

Ordinance No. 102843

AN ORDINANCE defining criminal conduct and other offenses, the liability therefor and defenses thereto, enumerating specific crimes and violations and the punishment therefor and repealing all the ordinances in conflict or inconsistent therewith.

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CRIMINAL CODE

CITY OF SEATTLE

ORDINANCE NO. 102843

ORDINANCE 102843

AN ORDINANCE defining criminal conduct and other offenses, the liability therefor and defenses thereto, enumerating specific crimes and violations and the punishment therefor and repealing all the ordinances in conflict or inconsistent therewith.

WHEREAS, existing criminal ordinances of The City of Seattle are in part obsolete, duplicative, incomplete and inconsistent with modern sociological needs; and

WHEREAS, it is necessary to provide a modern, fair, understandable, comprehensive and effective criminal code; and

WHEREAS, it is desirable to remove certain regulatory measures from the field of municipal criminal law and to distinguish between crimes and non-criminal violations of municipal law; and

WHEREAS, the Seattle-King County Bar Association has, pursuant to an agreement with the City of Seattle authorized in Ordinance 99482, completed a revision of the criminal code and the Seattle City Council has considered said revision and being fully advised. Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Chapter 12A.01

GENERAL PROVISIONS

Section 12A.01.010 Title -- Effective Date -- Application --
Severability.

- (1) This ordinance, hereinafter referred to as "this title" or "this code" shall be known and may be cited as Seattle Criminal Code and shall become effective on December 3, 1974.
- (2) The provisions of this Title shall apply to any offense which is defined in this Title 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.
- (3) The provisions of this Title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this Title, or to the construction and application

of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this Title had not been enacted.

- (4) If any provision of this Title, or its application to any person or circumstance is held invalid, the remainder of the Title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this Title are declared to be severable.

Section 12A.01.030 Purposes -- Principles of Construction.

- (1) The general purposes of the provisions governing the definition of offenses are:
 - (a) to forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens harm to individual or public interests;
 - (b) to safeguard conduct that is without culpability from condemnation as criminal;
 - (c) to give fair warning of the nature of the conduct declared to constitute an offense.
- (2) The provisions of this Title 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 Title shall be exercised in accordance with the criteria stated in this Title and, insofar as such criteria are not decisive, to further the general purposes stated in this section.

Section 12A.01.050 City Criminal Jurisdiction.

- (1) 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:
- (a) either the conduct which is an element of the offense or the result which is such an element occurs within this city; or
 - (b) 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
 - (c) 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
 - (d) 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
 - (e) 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.
- (2) Subsection (1)(a) 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.

- (3) Subsection (1) (a) 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.

Section 12A.01.070 Offenses Shall Be Crimes or Violations.

Every offense defined by this Title 12A 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.

Section 12A.01.090 Punishment of Offenses.

- (1) A crime may be punished by a fine not to exceed Five Hundred Dollars (\$500), or by imprisonment in the city jail for a term not to exceed six (6) months or by both such fine and imprisonment.
- (2) A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.
- (3) Notwithstanding the civil nature of the penalty for violations, subsection (2) of this section 12A.01.090 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.

- (4) 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.
- (5) 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.

Section 12A.01.110 All Offenses Defined by Ordinance --
Application of General Provisions
of the Code.

- (1) No conduct constitutes an offense unless it is a crime or a violation under an ordinance of this city.
- (2) The provisions of chapters 12A.01 and 12A.02 of this Title are applicable to offenses defined by this Title or any other ordinance unless this Title or other ordinance specifically provides otherwise.
- (3) 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.

Section 12A.01.130 Proof Beyond a Reasonable Doubt --
Affirmative Defenses.

- (1) 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.
- (2) Subsection (1) of this section does not:

(a) require the disproof of an affirmative defense unless there is evidence to support such defense; or

(b) require the disproof beyond a reasonable doubt of any defense which this code or other ordinance expressly requires the defendant to prove by a preponderance of the evidence.

(3) A defense is affirmative, within the meaning of subsection (2)(a) of this section when it arises under a section of this code which so provides.

Section 12A.01.140 Arrest -- Citations.

- (1) As used in this section, "crime" has the meaning specified in section 12A.01.070.
- (2) 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.
- (3) Whenever a person is arrested under § (2) of this section 12A.01.140, 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.
- (4) Whenever a peace officer has probable cause to believe that a person has committed a violation as defined in 12A.01.070, 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:
 - (a) he is unable to reasonably ascertain the actor's identity; or
 - (b) he reasonably believes that the identification is not accurate,

in either of which cases the person may be arrested.

- (5) Upon an arrest as provided in § (4) of this section 12A.01.140, such person may be held only to be photographed, administratively searched and fingerprinted, and must be released immediately upon identification.
- (6) If a person violates his promise to appear in court given in accordance with §§ (3) or (4) of this section 12A.01.140, a warrant may be issued for his arrest and bail may be set.

Section 12A.01.140 Definitions. In this Title 12A, 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 12A.01.150, 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 (i) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (ii) 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, deputies, 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 title 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) "Statute" means the Constitution or an Act of the Legislature of this State;
- (25) "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;

- (26) "Voluntary" has the meaning specified in section 12A.02.010.

Chapter 12A.02

CRIMINAL LIABILITY -- DEFENSES

Section 12A.02.010 Requirement of a Voluntary Act --
Omission as Basis of Liability --
Possession as an Act.

- (1) 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.
- (2) 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.
- (3) For purposes of this section:
- (a) "Voluntary act" means a bodily movement performed consciously as a result of the actor's effort or determination;
- (b) "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.

Section 12A.02.030 General Requirements of Culpability.

- (1) 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 subsection (2).
- (2) 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, which 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:
- (i) 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
 - (ii) conduct described by a section defining an offense, when he is aware that his conduct is of that nature; or
 - (iii) a circumstance described by a section defining an offense, when he is aware that such circumstance exists; or
 - (iv) 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.
- (i) the result described by a section defining an offense may occur; or
 - (ii) 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:
- (i) the result described by a section defining an offense may occur; or
 - (ii) 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.
- (3) 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.
- (4) 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.
- (5) 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.

Section 12A.02.050 Causal Relationship Between Conduct and Result -- Divergence Between Result Designed or Contemplated and Actual Result or Between Probable and Actual Result.

- (1) 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 code or by the ordinance defining the offense.
- (2) 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.

(3) 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.

Section 12A.02.070 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.02.030(2). This section 12A.02.070 applies to all offenses defined by the ordinances of this city.

Section 12A.02.090 Criminal Liability of Corporations and Persons Acting or Under a Duty to Act in Their Behalf.

(1) As used in this section 12A.02.090:

(a) "Agent" means any director, officer or employee of a corporation, or any other person who is

- authorized to act in behalf of the corporation;
- (b) "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;
 - (c) "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 non-profit.
- (2) A corporation is guilty of an offense when:
- (a) the conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or
 - (b) 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
 - (c) 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.
- (3) 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.

- (4) 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.

Section 12A.02.100 Criminal Attempt.

- (1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he does any act:
 - (a) which is a substantial step toward the commission of that crime; and
 - (b) which strongly corroborates his intent to commit that crime.
- (2) 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.
- (3) 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:
 - (a) abandoned his effort to commit the crime, or

- (b) prevented the commission of the crime.
- (4) 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.
- (5) This section 12A.02.100 shall not apply to liability for the conduct of another as defined in section 12A.02.110.

Section 12A.02.110 Liability for Conduct of Another -- Complicity.

- (1) 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.
- (2) A person is legally accountable for the conduct of another person when:
 - (a) 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
 - (b) he is made accountable for the conduct of such other person by this title or by the law defining the offense; or
 - (c) he is an accomplice of such other person in the commission of the offense.
- (3) A person is an accomplice of another person in the commission of an offense if:
 - (a) with the intent of promoting or facilitating the commission of the offense, he
 - (i) solicits, commands, or requests such other person to commit it; or
 - (ii) aids or agrees to aid such other person in planning or committing it; or

- (b) his conduct is expressly declared by law to establish his complicity.
- (4) 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.
- (5) Unless otherwise provided by this title or by the law defining the offense, a person is not an accomplice in an offense committed by another person if:
- (a) he is a victim of that offense; or
 - (b) the offense is so defined that his conduct is inevitably incident to its commission; or
 - (c) he terminates his complicity prior to the commission of the offense and
 - (i) deprives it of effectiveness in the commission of the offense; or
 - (ii) gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the offense.
- (6) 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.
- (7) 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.

Section 12A.02.130 Ignorance or Mistake.

- (1) A person shall not be relieved of criminal liability because he engages in conduct under a mistaken belief of fact, unless:
 - (a) such factual mistake negates the mental state required for the commission of an offense; or
 - (b) the ordinance defining the offense or ordinance related thereto expressly provides that such factual mistake constitutes a defense or exemption; or
 - (c) such factual mistake is of a kind that supports a defense of justification, as defined in sections 12A.02.340 through 12A.02.460 of this title.
- (2) A person is not relieved of criminal liability for conduct because he engages in such conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless such mistaken belief is reasonably founded upon an official statement of the law contained in:
 - (a) a statute, ordinance, or other enactment, or
 - (b) an administrative order or grant of permission, or
 - (c) a judicial decision, or
 - (d) an interpretation of the statute or law relating to the offense, officially made or issued by a public servant, agency or body legally charged or empowered with the responsibility or privilege of administering, enforcing or interpreting such ordinance.
- (3) A defense based upon this section 12A.02.130 is an affirmative defense.

Section 12A.02.150 Intoxication.

- (1) Except as provided in subsection (3) of this section, intoxication of the actor is not a defense unless it negates an element of the offense.
- (2) Intoxication does not, in itself, constitute mental disease within the meaning of section 12A.02.170.
- (3) Intoxication which (a) is not self-induced or (b) is pathological is an affirmative defense if by reason of such intoxication the actor at the time of his conduct lacks substantial capacity either to appreciate its criminality or to conform his conduct to the requirements of law.
- (4) Definitions. In this section unless a different meaning plainly is required:
 - (a) "Intoxication" means a disturbance of mental or physical capacities resulting from the introduction of substances, including but not limited to alcohol and drugs, into the body;
 - (b) "Self-induced intoxication" means intoxication caused by substances which the actor knowingly introduces into his body, the tendency of which to cause intoxication he knows or ought to know, unless he introduces them pursuant to medical advice or under such circumstances as would afford a defense to a charge of crime;
 - (c) "Pathological intoxication" means intoxication grossly excessive in degree, given the amount of the intoxicant, to which the actor does not know he is susceptible.

Section 12A.02.170 Mental Disease or Defect Excluding Responsibility.

- (1) A person is not criminally responsible for conduct if at the time of such conduct, as a result of mental disease or defect, he lacks substantial capacity either:
 - (a) to know or appreciate the nature and consequence of such conduct; or
 - (b) to know or appreciate the criminality of such conduct; or
 - (c) to conform his conduct to the requirements of law.
- (2) Mental disease or defect excluding responsibility is an affirmative defense.

Section 12A.02.190 Duress.

- (1) In any prosecution for an offense, it is an affirmative defense that the actor engaged in the proscribed conduct because he was coerced to do so by the use or threatened imminent use of unlawful physical force upon him or a third person, which force or threatened force a person of reasonable firmness in his situation would have been unable to resist.
- (2) The defense provided by this section is not available when the actor recklessly places himself in a situation in which it is probable that he will be subjected to duress.

Section 12A.02.230 De Minimis Infractions.

- (1) The Court may dismiss a prosecution if, having regard to the nature of the conduct charged to constitute an offense and the nature of the attendant circumstances, it finds that the defendant's conduct:
 - (a) was within a customary license or tolerance not

inconsistent with the purpose of the law defining the offense; or

- (b) did not actually cause or threaten the harm or evil sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction; or
- (c) presents such other extenuations that it cannot reasonably be regarded as envisioned by the legislature in forbidding the offense.

Chapter 12A.04

OFFENSES AGAINST PERSONS

Section 12A.04.020 Assault. A person is guilty of assault when:

- (1) with intent to cause bodily injury to another person, he causes bodily injury to any person; or
- (2) he recklessly causes bodily injury to another person; or
- (3) with criminal negligence, he causes bodily injury to another person by means of a deadly weapon.

Section 12A.04.050 Menacing.

- (1) A person is guilty of menacing when, by physical action he intentionally places or attempts to place another person in fear of imminent serious bodily injury or death.
- (2) As used in this section "physical action" means an act or action as defined in § 12A.01.150(1) or an act accompanied by words or threats but not words alone.

Section 12A.04.070 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.

Section 12A.04.080 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.

Section 12A.04.110 Unlawful Imprisonment.

- (1) A person is guilty of unlawful imprisonment if he knowingly restrains another person.
- (2) In any prosecution for unlawful imprisonment, it is an affirmative defense that:
 - (a) the restraint does not include the use of or the intent to use or the threat to use force, and
 - (i) the actor is a relative of the person restrained, and
 - (ii) the actor's sole intent is to assume custody of that person; or
 - (b) the actor reasonably believes that he has legal authority to interfere with the liberty of the other person.
- (3) For purposes of section 12A.04.110 and 12A.04.115:
 - (a) "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.
 - (b) "Relative" means an ancestor, descendant, sibling, uncle or aunt, including a relative of the same degree through marriage or adoption, or a spouse.

Section 12A.04.115 Custodial Interference.

- (1) A person is guilty of custodial interference when:
 - (a) being a relative of a child less than 16 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

- (b) 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.
- (2) It is an affirmative defense to a prosecution under this section 12A.04.115 if the actor reasonably believed that:
- (a) his action was necessary to preserve the person from danger to his welfare; or
 - (b) the child was at least 16 years of age.

Section 12A.04.140 Sexual Abuse.

- (1) The following definitions apply in this section 12A.04.140:
- (a) "Forcible compulsion" means physical force that overcomes earnest resistance; or a threat, express or implied, that places a person in fear of death or serious physical injury to himself or another person, or in fear that he or another person will be immediately kidnapped or subjected to unlawful imprisonment;
 - (b) "Sexual contact" means touching the sexual or other intimate parts of another person, done to gratify the sexual desire of either party;
 - (c) "Sexual intercourse" has its ordinary meaning and occurs upon any penetration, however slight. It also means: act of sexual conduct between persons involving the sex organs of one person and the mouth or anus of another;
 - (d) "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;

- (e) "Mentally defective" means a person who suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct;
- (f) "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;
- (g) "Physically helpless" means a person who is unconscious or who, for any other reason, is physically unable to communicate unwillingness to an act;
- (h) "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 (18) years old.

(2) A person is guilty of sexual abuse when he intentionally subjects another person not his spouse to sexual contact or sexual intercourse:

- (a) by forcible compulsion; or
- (b) when the other person is mentally defective, mentally incapacitated, or physically helpless;
- or
- (c) when the other person is incapable of consent.

(3) In any prosecution under § 2(c) 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 (3) years older.

- (4) In any prosecution under § 2(b), it is an affirmative defense that the actor, at the time he engaged in the conduct constituting the offense, reasonably believed that the circumstances giving rise to such disability were not present.
- (5) In any prosecution under § 2(c) of this section, it is an affirmative defense that the actor reasonably believed that the other person was eighteen (18) years old or more.

Section 12A.04.170 Coercion.

- (1) 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.
- (2) "Threat" as used in this section 12A.04.170 means:
 - (a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) threats as defined in section 12A.08.210 (12).

Chapter 12A.06

OFFENSES AGAINST PROPERTY

Section 12A.08.010 Definitions. As used in this Chapter 12A.08:

- (1) "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:
 - (a) a single building in § 12A.08.020 and .050; and

(b) as separate buildings in § 12A.08.080.

- (2) "Damage" means an injury or harm to property sufficient to lower its value or involving significant inconvenience or loss of efficiency;
- (3) "Premises" means a building or real property.

Section 12A.08.020 Property Destruction.

- (1) A person is guilty of property destruction if he intentionally damages the property of another.
- (2) In any prosecution under § 1 of this section 12A.08.020, it is an affirmative defense that the actor reasonably believed that he had a lawful right to damage such property.

Section 12A.08.050 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.

Section 12A.08.080 Criminal Trespass.

- (1) "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.
- (2) A person is guilty of criminal trespass if he knowingly

enters or remains unlawfully in or upon the premises of another.

- (3) In any prosecution under § (2) it is an affirmative defense that the actor reasonably believed that:
- (a) 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
 - (b) the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

Section 12A.08.210 Definitions of Terms. The following definitions are applicable in sections 12A.08.220 through 12A.08.280 unless the context otherwise requires:

- (1) "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.
- (2) "Deception" occurs when an actor knowingly:
 - (a) creates or confirms another's false impression which the actor does not believe to be true; or
 - (b) fails to correct another's false impression which the actor previously has created or confirmed; or
 - (c) prevents another from acquiring information material to the disposition of the property involved; or

- (d) 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
- (e) promises performance which the actor does not intend to perform or knows will not be performed; or
- (f) uses a credit card:
 - (1) without authorization; or
 - (2) which he knows to be stolen, forged, revoked or cancelled.

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

- (3) "Obtain" means:
 - (a) 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
 - (b) in relation to labor or service, to secure performance thereof for the benefit of the obtainer or another.
- (4) "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.
- (5) "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.

- (6) "Permanently to deprive" means:
- (a) 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
 - (b) to dispose of the property so as to make it unlikely that the owner will recover it; or
 - (c) 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
 - (d) to encumber, sell, give, pledge, or otherwise transfer any interest in the property.
- (7) "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.
- (8) "Receiving" includes but is not limited to acquiring title, possession, control, or a security interest in the property.
- (9) "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.
- (10) "Steal" means:
- (a) to knowingly obtain or exert unauthorized control over the property of another with intent permanently to deprive him of such property; or

- (b) to knowingly obtain by deception control over property of another with intent permanently to deprive him of such property.
- (11) "Stolen" means obtained by theft, robbery, extortion, or appropriating lost or mis-delivered property.
- (12) "Threat" means to communicate, directly or indirectly, the intent:
- (a) to cause bodily injury in the future to another;
or
 - (b) to cause damage to property of another; or
 - (c) to subject another person to physical confinement or restraint; or
 - (d) to accuse another person of a crime or cause criminal charges to be instituted against another person; or
 - (e) to expose a secret or publicize an asserted fact, whether true or false, tending to subject another person to hatred, contempt or ridicule; or
 - (f) to reveal significant information sought to be concealed by the person threatened; or
 - (g) to testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
 - (h) to take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
 - (i) 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
 - (j) 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.

Section 12A.08.220 Theft.

- (1) A person is guilty of theft if:
 - (a) he steals the property of another; or
 - (b) 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
 - (c) 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 thereto.
- (2) In any prosecution under this section 12A.08.220, 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.

Section 12A.08.240 Extortion.

- (1) A person is guilty of extortion if he intentionally obtains property or services of another by threat.
- (2) In any prosecution under this section 12A.08.240 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.

Section 12A.08.260 Receiving Stolen Property

- (1) 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
- (2) In any prosecution under this section 12A.08.260, it is an affirmative defense that the actor received, retained, or disposed of stolen property with intent to restore it to the owner.
- (3) 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.

Section 12A.08.280 Appropriation of Lost or Misdemeanor Property.

- (1) A person is guilty of appropriating lost or misdemeanor 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.
- (2) As used in this section 12A.08.280 "reasonable measures" includes but is not necessarily limited to notifying the identified owner or any peace officer.

Section 12A.08.300 Unauthorized Use of a Motor Vehicle.

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

- (1) knowing that he does not have the consent of the owner, he takes, operates, or exercises control over a motor vehicle; or
- (2) knowing that a motor vehicle has been unlawfully obtained, he rides in such vehicle or uses it for

transportation purposes; or

- (3) 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.

Section 12A.08.320 Criminal Impersonation.

- (1) As used in this section "intent to defraud" means the use of deception as defined in section 12A.08.210(2) with the intention to injure another's interest which has economic value.
- (2) A person is guilty of criminal impersonation if he:
 - (a) assumes a false identity and does an act in his assumed character with the intent to defraud another; or
 - (b) pretends to be a representative of some person or organization and does an act in his pretended capacity with the intent to defraud another.

Chapter 12A.12

OFFENSES AGAINST PUBLIC MORALS

Section 12A.12.020 Prostitution Loitering.

- (1) As used in this section 12A.12.020:
 - (a) "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) "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;

(c) "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) 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.

(3) Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he:

(a) Repeatedly beckons to, stops or attempts to stop, or engages passers-by in conversation; or

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

(c) Is a known prostitute or panderer.

Section 2A.12.030 Prostitution.

(1) 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.

- (2) It is an affirmative defense in any prosecution under this section 12A.12.020 that the sexual conduct was engaged in as part of any stage performance, play, or other entertainment, open to members of the public.

Section 12A.12.050 Promoting Prostitution. A person is guilty of promoting prostitution if:

- (1) Acting other than as a prostitute or as a customer thereof, he knowingly:
 - (a) causes or aids a person to commit or engage in prostitution; or
 - (b) procures or solicits customers for prostitution; or
 - (c) provides persons or premises for prostitution purposes; or
 - (d) operates or assists in the operation of a house of prostitution or a prostitution enterprise; or
 - (e) engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution; or
- (2) 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.

Section 12A.12.080 Patronizing a Prostitute. A person is guilty of patronizing a prostitute if:

- (1) 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

- (2) 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

- (3) He solicits or requests another person to engage in sexual conduct with him in return for a fee.

Section 12A.12.085 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:

- (1) Such persons were of the same sex; or
- (2) 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.

Section 12A.12.110 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.

Section 12A.12.150 Lewd Conduct.

- (1) As used in this section a "lewd act" is:
 - (a) an exposure of one's genitals or female breasts;or
 - (b) the touching, caressing or fondling of the genitals or female breasts; or
 - (c) sexual intercourse as defined in Section 12A.04.140(1)(c); or
 - (d) masturbation; or
 - (e) urination or defecation in a place other than

a washroom or toilet room.

- (2) 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.
 - (a) "Public place" has the meaning defined in section 12A.12.020(1)(a).
- (3) 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 said premises.
- (4) This section shall not be applied to artistic or dramatic performances in a theatre or a museum.

Section 12A.12.180 Public Display of Erotic Material.

(1) Definitions. As used in this section:

- (a) "Erotic material" means any pictorial or three-dimensional material depicting human sexual intercourse, masturbation, sodomy (ie. 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.

- (b) 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 (a) of this subsection is easily visible from a public thoroughfare or from the property of others.
- (2) 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.

Chapter 12A.16

OFFENSES AGAINST PUBLIC ORDER

Section 12A.16.020 Disorderly Conduct.

- (1) As used in this section 12A.16.020 "obstruct" means to render impassible and thereby subject passers-by to unreasonable inconvenience or hazard.
- (2) A person is guilty of disorderly conduct if without lawful authority he knowingly:
- (a) makes noise which unreasonably disturbs another;
or
 - (b) unreasonably disrupts any lawful assembly or meeting of persons; or
 - (c) 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 2(b) by the person in

charge of the assembly or meeting.

Section 12A.16.040 Failure to Disperse.

- (1) As used in § (2) of this section 12A.16.040 "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.
- (2) A person is guilty of failure to disperse if:
 - (a) 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
 - (b) he refuses or intentionally fails to obey a public safety order to move, disperse or refrain from specified activities in the immediate vicinity.

Section 12A.16.060 Disruption of School Activities.

- (1) 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.
- (2) As used in this section "school" has its ordinary meaning and also includes, universities, colleges, community colleges, and institutions of higher education.

Section 12A.16.070 Loitering or Prowling Under Circumstances
Manifesting Unlawful Purpose.

- (1) It is unlawful for anyone to loiter or prowl in a place, at a time, or in a manner, and under circumstances that manifest an unlawful purpose or warrant alarm for the safety of persons or property in the vicinity. Examples of circumstances which may be considered in determining whether such unlawful purpose is manifested or such alarm is warranted include but are not limited to the following: flight by the actor upon appearance of a peace officer, refusal to identify himself, or manifestly endeavoring to conceal himself or any object.
- (2) No arrest shall be made under this section nor shall any person be convicted of violating this section unless such person is first afforded, if practicable under the circumstances, an opportunity to dispel any alarm or suspicion of unlawful purposes which would otherwise be warranted, by identifying himself and explaining his presence and conduct.
- (3) No person shall be convicted of violating this section if it appears at trial that the explanation given by him of his presence and conduct was true and, if believed by the arresting officer at the time, would have dispelled the alarm or suspicion of unlawful purpose.

Chapter 12A.17

WEAPONS CONTROL

Section 12A.17.010 Definitions. The following definitions apply in this chapter.

- (1) "pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical, combustion, or otherwise

and having a barrel less than twelve inches in length, but as used in 12A.17.080 through .120 it shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

- (2) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.
- (3) "dangerous knife" means any knife having a blade more than three and one-half inches in length, or any dagger, sword, bayonet, bolo knife, machete, straight-edge razor, or razor blade not in a package, dispenser, or shaving appliance.
- (4) "switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.
- (5) "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.

Section 12A.17.020 License application -- concealed pistol.

Any person applying to the chief of police of the city of Seattle 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:

- (1) Name and address of the applicant;
- (2) The applicant's citizenship and age;
- (3) A statement whether the applicant:

- (a) 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,
 - (b) is a fugitive from justice,
 - (c) is an unlawful user of or addicted to marihuana or any depressant or stimulant or narcotic drug,
 - (d) has ever been adjudicated as a mental defective or committed to any mental institution,
 - (e) has ever been adjudicated as a common or habitual drunk;
- (4) 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;
- (5) The applicant's fingerprints;
- (6) 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.

Section 12A.17.040 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 of Washington or the United States.

Section 12A.17.060 False statement to obtain pistol permits.

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

Section 12A.17.080 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 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 of sale, 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 signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a forcible felony, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

Section 12A.17.100 Unlawful delivery to purchaser. It is unlawful for any merchant or secondhand dealer or as any clerk, agent, or employee of any merchant or secondhand dealer to knowingly

deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 12A.17.080, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070 or 12A.17.040 of this title or to sales to peace officers.

Section 12A.17.120 Unlawful for certain persons to purchase.
It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a felony, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to intentionally fail to disclose such information when applying for the purchase of a pistol.

Section 12A.17.140 Unlawful use of weapons.

- (1) 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 12A.17.040; 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.

Section 12A.17.160 Exemptions.

- (1) The proscriptions of subsection 12A.17.140 (a) (6) 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 9A.17.110 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. Applications for such instruction shall be made to the chief of police and shall be accompanied by a fee of \$5.00.
- (2) The prescriptions of subsection 12A.17.140 (a) (2) 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 business to another, or while in his place of abode or fixed place of business.
- (3) Subsection 12A.17.140 (a) (3) 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 firearms or the agent or representative of such person, having in his possession, using or carrying 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.

Chapter 12A.20

OFFENSES AGAINST GOVERNMENTAL ORDER

Section 12A.20.020 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.

Section 12A.20.050 Hindering Law Enforcement.

- (1) As used in this section 12A.20.050 "hindering law

enforcement" means to intentionally prevent, hinder or delay the apprehension or prosecution of another person who the actor knows:

- (a) has committed a crime; or
- (b) is being sought by law enforcement officials for the commission of such offense; or
- (c) has escaped from jail or prison.

(2) A person is guilty of hindering law enforcement if with respect to a person described in §§ (a), (b) or (c) of §§ (1) of this section 12A.20.050, he knowingly:

- (a) harbors or conceals such person; or
- (b) warns such person of impending discovery or of apprehension; or
- (c) provides such person with money, transportation, disguise or other means of avoiding discovery or apprehension; or
- (d) prevents or obstructs, by use of force or threat, a private person from performing an act that might aid in the discovery or apprehension of such person; or
- (e) conceals, alters or destroys any physical evidence that might aid in the discovery or apprehension of such person.

Section 12A.20.080 Escape.

(1) "Official detention" means:

- (a) restraint pursuant to a lawful arrest for an offense; or
- (b) lawful confinement in the city jail; or
- (c) custody for purposes incident to the foregoing including but not necessarily limited to:

- (i) transportation; or
- (ii) medical diagnosis or treatment; or
- (iii) court appearances; or
- (iv) work and recreation.

(2) 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.

Section 12A.20.110 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.

Chapter 12A.24

OFFENSES BY AND AGAINST JUVENILES

Section 12A.24.010 Definitions. The following definitions apply in this Chapter 12A.24:

- (1) "Public place" means an area open to members of the public.
- (2) "Parent or guardian" means the parent or legal guardian, or the person or institution that has the care, custody or control of a minor child by consent of the parent or legal guardian or by court action.
- (3) "Dependent child" means any child under the age of eighteen (18) years:
 - (a) who has no home or any settled place of abode or visible means of subsistence; or

- (b) who has no parent or guardian, or who has no parent or guardian or other responsible person willing to exercise, or capable of exercising proper parental control; or
 - (c) whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or for any other reason, is an unfit place for such child; or
 - (d) who frequents the company of persons convicted of crime; or
 - (e) who is found in any house of prostitution; or
 - (f) who frequents any bar, cocktail lounge, tavern or other public place where spiritous, vinous, or malt liquors are sold and consumed; or
 - (g) who is incorrigible; that is, who is beyond the reasonable and proper control and power of his parents or guardian by reason of the dangerous conduct of said child; or
 - (h) who is an habitual truant, as defined in the school laws of the State of Washington; or
 - (i) who uses intoxicating liquor as a beverage, or who uses any narcotic or dangerous drug as defined by ordinances of the City of Seattle without the direction of a competent physician; or
 - (j) who is grossly and wilfully neglected as to medical care necessary for his well-being; or
 - (k) who is a runaway from his home or is a fugitive from his parent or guardian or is without adequate care or supervision.
- (4) "Minor" means any person less than eighteen (18) years of age.

- (5) "Delinquent child" means any child under the age of eighteen (18) years, whether a dependent child or not, who violates any law of this state, or any ordinance of any town, city or county of this state defining a crime or who has violated any federal law or law of another state defining a crime.
- (6) "Liquor" means liquor as defined in the Washington State Liquor Act (RCW 66.04.010(16)).

Section 12A.24.080 Undressing.

- (1) It is unlawful for purposes of sexual gratification to remove or cause a minor to remove an article of the minor's clothing thereby exposing a portion of his body not customarily exposed.
- (2) In any prosecution under § 1 of this section 12A.24.080 it is an affirmative defense that if the minor is at least fourteen (14) years old the actor is less than three (3) years older.

Section 12A.24.100 Contributing to Dependency or Delinquency.

It is unlawful for anyone, by act or omission, knowingly to encourage, cause or contribute to the dependency or delinquency of a minor.

Section 12A.24.120 Tobacco. It is unlawful for anyone to sell, give, furnish or cause to be furnished to a minor any cigarettes, cigars or tobacco in any form.

Section 12A.24.140 Firearms.

- (1) It is unlawful for anyone to sell, give, furnish or cause to be furnished, or permit to be sold, given, furnished, or caused to be furnished to a minor a revolver, pistol, rifle, shotgun, or similar firearm, or any ammunition for the same.
- (2) It is unlawful for a minor to purchase, possess or use a revolver, pistol or similar firearm, or

any ammunition for the same.

- (3) In any prosecution under this section 12A.24.140 it is an affirmative defense that the firearm is being used or is to be used immediately at a rifle or pistol range.

Section 12A.24.160 Sale or Possession of Spring Guns or Air Guns.

- (1) It is unlawful for anyone other than a parent or guardian or a person having their permission to sell, give, furnish, or cause to be furnished, or permit to be sold, given or furnished to a minor or knowingly to permit him to use or have in his possession any spring gun, air gun, or any ammunition for any such gun, or any sling.

Section 12A.24.180 Liquor.

- (1) It is unlawful for anyone knowingly to sell or attempt to sell any liquor to any person under the age of twenty-one (21) years or for such person to purchase or attempt to purchase any liquor.

Section 12A.24.200 False Identification to Obtain Liquor.

It is unlawful for anyone knowingly to transfer any identification of age to a person under the age of twenty-one (21) years for the purpose of permitting such person to obtain liquor, or for such person to use such identification or make false representations as to his age for the purpose of obtaining liquor.

Section 12A.24.220 Supplying Liquor.

- (1) Except in the case of liquor given or permitted to be given to a person under the age of twenty-one (21) 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, it is unlawful for anyone knowingly to give or otherwise

supply liquor to such person, or permit such person to consume liquor on his premises or on any premises under his control, or for such person to acquire or have in his possession or consume any liquor.

Section 12A.24.240 On Premises of Tavern.

- (1) It is unlawful for anyone to knowingly serve or allow any person under the age of twenty-one (21) years to remain on the premises of any tavern as defined in the Washington State Liquor Act or for a person under the age of twenty-one (21) years to enter or remain on the premises of any such tavern.

Section 12A.24.260 On Premises of Liquor Establishment.

It is unlawful for anyone to knowingly invite a person under the age of twenty-one (21) years into a public place where liquor is sold and to give to or purchase liquor for such person, or to represent that such person is twenty-one (21) years of age or over to the owner of such liquor establishment.

Chapter 12A.28

MOTOR VEHICLE OFFENSES

Section 12A.28.020 Racing of vehicles on streets prohibited.

It is unlawful for any person or persons to race any motor vehicle or motor vehicles upon any street of The City of Seattle. Any person or persons comparing or contesting relative speed by simultaneous operations shall be prima facie guilty of reckless driving, whether or not such speed is in excess of the maximum speed prescribed by law.

Section 12A.28.040 Operating under influence of intoxicants or drugs, chemical analysis, tests, presumptions, penalties.

- (1) It is unlawful for any person who is under the influence of or affected by the use of intoxicating

liquor or of any narcotic drug to drive or be in actual physical control of any vehicle or to sit at the steering wheel of any standing or parked vehicle upon the streets or ways open to the public.

- (2) Any person who operates a motor vehicle upon the streets of this city or ways open to the public in the city shall be deemed to have given consent, subject to the provisions of this section, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the streets of this city or ways open to the public in the city while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided elsewhere in this section. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only.

- (3) Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by this section and the test or tests may be administered, subject to the provisions hereof.
- (4) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The law enforcement officer shall forward to the Department of Motor Vehicles a sworn report that he had reasonable grounds to believe that the arrested person had been driving or was in actual physical control of a motor vehicle upon the streets of this city or ways open to the public in the city while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive.
- (5) In any criminal prosecution for a violation of the provisions of this section relating to operating or controlling or sitting at the wheel of a motor vehicle on a street or way open to the public, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath or other bodily substance shall give rise to the following presumptions:
- (a) If there was at that time 0.05 per cent or less by weight of alcohol in the person's blood, it shall be presumed that he was not under the influence of intoxicating liquor;
 - (b) If there was at that time in excess of 0.05

per cent but less than 0.10 per cent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor;

- (c) If there was at that time 0.10 per cent or more by weight of alcohol in the person's blood, it shall be presumed that he was under the influence of intoxicating liquor.
- (6) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.
- (7) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.
- (8) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose.
- (9) When a blood test is administered in accordance with this section, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(10) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. Such additional test or tests shall be administered in the medical facilities of the city jail and the equipment, facilities and premises of the jail shall be made available, upon request of the person tested, for such additional test or tests to be administered. The person administering the additional test shall be permitted, as his option, to use his own equipment for testing and analysis, provided such usage does not require the transportation of the person tested to another location for testing. The person tested shall be permitted reasonable access to the telephone for purposes of arranging the additional tests, but his failure or inability to obtain an additional test shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. All costs -- including expenses incurred by the city in making its own equipment and facilities available to the person tested -- relating to any additional test or tests administered at the option of the person tested shall be borne by the person tested.

(11) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.

(12) It is unlawful for any person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle, to drive upon the streets or ways open to the public in the city. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

(13) Penalty. Upon the first conviction for the violation of the provisions of this section the court shall impose a fine of not less than fifty dollars or more than five hundred dollars and not less than five days or more than six months in jail. Upon second conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than five hundred dollars and not less than thirty days or more than six months in jail, and neither the fine nor the jail sentence so imposed shall be suspended. Upon any subsequent conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than five hundred dollars and not less than thirty days or more than six months in jail, and neither the fine nor the jail sentence so imposed shall be suspended.

Section 12A.28.060 Reckless driving.

(1) It is unlawful for any person to operate a motor vehicle in a reckless manner over and along the

streets of this city or ways open to the public. For the purpose of this section to "operate in a reckless manner" shall be construed to mean the operation of a vehicle upon the streets of this city or ways open to the public in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property.

Section 12A.28.100 Collision with unattended vehicle --
Notice required.

It is unlawful for the operator of any vehicle which collides with and damages any other vehicle which is unattended, to fail to immediately stop and then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle, or to fail to leave in a conspicuous place on the vehicle struck a written notice giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

Section 12A.28.120 Collision with attended vehicle --
Duty.

It is unlawful for the operator of any vehicle involved in an accident on streets in The City of Seattle or ways open to the public resulting only in damage to a vehicle which is driven or attended by any person to fail to immediately stop such vehicle at the scene of such accident, or as close thereto as possible, and to fail to forthwith return to, and in any event fail to remain at the scene of such accident until he has fulfilled the requirements of Section 21.52.100 of the Seattle Traffic Code.

Section 12A.28.140 Collision with property -- Duty. It is unlawful for the driver of any vehicle involved in an accident

resulting only in damage to property fixed or placed upon or adjacent to any street or way open to the public to fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or to fail to leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, or to fail to make a report of such accident as in the case of other accidents upon the streets of the city.

Section 12A.28.160 Collision where injury involved.

It is unlawful for an operator of any vehicle involved in an accident on any street or way open to the public resulting in the injury to or death of any person to fail to immediately stop such vehicle at the scene of such accident, or as close thereto as possible, or to fail to forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of Section 21.52.100 of the Seattle Traffic Code.

Section 12A.28.180 Suspended License. It is unlawful for a person to drive a motor vehicle knowing that his license has been suspended.

Chapter 12A.32

CONTROLLED SUBSTANCES

Section 12A.32.010 Definitions.

- (1) "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. Ses. (RCW 69.50), as now or hereafter amended.
- (2) "Distribute" means to sell, give away, barter, exchange or otherwise furnish a controlled substance in a

manner not authorized under state or federal law.

- (3) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.
- (4) "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.

Section 12.32.020 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. Ses. (RCW 69.50), as now or hereafter amended.

Section 12A.32.030 Penalties. Any person who violates this chapter 12A.32 with respect to:

- (1) Distribution of any controlled substance shall be guilty of a crime.
- (2) Possession of any controlled substance except marijuana shall be guilty of a crime.
- (3) Possession of marijuana shall be guilty of a violation.

Section 12A.32.040 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.

Chapter 12A.36

GAMBLING OFFENSES

Section 12A.36.020 Playing at games of chance. Except as authorized by or pursuant to Chapter 218, Laws of Washington, 1973, 1st Ex. Sess., as amended it is unlawful for any person to habitually play at games of chance for profit.

Section 12A.36.040 Gambling, bunco or swindling games or devices.

Except as authorized by or pursuant to Chapter 218, Laws of Washington, 1973, 1st Ex. Sess., as amended it is unlawful for anyone to engage in gambling, bunco or swindling games or to operate or possess any device for swindling or defrauding others.

Section 12A.36.060 Lotteries and prize packages. Except as authorized by or pursuant to Chapter 218, Laws of Washington, 1973, 1st Ex. Sess., as amended it is unlawful for any person to open, conduct, maintain or carry on, or is in any manner connected with, any lottery or any establishment or business, by whatever name it may be known, wherein any property is sold or disposed of by chance, or to sell or dispose of any lottery ticket or share, either for religious or secular purposes, or any chance, or any article or thing entitling, or purporting to entitle the purchaser to any chance, or to sell or dispose of any package or article purporting to contain a prize, or where, as an inducement to purchase, it is held out that such article or package may contain a prize or may entitle the purchaser to some article or thing of value not directly contemplated and known in the purchase.

Section 12A.36.080 Gambling. Except as authorized by or pursuant to Chapter 218, Laws of Washington, 1973, 1st Ex. Sess., as amended it is unlawful for any person or persons to play at, wager anything 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 purpose of winning or securing 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.

Section 12A.36.100 Keeping gambling houses. Except as authorized by or pursuant to Chapter 218, Laws of Washington, 1973, 1st Ex. Sess., as amended it is unlawful for any person to keep or maintain any gambling house, or room or any place where betting is done for the purpose of winning money by chance, or to procure or permit any persons to come together in any house, premises or place occupied or owned by him or under his control, for the purpose of gaming or winning money or anything of value by chance, and it is unlawful for any person or persons to be present in any gambling house, room or place where gambling is carried on or which is maintained for gambling purposes, where such person has knowledge that gambling is being carried on or that such place is maintained for gambling purposes.

Section 12A.36.120 Betting on games. Except as authorized by or pursuant to Chapter 218, Laws of Washington, 1973, 1st Ex. Sess., as amended it shall be unlawful for any person to receive, record or register bets, stakes, or wagers, or to sell pools, or to make a book or books upon any athletic contest, or upon the result of any trial or contest of skill or ability of any athlete, in The City of Seattle; or to keep, manage, conduct, maintain or occupy any house, room, shop, shed, tenement, tent, booth building, float, or vessel, or any part thereof, or to keep, manage, conduct, maintain or occupy any place or stand of any

kind upon any public or private ground, street, park, garden, enclosure, or place for the purpose of receiving, recording, registering, forwarding or transmitting any bets, stakes, or wagers, or of selling pools, or of book making upon any such athletic contest or result; or who being the owner, lessee, or occupant of any house, room, shop, shed, tenement, booth, or building, float or vessel, or part thereof, or of any park, ground, garden, enclosure or place, knowingly permits the same to be used or occupied for any of the purposes herein prohibited, or who knowingly permits to be kept, exhibited or used therein any book, paper, board, device, apparatus or paraphernalia, for the purpose of registering such bets, stakes or wages, or for the purpose of such pool selling or bookmaking; or for any person, whether as principal, employer, owner, agent, employe or assistant, or as officer, agent or employe of a corporation, to aid, assist, or abet in any manner any of the said acts or things which are hereby forbidden.

Section 12A.36.140 Betting on horse races, stocks, or commodity prices.

Except as authorized by or pursuant to Chapter 218, Laws of Washington, 1973, 1st Ex. Sess., as amended it is unlawful for any person, firm or corporation to maintain, conduct, carry on, control or be in any manner connected with any stock exchange, or place or establishment where bets or wagers on the rise or fall of prices of stock, grains, oils or of any commodity, or on the result of horse races are made or registered; provided, however, that nothing herein contained shall be construed to prevent the bona fide purchase or sale of stocks or collaterals on commission.

Section 12A.36.160 Defined. The term "public card room" as used in this chapter means any place where card games are played and the public is admitted.

Section 12A.36.180 Conduct Prohibited. It is unlawful for any person to conduct a public card room in The City of Seattle.

Chapter 12A.40

LIQUOR OFFENSES

Section 12A.40.010 Definitions. For the purposes of this chapter 12A.40, and unless the context otherwise requires:

- (1) "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.
- (2) "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.
- (3) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spiritous, vinous, or malt liquor, or any combination or mixture thereof containing one-half of one percent, or more, of alcohol by volume.
- (4) "Spirits" means any beverage obtained by distillation which contains one-half of one percent, or more, of alcohol by volume.
- (5) "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.

(6) "Person" means an individual, copartnership, association or corporation.

(7) "Manufacture" means the production or preparation of liquor for sale.

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

Section 12A.40.040 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 "spiritous liquor" as said quoted terms are defined in Initiative Measure No. 171 (Ch. 5 Laws of 1949, RCW 66.24.410) between 2 a.m. on Sunday and 12 noon on Sunday nor between 12 midnight on Sunday and 6 a.m. Monday; nor upon any other week day between 2 a.m. and 6 a.m., unless permitted by the Rules and Regulations of the State Liquor Control Board.

Section 12A.40.060 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 intoxicating liquors are being unlawfully kept or disposed of.

Section 12A.40.080 Prosecution -- Description of offense. The description of any offense under this chapter 12A.40, 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 negated.

Section 12A.40.100 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 12A.40, 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.

Chapter 12A.44

UNFAIR HOUSING PRACTICES

Section 12A.44.010 Definitions. Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- (1) "Housing accommodations" include any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land in the city of Seattle which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one or more human beings.
- (2) "Dwelling" includes any building containing one or more dwelling units.
- (3) "Dwelling unit" includes a suite of rooms for occupancy

by one family containing space for living, sleeping, and preparation of food, and containing toilet and bathing facilities.

- (4) "Rooming unit" includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping.
- (5) "Person" includes one or more individuals, partnerships, or other organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers.
- (6) "Owners" include persons who own, lease, sublease, rent, operate, manage, have charge of, control, or have the right of ownership, possession, management, charge, or control of the housing accommodation, on their behalf or on behalf of another.
- (7) "Occupant" includes any person who has established residence or has the right to occupancy in a housing accommodation.
- (8) "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent a housing accommodation.
- (9) "Real estate broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or collects the rental for the use of a housing accommodation of another.
- (10) "Real estate agent, salesman, or employee" includes any person employed by or associated with a real

estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.

- (11) "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair, or maintenance of a housing accommodation.
- (12) "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation.
- (13) "Unfair housing practice" means any act prohibited by this chapter.
- (14) "Persons aggrieved" means any person against whom any alleged unfair housing practice has been committed.
- (15) "Respondent" means any person who is alleged to have committed an unfair housing practice.
- (16) "Commission" means the Seattle human rights commission established by Ordinance 92191.

Section 12A.44.020 Unfair housing practices forbidden.

- (1) No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer, or otherwise deny to, or withhold from any person or group of persons such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, or expel or evict an occupant from a housing

... because of the race, color, religion, ancestry or national origin, of such person or persons, or discriminate against or segregate any person because of his race, color, religion, ancestry or national origin, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

- (2) A real estate broker, agent, salesman, or employee shall not, because of race, color, religion, ancestry, or national origin of an occupant, purchaser, prospective occupant, or prospective purchaser:
 - (a) Refuse or intentionally fail to list or discriminate in listing a housing accommodation for sale, rent, lease, or sublease.
 - (b) Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, rental, lease, or sublease.
 - (c) Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease a housing accommodation.
 - (d) Otherwise discriminate against an occupant, prospective occupant, purchaser, or prospective purchaser of a housing accommodation.
- (3) No person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation,

repair, or maintenance of any housing accommodation shall:

- (a) Discriminate against any person or group of persons because of race, color, religion, ancestry, or national origin of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of, any such financial assistance or in the extension of services in connection therewith; or
 - (b) Use any form of application for such financial assistance, or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination, on the ground of race, color, religion, ancestry or national origin.
- (4) An owner, person, real estate broker, agent, salesman, employee, or lender shall not:
- (a) Require any information, make, or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, or national origin in connection with the sale, rental, lease or sublease of any housing accommodation.
 - (b) Publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer, or listing of a housing accommodation or accommodations which

indicate any preference, limitation, specification, or discrimination based on race, color, religion, ancestry, or national origin.

- (c) Aid, abet, incite, compel, or coerce the doing of any act defined in this ordinance as an unfair housing practice; or obstruct the filing of a complaint, or the giving of testimony, in any proceeding under this chapter, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this chapter to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this chapter.

Section 12A.44.030 Enforcement Procedures.

- (1) A statement alleging a violation of this ordinance may be made by the commission itself or by an aggrieved person. Such statement shall be in writing and signed by the charging party, shall be filed with the commission within ninety days after the alleged discriminatory act, and shall contain such particulars as the commission, by regulation, may require. The commission shall promptly furnish a copy of such statement to the party charged.
- (2) The commission shall investigate all charges filed with it, proceeding in each case in such manner as it deems appropriate. If, after such inquiry and hearings as the commission considers proper, the commission determines that no probable cause exists to believe that an unfair housing practice has occurred, the charge shall be dismissed.

- (3) If the commission determines, after such investigation, that probable cause exists to believe that an unfair housing practice has occurred, it shall endeavor to eliminate or remedy such violation by means of conciliation and persuasion.

If, upon all the evidence, the commission finds that the respondent has engaged in any unfair practice, it shall forward its file to the mayor, who shall see that this chapter is enforced as provided in Seattle Charter Article V, Sec. 2.

- (4) The commission, in the performance of its functions, may enlist the aid of all the departments of the city government, and all said departments are hereby directed to fully cooperate with the commission.
- (5) The commission, in carrying out the specific duties imposed by this ordinance, may request the aid of the city council through its proper committee in the conduct of any further investigation, including the use of its subpoena powers.

Section 12A.44.040 Rules. The commission may adopt such rules and regulations as it deems necessary not inconsistent with the provisions of this chapter.

Section 12A.44.050 Exclusions. Nothing in this chapter shall:

- (1) Apply to the renting, subrenting, leasing or subleasing of single family dwelling, wherein the owner or persons entitled to possession thereof normally maintains, or intends to maintain his residence, home or abode.
- (2) Be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants

of property on the basis of factors other than race, color, religion, ancestry or national origin.

Section 12A.44.060 Classification of offense and penalty.

Every offense under this Chapter 12A.44, Unfair Housing Practices, is designated a violation and punishment therefor shall be as provided in Section 12A.01.090(2).

Chapter 12A.45

MAYOR'S EMERGENCY POWERS

Section 12A.45.010 Proclamation of civil emergency. Whenever riot, unlawful assembly, or insurrection, or the imminent threat thereof, occur in the city of Seattle 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.

Section 12A.45.020 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:

- (1) 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;
- (2) An order requiring any or all business establishments to close and remain closed until further order;
- (3) 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;
- (4) An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the city;
 - (5) 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;
 - (6) 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;
 - (7) 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;
 - (8) An order closing to the public any or all public places including streets, alleys, public ways, schools.

parks, beaches, amusement areas, and public buildings;

- (9) 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;
- (10) 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.

Section 12A.45.030 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.

Section 12A.45.040 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 12A.45.010 or 12A.45.020.

Chapter 12A.46

MISCELLANEOUS OFFENSES

Section 12A.46.010 Interference caused by electro-magnetic wave generator--Unlawful.

It is unlawful to operate within the corporate limits of The City of Seattle any generator of electro-magnetic 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 of Seattle.

Section 12A.46.020 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, said officer shall serve written notice upon the owner or operator thereof advising said owner or operator of such finding; and thereupon it shall be the duty of said owner or operator to forthwith fully cooperate with said officer in checking by actual demonstration thereof whether such device, machine or apparatus is in fact interfering with the proper functioning of said radio communication system.

Section 12A.46.030 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 said owner and operator to that effect, and it shall then be the duty of said 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 said officer.

Section 12A.46.040 Exemptions. The provisions of 12A.46.010 through 12A.46.030 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.

Section 12A.46.100 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 ordinance 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 of Washington, 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.

Section 12A.46.110 Unlawful to keep books after notice
to return.

- (1) 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 said 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.

- (2) Classification and penalty. An offense under this section 12A.46.110 of unlawfully keeping books is designated a violation and punishment therefor shall be as provided in Section 12A.01.090(2).

Section 12A.46.120 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.01.140.

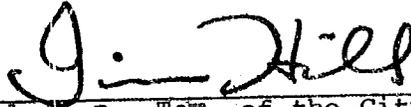
Section 12A.46.200 Repealer. Upon the effective date of this ordinance, Sections 1 and 2 of Ordinance 89022, Sections 1, 2, 3, 4 and 5 of Ordinance 30755, Section 1 of Ordinance 96597, Section 1 of Ordinance 16373, Section 2 of Ordinance 16373, as amended by Ordinance 95573, Sections 3, 4 and 5 of Ordinance 16373, Sections 1, 2, 3, 4, 5 and 6 of Ordinance 74125, Section 60 of Ordinance 16046, Section 1 of Ordinance 16046, Section 1A of Ordinance 16046, added by Ordinance 96373 and amended by Ordinance 99222 § 1, Section 3 of Ordinance 16046, as amended by Ordinance 97075 § 1, Section 4 of Ordinance 16046, as amended by Ordinance 72709, Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Ordinance 16046, Section 16A of Ordinance 16046, added by Ordinance 94554, Sections 17, 18, 19, 20, 21 and 22 of Ordinance 16046, Section 23 of Ordinance 16046 as amended by Ordinance 93415, Sections 24 and 25 of Ordinance 16046, Section 26 of Ordinance 16046, as amended by Ordinance 33414 and Ordinance 97933 § 1, Section 27 of Ordinance 16046, Section 29 of Ordinance 16046, as amended by

Ordinance 75624 and Ordinance 95876, Sections 30, 31, 38, 39, 40, 41, 42, 43, 44, and 48 of Ordinance 16046, Section 49 of Ordinance 16046, as amended by Ordinance 85372, Section 50 of Ordinance 16046, Section 50-1 of Ordinance 16046, added by Ordinance 84583, Sections 51, 52, 53, and 54 of Ordinance 16046, Section 55 of Ordinance 16046, as amended by Ordinance 65433, Sections 57 and 58 of Ordinance 16046, Section 1 of Ordinance 95731, as amended by Ordinance 99777 § .., Section 59 of Ordinance 16046, Section 61 of Ordinance 16046, as amended by Ordinance 89022, Sections 1 and 2 of Ordinance 37147, Section 3 of Ordinance 37147, as amended by Ordinance 45820, Sections 1, 2, 3 and 4 of Ordinance 37120, Sections 1, 2 and 3 of Ordinance 45860, Sections 1 and 2 of Ordinance 73178, Sections 1 and 2 of Ordinance 66248, Sections 1, 2 and 3 of Ordinance 86065, Section 1 of Ordinance 60352, as amended by Ordinance 61750, Section 2 of Ordinance 60352, Sections 1, 2 and 3 of Ordinance 52455, Sections 1, 2, 3, 4 and 5 of Ordinance 97201, Sections 1 and 2 of Ordinance 31592, as amended by Ordinance 45820, Sections 1 and 2 of Ordinance 16208, Sections 1, 2 and 3 of Ordinance 97955, Section 2 of Ordinance 82372, Sections 2 and 3 of Ordinance 29205, Section 4 of Ordinance 29205, as amended by Ordinance 45820, Sections 1 and 2 of Ordinance 92832, Sections 1 through 21 of Ordinance 95984, Sections 1 and 2 of Ordinance 98180, Sections 1, 2, 3, 4 and 5 of Ordinance 96503, Section 1 of Ordinance 95759, Section 2 of Ordinance 95759, as amended by Ordinance 97477 § 1, and Ordinance 99663 § 1, Section 3 of Ordinance 95759, as amended by Ordinance 97477, Ordinance 99559 and Ordinance 99663 § 1, Section 1 of Ordinance 73095, as amended by Ordinance 97316 § 1, Sections 2 and 3 of Ordinance 73095, Section 4 of Ordinance 73095, as amended by Ordinance 97316 § 1, Section 1 of Ordinance 70829, as amended by Ordinance 74062, Section 2 of Ordinance 70829, Sections 1, 2, 3 and 4 of Ordinance 45127, Section 5 of Ordinance 45127, as

amended by Ordinance 45820, Section 1 of Ordinance 34507, Section 2 of Ordinance 34507, as amended by Ordinance 45820, Section 2 of Ordinance 32986, as amended by Ordinance 45820, Sections 1, 2 and 4 of Ordinance 39993, Section 5 of Ordinance 39993, as amended by Ordinance 45820, Sections 1, 2, 3 and 4 of Ordinance 55985, Section 1/2 of Ordinance 55985, added by Ordinance 61475, Section 3 of Ordinance 24487, as amended by Ordinance 45820, Sections 1 and 2 of Ordinance 44347, Section 3 of Ordinance 44347, as amended by Ordinance 45820, Sections 1 and 2 of Ordinance 25874, as amended by Ordinance 45820, Sections 1, 2, 3 and 4 of Ordinance 42368, as amended by Ordinance 45820, Sections 1, 2, 3 and 4 of Ordinance 37311, Sections 1, 2, 3 and 4 of Ordinance 96588, Sections 1, 2, 3, 4, 5, 6 and 7 of Ordinance 96619, Section 1 of Ordinance 64599, Section 2 of Ordinance 64599, as amended by Ordinance 81556, Section 3 of Ordinance 64599, Section 3-1 of Ordinance 64599, added by Ordinance 78471, Section 1 of Ordinance 37916, Sections 4 and 5 of Ordinance 64599, Section 2 of Ordinance 29365, as amended by Ordinance 37916, Ordinance ^{51B-45820} 45280, Ordinance 63192 and Ordinance 64599, Sections 1, 2 and 3 of Ordinance 101091, Section 1 of Ordinance 40149, Sections 2, 3, 4 and 5 of Ordinance 40149, as amended by Ordinance 89760, Section 6 of Ordinance 40149, Section 7 of Ordinance 40149, as amended by Ordinance 89760 and Ordinance 95873, Section 7A of Ordinance 40149, added by Ordinance 99590 § 1, Sections 8 and 9 of Ordinance 40149, Section 9A of Ordinance 40149, added by Ordinance 86061, Section 10 of Ordinance 40149, as amended by Ordinance 89022, Section 12 of Ordinance 40149, Section 1 of Ordinance 84803, as amended by Ordinance 89761 and Ordinance 95874, Sections 2, 3, 4 and 5 of Ordinance 84803, Section 6 of Ordinance 84803, as amended by Ordinance 89022, Sections 1 and 2 of Ordinance 16209, Section 3 of Ordinance 16209, as amended by Ordinance 89022, Section 21.18.300 of Ordinance 91910, Section 21.26.020 of Ordinance 91910, as amended by Ordinance 92153 and Ordinance 97339 § 1,

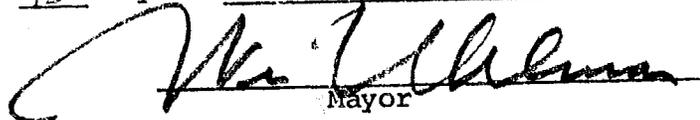
Section 21.26.040 of Ordinance 91910, Section 21.52.020 of Ordinance 91910, Section 21.52.040 of Ordinance 91910, Section 21.52.060 of Ordinance 91910, Section 21.52.080 of Ordinance 91910, Sections 1, 2 and 3 of Ordinance 57328, Section 1 of Ordinance 27396, Section 2 of Ordinance 27396 as amended by Ordinance 45820, Section 9 of Ordinance 89021, Section 3 of Ordinance 90007, Section 1 of Ordinance 96045 as amended by Ordinance 99926, and Sections 1 and 2 of Ordinance 96988 are hereby repealed.

PASSED by the City Council the 10 day of December, 1973, and signed by me in open session in authentication of its passage this 10 day of December, 1973.



President Pro Tem of the City Council

Approved by me this 18 day of December, 1973.


Mayor

Filed by me this 18 day of December, 1973.

ATTEST: 
City Comptroller and City Clerk

By: 
Deputy

(SEAL)

Published _____

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THE CITY OF SEATTLE

LAW DEPARTMENT

MUNICIPAL BUILDING • SEATTLE, WASHINGTON 98104
AREA CODE 206 TELEPHONE 583.2304

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ROBERT M. ELIAS
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CLAIMS MANAGER
V. L. PORTER

November 30, 1973

Re: Proposed City Criminal Code
C.F. 271934

Honorable Jeanette Williams, Chairman
Human Resources and Judiciary Committee
City Council
Seattle

Dear Ms. Williams:

Pursuant to the request of your Committee at its meeting of November 27, 1973, we have prepared and transmit herewith Engrossed Council Bill 94028 defining criminal conduct and other offenses which contains the following requested changes:

Section 12A.01.010, page 1: December 3, 1974 has been set forth as the effective date of the ordinance.

Section 12A.12.150 (1)(a) and (b), page 37: The words "female breasts" have been substituted for the words "other intimate bodily parts" in two places to expressly prohibit the exposure of female breasts in a "public place" as that term is defined in Section 12A.12.020(1)(a).

A new section has been added following page 40 entitled: "Section 12A.16.070 Loitering or Prowling Under Circumstances Manifesting Unlawful Purpose." This section is presently Section 29 of Ordinance 16046 (Seattle Code 12.11.290).

Section 12A.17.120, page 45. The word "forcible" has been deleted in the third line of said section

Section 12A.17.140, page 45. The words "sling shot" have been deleted in the third line of said section.

The words "Except as authorized by or pursuant to Chapter 218, Laws of Washington, 1973, 1st Ex. Sess., as amended" have been added at the beginning of Sections 12A.36.020 (page 63); 12A.36.040 (page

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Honorable Jeanette Williams
November 30, 1973
Page 2

63); 12A.36.060 (page 63); 12A.36.080 (page 63); 12A.36.100 (page 64); 12A.36.120 (page 64) and Section 12A.36.140 (page 65), prohibiting certain gambling activities. This language is desirable to expressly conform the gambling proscriptions in question to the provisions of the state gambling law referred to. The language of Section 12A.36.080 has been conformed to legislation recently passed by the City Council.

A new section has been added at page 67 entitled: "Section 12A.40.020 Disposition of Liquor." This section is based on Section 2 of Ordinance 64599 which prohibits the disposition of liquor except as authorized by state law.

A new section has been added at page 80 entitled: "Section 12A.46.120 Failure to Appear in response to citation," to provide for the offense of failing to appear in response to a citation. This will be a substitute for Section 2 of Ordinance 96988 which is included in the repealer section. Section 1 of Ordinance 96988, allowing citations in lieu of continued custody, is included elsewhere in the code.

The repeal of Section 7 of Ordinance 43475, as amended by Ordinance 66400 has been deleted from the repealer section, Section 12A.46.200. Ordinance 43475 imposes criminal sanctions for false and misleading advertising.

The following ordinances have been included in the repealer section, Section 12A.46.200:

Sections 1, 2 and 3 of Ordinance 57328, Section 1 of Ordinance 27396, Sections 2 of Ordinance 27396 as amended by Ordinance 45820, Section 9 of Ordinance 89021, Section 3 of Ordinance 90007, Section 1 of Ordinance 96045 as amended by Ordinance 99926, Sections 1 and 2 of Ordinance 96988.

Yours very truly,

A. L. NEWBOULD
Corporation Counsel

By *John P. Harris*
JOHN P. HARRIS
Assistant

JPH:sg
Enc.

C-176

Affidavit of Publication

STATE OF WASHINGTON, KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

ORDINANCE NO 102843

was published on Dec 20, 1973

M. E. Brown

Subscribed and sworn to before me on

Dec 20, 1973

[Signature]
Notary Public for the State of Washington,
residing in Seattle.

NOTICES

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12.090 CRT
CORPORA

AND PERSONS ACTING O
DER A DUTY TO ACT IN
BEHALF.

(1) As used in this
12A.02.090:

(a) "Agent" means
factor, officer or empl
a corporation, or any
person who is author
act in behalf of the c
tion;

(b) "Managerial a
means an officer or
of a corporation or a
person in a position
parable authority w
spect to the formula
corporate policy or
provision in a mai
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natives;

a bona movement
consciously as a result of the
actor's effort or determina
tion;

(b) "Omission" means a
failure to perform an act as
to which a duty of perform
ance is imposed by law.

Section 12A.02.030 GENERAL
REQUIREMENTS OF CULPA
BILITY.

(1) MINIMUM REQUIRE
MENT OF CULPABILITY. A
person is not guilty of an of
fense, other than an offense
which involves absolute liabil
ity, unless with respect to each
material element described by
the section defining the of
fenses, he acts while having
one of the mental states de
scribed in subsection (2).

committed a crime

(3) Whenever a person is ar
rested under § (2) of this sec
tion 12A.01.140, the arresting of
ficer, or any other authorized
peace officer, may serve upon
the arrested person a citation
and notice to appear in munici
pal court, in lieu of continued
custody, as provided by the
Rules of Courts of Limited Ju
risdiction.

(4) Whenever a peace offi
er has probable cause to believe
that a person has committed a
violation as defined in 12A.01.
070, 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 Ju
risdiction unless:

(a) he is unable to reason

circumstances is not
and to this end the provisions
of this Title are declared to be
severable.

Section 12A.01.030 PURPOSES
—PRINCIPLES OF CONSTRU
CTION.

(1) The general purposes of
the provisions governing the
definition of offenses are:

(a) to forbid and prevent
conduct that unjustifiably
and inexcusably inflicts or
threatens harm to individual
or public interests;

(b) to safeguard conduct
that is without culpability
from condemnation as criminal;

(c) to give fair warning
of the nature of the conduct
declared to constitute an of
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ORDINANCE NO. -- 102843

SEATTLE CRIMINAL CODE -- IN HARD BINDER # 27

**Addition to
Ordinance 102843**

PROPOSED

SEATTLE CRIMINAL CODE

ORIGINAL

COUNCIL BILL NO. 11025

Code for the City of Seattle

Ordinance No. _____

AN ORDINANCE defining criminal conduct and other offenses, the liability therefor and defenses thereto, enumerating specific crimes and violations and the punishment therefor and repealing all the ordinances in conflict or inconsistent therewith.

11-27-73 pass as amended

COMPTROLLER
FILE NUMBER 271934
ORIGINAL

Council Bill No. 94028

INTRODUCED: JUN 25 1973	BY: HUMAN RESOURCES & JOB.
REFERRED: JUN 25 1973	TO: HUMAN RESOURCES & JOB.
REFERRED:	
REFERRED:	
REPORTED:	SECOND READING:
THIRD READING:	SIGNED:
PRESENTED TO MAYOR:	APPROVED:
RETD. TO CITY CLERK:	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
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CLAIMS MANAGER
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June 13, 1973

Re: Proposed City Criminal Code,
C.F. 271934

City Council
City of Seattle

Honorable Members:

We have prepared and forward herewith proposed Criminal Code legislation, hereinafter referred to as the "proposed City Criminal Code" or "the Code", pursuant to your request therefor and in accordance with your instructions by letter dated January 17, 1973 and final status report dated January 8, 1973. Your attention is invited to the following comments:

General

Many current ordinances which provide jail sentences for offenders have been omitted from the proposed code as approved by the City Council. It was the intent of the draftsmen and the Council to remove criminal penalties from all offenses not included in the new code by a single reference. (See original draft of 12A.01.070(3)). This procedure would however be contrary to Charter Article IV, Section 9, which requires that every ordinance to be revised or the section thereof amended, must be reenacted at length as revised or amended. Accordingly, it will be necessary to specifically amend each ordinance which now provides for a jail term and which will not be included in the code, and to reclassify the offense as a violation. The penalty for many offenses relating to public health, safety and welfare has been reduced from a jail term and fine to a civil fine only.

There are many provisions of the Code in Chapters 12A.01 and 12A.02 which relate to jurisdiction, arrest, liability, defenses

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and other matters of general application. These represent an attempt to clarify and determine by legislation, as much as possible in advance, those matters of criminal law which for the most part have in the past been settled by judicial decision. This approach reflects modern criminal law revisions such as the Model Penal Code proposed by the American Law Institute and the proposed Washington Criminal Code, by describing and defining as far as can be anticipated what conduct, including the variations and attendant circumstances of such conduct, shall be forbidden. The Code to that extent departs from the traditional relationship of legislative to judicial law and we point out that some of the sections or parts thereof in Chapters 12A.01 and 12A.02 may not survive a judicial examination if challenged within the framework of traditional criminal law interpretation.

Accordingly, problems may arise where general provisions of the Seattle Code may differ from existing law decisions on statutory criminal offenses. However, the proposed City Criminal Code deals only with violations of City law and in that regard the general constitutional authority allows a city to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws." State Constitution, Article XI Section 11. The State Supreme Court has held this grant to be "a direct delegation of the police power as ample within its limits as that possessed by the legislature itself", Detamore v. Hindley, 83 Wash. 322. However, the fact that elements of liability or defenses under the City Code may be different from general statutory case law relating to liability or defense does not necessarily mean they are inconsistent or in conflict with such general law. Depending upon the specific case, municipal regulations may be more onerous than corresponding state law, so long as they are the proper subject of municipal legislation, and do not allow what state law forbids, or forbid what state law specifically allows.

We also advise that the proposed Washington Criminal Code will bring major substantive changes to existing state law and it is premature now to predict how this may affect the proposed City Criminal Code.

Offenses Against Public Morals

The Lewd Conduct section, 12A.12.150, as contained in the proposed City Criminal Code, including the definition of "public place", would in our view effectively prohibit the forbidden conduct in cabarets, restaurants and bars. It would not prohibit such conduct in a theatre

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as an artistic or dramatic performance. We further advise that if it is the Council's intent to prohibit the exposure of female breasts in a public place this section should specifically provide that female breasts are "intimate bodily parts."

Juveniles

Although the form of many of the sections in Chapter 12A.24 is inconsistent with earlier parts of the Code these were not revised in view of pending legislation on the same subject.

Motor Vehicle Offenses

It should be noted that the proposed City Criminal Code includes only a few of the more serious traffic offenses and these are designated as crimes within the definition of 12A.01.070 and the corresponding sections in the present Traffic Code should be repealed. As pointed out above in our general comments each ordinance or current code section which now provides for a jail term must be specifically amended for reclassification as a violation. The general penalty section (21.70.140) and other penalty sections of the Traffic Code (Ordinance 91910) will have to be specifically repealed or amended if the intent of the Code to remove the penalty of imprisonment from most traffic offenses is to be accomplished. We further note that consideration should be given to whether the mandatory sentences made applicable to certain offenses by the Traffic Code are to be included in the proposed City Criminal Code (e.g., Sections 21.52.110, 21.70.100, 21.70.120 of Ordinance 91910). If not so included these sections should be repealed.

Gambling Offenses

In accordance with the Council's direction Chapter 12A.36 of the proposed City Criminal Code is a collection of present ordinance provisions relating to gambling, with the exception that the proscription against fortune telling has not been included in the Code. Seattle Ordinance 100282 as amended by Ordinance 101370 dealing with bingo and raffles was enacted in response to Chapter 280, Laws of 1971 ex. sess., and has not been included in the proposed City Criminal Code. Substitute House Bill No. 711, enacted April 15, 1973, repealed much of Chapter 280 and other state gambling laws and we have prepared proposed ordinances in response to Substitute House Bill No. 711 which are being submitted to the City Council. The Council's action with respect to such proposed ordinances should be evaluated in connection with its consideration of Chapter 12A.36.

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Licior Offenses

We have drafted Chapter 12A.40 as requested. However, we call to your attention that Section 2 of Ordinance 64599 which defines the offense of unlawful manufacture, importation, transportation, possession, distribution, use or sale of alcoholic beverages is not included in the proposed City Criminal Code.

Emergency Powers

These sections have been designated as a separate chapter as have the sections dealing with Unfair Housing, because of length and particularity of subject matter. In connection with the Emergency Powers provisions we advise that the same should be reviewed and revised to conform to a proposed ordinance on the same subject now being drafted by this office.

Pursuant to your further request we will prepare necessary legislation amending the penalty provisions of all present City ordinances proscribing unlawful acts or omissions which are not covered by the proposed City Criminal Code to impose a "violation" sanction of a civil fine not to exceed \$500.

Yours very truly,

A. L. NEWBOULD
Corporation Counsel

BY *Lawrence K. McDonell*
LAWRENCE K. McDONELL
Assistant

LKM:ph

ORDINANCE _____

AN ORDINANCE defining criminal conduct and other offenses, the liability therefor and defenses thereto, enumerating specific crimes and violations and the punishment therefor and repealing all the ordinances in conflict or inconsistent therewith.

WHEREAS, existing criminal ordinances of The City of Seattle are in part obsolete, duplicative, incomplete and inconsistent with modern sociological needs; and

WHEREAS, it is necessary to provide a modern, fair, understandable, comprehensive and effective criminal code; and

WHEREAS, it is desirable to remove certain regulatory measures from the field of municipal criminal law and to distinguish between crimes and non-criminal violations of municipal law; and

WHEREAS, the Seattle-King County Bar Association has, pursuant to an agreement with the City of Seattle authorized in Ordinance 99482, completed a revision of the criminal code and the Seattle City Council has considered said revision and being fully advised, Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Chapter 12A.01

GENERAL PROVISIONS

Section 12A.01.010 Title -- Effective Date -- Application -- Severability.

- (1) This ordinance, hereinafter referred to as "this title" or "this code" shall be known and may be cited as Seattle Criminal Code and shall become effective on _____.
- (2) The provisions of this Title shall apply to any offense which is defined in this Title 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.
- (3) The provisions of this Title do not apply to or govern the construction of and punishment for any offense committed prior to the effective date of this Title, or to the construction and application

of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this Title had not been enacted.

- (4) If any provision of this Title, or its application to any person or circumstance is held invalid, the remainder of the Title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this Title are declared to be severable.

Section 12A.01.030 Purposes -- Principles of Construction.

- (1) The general purposes of the provisions governing the definition of offenses are:
 - (a) to forbid and prevent conduct that unjustifiably and inexcusably inflicts or threatens harm to individual or public interests;
 - (b) to safeguard conduct that is without culpability from condemnation as criminal;
 - (c) to give fair warning of the nature of the conduct declared to constitute an offense.
- (2) The provisions of this Title 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 Title shall be exercised in accordance with the criteria stated in this Title and, insofar as such criteria are not decisive, to further the general purposes stated in this section.

Section 12A.01.050 City Criminal Jurisdiction.

- (1) 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:
- (a) either the conduct which is an element of the offense or the result which is such an element occurs within this city; or
 - (b) 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
 - (c) 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
 - (d) 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
 - (e) 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.
- (2) Subsection (1) (a) 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.

- (3) Subsection (1)(a) 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.

Section 12A.01.070 Offenses Shall be Crimes or Violations.

Every offense defined by this Title 12A 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.

Section 12A.01.090 Punishment of Offenses.

- (1) A crime may be punished by a fine not to exceed Five Hundred Dollars (\$500), or by imprisonment in the city jail for a term not to exceed six (6) months or by both such fine and imprisonment.
- (2) A violation may be punished by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500), but a conviction of a violation shall not give rise to any disability or legal disadvantage based on the conviction of a criminal offense.
- (3) Notwithstanding the civil nature of the penalty for violations, subsection (2) of this section 12A.01.090 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.

- (4) 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.
- (5) 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.

Section 12A.01.110 All Offenses Defined by Ordinance --
Application of General Provisions
of the Code.

- (1) No conduct constitutes an offense unless it is a crime or a violation under an ordinance of this city.
- (2) The provisions of chapters 12A.01 and 12A.02 of this Title are applicable to offenses defined by this Title or any other ordinance unless this Title or other ordinance specifically provides otherwise.
- (3) 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.

Section 12A.01.130 Proof Beyond a Reasonable Doubt --
Affirmative Defenses.

- (1) 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.
- (2) Subsection (1) of this section does not:

- (a) require the disproof of an affirmative defense unless there is evidence to support such defense; or
 - (b) require the disproof beyond a reasonable doubt of any defense which this code or other ordinance expressly requires the defendant to prove by a preponderance of the evidence.
- (3) A defense is affirmative, within the meaning of subsection (2)(a) of this section when it arises under a section of this code which so provides.

Section 12A.01.140 Arrest -- Citations.

- (1) As used in this section, "crime" has the meaning specified in section 12A.01.070.
- (2) 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.
- (3) Whenever a person is arrested under § (2) of this section 12A.01.140, 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.
- (4) Whenever a peace officer has probable cause to believe that a person has committed a violation as defined in 12A.01.070, 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:
 - (a) he is unable to reasonably ascertain the actor's identity; or
 - (b) he reasonably believes that the identification is not accurate,

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- in either of which cases the person may be arrested.
- (5) Upon an arrest as provided in § (4) of this section 12A.01.140, such person may be held only to be photographed, administratively searched and fingerprinted, and must be released immediately upon identification.
 - (6) If a person violates his promise to appear in court given in accordance with §§ (3) or (4) of this section 12A.01.140, a warrant may be issued for his arrest and bail may be set.

Section 12A.01.140 Definitions. In this Title 12A, 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 12A.01.150, 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;

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- (a) physical pain; or
 - (b) illness; or
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- (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 12A.01.150, 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;

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- (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 (i) the harm or evil, incident to conduct, sought to be prevented by the law defining the offense, or (ii) 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, deputies, 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 title 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) "Statute" means the Constitution or an Act of the Legislature of this State;
 - (25) "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;

- (26) "Voluntary" has the meaning specified in section 12A.02.010.

Chapter 12A.02

CRIMINAL LIABILITY -- DEFENSES

Section 12A.02.010 Requirement of a Voluntary Act -- Omission as Basis of Liability -- Possession as an Act.

- (1) 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.
- (2) 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.
- (3) For purposes of this section:
 - (a) "Voluntary act" means a bodily movement performed consciously as a result of the actor's effort or determination;
 - (b) "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.

Section 12A.02.030 General Requirements of Culpability.

- (1) 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 subsection (2).
- (2) 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, which 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:
- (i) 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
 - (ii) conduct described by a section defining an offense, when he is aware that his conduct is of that nature; or
 - (iii) a circumstance described by a section defining an offense, when he is aware that such circumstance exists; or
 - (iv) 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:
- (i) the result described by a section defining an offense may occur; or
 - (ii) 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.

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- (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:
- (i) the result described by a section defining an offense may occur; or
 - (ii) 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.
- (3) 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.
- (4) 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.
- (5) 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.

Section 12A.02.050 Causal Relationship Between Conduct and Result -- Divergence Between Result Designed or Contemplated and Actual Result or Between Probable and Actual Result.

- (1) 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 code or by the ordinance defining the offense.
- (2) 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.

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(3) 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.

Section 12A.02.070 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.02.030(2). This section 12A.02.070 applies to all offenses defined by the ordinances of this city.

Section 12A.02.090 Criminal Liability of Corporations and Persons Acting or Under a Duty to Act in Their Behalf.

- (1) As used in this section 12A.02.090:
 - (a) "Agent" means any director, officer or employee of a corporation, or any other person who is

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- authorized to act in behalf of the corporation;
- (b) "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;
 - (c) "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 non-profit.
- (2) A corporation is guilty of an offense when:
- (a) the conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations by law; or
 - (b) 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
 - (c) 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.
- (3) 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.

- (4) 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.

Section 12A.02.100 Criminal Attempt.

- (1) A person is guilty of an attempt to commit a crime if, with intent to commit a specific crime, he does any act:
 - (a) which is a substantial step toward the commission of that crime; and
 - (b) which strongly corroborates his intent to commit that crime.
- (2) 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.
- (3) 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:
 - (a) abandoned his effort to commit the crime, or

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- (b) prevented the commission of the crime.
- (4) 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.
- (5) This section 12A.02.100 shall not apply to liability for the conduct of another as defined in section 12A.02.110.

Section 12A.02.110 Liability for Conduct of Another -- Complicity.

- (1) 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.
- (2) A person is legally accountable for the conduct of another person when:
 - (a) 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
 - (b) he is made accountable for the conduct of such other person by this title or by the law defining the offense; or
 - (c) he is an accomplice of such other person in the commission of the offense.
- (3) A person is an accomplice of another person in the commission of an offense if:
 - (a) with the intent of promoting or facilitating the commission of the offense, he
 - (i) solicits, commands, or requests such other person to commit it; or
 - (ii) aids or agrees to aid such other person in planning or committing it; or

- (b) his conduct is expressly declared by law to establish his complicity.
- (4) 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.
- (5) Unless otherwise provided by this title or by the law defining the offense, a person is not an accomplice in an offense committed by another person if:
- (a) he is a victim of that offense; or
 - (b) the offense is so defined that his conduct is inevitably incident to its commission; or
 - (c) he terminates his complicity prior to the commission of the offense and
 - (i) deprives it of effectiveness in the commission of the offense; or
 - (ii) gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the offense.
- (6) 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.
- (7) A person may not be convicted on the basis of the same course of conduct of both the commission of and

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complicity in that offense.

Section 12A.02.130 Ignorance or Mistake.

- (1) A person shall not be relieved of criminal liability because he engages in conduct under a mistaken belief of fact, unless:
 - (a) such factual mistake negates the mental state required for the commission of an offense; or
 - (b) the ordinance defining the offense or ordinance related thereto expressly provides that such factual mistake constitutes a defense or exemption; or
 - (c) such factual mistake is of a kind that supports a defense of justification, as defined in sections 12A.02.340 through 12A.02.460 of this title.
- (2) A person is not relieved of criminal liability for conduct because he engages in such conduct under a mistaken belief that it does not, as a matter of law, constitute an offense, unless such mistaken belief is reasonably founded upon an official statement of the law contained in:
 - (a) a statute, ordinance, or other enactment, or
 - (b) an administrative order or grant of permission, or
 - (c) a judicial decision, or
 - (d) an interpretation of the statute or law relating to the offense, officially made or issued by a public servant, agency or body legally charged or empowered with the responsibility or privilege of administering, enforcing or interpreting such ordinance.
- (3) A defense based upon this section 12A.02.130 is an affirmative defense.

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Section 12A.02.150 Intoxication.

- (1) Except as provided in subsection (3) of this section, intoxication of the actor is not a defense unless it negates an element of the offense.
- (2) Intoxication does not, in itself, constitute mental disease within the meaning of section 12A.02.170.
- (3) Intoxication which (a) is not self-induced or (b) is pathological is an affirmative defense if by reason of such intoxication the actor at the time of his conduct lacks substantial capacity either to appreciate his criminality or to conform his conduct to the requirements of law.
- (4) Definitions. In this section unless a different meaning plainly is required:
 - (a) "Intoxication" means a disturbance of mental or physical capacities resulting from the introduction of substances, including but not limited to alcohol and drugs, into the body;
 - (b) "Self-induced intoxication" means intoxication caused by substances which the actor knowingly introduces into his body, the tendency of which to cause intoxication he knows or ought to know, unless he introduces them pursuant to medical advice or under such circumstances as would afford a defense to a charge of crime;
 - (c) "Pathological intoxication" means intoxication grossly excessive in degree, given the amount of the intoxicant, to which the actor does not know he is susceptible.

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Section 12A.02.170 Mental Disease or Defect Excluding Responsibility.

- (1) A person is not criminally responsible for conduct if at the time of such conduct, as a result of mental disease or defect, he lacks substantial capacity either:
 - (a) to know or appreciate the nature and consequence of such conduct; or
 - (b) to know or appreciate the criminality of such conduct; or
 - (c) to conform his conduct to the requirements of law.
- (2) Mental disease or defect excluding responsibility is an affirmative defense.

Section 12A.02.190 Duress.

- (1) In any prosecution for an offense, it is an affirmative defense that the actor engaged in the proscribed conduct because he was coerced to do so by the use or threatened imminent use of unlawful physical force upon him or a third person, which force or threatened force a person of reasonable firmness in his situation would have been unable to resist.
- (2) The defense provided by this section is not available when the actor recklessly places himself in a situation in which it is probable that he will be subjected to duress.

Section 12A.02.230 De Minimis Infractions.

- (1) The Court may dismiss a prosecution if, having regard to the nature of the conduct charged to constitute an offense and the nature of the attendant circumstances, it finds that the defendant's conduct:
 - (a) was within a customary license or tolerance not

inconsistent with the purpose of the law defining the offense; or

- (b) did not actually cause or threaten the harm or evil sought to be prevented by the law defining the offense or did so only to an extent too trivial to warrant the condemnation of conviction; or
- (c) presents such other extenuations that it cannot reasonably be regarded as envisioned by the legislature in forbidding the offense.

Chapter 12A.04

OFFENSES AGAINST PERSONS

Section 12A.04.020 Assault. A person is guilty of assault

when:

- (1) with intent to cause bodily injury to another person, he causes bodily injury to any person; or
- (2) he recklessly causes bodily injury to another person; or
- (3) with criminal negligence, he causes bodily injury to another person by means of a deadly weapon.

Section 12A.04.050 Menacing.

- (1) A person is guilty of menacing when, by physical action he intentionally places or attempts to place another person in fear of imminent serious bodily injury or death.
- (2) As used in this section "physical action" means an act or action as defined in § 12A.01.150(1) or an act accompanied by words or threats but not words alone.

Section 12A.04.070 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.

Section 12A.04.080 Reckless Endangerment. A person is guilty

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

Section 12A.04.110 Unlawful Imprisonment.

- (1) A person is guilty of unlawful imprisonment if he knowingly restrains another person.
- (2) In any prosecution for unlawful imprisonment, it is an affirmative defense that:
 - (a) the restraint does not include the use of or the intent to use or the threat to use force, and
 - (i) the actor is a relative of the person restrained, and
 - (ii) the actor's sole intent is to assume custody of that person; or
 - (b) the actor reasonably believes that he has legal authority to interfere with the liberty of the other person.
- (3) For purposes of section 12A.04.110 and 12A.04.115:
 - (a) "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.
 - (b) "Relative" means an ancestor, descendant, sibling, uncle or aunt, including a relative of the same degree through marriage or adoption, or a spouse.

Section 12A.04.115 Custodial Interference.

- (1) A person is guilty of custodial interference when:
 - (a) being a relative of a child less than 16 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

- (b) 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.
- (2) It is an affirmative defense to a prosecution under this section 12A.04.115 if the actor reasonably believed that:
- (a) his action was necessary to preserve the person from danger to his welfare; or
 - (b) the child was at least 16 years of age.

Section 12A.04.140 Sexual Abuse.

- (1) The following definitions apply in this section 12A.04.140:
- (a) "Forcible compulsion" means physical force that overcomes earnest resistance; or a threat, express or implied, that places a person in fear of death or serious physical injury to himself or another person, or in fear that he or another person will be immediately kidnapped or subjected to unlawful imprisonment;
 - (b) "Sexual contact" means touching the sexual or other intimate parts of another person, done to gratify the sexual desire of either party;
 - (c) "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;
 - (d) "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;

- (e) "Mentally defective" means a person who suffers from a mental disease or defect which renders him incapable of appraising the nature of his conduct;
 - (f) "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;
 - (g) "Physically helpless" means a person who is unconscious or who, for any other reason, is physically unable to communicate unwillingness to an act;
 - (h) "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 (18) years old.
- (2) A person is guilty of sexual abuse when he intentionally subjects another person not his spouse to sexual contact or sexual intercourse:
- (a) by forcible compulsion; or
 - (b) when the other person is mentally defective, mentally incapacitated, or physically helpless;
or
 - (c) when the other person is incapable of consent.
- (3) In any prosecution under § 2(c) of this section, it is an affirmative defense that if such other person is at least fourteen years old the actor is less than

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three (3) years older.

- (4) In any prosecution under § 2(b), it is an affirmative defense that the actor, at the time he engaged in the conduct constituting the offense, reasonably believed that the circumstances giving rise to such disability were not present.
- (5) In any prosecution under § 2(c) of this section, it is an affirmative defense that the actor reasonably believed that the other person was eighteen (18) years old or more.

Section 12A.04.170 Coercion.

- (1) 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.
- (2) "Threat" as used in this section 12A.04.170 means:
 - (a) to communicate, directly or indirectly, the intent immediately to use force against any person who is present at the time; or
 - (b) threats as defined in section 12A.08.210 (12).

Chapter 12A.08

OFFENSES AGAINST PROPERTY

Section 12A.08.010 Definitions. As used in this Chapter 12A.08:

- (1) "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:
 - (a) a single building in § 12A.08.020 and .050; and

(b) as separate buildings in § 12A.08.080.

- (2) "Damage" means an injury or harm to property sufficient to lower its value or involving significant inconvenience or loss of efficiency;
- (3) "Premises" means a building or real property.

Section 12A.08.020 Property Destruction.

- (1) A person is guilty of property destruction if he intentionally damages the property of another.
- (2) In any prosecution under § 1 of this section 12A.08.020, it is an affirmative defense that the actor reasonably believed that he had a lawful right to damage such property.

Section 12A.08.050 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.

Section 12A.08.080 Criminal Trespass.

- (1) "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.
- (2) A person is guilty of criminal trespass if he knowingly

enters or remains unlawfully in or upon the premises of another.

- (3) In any prosecution under § (2) it is an affirmative defense that the actor reasonably believed that:
- (a) 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
 - (b) the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

Section 12A.08.210 Definitions of Terms. The following definitions are applicable in sections 12A.08.220 through 12A.08.280 unless the context otherwise requires:

- (1) "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.
- (2) "Deception" occurs when an actor knowingly:
 - (a) creates or confirms another's false impression which the actor does not believe to be true; or
 - (b) fails to correct another's false impression which the actor previously has created or confirmed; or
 - (c) prevents another from acquiring information material to the disposition of the property involved; or

- (d) 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
- (e) promises performance which the actor does not intend to perform or knows will not be performed; or
- (f) uses a credit card:
 - (1) without authorization; or
 - (2) which he knows to be stolen, forged, revoked or cancelled.

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

- (3) "Obtain" means:
 - (a) 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
 - (b) in relation to labor or service, to secure performance thereof for the benefit of the obtainer or another.
- (4) "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.
- (5) "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.

- (6) "Permanently to deprive" means:
- (a) 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
 - (b) to dispose of the property so as to make it unlikely that the owner will recover it; or
 - (c) 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
 - (d) to encumber, sell, give, pledge, or otherwise transfer any interest in the property.
- (7) "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.
- (8) "Receiving" includes but is not limited to acquiring title, possession, control, or a security interest in the property.
- (9) "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.
- (10) "Steal" means:
- (a) to knowingly obtain or exert unauthorized control over the property of another with intent permanently to deprive him of such property; or

- (b) to knowingly obtain by deception control over property of another with intent permanently to deprive him of such property.
- (11) "Stolen" means obtained by theft, robbery, extortion, or appropriating lost or mis-delivered property.
- (12) "Threat" means to communicate, directly or indirectly, the intent:
 - (a) to cause bodily injury in the future to another; or
 - (b) to cause damage to property of another; or
 - (c) to subject another person to physical confinement or restraint; or
 - (d) to accuse another person of a crime or cause criminal charges to be instituted against another person; or
 - (e) to expose a secret or publicize an asserted fact, whether true or false, tending to subject another person to hatred, contempt or ridicule; or
 - (f) to reveal significant information sought to be concealed by the person threatened; or
 - (g) to testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
 - (h) to take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
 - (i) 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
 - (j) to do any other act which is intended to harm

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substantially any person with respect to his health, safety, business, financial condition, or personal relationships.

Section 12A.08.220 Theft.

- (1) A person is guilty of theft if:
 - (a) he steals the property of another; or
 - (b) 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
 - (c) 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 thereto.
- (2) In any prosecution under this section 12A.08.220, 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.

Section 12A.08.240 Extortion.

- (1) A person is guilty of extortion if he intentionally obtains property or services of another by threat.
- (2) In any prosecution under this section 12A.08.240 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.

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Section 12A.08.260 Receiving Stolen Property

- (1) 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
- (2) In any prosecution under this section 12A.08.260, it is an affirmative defense that the actor received, retained, or disposed of stolen property with intent to restore it to the owner.
- (3) 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.

Section 12A.08.280 Appropriation of Lost or Misdemeanor Property.

- (1) A person is guilty of appropriating lost or misdemeanor 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.
- (2) As used in this section 12A.08.280 "reasonable measures" includes but is not necessarily limited to notifying the identified owner or any peace officer.

Section 12A.08.300 Unauthorized Use of a Motor Vehicle.

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

- (1) knowing that he does not have the consent of the owner, he takes, operates, or exercises control over a motor vehicle; or
- (2) knowing that a motor vehicle has been unlawfully obtained, he rides in such vehicle or uses it for

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- transportation purposes; or
- (3) 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.

Section 12A.08.320 Criminal Impersonation.

- (1) As used in this section "intent to defraud" means the use of deception as defined in section 12A.08.210 (2) with the intention to injure another's interest which has economic value.
- (2) A person is guilty of criminal impersonation if he:
- (a) assumes a false identity and does an act in his assumed character with the intent to defraud another; or
 - (b) pretends to be a representative of some person or organization and does an act in his pretended capacity with the intent to defraud another.

Chapter 12A.12

OFFENSES AGAINST PUBLIC MORALS

Section 12A.12.020 Prostitution Loitering.

- (1) As used in this section 12A.12.020:
- (a) "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) "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;
- (c) "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) 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.

(3) Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he:

- (a) Repeatedly beckons to, stops or attempts to stop, or engages passers-by in conversation; or
- (b) Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or
- (c) Is a known prostitute or panderer.

Section 12A.12.030 Prostitution.

(1) 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.

- (2) It is an affirmative defense in any prosecution under this section 12A.12.020 that the sexual conduct was engaged in as part of any stage performance, play, or other entertainment, open to members of the public.

Section 12A.12.050 Promoting Prostitution. A person is guilty of promoting prostitution if:

- (1) Acting other than as a prostitute or as a customer thereof, he knowingly:
 - (a) causes or aids a person to commit or engage in prostitution; or
 - (b) procures or solicits customers for prostitution; or
 - (c) provides persons or premises for prostitution purposes; or
 - (d) operates or assists in the operation of a house of prostitution or a prostitution enterprise; or
 - (e) engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution; or
- (2) 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.

Section 12A.12.080 Patronizing a Prostitute. A person is guilty of patronizing a prostitute if:

- (1) 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

- (2) 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

- (3) He solicits or requests another person to engage in sexual conduct with him in return for a fee.

Section 12A.12.085 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:

- (1) Such persons were of the same sex; or
- (2) 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.

Section 12A.12.110 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.

Section 12A.12.150 Lewd Conduct.

- (1) As used in this section a "lewd act" is:
 - (a) an exposure of one's genitals or other intimate bodily parts; or
 - (b) the touching, caressing or fondling of the genitals or other intimate bodily parts; or
 - (c) sexual intercourse as defined in Section 12A.04.140(1)(c); or
 - (d) masturbation; or
 - (e) urination or defecation in a place other than

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a washroom or toilet room.

- (2) 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.
 - (a) "Public place" has the meaning defined in section 12A.12.020(1) (a).
- (3) 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 said premises.
- (4) This section shall not be applied to artistic or dramatic performances in a theatre or a museum.

Section 12A.12.180 Public Display of Erotic Material.

- (1) Definitions. As used in this section:
 - (a) "Erotic material" means any pictorial or three-dimensional material depicting human sexual intercourse, masturbation, sodomy (ie. 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.

- (b) 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 (a) of this subsection is easily visible from a public thoroughfare or from the property of others.
- (2) 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.

Chapter 12A.16

OFFENSES AGAINST PUBLIC ORDER

Section 12A.16.020 Disorderly Conduct.

- (1) As used in this section 12A.16.020 "obstruct" means to render impassible and thereby subject passers-by to unreasonable inconvenience or hazard.
- (2) A person is guilty of disorderly conduct if without lawful authority he knowingly:
- (a) makes noise which unreasonably disturbs another;
 - or
 - (b) unreasonably disrupts any lawful assembly or meeting of persons; or
 - (c) 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 2(b) by the person in

charge of the assembly or meeting.

Section 12A.16.040 Failure to Disperse.

- (1) As used in § (2) of this section 12A.16.040 "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.
- (2) A person is guilty of failure to disperse if:
 - (a) 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
 - (b) he refuses or intentionally fails to obey a public safety order to move, disperse or refrain from specified activities in the immediate vicinity.

Section 12A.16.060 Disruption of School Activities.

- (1) 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.
- (2) As used in this section "school" has its ordinary meaning and also includes, universities, colleges, community colleges, and institutions of higher education.

Chapter 12A.17

WEAPONS CONTROL

Section 12A.17.010 Definitions. The following definitions apply in this chapter.

- (1) "pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical, combustion, or otherwise and having a barrel less than twelve inches in length, but as used in 12A.17.080 through .120 it shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.
- (2) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.
- (3) "dangerous knife" means any knife having a blade more than three and one-half inches in length, or any dagger, sword, bayonet, bolo knife, machete, straight-edge razor, or razor blade not in a package, dispenser, or shaving appliance.
- (4) "switchblade knife" means any knife having a blade that opens automatically by hand pressure applied to a button, spring mechanism, or other device, or a blade that opens, falls or is ejected into position by force of gravity or by an outward, downward, or centrifugal thrust or movement.
- (5) "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.

Section 12A.17.020 License application -- concealed pistol. Any person applying to the chief of police of the city of Seattle

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:

- (1) Name and address of the applicant;
- (2) The applicant's citizenship and age;
- (3) A statement whether the applicant:
 - (a) 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,
 - (b) is a fugitive from justice,
 - (c) is an unlawful user of or addicted to marihuana or any depressant or stimulant or narcotic drug,
 - (d) has ever been adjudicated as a mental defective or committed to any mental institution,
 - (e) has ever been adjudicated as a common or habitual drunk;
- (4) 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;
- (5) The applicant's fingerprints;
- (6) 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.

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Section 12A.17.040 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 of Washington or the United States.

Section 12A.17.060 False statement to obtain pistol permits. It is unlawful for a person to knowingly make any false statement in his application for a concealed pistol permit.

Section 12A.17.080 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 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 of sale, 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 signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or

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elsewhere of a forcible felony, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

Section 12A.17.100 Unlawful delivery to purchaser. It is unlawful for any merchant or secondhand dealer or as any clerk, agent, or employee of any merchant or secondhand dealer to knowingly deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 12A.17.080, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070 or 12A.17.040 of this title or to sales to peace officers.

Section 12A.17.120 Unlawful for certain persons to purchase. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a forcible felony, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city,

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and it is further unlawful for any such person to intentionally fail to disclose such information when applying for the purchase of a pistol.

Section 12A.17.140 Unlawful use of weapons.

- (1) It is unlawful for anyone knowingly to:
 - (a) Sell, manufacture, purchase, possess or carry any blackjack, sling-shot, 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 NCW Chapter 9.41 and 12A.17.040; 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.

Section 12A.17.160 Exemptions.

- (1) The proscriptions of subsection 12A.17.140 (a) (6) 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. Applications for such instruction shall be made to the chief of police and shall be accompanied by a fee of \$5.00.
- (2) The proscriptions of subsection 12A.17.140 (a) (2) 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 business to another, or while in his place of abode or fixed place of business.
- (3) Subsection 12A.17.140 (a) (3) 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 firearms or the agent or representative of such person, having in his possession, using or carrying 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

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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.

Chapter 12A.20

OFFENSES AGAINST GOVERNMENTAL ORDER

Section 12A.20.020 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.

Section 12A.20.050 Hindering Law Enforcement.

- (1) As used in this section 12A.20.050 "hindering law enforcement" means to intentionally prevent, hinder or delay the apprehension or prosecution of another person who the actor knows:
 - (a) has committed a crime; or
 - (b) is being sought by law enforcement officials for the commission of such offense; or
 - (c) has escaped from jail or prison.
- (2) A person is guilty of hindering law enforcement if with respect to a person described in §§ (a), (b) or (c) of §§ (1) of this section 12A.20.050, he knowingly:
 - (a) harbors or conceals such person; or
 - (b) warns such person of impending discovery or of apprehension; or
 - (c) provides such person with money, transportation, disguise or other means of avoiding discovery or apprehension; or
 - (d) prevents or obstructs, by use of force or threat, a private person from performing an act that might

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aid in the discovery or apprehension of such person; or

- (e) conceals, alters or destroys any physical evidence that might aid in the discovery or apprehension of such person.

Section 12A.20.080 Escape.

(1) "Official detention" means:

- (a) restraint pursuant to a lawful arrest for an offense; or
- (b) lawful confinement in the city jail; or
- (c) custody for purposes incident to the foregoing including but not necessarily limited to:
 - (i) transportation; or
 - (ii) medical diagnosis or treatment; or
 - (iii) court appearances; or
 - (iv) work and recreation.

(2) 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.

Section 12A.20.110 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.

Chapter 12A.24

OFFENSES BY AND AGAINST JUVENILES

Section 12A.24.010 Definitions. The following definitions apply in this Chapter 12A.24:

- (1) "Public place" means an area open to members of the public.
- (2) "Parent or guardian" means the parent or legal guardian, or the person or institution that has the care, custody or control of a minor child by consent of the parent or legal guardian or by court action.
- (3) "Dependent child" means any child under the age of eighteen (18) years:
 - (a) who has no home or any settled place of abode or visible means of subsistence; or
 - (b) who has no parent or guardian, or who has no parent or guardian or other responsible person willing to exercise, or capable of exercising proper parental control; or
 - (c) whose home by reason of neglect, cruelty or depravity of his parents or either of them, or on the part of his guardian, or for any other reason, is an unfit place for such child; or
 - (d) who frequents the company of persons convicted of crime; or
 - (e) who is found in any house of prostitution; or
 - (f) who frequents any bar, cocktail lounge, tavern or other public place where spiritous, vinous, or malt liquors are sold and consumed; or
 - (g) who is incorrigible; that is, who is beyond the reasonable and proper control and power

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of his parents or guardian by reason of the dangerous conduct of said child; or

- (h) who is an habitual truant, as defined in the school laws of the State of Washington; or
- (i) who uses intoxicating liquor as a beverage, or who uses any narcotic or dangerous drug as defined by ordinances of the City of Seattle without the direction of a competent physician; or
- (j) who is grossly and wilfully neglected as to medical care necessary for his well-being; or
- (k) who is a runaway from his home or is a fugitive from his parent or guardian or is without adequate care or supervision.

- (4) "Minor" means any person less than eighteen (18) years of age.
- (5) "Delinquent child" means any child under the age of eighteen (18) years, whether a dependent child or not, who violates any law of this state, or any ordinance of any town, city or county of this state defining a crime or who has violated any federal law or law of another state defining a crime.
- (6) "Liquor" means liquor as defined in the Washington State Liquor Act (RCW 66.04.010(16)).

Section 12A.24.080 Undressing.

- (1) It is unlawful for purposes of sexual gratification to remove or cause a minor to remove an article of the minor's clothing thereby exposing a portion of his body not customarily exposed.
- (2) In any prosecution under § 1 of this section 12A.24.080 it is an affirmative defense that if the minor is

at least fourteen (14) years old the actor is less than three (3) years older.

Section 12A.24.100 Contributing to Dependency or Delinquency.

It is unlawful for anyone, by act or omission, knowingly to encourage, cause or contribute to the dependency or delinquency of a minor.

Section 12A.24.120 Tobacco. It is unlawful for anyone to sell, give, furnish or cause to be furnished to a minor any cigarettes, cigars or tobacco in any form.

Section 12A.24.140 Firearms.

- (1) It is unlawful for anyone to sell, give, furnish or cause to be furnished, or permit to be sold, given, furnished, or caused to be furnished to a minor a revolver, pistol, rifle, shotgun, or similar firearm, or any ammunition for the same.
- (2) It is unlawful for a minor to purchase, possess or use a revolver, pistol or similar firearm, or any ammunition for the same.
- (3) In any prosecution under this section 12A.24.140 it is an affirmative defense that the firearm is being used or is to be used immediately at a rifle or pistol range.

Section 12A.24.160 Sale or Possession of Spring Guns or Air Guns.

- (1) It is unlawful for anyone other than a parent or guardian or a person having their permission to sell, give, furnish, or cause to be furnished, or permit to be sold, given or furnished to a minor or knowingly to permit him to use or have in his possession any spring gun, air gun, or any ammunition for any such gun, or any sling.

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Section 12A.24.180 Liquor.

- (1) It is unlawful for anyone knowingly to sell or attempt to sell any liquor to any person under the age of twenty-one (21) years or for such person to purchase or attempt to purchase any liquor.

Section 12A.24.200 False Identification to Obtain Liquor.

It is unlawful for anyone knowingly to transfer any identification of age to a person under the age of twenty-one (21) years for the purpose of permitting such person to obtain liquor, or for such person to use such identification or make false representations as to his age for the purpose of obtaining liquor.

Section 12A.24.220 Supplying Liquor.

- (1) Except in the case of liquor given or permitted to be given to a person under the age of twenty-one (21) 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, it is unlawful for anyone knowingly to give or otherwise supply liquor to such person, or permit such person to consume liquor on his premises or on any premises under his control, or for such person to acquire or have in his possession or consume any liquor.

Section 12A.24.240 On Premises of Tavern.

- (1) It is unlawful for anyone to knowingly serve or allow any person under the age of twenty-one (21) years to remain on the premises of any tavern as defined in the Washington State Liquor Act or for a person under the age of twenty-one (21) years to enter or remain on the premises of any such tavern.

Section 12A.24.260 On Premises of Liquor Establishment.

It is unlawful for anyone to knowingly invite a person under the age of twenty-one (21) years into a public place where liquor is sold and to give to or purchase liquor for such person, or to represent that such person is twenty-one (21) years of age or over to the owner of such liquor establishment.

Chapter 12A.28

MOTOR VEHICLE OFFENSES

Section 12A.28.020 Racing of vehicles on streets prohibited.

It is unlawful for any person or persons to race any motor vehicle or motor vehicles upon any street of The City of Seattle. Any person or persons comparing or contesting relative speed by simultaneous operations shall be prima facie guilty of reckless driving, whether or not such speed is in excess of the maximum speed prescribed by law.

Section 12A.28.040 Operating under influence of intoxicants or drugs, chemical analysis, tests, presumptions, penalties.

- (1) It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of any vehicle or to sit at the steering wheel of any standing or parked vehicle upon the streets or ways open to the public.
- (2) Any person who operates a motor vehicle upon the streets of this city or ways open to the public in the city shall be deemed to have given consent, subject to the provisions of this section, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds

to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the streets of this city or ways open to the public in the city while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided elsewhere in this section. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only.

- (3) Any person who is unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by this section and the test or tests may be administered, subject to the provisions hereof.
- (4) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The law enforcement officer shall forward to the Department of Motor Vehicles a sworn report that he had reasonable grounds to believe that the arrested

person had been driving or was in actual physical control of a motor vehicle upon the streets of this city or ways open to the public in the city while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive.

(5) In any criminal prosecution for a violation of the provisions of this section relating to operating or controlling or sitting at the wheel of a motor vehicle on a street or way open to the public, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath or other bodily substance shall give rise to the following presumptions:

- (a) If there was at that time 0.05 per cent or less by weight of alcohol in the person's blood, it shall be presumed that he was not under the influence of intoxicating liquor;
- (b) If there was at that time in excess of 0.05 per cent but less than 0.10 per cent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor;
- (c) If there was at that time 0.10 per cent or more by weight of alcohol in the person's blood,

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it shall be presumed that he was under the influence of intoxicating liquor.

- (6) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.
- (7) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.
- (8) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose.
- (9) When a blood test is administered in accordance with this section, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.
- (10) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. Such additional test or tests shall be administered in the medical facilities of the city jail and the equipment, facilities and premises of the jail shall be made available, upon request of the person tested, for such additional test or tests to be administered. The person

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administering the additional test shall be permitted, as his option, to use his own equipment for testing and analysis, provided such usage does not require the transportation of the person tested to another location for testing. The person tested shall be permitted reasonable access to the telephone for purposes of arranging the additional tests, but his failure or inability to obtain an additional test shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer. All costs -- including expenses incurred by the city in making its own equipment and facilities available to the person tested -- relating to any additional test or tests administered at the option of the person tested shall be borne by the person tested.

- (11) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney.
- (12) It is unlawful for any person who is a habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle, to drive upon the streets or ways open to the public in the city. The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

(13) Penalty. Upon the first conviction for the violation of the provisions of this section the court shall impose a fine of not less than fifty dollars or more than five hundred dollars and not less than five days or more than six months in jail. Upon second conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than five hundred dollars and not less than thirty days or more than six months in jail, and neither the fine nor the jail sentence so imposed shall be suspended. Upon any subsequent conviction for a violation of the provisions of this section within a period of five years, the court shall impose a fine of not less than one hundred dollars or more than five hundred dollars and not less than thirty days or more than six months in jail, and neither the fine nor the jail sentence so imposed shall be suspended.

Section 12A.28.060 Reckless driving.

(1) It is unlawful for any person to operate a motor vehicle in a reckless manner over and along the streets of this city or ways open to the public. For the purpose of this section to "operate in a reckless manner" shall be construed to mean the operation of a vehicle upon the streets of this city or ways open to the public in such a manner as to indicate either a wilful or wanton disregard for the safety of persons or property.

Section 12A.28.100 Collision with unattended vehicle --
Notice required.

It is unlawful for the operator of any vehicle which collides with and damages any other vehicle which is unattended, to fail

to immediately stop and then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle, or to fail to leave in a conspicuous place on the vehicle struck a written notice giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

Section 12A.28.120 Collision with attended vehicle --
Duty.

It is unlawful for the operator of any vehicle involved in an accident on streets in The City of Seattle or ways open to the public resulting only in damage to a vehicle which is driven or attended by any person to fail to immediately stop such vehicle at the scene of such accident, or as close thereto as possible, and to fail to forthwith return to, and in any event fail to remain at the scene of such accident until he has fulfilled the requirements of Section 21.52.100 of the Seattle Traffic Code.

Section 12A.28.140 Collision with property -- Duty. It is unlawful for the driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any street or way open to the public to fail to take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking such property, or to fail to leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, or to fail to make a report of such accident as in the case of other accidents upon the streets of the city.

Section 12A.28.160 Collision where injury involved.

It is unlawful for an operator of any vehicle involved in an accident on any street or way open to the public resulting in the injury to or death of any person to fail to immediately stop such vehicle at the scene of such accident, or as close thereto as possible, or to fail to forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of Section 21.52.100 of the Seattle Traffic Code.

Section 12A.28.180 Suspended License. It is unlawful for a person to drive a motor vehicle knowing that his license has been suspended.

Chapter 12A.32

CONTROLLED SUBSTANCES

Section 12A.32.010 Definitions.

- (1) "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. Ses. (RCW 69.50), as now or hereafter amended.
- (2) "Distribute" means to sell, give away, barter, exchange or otherwise furnish a controlled substance in a manner not authorized under state or federal law.
- (3) "Person" means individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.
- (4) "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.

Section 12.32.020 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. Ses. (RCW 69.50), as now or hereafter amended.

Section 12A.32.030 Penalties. Any person who violates this chapter 12A.32 with respect to:

- (1) Distribution of any controlled substance shall be guilty of a crime.
- (2) Possession of any controlled substance except marijuana shall be guilty of a crime.
- (3) Possession of marijuana shall be guilty of a violation.

Section 12A.32.040 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.

Chapter 12A.36

GAMBLING OFFENSES

Section 12A.36.020 Playing at games of chance. It is unlawful for any person to habitually play at games of chance for profit.

Section 12A.36.040 Gambling, bunco or swindling games or devices.

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

Section 12A.36.060 Lotteries and prize packages. It is unlawful for any person to open, conduct, maintain or carry on, or is in any manner connected with, any lottery or any establishment or business, by whatever name it may be known, wherein any property is sold or disposed of by chance, or to sell or dispose of any lottery ticket or share, either for religious or secular purposes, or any chance, or any article or thing entitling, or purporting to entitle the purchaser to any chance, or to sell or dispose of any package or article purporting to contain a prize, or where, as an inducement to purchase, it is held out that such article or package may contain a prize or may entitle the purchaser to some article or thing of value not directly contemplated and known in the purchase.

Section 12A.36.080 Gambling. It is unlawful for any person or persons to play at, wager anything 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 game of faro, monte, roulette, lansquenette, rouge et noir, rondo, poker, draw-poker, keno or E.O., or roulette table or shuffleboard, or fan tan, or any gaming table or game whatever for the purpose of gambling, or any game of chance for the purpose of winning or securing 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.

Section 12A.36.100 Keeping gambling houses. It is unlawful for any person to keep or maintain any gambling house, or room or any place where betting is done for the purpose of winning money by chance, or to procure or permit any persons to come together in any house, premises or place occupied or owned by him or under

his control, for the purpose of gaming or winning money or anything of value by chance, and it is unlawful for any person or persons to be present in any gambling house, room or place where gambling is carried on or which is maintained for gambling purposes, where such person has knowledge that gambling is being carried on or that such place is maintained for gambling purposes.

Section 12A.36.120 Betting on games. It shall be unlawful for any person to receive, record or register bets, stakes, or wagers, or to sell pools, or to make a book or books upon any athletic contest, or upon the result of any trial or contest of skill or ability of any athlete, in The City of Seattle; or to keep, manage, conduct, maintain or occupy any house, room, shop, shed, tenement, tent, booth building, float, or vessel, or any part thereof, or to keep, manage, conduct, maintain or occupy any place or stand of any kind upon any public or private ground, street, park, garden, enclosure, or place for the purpose of receiving, recording, registering, forwarding or transmitting any bets, stakes, or wagers, or of selling pools, or of book making upon any such athletic contest or result; or who being the owner, lessee, or occupant of any house, room, shop, shed, tenement, booth, or building, float or vessel, or part thereof, or of any park, ground, garden, enclosure or place, knowingly permits the same to be used or occupied for any of the purposes herein prohibited, or who knowingly permits to be kept, exhibited or used therein any book, paper, board, device, apparatus or paraphernalia, for the purpose of registering such bets, stakes or wages, or for the purpose of such pool selling or bookmaking; or for any person, whether as principal, employer, owner, agent, employe or assistant, or as officer, agent or employe of a corporation, to aid, assist, or abet in any manner any of the said acts or things which are hereby forbidden.

Section 12A.36.140 Betting on horse races, stocks, or commodity prices.

It is unlawful for any person, firm or corporation to maintain, conduct, carry on, control or be in any manner connected with any stock exchange, or place or establishment where bets or wagers on the rise or fall of prices of stock, grains, oils or of any commodity, or on the result of horse races are made or registered; provided, however, that nothing herein contained shall be construed to prevent the bona fide purchase or sale of stocks or collaterals on commission.

Section 12A.36.160 Defined. The term "public card room" as used in this chapter means any place where card games are played and the public is admitted.

Section 12A.36.180 Conduct Prohibited. It is unlawful for any person to conduct a public card room in The City of Seattle.

Chapter 12A.40

LIQUOR OFFENSES

Section 12A.40.010 Definitions. For the purposes of this chapter 12A.40, and unless the context otherwise requires:

- (1) "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.
- (2) "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.
- (3) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spiritous, vinous, or malt liquor, or any

combination or mixture thereof containing one-half of one percent, or more, of alcohol by volume.

- (4) "Spirits" means any beverage obtained by distillation which contains one-half of one percent, or more, of alcohol by volume.
- (5) "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.
- (6) "Person" means an individual, copartnership, association or corporation.
- (7) "Manufacture" means the production or preparation of liquor for sale.

Section 12A.40.040 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 "spiritous liquor" as said quoted terms are defined in Initiative Measure No. 171 (Ch. 5 Laws of 1949, RCW 66.24.410) between 2 a.m. on Sunday and 12 noon on Sunday nor between 12 midnight on Sunday and 6 a.m. Monday; nor upon any other week day between 2 a.m. and 6 a.m., unless permitted by the Rules and Regulations of the State Liquor Control Board.

Section 12A.40.060 Frequenting places where liquor unlawfully kept or disposed of.

It shall be unlawful for any person to frequent or be found

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in any place where intoxicating liquors are being unlawfully kept or disposed of.

Section 12A.40.080 Prosecution -- Description of offense. The description of any offense under this chapter 12A.40, 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.

Section 12A.40.100 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 12A.40, 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.

Chapter 12A.44

UNFAIR HOUSING PRACTICES

Section 12A.44.010 Definitions. Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings subscribed:

- (1) "Housing accommodations" include any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land in the city of Seattle which is used,

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- intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one or more human beings.
- (2) "Dwelling" includes any building containing one or more dwelling units.
 - (3) "Dwelling unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping, and preparation of food, and containing toilet and bathing facilities.
 - (4) "Rooming unit" includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping.
 - (5) "Person" includes one or more individuals, partnerships, or other organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers.
 - (6) "Owners" include persons who own, lease, sublease, rent, operate, manage, have charge of, control, or have the right of ownership, possession, management, charge, or control of the housing accommodation, on their behalf or on behalf of another.
 - (7) "Occupant" includes any person who has established residence or has the right to occupancy in a housing accommodation.
 - (8) "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent a housing accommodation.
 - (9) "Real estate broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts

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to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or collects the rental for the use of a housing accommodation of another.

- (10) "Real estate agent, salesman, or employee" includes any person employed by or associated with a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.
- (11) "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair, or maintenance of a housing accommodation.
- (12) "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation.
- (13) "Unfair housing practice" means any act prohibited by this chapter.
- (14) "Persons aggrieved" means any person against whom any alleged unfair housing practice has been committed.
- (15) "Respondent" means any person who is alleged to have committed an unfair housing practice.
- (16) "Commission" means the Seattle human rights commission established by Ordinance 92191.

Section 12A.44.020 Unfair housing practices forbidden.

- (1) No owner, lessee, sublessee, assignee, real estate broker, real estate salesman, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation shall refuse to sell, rent,

lease, sublease, assign, transfer, or otherwise deny to, or withhold from any person or group of persons such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, or expel or evict an occupant from a housing accommodation because of the race, color, religion, ancestry or national origin, of such person or persons, or discriminate against or segregate any person because of his race, color, religion, ancestry or national origin, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

- (2) A real estate broker, agent, salesman, or employee shall not, because of race, color, religion, ancestry, or national origin of an occupant, purchaser, prospective occupant, or prospective purchaser:
- (a) Refuse or intentionally fail to list or discriminate in listing a housing accommodation for sale, rent, lease, or sublease.
 - (b) Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, rental, lease, or sublease.
 - (c) Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease a housing accommodation.
 - (d) Otherwise discriminate against an occupant, prospective occupant, purchaser, or prospective

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purchaser of a housing accommodation.

(3) No person, bank, banking organization, mortgage company, insurance company, or other financial institution or lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation shall:

(a) Discriminate against any person or group of persons because of race, color, religion, ancestry, or national origin of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of, any such financial assistance or in the extension of services in connection therewith; or

(b) Use any form of application for such financial assistance, or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination, on the ground of race, color, religion, ancestry or national origin.

(4) An owner, person, real estate broker, agent, salesman, employee, or lender shall not:

(a) Require any information, make, or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, or national origin in connection with the sale, rental, lease or sublease of any

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housing accommodation.

- (b) Publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer, or listing of a housing accommodation or accommodations which indicate any preference, limitation, specification, or discrimination based on race, color, religion, ancestry, or national origin.
- (c) Aid, abet, incite, compel, or coerce the doing of any act defined in this ordinance as an unfair housing practice; or obstruct the filing of a complaint, or the giving of testimony, in any proceeding under this chapter, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this chapter to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this chapter.

Section 12A.44.030 Enforcement Procedures.

- (1) A statement alleging a violation of this ordinance may be made by the commission itself or by an aggrieved person. Such statement shall be in writing and signed by the charging party, shall be filed with the commission within ninety days after the alleged discriminatory act, and shall contain such particulars as the commission, by regulation, may require. The commission shall promptly furnish a copy of such statement to the party charged.
- (2) The commission shall investigate all charges filed

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with it, proceeding in each case in such manner as it deems appropriate. If, after such inquiry and hearings as the commission considers proper, the commission determines that no probable cause exists to believe that an unfair housing practice has occurred, the charge shall be dismissed.

- (3) If the commission determines, after such investigation, that probable cause exists to believe that an unfair housing practice has occurred, it shall endeavor to eliminate or remedy such violation by means of conciliation and persuasion.

If, upon all the evidence, the commission finds that the respondent has engaged in any unfair practice, it shall forward its file to the mayor, who shall see that this chapter is enforced as provided in Seattle Charter Article V, Sec. 2.

- (4) The commission, in the performance of its functions, may enlist the aid of all the departments of the city government, and all said departments are hereby directed to fully cooperate with the commission.
- (5) The commission, in carrying out the specific duties imposed by this ordinance, may request the aid of the city council through its proper committee in the conduct of any further investigation, including the use of its subpoena powers.

Section 12A.44.040 Rules. The commission may adopt such rules and regulations as it deems necessary not inconsistent with the provisions of this chapter.

Section 12A.44.050 Exclusions. Nothing in this chapter shall:

- (1) Apply to the renting, subrenting, leasing or subleasing of single family dwelling, wherein the owner or

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persons entitled to possession thereof normally maintains, or intends to maintain his residence, home or abode.

- (2) Be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants of property on the basis of factors other than race, color, religion, ancestry or national origin.

Section 12A.44.060 Classification of offense and penalty.
Every offense under this Chapter 12A.44, Unfair Housing Practices, is designated a violation and punishment therefor shall be as provided in Section 12A.01.090(2).

Chapter 12A.45

MAYOR'S EMERGENCY POWERS

Section 12A.45.010 Proclamation of civil emergency. Whenever riot, unlawful assembly, or insurrection, or the imminent threat thereof, occur in the city of Seattle 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.

Section 12A.45.020 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:

- (1) 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;

- (2) An order requiring any or all business establishments to close and remain closed until further order;
- (3) 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;
- (4) An order requiring the discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of the city;
- (5) 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;
- (6) 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;
- (7) 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

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for the sale of items other than firearms and ammunition may, in the discretion of the mayor, be allowed to remain open;

- (8) An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas, and public buildings;
- (9) 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;
- (10) 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.

Section 12A.45.030 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.

Section 12A.45.040 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 12A.45.010 or 12A.45.020.

Chapter 12A.46

MISCELLANEOUS OFFENSES

Section 12A.46.010 Interference caused by electro-magnetic wave generator--Unlawful.

It is unlawful to operate within the corporate limits of

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The City of Seattle any generator of electro-magnetic 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 of Seattle.

Section 12A.46.020 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, said officer shall serve written notice upon the owner or operator thereof advising said owner or operator of such finding; and thereupon it shall be the duty of said owner or operator to forthwith fully cooperate with said officer in checking by actual demonstration thereof whether such device, machine or apparatus is in fact interfering with the proper functioning of said radio communication system.

Section 12A.46.030 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 said owner and operator to that effect, and it shall then be the duty of said 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 said officer.

Section 12A.46.040 Exemptions. The provisions of 12A.46.010 through 12A.46.030 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.

Section 12A.46.100 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 ordinance 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 of Washington, 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.

Section 12A.46.110 Unlawful to keep books after notice
to return.

- (1) 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 said 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.

- (2) Classification and penalty. An offense under this section 12A.46.110 of unlawfully keeping books is designated a violation and punishment therefor shall be as provided in Section 12A.01.090(2).

Section 12A.46.200 Repealer. Upon the effective date of this ordinance, Sections 1 and 2 of Ordinance 89022, Sections 1, 2, 3, 4 and 5 of Ordinance 30755, Section 1 of Ordinance 96597, Section 1 of Ordinance 16373, Section 2 of Ordinance 16373, as amended by Ordinance 95573, Sections 3, 4 and 5 of Ordinance 16373, Sections 1, 2, 3, 4, 5 and 6 of Ordinance 74125, Section 60 of Ordinance 16046, Section 1 of Ordinance 16046, Section 1A of Ordinance 16046, added by Ordinance 96373 and amended by Ordinance 99222 § 1, Section 3 of Ordinance 16046, as amended by Ordinance 97075 § 1, Section 4 of Ordinance 16046, as amended by Ordinance 72709, Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Ordinance 16046, Section 16A of Ordinance 16046, added by Ordinance 94554, Sections 17, 18, 19, 20, 21 and 22 of Ordinance 16046, Section 23 of Ordinance 16046 as amended by Ordinance 93415, Sections 24 and 25 of Ordinance 16046, Section 26 of Ordinance 16046, as amended by Ordinance 33414 and Ordinance 97933 § 1, Section 27 of Ordinance 16046, Section 29 of Ordinance 16046, as amended by Ordinance 75624 and Ordinance 95876, Sections 30, 31, 38, 39, 40, 41, 42, 43, 44, and 48 of Ordinance 16046, Section 49 of Ordinance

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16046, as amended by Ordinance 85372, Section 50 of Ordinance 16046, Section 50-1 of Ordinance 16046, added by Ordinance 84583, Sections 51, 52, 53, and 54 of Ordinance 16046, Section 55 of Ordinance 16046, as amended by Ordinance 65433, Sections 57 and 58 of Ordinance 16046, Section 1 of Ordinance 95731, as amended by Ordinance 99777 § 1, Section 59 of Ordinance 16046, Section 61 of Ordinance 16046, as amended by Ordinance 89022, Sections 1 and 2 of Ordinance 37147, Section 3 of Ordinance 37147, as amended by Ordinance 45820, Sections 1, 2, 3 and 4 of Ordinance 37120, Sections 1, 2 and 3 of Ordinance 45860, Sections 1 and 2 of Ordinance 73178, Sections 1 and 2 of Ordinance 66248, Sections 1, 2 and 3 of Ordinance 86065, Section 1 of Ordinance 60352, as amended by Ordinance 61750, Section 2 of Ordinance 60352, Sections 1, 2 and 3 of Ordinance 52455, Sections 1, 2, 3, 4 and 5 of Ordinance 97201, Section 7 of Ordinance 43475, as amended by Ordinance 66400, Sections 1 and 2 of Ordinance 31592, as amended by Ordinance 45820, Sections 1 and 2 of Ordinance 16208, Sections 1, 2 and 3 of Ordinance 97955, Section 2 of Ordinance 82372, Sections 2 and 3 of Ordinance 29205, Section 4 of Ordinance 29205, as amended by Ordinance 45820, Sections 1 and 2 of Ordinance 92832, Sections 1 through 21 of Ordinance 95984, Sections 1 and 2 of Ordinance 98180, Sections 1, 2, 3, 4 and 5 of Ordinance 96503, Section 1 of Ordinance 95759, Section 2 of Ordinance 95759, as amended by Ordinance 97477 § 1, and Ordinance 99663 § 1, Section 3 of Ordinance 95759, as amended by Ordinance 97477, Ordinance 99559 and Ordinance 99663 § 1, Section 1 of Ordinance 73095, as amended by Ordinance 97316 § 1, Sections 2 and 3 of Ordinance 73095, Section 4 of Ordinance 73095, as amended by Ordinance 97316 § 1, Section 1 of Ordinance 70829, as amended by Ordinance 74062, Section 2 of Ordinance 70829, Sections 1, 2, 3 and 4 of Ordinance 45127, Section 5 of Ordinance 45127, as amended by Ordinance 45820, Section 1 of Ordinance 34507, Section

2 of Ordinance 34507, as amended by Ordinance 45820, Section 2 of Ordinance 32986, as amended by Ordinance 45820, Sections 1, 2 and 4 of Ordinance 39993, Section 5 of Ordinance 39993, as amended by Ordinance 45820, Sections 1, 2, 3 and 4 of Ordinance 55985, Section 3 1/2 of Ordinance 55985, added by Ordinance 61475, Section 3 of Ordinance 24487, as amended by Ordinance 45820, Sections 1 and 2 of Ordinance 44347, Section 3 of Ordinance 44347, as amended by Ordinance 45820, Sections 1 and 2 of Ordinance 25874, as amended by Ordinance 45820, Sections 1, 2, 3 and 4 of Ordinance 42368, as amended by Ordinance 45820, Sections 1, 2, 3 and 4 of Ordinance 37311, Sections 1, 2, 3 and 4 of Ordinance 96588, Sections 1, 2, 3, 4, 5, 6 and 7 of Ordinance 96619, Section 1 of Ordinance 64599, Section 2 of Ordinance 64599, as amended by Ordinance 81556, Section 3 of Ordinance 64599, Section 3-1 of Ordinance 64599, added by Ordinance 78471, Section 1 of Ordinance 37916, Sections 4 and 5 of Ordinance 64599, Section 2 of Ordinance 29365, as amended by Ordinance 37916, Ordinance 45280, Ordinance 63192 and Ordinance 64599, Sections 1, 2 and 3 of Ordinance 101091, Section 1 of Ordinance 40149, Sections 2, 3, 4 and 5 of Ordinance 40149, as amended by Ordinance 89760, Section 6 of Ordinance 40149, Section 7 of Ordinance 40149, as amended by Ordinance 89760 and Ordinance 95873, Section 7A of Ordinance 40149, added by Ordinance 99590 § 1, Sections 8 and 9 of Ordinance 40149, Section 9A of Ordinance 40149, added by Ordinance 86061, Section 10 of Ordinance 40149, as amended by Ordinance 89022, Section 12 of Ordinance 40149, Section 1 of Ordinance 84803, as amended by Ordinance 89761 and Ordinance 95874, Sections 2, 3, 4 and 5 of Ordinance 84803, Section 6 of Ordinance 84803, as amended by Ordinance 89022, Sections 1 and 2 of Ordinance 16209, Section 3 of Ordinance 16209, as amended by Ordinance 89022, Section 21.18.300 of Ordinance 91910, Section 21.26.020 of Ordinance 91910, as amended by Ordinance 92153 and Ordinance 97339 § 1,

Section 21.26.040 of Ordinance 91910, Section 21.52.020 of Ordinance 91910, Section 21.52.040 of Ordinance 91910, Section 21.52.060 of Ordinance 91910 and Section 21.52.080 of Ordinance 91910 are hereby repealed.

PASSED by three-fourths vote of all the members of the City Council the ____ day of _____, 1973, and signed by me in open session in authentication of its passage this ____ day of _____, 1973.

President of the City Council

Approved by me this ____ day of _____, 1973.

Mayor

Filed by me this ____ day of _____, 1973.

ATTEST: _____
City Comptroller and City Clerk

By: _____
Deputy

(SEAL)

Published _____

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