 102843 § 12A.17.080, 1973.)

#### 12A.14.060 Unlawful delivery to purchaser.

It is unlawful for any merchant or secondhand dealer, or any clerk, agent, or employee of any merchant or secondhand dealer to knowingly deliver any pistol to any purchaser until

seventy-two hours, exclusive of Sundays and holidays, shall have elapsed from the time of application for the purchase thereof as provided in Section 12A.14.050; and it is further unlawful for any merchant or secondhand dealer, or any such clerk, agent or employee to knowingly deliver any pistol to any purchaser whose application to purchase has been denied by the Chief of Police and the merchant or secondhand dealer so notified in writing as provided in Section 12A.14.050 within such seventy-two-hour period.

(Ord. 103472 § 3, 1974; Ord. 102843 § 12A.17.100, 1973.)

**12A.14.070 Unlawful purchases—False statements.**

It is unlawful for any person who has been convicted in this state or elsewhere of a crime of violence, or of drug addition or of habitual drunkenness or who is legally judged to be of unsound mind to purchase a pistol in this city, and it is further unlawful for any person to knowingly make any false statement in his application to purchase a pistol.

(Ord. 103472 § 4, 1974; Ord. 102843 § 12A.17.120, 1973.)

**12A.14.080 Unlawful use of weapons.**

It is unlawful for anyone knowingly to:

A. Sell, manufacture, purchase, possess or carry any blackjack, sand-club, metal knuckles, or switchblade knife;

B. Carry concealed on his person or in any vehicle any dangerous knife, or deadly weapon or to sell or give away to any person under eighteen years of age any dangerous knife or deadly weapon, or for any such person to purchase or possess any such dangerous knife or deadly weapon; or

C. Carry a loaded pistol in any vehicle or carry a pistol concealed on his person, except when in his place of abode or fixed place of business, without a license therefor as provided in RCW Chapter 9.41 and Section 12A.14.030; or

D. Set a spring gun; or

E. Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm; or

F. Sell, purchase, possess or carry any gas pen, gas pencil, gas bomb or gas pistol.

(Ord. 102843 § 12A.17.140, 1973.)

**12A.14.090 Exemptions—Gas pens, gas pencils, gas bombs, and gas pistols.**

The proscriptions of Section 12A.14.080 F relating to gas pens, gas pencils, gas bombs, and gas pistols, shall not apply to:

A. Sales at wholesale;

B. Peace officers or military personnel while in the performance of their official duties;

C. Sales to a governmental agency;

D. The sale to mail carriers, field personnel of the King County Department of Assessments, or public or private utility meter readers, or the purchase, possession or carrying by any such persons, of aerosol canister devices designed for the purpose of repelling attacks by dogs and other animals and containing and capable of emitting in spray form oleoresin of capsicum or other similar substance;

E. The sale, by a person licensed to sell pistols in accordance with RCW 9.41.110 of Federal's Streamer No. 280 liquid tear gas repeater or similar liquid tear gas aerosol canister devices approved by the Chief of Police as safe against accidental firing and capable of only temporary disablement or impairment, to truck drivers, taxicab drivers, transit drivers, or other commercial drivers who regularly as part of their occupation carry cash or merchandise, and who have successfully completed a Seattle Police Department class of instruction on the use of such tear gas devices, or to purchase, or possession or carrying during working hours, of such device by such persons after successful completion of such class of instruction. Application for such instruction shall be made to the Chief of Police and shall be accompanied by a fee of Five Dollars (\$5.00).

(Ord. 108309 § 1(part), 1979; Ord. 108191 § 1(part), 1979; Ord. 102843 § 12A.17.160 (1), 1973.)

**12A.14.100 Exemptions—Dangerous knives.**

The proscriptions of Section 12A.14.080 B relating to dangerous knives shall not apply to:

A. Individual licensed hunters or fishermen while on a hunting, camping or fishing trip;

B. Any person carrying such knife in a secure wrapper from or to the place of purchase or a place of repair to or from his home or place of business, or in moving from one place of abode or business to another, or while in his place of

abode or fixed place of business.  
(Ord. 108309 § 1(part), 1979; Ord. 108191 § 1  
(part), 1979; Ord. 102843 § 12A.17.160 (2),  
1973.)

**12A.14.110 Exemptions—Pistols.**

Section 12A.14.080 C shall not apply to or  
affect:

A. Peace officers, or military personnel while  
in the performance of their official duties;

B. Regularly enrolled members of any club or  
organization organized for the purpose of  
practicing shooting at targets upon established  
target ranges, whether public or private, while  
such members are at, or are going to or from  
such target ranges;

C. Regularly enrolled members of any club  
or organization organized for the purpose of  
collecting modern or antique firearms while  
such members are at, or are going to or from a  
gun collector's show or exhibit;

D. Individual licensed hunters or fishermen  
while on a hunting, camping, or fishing trip;

E. Any person engaged in the business or  
manufacturing, repairing, or dealing in fire-  
arms or the agent or representative of such  
person, having in his possession, using or carry-  
ing a pistol in the usual or ordinary course of  
such business;

F. Any person carrying a pistol unloaded and  
in a secure wrapper from or to the place of  
purchase or a place of repair to or from his  
home or place of business, or in moving from  
one place of abode or business, to another.

(Ord. 108309 § 1(part), 1979; Ord. 108191 § 1  
(part), 1979; Ord. 102843 § 12A.17.160 (3),  
1973.)

**Chapter 12A.16**

**OFFENSES AGAINST GOVERNMENTAL  
ORDER**

**Sections:**

- 12A.16.010 Obstructing a public officer.
- 12A.16.020 Hindering law enforcement.
- 12A.16.030 Escape.
- 12A.16.040 False reporting.

Statutory Reference: For statutory provisions on obstructing  
governmental operations, see RCW Ch 9A.76.

**12A.16.010 Obstructing a public officer.**

A person is guilty of obstructing a public  
officer if he intentionally resists, delays or  
obstructs a person who he knows is a public  
officer and such officer is acting lawfully in a  
governmental function.

(Ord. 102843 § 12A.20.020, 1973.)

Cases: A motorist's action in forcibly retaking his operator's  
license from an officer after the officer admittedly had obtained  
all the information he needed from it, did not constitute resist-  
ing an officer in the discharge of his duty. *Seattle v. Nave*,  
62 Wn.2d 446, 383 P.2d 491 (1963).

In acting lawfully, an officer has not only the specific duty to  
enforce the law, but is also charged with the general duty and  
power to maintain the peace and quiet of the city. *Mike v.*  
*Tharp*, 21 Wn. App. 1, 5, (1978).

**12A.16.020 Hindering law enforcement.**

A. As used in this section "hindering law  
enforcement" means to intentionally prevent,  
hinder or delay the apprehension or prosecution  
of another person who the actor knows:

1. Has committed a crime; or
2. Is being sought by law enforcement  
officials for the commission of such offense; or
3. Has escaped from jail or prison.

B. A person is guilty of hindering law  
enforcement if with respect to a person de-  
scribed in subsections A 1, 2 or 3 he knowingly:

1. Harbors or conceals such person; or
2. Warns such person of impending  
discovery or of apprehension; or
3. Provides such person with money,  
transportation, disguise or other means of  
avoiding discovery or apprehension; or
4. Prevents or obstructs, by use of force  
or threat, a private person from performing an  
act that might aid in the discovery or appre-  
hension of such person; or
5. Conceals, alters or destroys any  
physical evidence that might aid in the discovery  
or apprehension of such person.

(Ord. 102843 § 12A.20.050, 1973.)

Cases: The words "hinder" and "delay" have a meaning in  
common usage and understanding and are not vague. *Seattle v.*  
*Arensmeyer*, 6 Wn. App. 116, 491 P.2d 1305 (1971).

**12A.16.030 Escape.**

A. "Official detention" means:

1. Restraint pursuant to a lawful arrest  
for an offense; or
2. Lawful confinement in the City Jail; or
3. Custody for purposes incident to the  
foregoing including but not necessarily limited

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to:

- a. Transportation, or
- b. Medical diagnosis or treatment, or
- c. Court appearances, or
- d. Work and recreation.

B. A person is guilty of escape if, without lawful authority, he intentionally removes himself from official detention or fails to return to official detention following temporary leave granted for a specified purpose or limited period.

(Ord. 102843 § 12A.20.080, 1973.)

**12A.16.040 False reporting.**

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

(Ord. 102843 § 12A.20.110, 1973.)

**Chapter 12A.18**

**OFFENSES BY OR AGAINST JUVENILES<sup>1</sup>**

**Sections:**

- 12A.18.010 Definitions.
- 12A.18.020 Contributing to dependency.
- 12A.18.030 Contributing to delinquency.
- 12A.18.040 Unlawful purchase, acquisition, possession or use of arms.
- 12A.18.050 Unlawful aiding the purchase, acquisition, possession or use of arms.
- 12A.18.060 Unlawful furnishing, purchase, acquisition, possession or use of pistol.
- 12A.18.070 Knowledge of age not element of offense.

sexually mistreated child as defined in RCW Chapter 26.44.

B. "Child" means a person who is under the chronological age of eighteen.

C. "Delinquent act" means an act committed by a child which would be designated a crime if committed by an adult.

D. "Dependent child" means a child who is:

1. Neglected, as defined in subsection E of this section; or

2. Abused as defined in subsection A of this section.

E. "Neglected child" means a child who is:

1. Without a parent or legal guardian, or legal custodian or who has been abandoned by such; or

2. In a situation of clear and present danger of suffering substantial damage to his physical or mental health; or

3. A runaway from his home or a fugitive from his parent or guardian.

(Ord. 103993 § 1, 1974; Ord. 102843 § 12A.24.010, 1973.)

**12A.18.020 Contributing to dependency.**

A person is guilty of contributing to the dependency of a child if, by act or omission, he knowingly contributes to a child's becoming or causes a child to become a dependent child.

(Ord. 103993 § 2(part), 1974; Ord. 102843 § 12A.24.020, 1973.)

**12A.18.030 Contributing to delinquency.**

A person is guilty of contributing to the delinquency of a child if, by act or omission, he knowingly causes or encourages a child to commit or otherwise contributes to a child's commission of a delinquent act.

(Ord. 103993 § 2(part), 1974; Ord. 102843 § 12A.24.030, 1973.)

**12A.18.040 Unlawful purchase, acquisition, possession or use of arms.**

A person is guilty of unlawful purchase, acquisition, possession or use of arms if he is under the age of eighteen years and knowingly purchases, attempts to purchase, acquires, possesses or uses any firearm of any kind or any spring gun, air gun or slingshot, or any ammunition for any such firearm or gun, except while accompanied by or under the immediate charge of his parent or legal guardian or other adult approved for the purpose of this section by such parent or guardian, or while under the

1. Cross-reference: For provisions regarding furnishing liquor to persons under twenty-one years of age, see Chapter 12A.24 of this Code.

**12A.18.010 Definitions.**

The following definitions apply in this chapter:

A. "Abused child" means a physically or



supervision of a certified safety instructor at an established gun range or firearm training class.  
(Ord. 103993 § 2(part), 1974; Ord. 102843 § 12A.24.040, 1973.)

**12A.18.050 Unlawful aiding the purchase, acquisition, possession or use of arms.**

A person is guilty of unlawfully aiding the purchase, acquisition, possession or use of arms if he knowingly aids in a violation of or permits any person to violate the provisions of Section 12A.18.040.  
(Ord. 103993 § 2(part), 1974; Ord. 102843 § 12A.24.050, 1973.)

**12A.18.060 Unlawful furnishing, purchase, acquisition, possession or use of pistol.**

Notwithstanding the provisions of Sections 12A.18.040 and 12A.18.050 a person is guilty of unlawful furnishing, purchase, acquisition, possession or use of a pistol if he is under the age of eighteen years and knowingly purchases, attempts to purchase, acquires, possesses or uses a pistol as defined by Section 12A.14.010 E, or if he is a person who knowingly sells, gives, furnishes or causes to be furnished or permits to be sold, given or furnished a pistol to any person under the age of eighteen years, or if he is a person who knowingly permits a person under the age of eighteen years to possess or use a pistol.  
(Ord. 103993 § 2(part), 1974; Ord. 102843 § 12A.24.060, 1973.)

**12A.18.070 Knowledge of age not element of offense.**

In any prosecution under this chapter and notwithstanding any other provision hereof, it is not a defense that the actor reasonably believed that the other person was eighteen years of age or older.  
(Ord. 103993 § 2(part), 1974; Ord. 102843 § 12A.24.070, 1973.)

**Chapter 12A.20**

**CONTROLLED SUBSTANCES**

**Sections:**

12A.20.010 Definitions.

12A.20.020 Unlawful to distribute or possess except as authorized.  
12A.20.030 Penalties.  
12A.20.040 Evidence of prescription as affirmative defense.

Statutory Reference: For the Uniform Controlled Substances Act, see RCW Ch. 69.50.

**12A.20.010 Definitions.**

A. "Controlled substance" means a substance classified in Schedules I through V of Article II of the Uniform Controlled Substances Act, Chapter 308, Laws of 1971, Ex. Sess. (RCW Chapter 69.50), as now or hereafter amended.

B. "Distribute" means to sell, give away, barter, exchange or otherwise furnish a controlled substance in a manner not authorized under state or federal law.

C. "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

D. "Possess" means to have physical custody of or dominion and control over a controlled substance. Mere physical proximity, without other circumstances linking a person to a controlled substance, shall not constitute possession.

(Ord. 102843 § 12A.32.010, 1973.)

**12A.20.020 Unlawful to distribute or possess except as authorized.**

A person is guilty of unlawful possession or distribution of a controlled substance who knowingly possesses or intentionally distributes any controlled substance except as now or hereafter authorized or permitted by the Uniform Controlled Substances Act, Chapter 308, Laws of 1971, Ex. Sess. (RCW Chapter 69.50), as now or hereafter amended.  
(Ord. 102843 § 12A.32.020, 1973.)

**12A.20.030 Penalties.**

Any person who violates this chapter with respect to:

A. Distribution of any controlled substance shall be guilty of a crime;

B. Possession of any controlled substance except marijuana shall be guilty of a crime;

C. Possession of marijuana shall be guilty of a violation.

(Ord. 102843 § 12A.32.030, 1973.)

**12A.20.040 Evidence of prescription as affirmative defense.**

It shall be an affirmative defense to any prosecution for possession of a controlled substance that the person charged has a lawful prescription for such substance.

(Ord. 102843 § 12A.32.040, 1973.)

**Chapter 12A.22**

**GAMBLING OFFENSES**

**Sections:**

- 12A.22.010 Definitions.
- 12A.22.020 Causing, aiding or abetting violation.
- 12A.22.030 Deceptive or misleading act or practice—Operation of gambling activity.
- 12A.22.040 Deceptive or misleading act or practice—Participation in gambling activity.
- 12A.22.050 Gambling without license.
- 12A.22.060 Gambling records.
- 12A.22.070 Gambling information.
- 12A.22.080 Social card games prohibited—Exceptions.
- 12A.22.090 Bunco or swindling games or devices.
- 12A.22.100 Gambling prohibited—Exceptions.
- 12A.22.110 Public cardrooms prohibited.
- 12A.22.120 Punch boards and pull-tabs.

Statutory Reference: For statutory provisions on gambling, see RCW Ch. 9.46.

Severability: The provisions of Sections 12A.22.010 through 12A.22.080 are declared to be separate and severable and the invalidity of any clause, sentence, paragraph or part of said sections, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of said sections or the validity of its application to other person or circumstances.

(Ord. 107246 § 3, 1978.)

**12A.22.010 Definitions.**

For purposes of Sections 12A.22.020 through 12A.22.080, the following terms shall have the following meanings:

A. A person engages in "gambling" if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence,

upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include fishing derbies as defined by RCW Chapter 9.46, parimutuel betting as authorized by RCW Chapter 67.16, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health, or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (14) of RCW 9.46.020 shall not constitute gambling.

B. "Gambling information" means any wager made in the course of, and any information intended to be used for, professional gambling. In the application of this definition, information as to wagers, betting odds and changes in betting odds shall be presumed to be intended for use in professional gambling; provided, however, that this subsection shall not apply to newspapers of general circulation or commercial radio and television stations licensed by the Federal Communications Commission.

C. "Gambling record" means any record, receipt, ticket, certificate, token, slip or notation given, made, used or intended to be used in connection with professional gambling.

D. "Player" means a natural person who engages, on equal terms with other participants, and solely as a contestant or bettor, in any form of gambling in which no person may receive or become entitled to receive any profit therefrom other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of a particular gambling activity. A natural person who gambles at a social game of chance on equal terms with other participants therein does not otherwise render material assistance to the establishment, conduct or operation thereof by performing, without fee or remuneration, acts directed toward the arrangement or facilitation of the game, such as inviting persons to play, permitting the use of premises therefor, and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in RCW 9.46.020(4) is not a "player."

E. A person is engaged in "professional

gambling" when:

1. Acting other than as a player or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly engages in conduct which materially aids any other form of gambling activity; or

2. Acting other than as a player, or in the manner set forth in RCW 9.46.030 as now or hereafter amended, he knowingly accepts or receives money or other property pursuant to an agreement or understanding with any person whereby he participates or is to participate in the proceeds of gambling activity;

3. He engages in bookmaking as defined in RCW 9.46.020(4);

4. He conducts a lottery as defined in RCW 9.46.020(14).

Conduct under subparagraph 1, except as exempted under RCW 9.46.030 as now or hereafter amended, includes but is not limited to conduct directed toward the creation or establishment of the particular game, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, paraphernalia, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement of any of its financial or recording phases, or toward any other phase of its operation. If a person having substantial proprietary or other authoritative control over any premises shall permit the premises to be used with the person's knowledge for the purpose of conducting gambling activity other than gambling activities as set forth in RCW 9.46.030 as now or hereafter amended, and acting other than as a player, and said person permits such to occur or continue or makes no effort to prevent its occurrence or continuation, he shall be considered as being engaged in professional gambling; provided, that the proprietor of a bowling establishment who awards prizes obtained from player contributions, to players successfully knocking down pins upon the contingency of identifiable pins being placed in a specified position or combination of positions, as designated by the posted rules of the bowling establishment, where the proprietor does not participate in the proceeds of the "prize fund" shall not be construed to be engaging in "professional gambling" within the meaning of this chapter: provided, further, that the books and

and records of the games shall be open to public inspection.

F. "Punch boards" and "pull-tabs" shall be given their usual and ordinary meaning as of July 16, 1973, except as such definition is revised by the State Gambling Commission in accordance with RCW Chapter 9.46.

G. "Social card game" means a card game, including but not limited to the game commonly known as "Mah-Jongg," which constitutes gambling and contains each of the following characteristics:

1. There are two or more participants and each of them are players; and

2. A player's success at winning money or other thing of value by overcoming chance is in the long run largely determined by the skill of the player; and

3. No organization, corporation or person collects or obtains or charges any percentage of or collects or obtains any portion of the money or thing of value wagered or won by any of the players; provided, that this subsection 3 shall not preclude a player from collecting or obtaining his winnings; and

4. No organization or corporation, or person collects or obtains any money or thing of value from, or charges or imposes any fee upon, any person which either enables him to play or results in or from his playing; provided, that this subsection 4 shall not apply to the membership fee in any bona fide charitable or nonprofit organization or to an admission fee allowed by the State Gambling Commission pursuant to RCW 9.46.070; and

5. The type of card game is one specifically approved by the State Gambling Commission pursuant to RCW 9.46.070; and

6. The extent of wagers, money or other thing of value which may be wagered or contributed by any player does not exceed the amount or value specified by the State Gambling Commission pursuant to RCW 9.46.070.

(Ord. 107246 § 1(part), 1978: Ord. 102843 § 12A.36.050, 1973.)

**12A.22.020 Causing, aiding or abetting violation.**

Any person who knowingly causes, aids, abets or conspires with another to cause any person to violate any rule or regulation adopted pursuant to RCW Chapter 9.46 shall be guilty of a crime, and in accordance with RCW 9.46.192 shall

upon conviction thereof be punished by imprisonment in the City Jail for not more than one year or by a fine not more than Five Thousand Dollars (\$5,000.00), or both.  
(Ord. 107246 § 1(part), 1978: Ord. 102843 § 12A.36.053, 1973.)

**12A.22.030 Deceptive or misleading act or practice—Operation of gambling activity.**

Any person or association or organization operating any gambling activity, who or which, directly or indirectly, shall in the course of such operation:

A. Employ any device, scheme, or artifice to defraud; or

B. Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which the statement is made; or

C. Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person; shall be guilty of a crime, and in accordance with RCW 9.46.192 shall upon conviction thereof be punished by imprisonment in the City Jail for not more than one year or by a fine of not more than Five Thousand Dollars (\$5,000.00), or both.  
(Ord. 107246 § 1(part), 1978: Ord. 102843 § 12A.36.055, 1973.)

**12A.22.040 Deceptive or misleading act or practice—Participation in gambling activity.**

Any person participating in a gambling activity, who shall in the course of such participation, directly or indirectly:

A. Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;

B. Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;

C. Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or

D. Cause, aid, abet or conspire with another person to cause any other person to violate subsections A through C of this section; shall be guilty of a crime and in accordance with RCW

9.46.192 upon conviction thereof shall be punished by imprisonment in the City Jail for not more than one year or by a fine of not more than Five Thousand Dollars (\$5,000.00), or both.

(Ord. 107246 § 1(part), 1978: Ord. 102843 § 12A.36.058, 1973.)

**12A.22.050 Gambling without license.**

Any person who works as an employee or agent or in a similar capacity for another person in connection with the operation of an activity for which a license is required under RCW Chapter 9.46 or by State Gambling Commission rule without having obtained the applicable license required by the Commission under RCW 9.46.070(16) shall be guilty of a crime and in accordance with RCW 9.46.192 shall upon conviction thereof be punished by imprisonment in the City Jail for not more than one year or by a fine of not more than Five Thousand Dollars (\$5,000.00) or both.

(Ord. 107246 § 1(part), 1978: Ord. 102843 § 12A.36.060, 1973.)

**12A.22.060 Gambling records.**

Whoever knowingly prints, makes, possesses, stores, or transports any gambling record, or buys, sells, offers, or solicits any interest therein, whether through an agent or employee or otherwise shall be guilty of a crime, and in accordance with RCW 9.46.192 shall upon conviction thereof, be punished by imprisonment in the City Jail for not more than one year or by a fine of not more than Five Thousand Dollars (\$5,000.00) or both; provided, however, that this section shall not apply to records relating to and kept for activities enumerated in RCW 9.46.030, as now or hereafter amended when the records are of the type and kind traditionally and usually employed in connection with the particular activity, nor shall this section apply to any act or acts in furtherance of such activities when conducted in compliance with the provisions of RCW Chapter 9.46 and in accordance with the rules and regulations adopted pursuant thereto. In the enforcement of this section direct possession of any gambling record shall be presumed to be knowing possession thereof.

(Ord. 107246 § 1(part), 1978: Ord. 102843 § 12A.36.063, 1973.)

**12A.22.070 Gambling information.**

Whoever knowingly transmits or receives gambling information by telephone, telegraph, radio, semaphore or similar means, or knowingly installs or maintains equipment for the transmission or receipt of gambling information shall be guilty of a crime, and in accordance with RCW 9.46.192 shall upon conviction thereof be punished by imprisonment in the City Jail for not more than one year or by a fine of not more than Five Thousand Dollars (\$5,000.00) or both; provided, however, that this section shall not apply to such information transmitted or received or equipment installed or maintained relating to activities as enumerated in RCW 9.46.030 or to any act or acts in furtherance thereof when conducted in compliance with the provisions of RCW Chapter 9.46 and in accordance with the rules and regulations adopted pursuant thereto.

(Ord. 107246 § 1(part), 1978: Ord. 102843 § 12A.36.065, 1973.)

**12A.22.080 Social card games prohibited—Exceptions.<sup>1</sup>**

It is unlawful for any person to participate in or to conduct as a commercial stimulant or otherwise, any social card game; provided, that this section shall not apply to social card games conducted or played by members on the premises of a licensed, bona fide charitable or nonprofit organization as authorized by RCW 9.46.030(7)(a); and provided, further, that this section shall not apply to social card games conducted or played in the dwelling or other place of residence of one of the players.

(Ord. 107246 § 1(part), 1978: Ord. 102843 § 12A.36.068, 1973.)

1. Cross-reference: For further provisions regarding social card games, see Chapter 12A.50 of this Code.

**12A.22.090 Bunco or swindling games or devices.**

It is unlawful for anyone to engage in any bunco or swindling games or to operate or possess any device for swindling or defrauding others.

(Ord. 104049 § 1, 1974: Ord. 102843 § 12A.36.040, 1973.)

**12A.22.100 Gambling prohibited—Exceptions.**

A. Except as authorized by or pursuant to RCW Chapter 9.46, as amended, it is unlawful for any person or persons to play at, wager any

thing of value upon, or in any manner take part in or carry on, or cause to be opened, or to conduct, set up, keep or exhibit any gaming table or game whatever for the purpose of gambling, or any game of chance for the winning or securing of money by chance, played with cards, dice or any device of whatever kind or nature, whether or not of the kind or character herein mentioned, for money, checks, credits or any representative of value whatever, or to have in his possession to be used for the purpose of gambling or winning money by chance, any gaming device whatever; provided, that nothing in this section shall apply to any game or gambling activity in which all of the participants are players as defined in this section, and which is conducted or played in the dwelling or other place of residence of one of the players.

B. The term "player" as used in this section means a natural person who engages in a casual or personal fashion and not as a business, on equal terms with the other participants, and solely as a contestant or bettor, in any form of gambling in which, or in connection with which, no person receives or may receive or become entitled to receive any profit, fee or remuneration therefrom other than personal gambling winnings.

(Ord. 104049 § 2, 1974: Ord. 102843 § 12A.36.080, 1973.)

**12A.22.110 Public cardrooms prohibited.**

It is unlawful for any person to conduct a public cardroom in the city.

(Ord. 102843 § 12A.36.180, 1973.)

**12A.22.120 Punch boards and pull-tabs.**

It is unlawful for anyone to utilize as a commercial stimulant or otherwise any punch board or pull-tab as defined in RCW Chapter 9.46, as amended.

(Ord. 104087 § 1, 1974: Ord. 102843 § 12A.36.200, 1973.)

Chapter 12A.24

LIQUOR OFFENSES

Sections:

- 12A.24.010 Definitions.
- 12A.24.020 Disposition of liquor.
- 12A.24.030 Possession of liquor at Seattle Center prohibited.

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- 12A.24.040 Hours of closing.
- 12A.24.050 Frequenting places where liquor unlawfully kept or disposed of.
- 12A.24.060 Prosecution—Description of offense.
- 12A.24.070 Pleading particulars of offense.
- 12A.24.080 Unlawful furnishing of liquor.
- 12A.24.090 Unlawful sale of liquor.
- 12A.24.100 Unlawful purchase, acquisition, or possession of liquor.
- 12A.24.110 Unlawful frequenting of tavern.
- 12A.24.120 Unlawful treating on premises of a liquor establishment.
- 12A.24.130 Unlawful transfer and use of identification.
- 12A.24.140 Knowledge of age not element of offense.
- 12A.24.150 Classification and penalty.

Statutory Reference: For statutory provisions on alcoholic beverages, see RCW Title 66.

**12A.24.010 Definitions.**

For the purposes of this chapter, and unless the context otherwise requires:

A. "Alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl or spirit of wine, which is commonly produced by the fermenting or distillation of grain, starch, molasses, or sugar, or other substances, including all dilutions and mixtures of said substance.

B. "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of hops, or extract hops and barley malt or other grain or cereal in water, including ale, stout and porter, containing one-half of one percent or more of alcohol by volume.

C. "Liquor" includes the four varieties of liquor defined in this section (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or any combination or mixture thereof containing one-half of one percent, or more, of alcohol by volume.

D. "Manufacture" means the production or preparation of liquor for sale.

E. "Person" means an individual, copartnership, association or corporation.

F. "Spirits" means any beverage obtained by distillation which contains one-half of one percent, or more, of alcohol by volume.

G. "Wine" means any alcoholic beverage obtained by fermentation of fruits or other agricultural products containing sugar, or any such beverage to which any saccharine substance may have been added before, during or after fermentation, or any such beverage to which may have been added any spirits, wine spirits or alcohol, which contains one-half of one percent, or more, of alcohol by volume. (Ord. 102843 § 12A.40.010, 1973.)

**12A.24.020 Disposition of liquor.**

It is unlawful to manufacture, sell, possess, consume, give away, use or otherwise dispose of any liquor as defined in this chapter or in the Washington State Liquor Act (Chapter 62, Laws of 1933, Extraordinary Session) except as authorized or permitted by state law. (102843 § 12A.40.020, 1973.)

**12A.24.030 Possession of liquor at Seattle Center prohibited.**

Except as authorized or permitted by or pursuant to state law, it is unlawful to carry in or possess any liquor upon any premises or in any building at the Seattle Center which the Seattle Center Director shall designate by rule, and pursuant thereto cause to be conspicuously posted at each entrance of such premises or building, notice of the provisions of this section. (Ord. 103539 § 2, 1974; Ord. 102843 § 12A-40.030, 1973.)

**12A.24.040 Hours of closing.**

It is unlawful for the owner, manager, operator or employee of any "club," to permit any member, patron or other person to consume, in any room which is not a place of residence therein, "spirituous liquor" as said quoted terms are defined in Initiative Measure No. 171 (Ch. 5 Laws of 1949, RCW 66.24.410) between two a.m. on Sunday and twelve noon on Sunday nor between twelve midnight on Sunday and six a.m. Monday; nor upon any other week day between two a.m. and six a.m., unless permitted by the Rules and Regulations of the State Liquor Control Board. (Ord. 102843 § 12A.40.040, 1973.)

**12A.24.050 Frequenting places where liquor unlawfully kept or disposed of.**

It shall be unlawful for any person to frequent or be found in any place where intoxi-

cating liquors are being unlawfully kept or disposed of.

(Ord. 102843 § 12A.40.060, 1973.)

#### 12A.24.060 Prosecution—Description of offense.

The description of any offense under this chapter, in the language of this chapter or of the Washington State Liquor Act, or any language of like effect so far as the same may be applicable, shall be sufficient in law; and any exception, exemption, provision, excuse or qualification, whether it occurs by way of proviso, or in the description of the offense in this chapter, or in the Washington State Liquor Act, may be proved by the defendant but need not be specified or negatived.

(Ord. 102843 § 12A.40.080, 1973.)

#### 12A.24.070 Pleading particulars of offense.

In describing any offense respecting the manufacture, sale, possession, consumption, gift, use or other disposal of any liquor, in any complaint, summons, conviction, warrant or proceeding under this chapter, it shall be sufficient to state the same without stating the name or kind of such liquor or the price thereof, or to whom it was sold or disposed of, or by whom used or consumed, or from whom it was purchased or received, and shall not be necessary to state the quantity of liquor so sold, possessed, used, consumed, given away or otherwise disposed of, except in cases of offenses where the quantity is essential, and then it shall be sufficient to allege the sale or disposal of more or less than such quantity.

(Ord. 102843 § 12A.40.100, 1973.)

#### 12A.24.080 Unlawful furnishing of liquor.

A person is guilty of unlawfully furnishing liquor if he knowingly gives, supplies or furnishes liquor to a person under the age of twenty-one years or permits any person under that age to consume liquor on his premises or on any premises under his control except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian or administered to him by his physician or dentist for medicinal purposes or used in connection with religious services.

(Ord. 103993 § 3(part), 1974: Ord. 102843 § 12A.40.120, 1973.)

#### 12A.24.090 Unlawful sale of liquor.

A person is guilty of unlawful sale of liquor if he knowingly sells or attempts to sell any liquor to any person under the age of twenty-one years.

(Ord. 103993 § 3(part), 1974: Ord. 102843 § 12A.40.140, 1973.)

#### 12A.24.100 Unlawful purchase, acquisition, or possession of liquor.

A person is guilty of unlawful purchase, acquisition or possession of liquor if he is under the age of twenty-one years and except as provided in Section 12A.24.080 knowingly purchases, attempts to purchase, acquires, possesses or consumes any liquor.

(Ord. 103993 § 3(part), 1974: Ord. 102843 § 12A.40.160, 1973.)

#### 12A.24.110 Unlawful frequenting of tavern.

A person is guilty of unlawfully frequenting a tavern if, except as provided for by RCW Chapter 66.44, he is a person under the age of twenty-one years and knowingly enters or remains on the premises of any tavern as defined by the Washington State Liquor Control Board; a person is guilty of permitting unlawful frequenting of a tavern if, except as provided for by RCW Chapter 66.44, he knowingly serves or allows any person under the age of twenty-one years to remain on the premises of any tavern.

(Ord. 103993 § 3(part), 1974: Ord. 102843 § 12A.40.180, 1973.)

#### 12A.24.120 Unlawful treating on premises of a liquor establishment.

A person is guilty of unlawfully treating on premises of a liquor establishment if he knowingly invites a person under the age of twenty-one years into a public place where liquor is sold and treats, gives or purchases liquor for such person or holds out such person to be twenty-one years of age or over to the owner of such liquor establishment.

(Ord. 103993 § 3(part), 1974: Ord. 102843 § 12A.40.200, 1973.)

#### 12A.24.130 Unlawful transfer and use of identification.

A person is guilty of unlawful transfer of identification if he knowingly transfers any identification of age to a person under the age of twenty-one years for the purpose of permitting such person to obtain liquor and a person is

guilty of unlawful use of such identification if he is under the age of twenty-one years and uses such an identification or otherwise makes false representations of his age for the purpose of obtaining liquor.

(Ord. 103993 § 3(part), 1974; Ord. 102843 § 12A.40.220, 1973.)

**12A.24.140 Knowledge of age not element of offense.**

In any prosecution under this chapter and notwithstanding any other provision hereof, it is not a defense that the actor reasonably believed that the other person was twenty-one years of age or older.

(Ord. 103993 § 3(part), 1974; Ord. 102843 § 12A.40.240, 1973.)

**12A.24.150 Classification and penalty.**

An offense under Sections 12A.24.100, 12A.24.110, 12A.24.120, or 12A.24.130 is designated a violation and punishment therefor shall be as provided in Section 12A.02.080.

(Ord. 103993 § 3(part), 1974; Ord. 102843 § 12A.40.260, 1973.)

**Chapter 12A.26**

**MAYOR'S EMERGENCY POWERS<sup>1</sup>**

**Sections:**

- 12A.26.010 Proclamation of civil emergency.
- 12A.26.020 Additional orders.
- 12A.26.030 Delivery to news media.
- 12A.26.040 Failure to obey.

1. Cross-reference: For additional provisions on civil emergencies, see Chapter 10.02 of this Code.

**12A.26.010 Proclamation of civil emergency.**

Whenever riot, unlawful assembly, or insurrection, or the imminent threat thereof, occur in the city and result in, or threaten to result in, the death or injury of persons or the destruction of property to such extent as to require, in the judgment of the Mayor, extraordinary measures to protect the public peace, safety and welfare, the Mayor shall forthwith proclaim in writing the existence of a civil emergency.

(Ord. 102843 § 12A.45.010, 1973.)

**12A.26.020 Additional orders.**

Upon the proclamation of a civil emergency by the Mayor, and during the existence of such civil emergency, the Mayor may make and proclaim any or all of the following orders:

A. An order imposing a general curfew applicable to the city as a whole, or to such geographical area or areas of the city and during such hours, as he deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;

B. An order requiring any or all business establishments to close and remain closed until further order;

C. An order requiring the closure of any or all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the Mayor, be allowed to remain open;

D. An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the city;

E. An order requiring the discontinuance of the sale, distribution or giving away of firearms and/or ammunition for firearms in any or all parts of the city;

F. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

G. An order requiring the closure of any or all business establishments where firearms and/or ammunition for firearms are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of firearms and/or ammunition and in which such firearms and/or ammunition may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than firearms and ammunition may, in the discretion of the Mayor, be allowed to remain open;

H. An order closing to the public any or all public places including streets, alleys, public



ways, schools, parks, beaches, amusement areas, and public buildings;

I. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm, provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;

J. Such other orders as are imminently necessary for the protection of life and property; provided, however, that any such orders shall, at the earliest practicable time, be presented to the City Council for ratification and confirmation, and if not so ratified and confirmed shall be void.

(Ord. 102843 § 12A.45.020, 1973.)

**12A.26.030 Delivery to news media.**

The Mayor shall cause any proclamation issued by him pursuant to the authority of this chapter to be delivered to all news media within the city and shall utilize such other available means, including public address systems, as shall be necessary, in his judgment, to give notice of such proclamations to the public.

(Ord. 102843 § 12A.45.030, 1973.)

**12A.26.040 Failure to obey.**

A person is guilty of failure to obey Mayor's emergency order when he knowingly violates any order issued under authority of Sections 12A.26.010 or 12A.26.020.

(Ord. 102843 § 12A.45.040, 1973.)

**Chapter 12A.28**

**MISCELLANEOUS OFFENSES**

**Sections:**

- 12A.28.010 Interference caused by electromagnetic wave generator—Unlawful.
- 12A.28.020 Notice to owner of interfering device—Checking device by demonstration.
- 12A.28.030 Prevention of interference—Shielding or abatement of device.
- 12A.28.040 Exemptions.
- 12A.28.050 Discharging firearm or explosive—Exceptions.

12A.28.060 Unlawful to keep books after notice to return.

12A.28.070 Failure to appear in response to citation.

12A.28.080 False statement or misrepresentation in connection with city program.

**12A.28.010 Interference caused by electromagnetic wave generator—Unlawful.**

It is unlawful to operate within the corporate limits of the city any generator of electromagnetic waves or disturbances detectable by radio receiving apparatus and of such magnitude as to interfere with the proper functioning of the radio communication system of the Police Department of the city.

(Ord. 102843 § 12A.46.010, 1973.)

**12A.28.020 Notice to owner of interfering device—Checking device by demonstration.**

Whenever the Chief of Police, or his duly authorized representative, shall find that any device, machine or apparatus is generating electromagnetic waves of such magnitude as to cause interference with the radio communication system of the Police Department, the officer shall serve written notice upon the owner or operator thereof advising the owner or operator of such finding; and thereupon it shall be the duty of the owner or operator to forthwith fully cooperate with the officer in checking by actual demonstration thereof whether such device, machine or apparatus is in fact interfering with the proper functioning of the radio communication system.

(Ord. 102843 § 12A.46.020, 1973.)

**12A.28.030 Prevention of interference—Shielding or abatement of device.**

If following such check, the Chief of Police is confirmed in his finding he shall serve a written notice upon the owner and operator to that effect, and it shall then be the duty of the owner or operator to forthwith abate and discard the operation of such device, machine or apparatus; provided, that with the consent of the Chief of Police, such owner or operator may be allowed a period of not to exceed thirty days within which to filter, shield or otherwise remodel any such device, machine or apparatus to prevent such interference, but in the event any such device,

machine or apparatus is not repaired or remodeled so that its operation will not interfere with the proper functioning of the radio communication system of the Police Department, the operation thereof shall be abated and discarded at the end of the period allowed by the officer.

(Ord. 102843 § 12A.46.030, 1973.)

**12A.28.040 Exemptions.**

The provisions of Sections 12A.28.010 through 12A.28.030 shall not apply to any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce, the operation of which is licensed or authorized by or under the provisions of an Act of the Congress of the United States.

(Ord. 102843 § 12A.46.040, 1973.)

**12A.28.050 Discharging firearm or explosive—  
Exceptions.**

It is unlawful to discharge any cannon, gun, pistol, revolver or other firearm, or to fire or explode or set off any squib, firecracker, torpedo or other thing containing powder, or other explosive material, except on days of public celebration or jubilee, and then only as permitted by law. This section shall not apply to the following: licensed shooting galleries; airplane ordnance testing and proving grounds used in the manufacture of aircraft; rifle or pistol practice ranges located, established, used and patrolled by the armed forces of the United States, by the state, or by the Police Department; the discharge of any firearm in the performance of official duties or in the course of employment or in civilian sports by any person having a permit or lawful right to carry such firearm; or to the lawful use of explosives for blasting or construction or demolition work.

(Ord. 102843 § 12A.46.100, 1973.)

**12A.28.060 Unlawful to keep books after  
notice to return.**

A. It is unlawful to retain any book, newspaper, magazine, pamphlet, manuscript or other property belonging in or to, or on deposit with, the Seattle Public Library, or any branch, reading room, deposit station, museum or institution operated in connection therewith, for a period exceeding thirty days after the mailing by certified mail to the borrower's address on file with the library of a notice in

writing to return the same, given after the expiration of the time which, by the rules of such institution, such article or other property may be kept; which notice so mailed shall bear on its face a copy of this section.

B. Classification and Penalty. An offense under this section of unlawfully keeping books is designated a violation and punishment therefor shall be as provided in Section 12A.02.080.

(Ord. 102843 § 12A.46.110, 1973.)

**12A.28.070 Failure to appear in response  
to citation.**

It shall be unlawful for any person to fail to appear as directed when served with a citation and notice to appear in municipal court as provided in Section 12A.02.140.

(Ord. 102843 § 12A.46.120, 1973.)

**12A.28.080 False statement or  
misrepresentation in connection  
with city program.**

A. It is unlawful for any person to make any false statement of a material fact or to misrepresent his or her eligibility under qualifications established for determining participation in a city program or for receiving the benefits of a city program.

B. An offense under this section shall be designated a violation and punishment therefor shall be provided in Section 12A.02.080.

(Ord. 107513 § 1, 1978; Ord. 102843 § 12A.46.130, 1973.)

**Subtitle II Miscellaneous Regulations<sup>1</sup>**

1. Cross-reference: For provisions regarding cruelty to animals, see Chapter 9.16 of this Code.

**Chapter 12A.50**

**SOCIAL CARD GAMES<sup>1</sup>**

**Sections:**

**12A.50.010 Use of premises for social card games prohibited.**

**12A.50.020 Violation—Penalty.**

1. Cross-reference: For further provisions regarding social card games and gambling, see Chapter 12A.22 of this Code.

**12A.50.010 Use of premises for social card games prohibited.**

It is unlawful within the city for anyone to

allow any premises or any facilities to be used for, or to conduct as a commercial stimulant or otherwise, any social card game as defined in Chapter 218, Laws of Washington, 1973 1st Ex. Sess. as amended by Chapter 155, Laws of Washington, 1974 1st Ex. Sess.  
(Ord. 103825 § 1(part), 1974.)

#### 12A.50.020 Violation—Penalty.

Anyone convicted of a violation of this chapter shall be punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for not more than one hundred eighty days, or by both such fine and imprisonment.  
(Ord. 103825 § 1(part), 1974.)

### Chapter 12A.52

#### LITTER<sup>1</sup>

##### Sections:

- 12A.52.010 Litter defined.  
12A.52.020 Enforcement authority.  
12A.52.030 Unlawful to litter public places.  
12A.52.040 Unlawful use of litter receptacles.  
12A.52.050 Business conducted on public property—Use of city receptacle prohibited.  
12A.52.060 Litter on private property.  
12A.52.070 Accumulation of litter on planting strip or sidewalk.  
12A.52.080 Arrest and citation.  
12A.52.090 Failure to appear in court.  
12A.52.100 Violation—Penalty.

Statutory Reference: For the Model Litter Control Act, see RCW Ch. 70.93.

1. Cross-reference: For provisions regarding environmental protection, see Title 25 of this Code.

#### 12A.52.010 Litter defined.

The term "litter" as used in this chapter means and includes refuse, rubbish, garbage and all other waste material of every kind and description.  
(Ord. 89021 § 1, 1960.)

#### 12A.52.020 Enforcement authority.

The Superintendent of Buildings shall enforce provisions of this chapter relating to the deposit

or accumulation of litter on private property and the City Engineer shall enforce all other provisions of this chapter.

(Ord. 100363 § 1, 1971; Ord. 89021 § 1-A, 1960.)

#### 12A.52.030 Unlawful to litter public places.

It shall be unlawful to place, throw, deposit or otherwise dispose of litter in any public place, public park, on any private property, or in the waters within the city limits of Seattle except as provided in Section 12A.52.060, or at the disposal sites provided therefor by the city.  
(Ord. 89021 § 2, 1960.)

#### 12A.52.040 Unlawful use of litter receptacles.

It shall be unlawful to place litter accumulated on private property, or burning or smoldering materials, or dead animals, in any receptacle provided by the city for litter disposal; nor shall the contents of any such receptacle be removed or disturbed by anyone except as authorized by the city.

(Ord. 89021 § 3, 1960.)

#### 12A.52.050 Business conducted on public property—Use of city receptacle prohibited.

It shall be unlawful for anyone conducting business on public property to deposit litter accumulated in the course of such business in any receptacle on public property which has been provided for litter disposal by the city.  
(Ord. 89021 § 4, 1960.)

#### 12A.52.060 Litter on private property.

It shall be unlawful for the owners or occupants of private property to deposit or accumulate, or to permit the deposit or accumulation of litter upon such private property. This shall not prohibit the storage of garbage or rubbish in public or private litter receptacles, when approved by the city, or in garbage cans or in securely tied bundles when such garbage cans or bundles meet the requirements of the city garbage collection ordinance.<sup>1</sup>

(Ord. 89021 § 5, 1960.)

1. Editor's Note: Ordinance 96003, regarding garbage collection, is codified in Chapter 21.36 of this Code.

#### 12A.52.070 Accumulation of litter on planting strip or sidewalk.

It shall be unlawful to allow the accumulation

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of litter on sidewalks or planting strips (parking strips) by the owner or occupant of abutting private property, whether such litter is deposited by such owner or occupant or not.  
(Ord. 89021 § 6, 1960.)

### 12A.52.080 Arrest and citation.

Whenever any person is arrested for any violation of this chapter committed in the presence of the arresting officer, such officer may serve upon such person a citation and notice to appear in the municipal court, and such person, in order to secure release, and when permitted by the arresting officer, may give his written promise to appear in such court as required by the citation and notice served by such officer. If such arrested person fails or refuses to sign such promise, he shall be taken into custody by such arresting officer.  
(Ord. 89021 § 7, 1960.)

### 12A.52.090 Failure to appear in court.

Any person who fails to comply with his written promise to appear, in accordance with Section 12A.52.080, shall be subject to arrest and prosecution as a separate offense under this chapter regardless of the disposition of the charge on which he was originally arrested.  
(Ord. 89021 § 8, 1960.)

### 12A.52.100 Violation—Penalty.

Every offense defined by this chapter or conduct made unlawful thereby constitutes a violation as defined by Section 12A.02.080.  
(Ord. 104199 § 1, 1975; Ord. 89021 § 8A, 1960.)

## Chapter 12A.54

### CLIMBING ON WEDGEWOOD ROCK

#### Sections:

- 12A.54.010 Climbing prohibited.
- 12A.54.020 Violation—Penalty.

#### 12A.54.010 Climbing prohibited.

It is unlawful for anyone to climb or be upon that certain rock or boulder known as the "Wedgewood Rock" located within the public street area at the intersection of Northeast 72nd Street and 28th Avenue Northeast.  
(Ord. 99363 § 1(a), 1970.)

### 12A.54.020 Violation—Penalty.

Anyone convicted of a violation of this chapter shall be punishable by a fine of not more than One Hundred Dollars (\$100.00).  
(Ord. 99363 § 1(b), 1970.)

## Chapter 12A.56

### ARREST OF PROBATIONERS

#### Sections:

- 12A.56.010 Probationer defined.
- 12A.56.020 Authority to arrest.

#### 12A.56.010 Probationer defined.

As used in this chapter "probationer" means any person who after conviction of violation of an ordinance of the city, has been placed on probation in connection with the suspension or deferral of sentence by either the Seattle Municipal Court or the King County Superior Court on appeal.  
(Ord. 98086 § 1, 1969.)

#### 12A.56.020 Authority to arrest.

Whenever a police officer shall have probable cause to believe that a probationer, prior to the termination of the period of his probation, is, in such officer's presence, violating or failing to comply with any requirement or restriction imposed by the court as a condition of such probation, such officer shall cause the probationer to be brought before the court wherein sentence was deferred or suspended, and for such purpose such police officer may arrest such probationer without warrant or other process.  
(Ord. 98086 § 2, 1969.)

## Chapter 12A.58

### UNAUTHORIZED POLICE BADGES

#### Sections:

- 12A.58.010 Sale or exchange unlawful.
- 12A.58.020 Unlawful possession.
- 12A.58.030 Violation—Penalty.

#### 12A.58.010 Sale or exchange unlawful.

It shall be unlawful for any person to sell,

exchange or give away, any police badge issued by the city.  
(Ord. 66564 § 1, 1936.)

**12A.58.020 Unlawful possession.**

It shall be unlawful for any person except a police officer or special policeman to have in his possession any police badge issued by the city.  
(Ord. 66564 § 2, 1936.)

**12A.58.030 Violation—Penalty.**

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for a term not exceeding ninety days, or by both such fine and imprisonment.  
(Ord. 66564 § 3, 1936.)

Chapter 12A.60

FIRE ALARM AND POLICE SIGNAL SYSTEMS

Sections:

- 12A.60.010 Interference prohibited.
- 12A.60.020 Permit to alter system.
- 12A.60.030 Notification of Superintendent.
- 12A.60.040 Unlawful representation as employee or member.
- 12A.60.050 Placement of telegraph, telephone or electric wires.
- 12A.60.060 Reciprocal agreements.
- 12A.60.070 Unlawful use of badge, insignia or uniform.
- 12A.60.080 Use of key to fire alarm box.
- 12A.60.090 Unlawful to cross guard lines at fire.
- 12A.60.100 Interference with signal box or booth.
- 12A.60.110 Violation—Penalty.

**12A.60.010 Interference prohibited.**

It shall be unlawful for any person to interfere or meddle with, obstruct, injure, impair, or remove any pole, wire, box, gong, or striking or other apparatus belonging or appertaining to the Fire Alarm and Police Signal Systems of

the city, or any auxiliary fire alarm telegraphs connected therewith.  
(Ord. 66841 § 1, 1936.)

**12A.60.020 Permit to alter system.**

Nothing in Section 12A.60.010 shall be construed so as to prohibit any person from changing or removing any pole, wire, box, gong, or striking or other apparatus belonging to or appertaining to the Fire Alarm and Police Signal Systems of the city, by or under the authority of written permission from the Superintendent of the Fire Alarm and Police Signal Systems; a copy of such permit must be immediately mailed to the Chief of the Fire Department, which permit shall fully specify the change required, and all removals and changes shall be made at the expense of the person desiring such change or removal, and all work shall be done under the supervision of and completed to the satisfaction of the Superintendent.  
(Ord. 66841 § 2, 1936.)

**12A.60.030 Notification of Superintendent.**

Whenever it shall be necessary for any person in the pursuit of any lawful object to remove, interfere with or disturb any portion of the Fire Alarm and Police Signal Systems, he shall notify the Superintendent of the Fire Alarm and Police Signal Systems in writing, at least twenty-four hours before it shall be necessary to remove, interfere with or disturb the same, stating the locality and manner in which it is necessary to remove, interfere with or disturb the same: Provided, that no such notice shall be given between the hours of four p.m. and six a.m.  
(Ord. 66841 § 3, 1936.)

**12A.60.040 Unlawful representation as employee or member.**

It shall be unlawful for any person, with intent to deceive, to falsely represent himself to be an employee, or member of or connected with the Seattle Fire Department or the Fire Alarm and Police Signal Systems of the city.  
(Ord. 66841 § 4, 1936.)

**12A.60.050 Placement of telegraph, telephone or electric wires.**

It shall be unlawful for any person to place or cause to be placed any telegraph, telephone, electric light or other wires on any poles belonging to the Fire Alarm and Police Signal Systems

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of the city, or place, or cause to be placed, any telegraph, telephone, electric light or other wires, or poles or fixtures to suspend the same, within three feet of any wires of the Fire Alarm and Police Signal Systems of the city. (Ord. 66841 § 5, 1936.)

12A.60.060 Reciprocal agreements.

Nothing in Section 12A.60.050 shall be construed so as to prevent the Superintendent of the Fire Alarm and Police Signal Systems from authorizing any telegraph, telephone, electric light or other wires to be placed on the poles of the Fire Alarm and Police Signal Systems, at such locations as he may designate, in consideration of like privileges to be extended to the city by the owners of such wires, when it shall be necessary or convenient for the Superintendent to use the poles of the owners of such wires in maintaining the Fire Alarm and Police Signal Systems of the city. (Ord. 66841 § 6, 1936.)

12A.60.070 Unlawful use of badge, insignia or uniform.

It shall be unlawful for any person to wear, use or have in his possession or under his control any official badge, insignia, button, cap, helmet, or uniform of the Fire Department of the city, or the employees of the Fire Alarm and Police Signal Systems of the city, unless such person is a regular member of the Fire Department or employee of the Fire Alarm and Police Signal Systems, and has direct and specific authority to wear or have in his possession or under his control such official badge, insignia, button, cap, helmet or uniform. (Ord. 66841 § 7, 1936.)

12A.60.080 Use of key to fire alarm box.

It shall be unlawful for any person to use, or have in his possession or under his control any key to any fire alarm box within the limits of the city, or to any part of the fire alarm box, unless directly and specifically authorized so to do by the Superintendent of the Fire Alarm Police Signal Systems. (Ord. 66841 § 8, 1936.)

12A.60.090 Unlawful to cross guard lines at fire.

It shall be unlawful for any person to go or remain within any building in which there is a fire, or within the guard lines established by

the Police Department at and near any fire, unless such person is a regular member of the Fire or Police Department, or wears or carries an official badge, card, or insignia provided and issued by the Chief of the Fire Department as a permit of admission within such guard lines. (Ord. 66841 § 9, 1936.)

12A.60.100 Interference with signal box or booth.

It shall be unlawful for any person to place, or cause to be placed, any article or thing so as to interfere with or obstruct free access and approach to any Fire Alarm and Police Signal box or booth or to any fire hydrant or cistern or to any inlet or outlet connections of fire mains or pipes. (Ord. 66841 § 10, 1936.)

12A.60.110 Violation—Penalty.

Violation or failure to comply with any of the provisions of this chapter shall be deemed a misdemeanor, and upon conviction thereof shall subject the offender to punishment by a fine in any sum not exceeding Three Hundred Dollars (\$300.00), or by imprisonment in the City Jail for a term not exceeding ninety days, or by both such fine and imprisonment. (Ord. 66841 § 11, 1936.)

Chapter 12A.62

MEDICAL EXPENSES FOR CITIZENS INJURED WHILE AIDING POLICE

Sections:

- 12A.62.010 Application for reimbursement.
- 12A.62.020 Payment authority.

12A.62.010 Application for reimbursement.

Any person who shall aid or attempt to aid any police officer of the city in the protection of the public peace and safety:

- A. When specifically requested so to do by such police officer; or
- B. Without such specific request, when any such police officer is in imminent danger of loss of life or grave bodily injury; and who as a consequence of such aid or attempted aid suffers bodily injury requiring medical attention shall, upon application therefor and verification of such facts by the

Chief of Police, be reimbursed by the city to the extent of medical expenses reasonably incurred for the treatment of such injuries.

(Ord. 98908 § 1, 1970.)

**12A.62.020 Payment authority.**

Reimbursements made in accordance with Section 12A.62.010 shall be paid on vouchers approved by the City Attorney on the basis of facts as certified by the Chief of Police consistent with this chapter together with such other evidence as the City Attorney may require to substantiate such medical expenses, and for such purpose the sum of One Thousand Dollars (\$1,000.00) or so much thereof as may be necessary is appropriated from the Emergency Fund and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants.

(Ord. 98908 § 2, 1970.)

**Chapter 12A.64**

**TRESPASSING ON GARBAGE DUMPS**

**Sections:**

**12A.64.010 Unlawful acts designated.**

**12A.64.020 Violation—Penalty.**

**12A.64.010 Unlawful acts designated.**

It is unlawful to go upon any garbage, refuse or trash dump, or other operating property owned or maintained by the city and under the jurisdiction of the City Engineer, except during business hours and with the permission and subject to the direction of the city or its authorized representative, and for the transaction of business thereon with the city or its representatives. The provisions of this chapter shall not apply to those going upon garbage, refuse or trash dumps solely for the purpose of lawfully depositing material thereon during business hours, with the permission of the city.

(Ord. 85544 § 1, 1956.)

**12A.64.020 Violation—Penalty.**

Any violation of, or failure to comply with, the provisions of this chapter shall subject the offender to a fine not exceeding Three Hundred Dollars (\$300.00), or to confinement in the City Jail not exceeding ninety days, or both such fine and imprisonment.

(Ord. 85544 § 2, 1956.)