

Ordinance No. 00526

[CITY COUNCIL MEETING MINUTES DECEMBER 6, 2010](#)

ORDINANCE NO. 526

AN ORDINANCE of the City Council of the City of Lakewood, Washington, repealing all of Lakewood Municipal Code Title 9 Public Peace, Morals and Welfare except Chapter 9.24 Local Improvement Districts and enacting a new Title 9A Criminal Code.

WHEREAS, section 39.34.180 of the Revised Code of Washington (RCW) has made Washington municipalities responsible for the prosecution of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions; and

WHEREAS RCW 35.21.180 permits the City to adopt by reference sections of the RCW; and

WHEREAS other than the local enacted criminal code provisions, the Lakewood Municipal Code has mirrored numerous RCW sections; however, other state statutes relating to criminal conduct are found only in the RCW; and

WHEREAS repealing the criminal code and reenacting with a simplified criminal code that incorporates RCW criminal code sections by reference rather than restating them as local code sections would benefit police officers, prosecutors and court staff and is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Repeal. Title 9 Public Peace, Morals and Welfare”of the Lakewood Municipal Code is hereby repealed except Chapter 9.24 Local Improvement Districts.

Section 2. Adoption. Title 9A entitled Criminal Code is hereby added to the Lakewood Municipal Code, which may be cited as such and will consist of the following Chapters and Sections:

Title 9A

CRIMINAL CODE

Chapters:

9A.01 Preliminary Article

9A.02 Adoption of RCW Sections Not Specifically Set Forth

9A.03 Adoption of Specific RCW Sections

9A.04 Aggressive Begging

9A.05 Charitable Solicitations

9A.06 Controlled Substances

9A.07 Police Dogs

9A.08 Public Disturbance

9A.09 Public Indecency, Prostitution, Sex Crimes

9A.10 Trespassing on School Property

9A.11 Loitering

9A.12 Miscellaneous Crimes

9A.13 Security Alarms

9A.14 Firearms, Dangerous Weapons, Explosives

Chapter 9A.01 PRELIMINARY ARTICLE

Sections:

9A.01.010 Preliminary article.

9A.01.020 Jurisdiction.

9A.01.010 Preliminary article.

- A. This title shall be known and may be cited as the "Lakewood Criminal Code."
- B. As used in this title, "RCW" shall mean the Revised Code of Washington.
- C. As used in this title, "LMC" shall mean the Lakewood Municipal Code.
- D. If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.
- E. By adopting Washington state statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Lakewood. Whenever the word "state" shall appear in any statute adopted by reference in this title, the word "city" shall be substituted therefor; provided, however, the term "city" shall not be substituted for the term "state" in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.
- F. Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.
- G. Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.
- H. When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.
- I. Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.
- J. The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted. The provisions of this title shall apply to any offense committed on or after its effective date unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.
- K. As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and

neutral genders; and the singular includes the plural and vice versa.

L. The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

M. Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

1. Gross Misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine.

2. Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine. A violation of the Lakewood Criminal Code is a misdemeanor if not otherwise designated by this Code or by the Code adopted by reference

9A.01.020 Jurisdiction.

The following persons are subject to punishment:

A. A person who commits in the city any crime as defined by ordinance, in whole or part;

B. A person who commits out of the city any act which, if committed within it, would be theft and is afterward found in the city with any of the stolen property;

C. A person who being out of the city, counsels, causes, procures, aids, or abets another to commit a crime in the city;

D. A person who commits an act without the city which affects persons or property within the city which, if committed within the city, would be a crime

Chapter 9A.02 ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH

Sections:

9A.02.010 Adoption of RCW sections not specifically set forth.

9A.02.010 Adoption of RCW sections not specifically set forth.

A. With the exception of the RCW section set forth in subsection C of this section, and notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

B. All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in Chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection A of this section and of Chapter 9A.00 LMC.

C. The following RCW section is not adopted by the City of Lakewood:

RCW 9A.16.110 Defending against violent crime – Reimbursement.

Chapter 9A.03 ADOPTION OF SPECIFIC RCW SECTIONS

Sections:

- 9A.03.010 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.
- 9A.03.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.
- 9A.03.030 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.
- 9A.03.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.
- 9A.03.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.
- 9A.03.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.
- 9A.03.070 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.
- 9A.03.080 RCW Title 16, entitled “Animals and livestock” – Adoption by reference.
- 9A.03.090 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.
- 9A.03.100 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.
- 9A.03.110 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.
- 9A.03.120 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.
- 9A.03.130 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.
- 9A.03.140 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.
- 9A.03.150 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.

9A.03.010 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 2.48.180 Definitions – Unlawful practice a crime – Cause for discipline – Unprofessional conduct – Defense – Injunction – Remedies – Costs – Attorneys’ fees – Time limit for action.

9A.03.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.21.010 Definitions.

RCW 7.21.020 Sanctions – Who may impose.

RCW 7.21.030 Remedial sanctions – Payment for losses.

RCW 7.21.040 Punitive sanctions – Fines.

RCW 7.21.050 Sanctions – Summary imposition – Procedure.

RCW 7.21.070 Appellate review.

9A.03.030 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.

For purposes of offenses under this title only, the following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.80.120 Monetary penalties – Restitution.

9A.03.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9.01.055 Citizen immunity if aiding officer, scope – When.

RCW 9.01.110 Omission, when not punishable.

RCW 9.01.130 Sending letter, when complete.

RCW 9.02.050 Concealing birth.

RCW 9.03.010 Abandoning, discarding refrigeration equipment.

RCW 9.03.020 Permitting unused equipment to remain on premises.

RCW 9.03.040 Keeping or storing equipment for sale.

RCW 9.04.010 False advertising.

RCW 9.04.090 Advertising fuel prices by service stations.

RCW 9.08.030 False certificate of registration of animals – False representation as to breed.

RCW 9.08.065 Definitions.

RCW 9.08.070 Pet animals – Taking, concealing, injuring, killing, etc. – Penalty.

RCW 9.12.010 Barratry.

RCW 9.12.020 Buying, demanding, or promising reward by district judge or deputy.

RCW 9.16.005 Definitions.

RCW 9.16.010 Removing lawful brands.

RCW 9.16.020 Imitating lawful brand.

RCW 9.16.030 Counterfeit mark – Intellectual property.

RCW 9.16.035 Counterfeiting – Penalties.

RCW 9.16.041 Counterfeit items – Seizure and forfeiture.

RCW 9.16.050 When deemed affixed.

RCW 9.16.060 Fraudulent registration of trademark.

RCW 9.16.070 Form and similitude defined.

RCW 9.16.080 Petroleum products improperly labeled or graded.

RCW 9.16.100 Use of the words "sterling silver," etc.

RCW 9.16.110 Use of words "coin silver," etc.

RCW 9.16.120 Use of the word "sterling" on mounting.

RCW 9.16.130 Use of the words "coin silver" on mounting.

RCW 9.16.140 Unlawfully marking article made of gold.

RCW 9.16.150 "Marked, stamped or branded" defined.

RCW 9.18.080 Offender a competent witness.

RCW 9.18.120 Suppression of competitive bidding.

RCW 9.18.130 Collusion to prevent competitive bidding.

RCW 9.18.150 Agreements outside state.

RCW 9.24.010 Fraud in stock subscription.

RCW 9.24.040 Corporation doing business without license.

RCW 9.26A.090 Telephone company credit cards – Prohibited acts.

RCW 9.26A.100 Definitions.

RCW 9.26A.110 Fraud in obtaining telecommunications service – Penalty.

RCW 9.26A.120 Fraud in operating coin-box telephone or other receptacle.

RCW 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin.

RCW 9.27.015 Interference, obstruction of any court, building, or residence – Violations.

RCW 9.35.005 Definitions.

RCW 9.35.030 Soliciting undesired mail.

RCW 9.38.010 False representation concerning credit.

RCW 9.38.015 False statement by deposit account applicant.

RCW 9.38.020 False representation concerning title.

RCW 9.40.040 Operating engine or boiler without spark arrester.

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

RCW 9.41.010 Terms defined.

RCW 9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons.

RCW 9.41.050 Carrying firearms.

RCW 9.41.060 Exceptions to restrictions on carrying firearms.

RCW 9.41.090 Dealer deliveries regulated – Hold on delivery.

RCW 9.41.098 Forfeiture of firearms – Disposition – Confiscation.

RCW 9.41.100 Dealer licensing and registration required.

RCW 9.41.110 Dealer's licenses, by whom granted, conditions, fees – Employees, fingerprinting and background checks – Wholesale sales excepted – Permits prohibited.

RCW 9.41.140 Alteration of identifying marks – Exceptions.

RCW 9.41.220 Unlawful firearms and parts contraband.

RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.

RCW 9.41.240 Possession of pistol by person from 18 to 21.

RCW 9.41.250 Dangerous weapons – Penalty.

RCW 9.41.260 Dangerous exhibitions.

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

RCW 9.41.280 Possessing dangerous weapons on school facilities – Penalty – Exceptions.

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

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

RCW 9.41.810 Penalty.

RCW 9.44.080 Misconduct in signing a petition.

RCW 9.45.060 Encumbered, leased, or rented personal property – Construction.

RCW 9.45.070 Mock auctions.

RCW 9.45.080 Fraudulent removal of property.

RCW 9.45.090 Knowingly receiving fraudulent conveyance.

RCW 9.45.100 Fraud in assignment for benefit of creditors.

RCW 9.45.270 Fraudulent filing of vehicle report of sale.

RCW 9.46.170 False or misleading entries or statements, refusal to produce records.

RCW 9.46.185 Causing person to violate rule or regulation

RCW 9.46.190 Violations relating to fraud or deceit.

RCW 9.46.195 Obstruction of public servant -- Penalty.

RCW 9.46.196 Cheating -- Defined.

RCW 9.46.1962 Cheating in the second degree.

RCW 9.46.198 Working in gambling activity without license as violation -- Penalty

RCW 9.46.217 Gambling records — Penalty — Exceptions.

RCW 9.46.222 Professional gambling in the third degree.

RCW 9.47A.010 Definition.

RCW 9.47A.020 Unlawful inhalation – Exception.

RCW 9.47A.030 Possession of certain substances prohibited, when.

RCW 9.47A.040 Sale of certain substances prohibited, when.

RCW 9.47A.050 Penalty.

RCW 9.51.010 Misconduct of officer drawing jury.

RCW 9.51.020 Soliciting jury duty.

RCW 9.51.030 Misconduct of officer in charge of jury.

RCW 9.61.230 Telephone harassment.

RCW 9.61.240 Telephone harassment – Permitting telephone to be used.

RCW 9.61.250 Telephone harassment – Offense, where deemed committed.

RCW 9.61.260 Cyberstalking

RCW 9.62.010 Malicious prosecution.

RCW 9.62.020 Instituting suit in name of another.

RCW 9.66.010 Public nuisance.

RCW 9.66.020 Unequal damage.

RCW 9.66.030 Maintaining or permitting nuisance.

RCW 9.66.040 Abatement of nuisance.

RCW 9.66.050 Deposit of unwholesome substance.

RCW 9.68.015 Obscene literature, shows, etc. – Exemptions.

RCW 9.68.030 Indecent articles, etc.

RCW 9.68.050 “Erotic material” – Definitions.

RCW 9.68.060 “Erotic material” – Determination by court – Labeling – Penalties.

RCW 9.68.070 Prosecution for violation of RCW 9.68.060 – Defense.

RCW 9.68.080 Unlawful acts.

RCW 9.68.100 Exceptions to RCW 9.68.050 through 9.68.120.

RCW 9.68.110 Motion picture operator or projectionist exempt, when.

RCW 9.68.130 “Sexually explicit material” – Defined – Unlawful display.

RCW 9.68A.011 Definitions.

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

RCW 9.68A.090 Communication with minor for immoral purposes – Penalties.

RCW 9.68A.103 Permitting commercial sexual abuse of a minor – Penalty

RCW 9.96A.105 Additional fee assessment.

RCW 9.68A.110 Certain defenses barred, permitted.

RCW 9.68A.120 Seizure and forfeiture of property.

RCW 9.68A.150 Allowing minor on premises of live erotic performance – Definitions – Penalty.

RCW 9.69.100 Duty of witness of offense against child or any violent offense – Penalty.

RCW 9.73.010 Divulging telegram.

RCW 9.73.020 Opening sealed letter.

RCW 9.73.030 Intercepting, recording or divulging private communication – Consent required – Exceptions.

RCW 9.73.050 Admissibility of intercepted communication in evidence.

RCW 9.73.070 Persons and activities excepted from chapter.

RCW 9.73.080 Penalties.

RCW 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080 – Standards – Court authorizations – Admissibility.

RCW 9.73.100 Recordings available to defense counsel.

RCW 9.73.110 Intercepting, recording, or disclosing private communications – Not unlawful for building owner – Conditions.

RCW 9.86.010 “flag,” etc., defined

RCW 9.86.020 Improper use of flag prohibited.

RCW 9.86.030 Desecration of a flag.

RCW 9.86.040 Application of provisions.

RCW 9.91.010 Denial of civil rights – Terms defined.

RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.

RCW 9.91.025 Unlawful conduct in a transit vehicle.

RCW 9.91.060 Leaving children unattended in a parked automobile.

RCW 9.91.130 Disposal of trash in charity donation receptacle.

RCW 9.91.140 Food stamps – Unlawful sale.

RCW 9.91.142 Food stamps-- Trafficking

RCW 9.91.160 Personal protection spray devices.

RCW 9.91.170 Interfering with dog guide or service animal.

RCW 9.91.175 Interfering with search and rescue dog.

9A.03.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9A.04.020 Purposes – Principles of construction.

RCW 9A.04.040 Classes of crimes.

RCW 9A.04.050 People capable of committing crimes – Capability of children.

RCW 9A.04.060 Common law to supplement statute.

RCW 9A.04.070 Who amenable to criminal statutes.

RCW 9A.04.080 Limitation of actions.

RCW 9A.04.090 Application of general provisions of the code.

RCW 9A.04.100 Proof beyond a reasonable doubt.

RCW 9A.04.110 Definitions.

RCW 9A.08.010 General requirements of culpability.

RCW 9A.08.020 Liability for conduct of another – Complicity.

RCW 9A.08.030 Corporate and personal liability.

RCW 9A.12.010 Insanity.

RCW 9A.16.010 Definitions.

RCW 9A.16.020 Use of force – When lawful.

RCW 9A.16.060 Duress.

RCW 9A.16.070 Entrapment.

RCW 9A.16.080 Action for being detained on mercantile establishment premises for investigation – “Reasonable grounds” as defense.

RCW 9A.16.090 Intoxication.

RCW 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable.

RCW 9A.28.020 Criminal attempt.

RCW 9A.28.030 Criminal solicitation.

RCW 9A.28.040 Criminal conspiracy.

RCW 9A.36.041 Assault in the fourth degree.

RCW 9A.36.050 Reckless endangerment.

RCW 9A.36.070 Coercion.

RCW 9A.36.150 Interfering with the reporting of domestic violence.

RCW 9A.36.160 Failing to summons assistance.

RCW 9A.36.161 Failing to summons assistance – Penalty.

RCW 9A.40.010 Definitions.

RCW 9A.40.070 Custodial interference in the second degree.

RCW 9A.40.080 Custodial interference – Assessment of costs – Defense – Consent defense, restricted.

RCW 9A.42.010 Definitions.

RCW 9A.42.035 Criminal mistreatment in the third degree.

RCW 9A.42.037 Criminal mistreatment in the fourth degree.

RCW 9A.42.040 Withdrawal of life support systems.

RCW 9A.42.045 Palliative care.

RCW 9A.42.050 Defense of financial inability.

RCW 9A.42.080 Abandonment of a dependent person in the third degree.

RCW 9A.42.090 Abandonment of a dependent person – Defense.

RCW 9A.42.110 Leaving a child in the care of a sex offender.

RCW 9A.44.010 Definitions.

RCW 9A.44.030 Defenses to prosecution under this chapter.

RCW 9A.44.096 Sexual misconduct with a minor in the second degree.

RCW 9A.44.130 Registration of sex offenders and kidnapping offenders – Procedures – Definition – Penalties.

RCW 9A.44.132 Failure to register as sex offender or kidnapping offender.

RCW 9A.44.170 Custodial sexual misconduct in the second degree.

RCW 9A.44.180 Custodial sexual misconduct – Defense.

RCW 9A.46.010 Legislative finding.

RCW 9A.46.020 Definition – Penalties.

RCW 9A.46.030 Place where committed.

RCW 9A.46.040 Court-ordered requirements upon person charged with crime – Violation.

RCW 9A.46.050 Arraignment – No-contact order.

RCW 9A.46.060 Crimes included in harassment.

RCW 9A.46.080 Order restricting contact – Violation.

RCW 9A.46.090 Nonliability of peace officer.

RCW 9A.46.100 “Convicted,” time when.

RCW 9A.46.110 Stalking.

RCW 9A.48.010 Definitions.

RCW 9A.48.050 Reckless burning in the second degree.

RCW 9A.48.060 Reckless burning – Defense.

RCW 9A.48.090 Malicious mischief in the third degree.

RCW 9A.48.100 Malicious mischief – “Physical damage” defined.

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

RCW 9A.48.110 Defacing a state monument.

RCW 9A.49.001 Findings.

RCW 9A.49.010 Definitions.

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

RCW 9A.49.050 Exclusions.

RCW 9A.50.010 Definitions.

RCW 9A.50.020 Interference with health care facility.

RCW 9A.50.030 Penalty.

RCW 9A.52.010 Definitions.

RCW 9A.52.050 Other crime in committing burglary punishable.

RCW 9A.52.060 Making or having burglar tools.

RCW 9A.52.070 Criminal trespass in the first degree.

RCW 9A.52.080 Criminal trespass in the second degree.

RCW 9A.52.090 Criminal trespass – Defenses.

RCW 9A.52.100 Vehicle prowling in the second degree.

RCW 9A.52.120 Computer trespass in the second degree.

RCW 9A.52.130 Computer trespass – Commission of other crime.

RCW 9A.56.010 Definitions.

RCW 9A.56.020 Theft – Definition, defense.

RCW 9A.56.050 Theft in the third degree.

RCW 9A.56.060 Unlawful issuance of checks or drafts.

RCW 9A.56.063 Making or possession motor vehicle theft tools

RCW 9A.56.096 Theft of rental, leased, or lease-purchased property.

RCW 9A.56.140 Possessing stolen property – Definition – Presumption.

RCW 9A.56.170 Possessing stolen property in the third degree.

RCW 9A.56.180 Obscuring the identity of a machine.

RCW 9A.56.220 Theft of subscription television services.

RCW 9A.56.240 Forfeiture and disposal of device used to commit violation.

RCW 9A.56.260 Connection of channel converter.

RCW 9A.56.270 Shopping cart theft.

RCW 9A.56.280 Credit, debit cards, checks, etc. – Definitions.

RCW 9A.56.330 Possession of another's identification.

RCW 9A.60.010 Definitions.

RCW 9A.60.045 Criminal impersonation in the second degree.

RCW 9A.60.050 False certification.

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

RCW 9A.61.010 Definitions.

RCW 9A.61.020 Defrauding a public utility.

RCW 9A.61.050 Defrauding a public utility in the third degree.

RCW 9A.61.060 Restitution and costs.

RCW 9A.72.010 Definitions.

RCW 9A.72.040 False swearing.

RCW 9A.72.050 Perjury and false swearing – Inconsistent statements – Degree of crime.

RCW 9A.72.060 Perjury and false swearing – Retraction.

RCW 9A.72.070 Perjury and false swearing – Irregularities no defense.

RCW 9A.72.080 Statement of what one does not know to be true.

RCW 9A.72.085 Unsworn statements, certification.

RCW 9A.72.140 Jury tampering.

RCW 9A.72.150 Tampering with physical evidence.

RCW 9A.76.010 Definitions.

RCW 9A.76.020 Obstructing a law enforcement officer.

RCW 9A.76.030 Refusing to summon aid for a peace officer.

RCW 9A.76.040 Resisting arrest.

RCW 9A.76.050 Rendering criminal assistance – Definition of term.

RCW 9A.76.060 Relative defined.

RCW 9A.76.070 Rendering criminal assistance in the first degree.

RCW 9A.76.080 Rendering criminal assistance in the second degree.

RCW 9A.76.090 Rendering criminal assistance in the third degree.

RCW 9A.76.100 Compounding.

RCW 9A.76.130 Escape in the third degree.

RCW 9A.76.160 Introducing contraband in the third degree.

RCW 9A.76.170 Bail jumping.

RCW 9A.76.175 Making a false or misleading statement to a public servant.

RCW 9A.80.010 Official misconduct.

RCW 9A.84.010 Riot.

RCW 9A.84.020 Failure to disperse.

RCW 9A.84.030 Disorderly conduct

RCW 9A.84.040 False reporting.

RCW 9A.88.010 Indecent exposure

RCW 9A.88.030 Prostitution.

RCW 9A.88.050 Prostitution – Sex of parties immaterial – No defense.

RCW 9A.88.090 Permitting prostitution.

RCW 9A.88.110 Patronizing a prostitute.

RCW 9A.88.120 Additional fee assessments.

RCW 9A.88.130 Additional requirements.

RCW 9A.88.140 Vehicle impoundment.

9A.03.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 10.14.120 Disobedience of order – Penalties.

RCW 10.14.170 Criminal penalty.

RCW 10.99.010 Purpose – Intent.

RCW 10.99.020 Definitions.

RCW 10.99.040 Duties of court – No-contact order.

RCW 10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures – Notice of change.

RCW 10.99.070 Liability of peace officers.

RCW 10.99.080 Penalty assessment.

9A.03.070 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 13.32A.080 Unlawful harboring of a minor – Penalty – Defense – Prosecution of adult for involving child in commission of offense.

9A.03.080 RCW Title 16, entitled “Animals and livestock” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 16.08.030 Marauding dog — Duty of owner to kill.

RCW 16.08.100 Dangerous dogs — Confiscation — Conditions — Duties of animal control authority — Penalties and affirmative defenses for owners of dogs that attack — Dog fights, penalty.

RCW 16.52.011 Definitions — Principles of liability

RCW 16.52.015 Enforcement — Law enforcement agencies and animal care and control agencies.

RCW 16.52.080 Transporting or confining in unsafe manner — Penalty.

RCW 16.52.090 Docking horses — Misdemeanor.

RCW 16.52.095 Cutting ears — Misdemeanor.

RCW 16.52.110 Old or diseased animals at large.

RCW 16.52.165 Punishment — Conviction of misdemeanor.

RCW 16.52.190 Poisoning animals — Penalty.

RCW 16.52.193 Poisoning animals — Strychnine sales — Records — Report on suspected purchases.

RCW 16.52.200 Sentences — Forfeiture of animals — Liability for costs — Civil penalty — Education, counseling.

RCW 16.52.207 Animal cruelty in the second degree.

RCW 16.52.300 Dogs or cats used as bait — Seizure — Limitation.

RCW 16.52.305 Unlawful use of hook — Gross misdemeanor.

RCW 16.52.310 Dog breeding — Limit on the number of dogs — Required conditions — Penalty — Limitation of section — Definitions.

9A.03.090 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 26.09.300 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.

RCW 26.10.220 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.

RCW 26.26.138 Restraining order – Knowing violation – Penalty – Law enforcement immunity.

RCW 26.28.080 Selling or giving tobacco to minor – Belief of representative capacity, no defense – Penalty.

RCW 26.28.085 Applying tattoo to a minor – Penalty.

RCW 26.44.020 Definitions.

RCW 26.44.030 Reports – Duty and authority to make – Duty of receiving agency – Duty to notify – Case planning and consultation – Penalty for unauthorized exchange of information – Filing dependency petitions – Interviews of children – Records – Risk assessment process – Reports to legislature.

RCW 26.44.040 Reports – Oral, written – Contents.

RCW 26.44.060 Immunity from civil or criminal liability – Confidential communications not violated – Actions against state not affected – False report, penalty.

RCW 26.44.063 Temporary restraining order or preliminary injunction – Enforcement – Notice of modification or termination of restraining order.

RCW 26.44.067 Temporary restraining order or preliminary injunction – Contents – Notice – Noncompliance – Defense – Penalty.

RCW 26.44.080 Violation – Penalty.

RCW 26.44.150 Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child – Penalty for violating court order.

RCW 26.50.010 Definitions.

RCW 26.50.110 Violation of order – Penalties.

RCW 26.50.140 Peace officers – Immunity.
RCW 26.52.010 Definitions.
RCW 26.52.050 Peace officer immunity.
RCW 26.52.070 Violation of foreign orders – Penalties.

9A.03.100 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty.
RCW 28A.635.030 Disturbing school, school activities or meetings – Penalty.
RCW 28A.635.090 Interference by force or violence – Penalty.
RCW 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful.
RCW 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception.

9A.03.110 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 46.80.010 Definitions.
RCW 46.80.080 Records – Penalty.

9A.03.120 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 66.04.010 Definitions.
RCW 66.20.200 Unlawful acts relating to card of identification and certification card – Penalties.
RCW 66.20.340 Alcohol servers — Violation of rules — Penalties
RCW 66.24.481 Public place or club — License or permit required — Penalty.
RCW 66.28.200 Keg registration – Special endorsement for grocery store licensee – Requirements of seller.
RCW 66.28.210 Keg registration – Requirements of purchaser.

RCW 66.28.220 Keg registration – Identification of containers – Rules – Fees – Sale in violation of rules unlawful.

RCW 66.28.230 Keg registration – Furnishing to minors – Penalties.

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

RCW 66.44.040 Sufficiency of description of offenses in complaints, information, process, etc.

RCW 66.44.060 Proof of unlawful sale establishes prima facie intent.

RCW 66.44.070 Certified analysis is prima facie evidence of alcoholic content.

RCW 66.44.080 Service of process on corporation.

RCW 66.44.090 Acting without license.

RCW 66.44.100 Opening or consuming liquor in a public place – Penalty.

RCW 66.44.120 Unlawful use of seal.

RCW 66.44.130 Sales of liquor by drink or bottle.

RCW 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal – Unlawful operation, possession of still or mash.

RCW 66.44.150 Buying liquor illegally.

RCW 66.44.160 Illegal possession, transportation of alcoholic beverages.

RCW 66.44.170 Illegal possession of liquor with intent to sell – Prima facie evidence, what is.

RCW 66.44.175 Violations of law.

RCW 66.44.180 General penalties – Jurisdiction for violations.

RCW 66.44.200 Sales to persons apparently under the influence of liquor – Purchases or consumption by persons apparently under the influence of liquor on licensed premises – Penalty – Notice – Separation of actions.

RCW 66.44.210 Obtaining liquor for ineligible person.

RCW 66.44.240 Drinking in public conveyance – Penalty against carrier – Exception.

RCW 66.44.250 Drinking in public conveyance – Penalty against individual – Restricted application.

RCW 66.44.270 Furnishing liquor to minors – Possession, use – Exhibition of effects – Exceptions.

RCW 66.44.280 Minor applying for permit.

RCW 66.44.290 Minor purchasing or attempting to purchase liquor.

RCW 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.

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

RCW 66.44.316 Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.

RCW 66.44.318 Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.

RCW 66.44.325 Unlawful transfer to a minor of an identification of age.

RCW 66.44.328 Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card – Penalty.

RCW 66.44.340 Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.

RCW 66.44.350 Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.

RCW 66.44.370 Resisting or opposing officers in enforcement of title.

9A.03.130 RCW Title 69, entitled "Food, Drugs, Cosmetics, and Poisons" – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 69.41.010 Definitions.

RCW 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions.

RCW 69.41.050 Labeling requirements.

RCW 69.41.300 Definitions.

RCW 69.41.320 Practitioners – Restricted use – Medical records.

RCW 69.41.350 Penalties.

RCW 69.43.010 Report to state board of pharmacy – List of substances – Modification of list – Identification of purchasers – Report of transactions – Penalties.

RCW 69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – Penalty.

RCW 69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine – Possession of more than 15 grams – Penalty – Exceptions.

RCW 69.43.130 Exemptions – Pediatric products – Products exempted by the state board of pharmacy.

RCW 69.50.101 Definitions.

RCW 69.50.102 Drug paraphernalia – Definitions.

RCW 69.50.202 Nomenclature.

RCW 69.50.4014 Possession of 40 grams or less of marijuana – Penalty.

RCW 69.50.4016 Provisions not applicable to offenses under RCW 69.50.410.

RCW 69.50.404 Penalties under other laws.

RCW 69.50.407 Conspiracy.

RCW 69.50.412 Prohibited acts: E – Penalties.

RCW 69.50.4121 Drug paraphernalia – Selling or giving – Penalty.

RCW 69.50.425 Misdemeanor violations – Minimum imprisonment.

RCW 69.51A.010 Definitions.

RCW 69.51A.030 Physicians excepted from state's criminal laws

RCW 69.51A.040 Failure to seize marijuana, qualifying patients' affirmative defense.

RCW 69.51A.060 Crimes — Limitations of chapter.

RCW 69.51A.080 Adoption of rules by the department of health — Sixty-day supply for qualifying patients.

9A.03.140 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 70.74.010 Definitions.

RCW 70.74.160 Unlawful access to explosives.

RCW 70.74.295 Abandonment of explosives.

RCW 70.74.300 Explosive containers to be marked – Penalty.

RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.

RCW 70.74.400 Seizure and forfeiture.

RCW 70.155.010 Definitions.

RCW 70.155.080 Purchasing, possessing, or obtaining tobacco by persons under the age of 18 – Civil infraction – Courts of jurisdiction.

RCW 70.155.105 Delivery sale of cigarettes – Requirements, unlawful practices – Penalties – Enforcement.

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9A.03.150 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 74.34.020 Definitions.

RCW 74.34.021 Vulnerable adult – Definition.

RCW 74.34.053 Failure to report – False reports – Penalties.

RCW 74.34.145 Protection of vulnerable adults – Notice of criminal penalties for violation – Enforcement under RCW 26.50.110.

Chapter 9A.04 AGGRESSIVE BEGGING

Sections:

9A.04.010 Aggressive begging.

9A.04.020 Definitions.

9A.04.030 Violation.

9A.04.010 - Aggressive Begging

It is unlawful for any person to engage in aggressive begging in any public place in the City, as those terms are defined by this section. (Ord. 106 § 1, (part) 1996.)

9A.04.020 - Definitions

A “Aggressive Begging” means: (a) begging with intent to intimidate another person into giving money or goods; (b) begging

with use of false, misleading information, where the person knew or reasonably should have known of the falsity or misleading nature of the information; (c) begging with or involving activities that are unsafe or dangerous to any person or property; (d) begging in a manner that exploits children; or (e) willfully providing or delivering, or attempting to provide or deliver unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return.

B. "Begging" means asking for money or goods as a charity, whether by words, bodily gestures, signs or other means.

C. "To intimidate" means to coerce or frighten into submission or obedience, or to engage in conduct which would make a reasonable person fearful or feel compelled.

D. "Public place" means: (a) any public road, alley, lane, parking area, sidewalk, or other publicly-owned building, facility or structure; (b) any public playground, school ground, recreation ground, park, parkway, park drive, park path or rights-of-way open to the use of the public; or (c) any privately-owned property adapted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners; and .

E. "Exploit" means using in an unethical, selfish or abusive manner or in any other manner that seeks an unfair advantage.

(Ord. 106 § 1, (part) 1996.)

9A.04.030 - Violation

Violation of this section shall be a misdemeanor, punishable by a fine up to \$1000 or by a jail sentence of up to 90 days, or by both such fine and jail time. (Ord. 106 § 1, (part) 1996.)

Chapter 9A.05 CHARITABLE SOLICITATIONS

Sections:

- 9A.05.010 Definitions.
- 9A.05.020 Exemptions.
- 9A.05.030 Registration required.
- 9A.05.040 Fees.
- 9A.05.050 Unlawful solicitations.
- 9A.05.060 Identification.
- 9A.05.070 Misrepresentation prohibited.

9A.05.010 - Definitions

When used in this Chapter, unless the context otherwise requires, the following definitions shall apply:

A. "Charitable organization" means any benevolent, philanthropic, patriotic, eleemosynary, religious, education, social, recreation or fraternal organization or any other person having or purporting to have a charitable nature and which solicits or solicits and collects contributions for any charitable purpose. The word "charitable" includes "religious" and shall otherwise have its common law meaning unless the context in which it is used clearly requires a narrower or broader meaning.

B. "Contribution" means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value, which contribution is wholly or partly induced by solicitation.

C. "Direct solicitation" means solicitation in which an individual making a solicitation is in the immediate physical presence of any individual being solicited.

D. "Solicitation" means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

1. Any appeal is made for any charitable purpose; or,
2. The name of any charitable organization or purpose is used as an inducement for consummating the sale; or,
3. Any statement is made which implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization. (Ord. 41 § 1 (part), 1996.)

9A.05.020 - Exemptions

Except as otherwise specifically provided in other Sections of this Chapter, this Chapter shall not apply to the following:

A. Any organizations which are organized and operated principally for charitable purposes, other than the raising of funds, when the solicitation of contributions is confined to the bona fide membership of the organization and when the solicitation is managed and conducted solely by officers and members of such organizations who are unpaid for such services. The term "membership" shall not include those persons who are granted membership upon making a contribution as a result of solicitation;

B. Any solicitation conducted exclusively within any premises owned, leased, rented, or otherwise under the lawful control of the person or organization making the solicitation. (Ord. 41 § 1 (part), 1996.)

9A.05.030 - Registration Required

A. A charitable organization shall register with the Finance Department at least ten days prior to conducting any solicitation in the city. Such registrations shall be valid for a period of ninety days. Registration shall be on forms prescribed and provided by the Finance Department and shall require the following information:

1. The name, address, and telephone number of the charitable organization intending to solicit; the individual supervising the solicitation; and the individual completing the registration form;
2. The general statement of the purpose of the solicitation;
3. The dates and times of the solicitation.

B. This Section shall not apply to solicitations made exclusively by radio, television, publication in a newspaper or magazine of general circulation, or delivery by means of the United States mail. (Ord. 41 § 1 (part), 1996.)

9A.05.040 - Fees

Before a certification of registration shall be issued under this Chapter, the following fees shall be paid to the Finance Department: the sum of ten dollars as a permit fee, and twenty-five cents for each facsimile copy. (Ord. 41 § 1 (part), 1996.)

9A.05.050 - Unlawful Solicitations

- A. It is unlawful to solicit without complying with the registration requirements hereof, unless specifically exempt as provided herein.
- B. It is unlawful to solicit in public streets or alleys which are open to vehicular traffic or to make a solicitation of any person who is in or upon said public streets or alleys. It is also unlawful to make a solicitation within ten feet of any marked pedestrian crosswalk, within ten feet of any entrance or exit of any building then in use by the general public, or from the area of any sidewalk within ten feet of its intersection with an alley or publicly used driveway.
- C. It is unlawful to solicit within any office, theater, store, factory, or other premises where business is conducted or services are rendered without the prior approval of the person or persons in charge of the premises.
- D. It is unlawful to continue with any direct solicitation of any individual after the individual being solicited has indicated, by words or action, that he has no desire to make a contribution.
- E. It is unlawful to solicit on public property or in the residential area of the city between the hours of nine p.m. and seven a.m. (Ord. 41 § 1 (part), 1996.)

9A.05.060 - Identification

- A. Any person making a solicitation shall clearly identify to any person being solicited the name of the charitable organization sponsoring the solicitation and the purpose of the solicitation.
- B. Any person making a solicitation shall provide personal identification of himself or herself upon demand by any lawful enforcement officer, and, upon demand, provide and exhibit a solicitor's permit, to be issued by the Finance Department as provided in Section 9.18.030. (Ord. 41 § 1 (part), 1996.)

9A.05.070 - Misrepresentation Prohibited

- A. No person shall for the purpose of soliciting contributions from persons in this city, use the name of any other person, except that of an officer, director or trustee of the charitable organization by or for which the contributions are solicited, without the written consent of such other persons.
- B. A person shall be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure or correspondence in or by which a contribution is solicited by or on behalf of a charitable organization or his name is listed or referred to in connection with a request for a contribution as one who has contributed to, sponsored or endorsed the charitable organization or its activities.
- C. No person or organization for the purpose of soliciting contributions from persons in the city shall falsely represent that the contributions are for a charitable purpose. For the purpose of this Section, revocation or loss of a 501(c)(3) tax exempt determination of an organization by the Internal Revenue Service shall be prima facie evidence that the solicitation or contribution is not for a charitable purpose.
- D. A violation of this Section shall be a misdemeanor. (Ord. 41 § 1 (part), 1996.)

Chapter 9A.06 CONTROLLED SUBSTANCES

Sections:

- 9A.06.010 Loitering with the intent of engaging in drug-related activity.
- 9A.06.020 Designation of anti-drug emphasis areas.
- 9A.06.030 Violation of conditions of release, suspension or deferral as separate crime.
- 9A.06.040 Places of illegal drug activity declared public nuisances.
- 9A.06.050 Evidence of use for illegal drug purposes.
- 9A.06.060 Conviction as prima facie evidence.
- 9A.06.070 Penalties for maintenance of public nuisance.
- 9A.06.080 Violation - Penalty.

9A.06.010 - Loitering With the Intent of Engaging in Drug-Related Activity

A. It is unlawful for any person to loiter in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the intent to engage in drug-related activity contrary to any of the provisions of Chapters 69.41, 69.50, or 69.52 RCW.

B. Among the circumstances which may be considered in determining whether such intent is manifested are the following:

1. Such person is a known unlawful drug user, possessor, or seller. For purposes of this chapter, a "known unlawful drug user, possessor, or seller" is a person who has been convicted in any court within this state of any violation involving the use, possession, or sale of any of the substances referred to in Chapters 69.41, 69.50, and 69.52 RCW, or substantially similar laws of any political subdivision of this state or of any other state; or who is known to have been arrested for a drug related violation not resulting in a conviction because the person participated in a diversionary program, deferral program, Drug Court or a similar program; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or who possesses marijuana as defined in Section 9.22.010 of this Chapter; or a person who possesses drug paraphernalia as defined in Section 9.22.020 of this Chapter;
2. Such person is currently subject to an order from any court prohibiting his/her presence in a high drug activity geographic area;
3. Such person behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a "lookout";
4. Such person is physically identified by the officer, based on articulable factors, as a member of a "gang," or association which has as its purpose illegal drug activity. Factors that support an officer physically identifying a person as a member of such a gang or association include, but are not limited to clothing, tattoos, known association and/or affiliation with such gang or association, specific and observed acts or circumstances consistent with drug related activity, and gestures, signs, greetings and movements that are consistent with gang related activity, Provided that clothing alone shall not be sufficient, without more, to support an officer physically identifying a person as a member of such a gang or association;
5. Such person transfers small objects or packages for currency in a furtive fashion;
6. Such person takes flight upon the appearance of a police officer;
7. Such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;
8. The area involved is by public repute known to be an area of unlawful drug use and trafficking;
9. The premises involved are known to have been reported to law enforcement as a place suspected of drug activity pursuant to Chapter 69.52 RCW;
10. Any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug-related activity. (Ord. 170 § 1 (part), 1998).

9A.06.020 - Designation of Anti-Drug Emphasis Areas

A. Certain areas of the City shall be designated as and identified to be anti-drug emphasis areas based on the repeat incidents of illegal drug activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful drug related acts or loitering for drug purposes, within the said areas. The areas to be so designated shall be identified by the City Council in an Ordinance or Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing drug related cases arising from within the City. If a defendant is convicted of a drug related case occurring from within an area designated as an anti-drug emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-drug emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant's particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case.

B. The following areas are hereby designated as and identified to be anti-drug emphasis areas:

Area A. South Tacoma Way/pacific Highway Southwest Business District:

Starting at the northern edge of 80th Street Southwest and extending 300 feet to the east and 300 feet to the west of the centerline of South Tacoma Way and following South Tacoma Way to Pacific Highway Southeast then south on Pacific Highway Southwest 300 feet to the west of the center of Pacific Highway Southwest and to the perimeter fence for the southbound lanes of Interstate 5 to the east and extending to the southeastern corner of the intersection of Gravelly Lake Drive Southwest and Pacific Highway Southwest.

Area B. Tillicum Area:

Starting at the place where American Lake and Washington State National Guard Camp Murray (State Military Encampment Grounds as filed with Pierce County Auditor on 21 June 1921) intersect then northeasterly along shore of American Lake to place where northwestern border of Harry Todd County Park and American Lake intersect then northeasterly along the northern border of Harry Todd County Park to the place where North Thorne Lane Southwest and Harry Todd County Park intersect then 300 feet northeasterly of the center of North Thorne Lane Southwest and proceeding southeasterly along said 300 foot buffer along North Thorne Lane Southwest to the place where the perimeter fence of southbound Interstate 5 intersect and then proceeding in a southwesterly direction along the perimeter fence of the southbound lanes of Interstate 5 to the place where southwestern point of the perimeter fence of the southbound lanes of Interstate 5 and southeastern boundary of Washington State National Guards Camp Murray intersect (also known as the westerly right of way of Berkeley Street SW) then northwesterly along said right of way of Berkeley Street SW to the south line of the north half of Section 21, Township 19N, range 2E, WM then west along said south line a distance of 685 feet more or less to the southeasterly right of way line of Washington Ave. SW being on the boundary of Washington State National Guard Camp Murray then northeasterly on said right of way of Washington Ave. SW to the southwesterly right of way of Boundary St SW according to the Plat of "American Lake Addition" to Pierce County as file with the Pierce County Auditor on Oct 2, 1908 then northwesterly along said southwesterly right of way of Boundary St SW to southeasterly right of way line of Military Ave. SW then southwesterly along said southeasterly right of way of Military Ave. SW to the southwesterly right of way line of Stanley St SW also being the turning point on the Washington State National Guard Camp Murray boundary then northwesterly along said southwesterly right of way line of Stanley St SW to the northwesterly right of way line of Woodlawn Ave. SW said point being a turning point on the Washington State National Guard Camp Murray boundary then southwesterly on a bearing of 49 degrees 38' 30" west 150 feet more of less being an extension of said northwesterly right of way line of Woodlawn Ave. SW to a turning point on the Washington State National Guard Camp Murray boundary then northwesterly on a bearing of 40 degrees 04' 35" west along the northeasterly boundary of Washington State National Guard Camp Murray to place where northeasterly boundary of Washington State National Guard Camp Murray and American Lake intersect.

Area C. Bridgeport Way Southwest Area:

Starting at the northern edge of the intersection of Gravelly Lake Drive Southwest and Bridgeport Way Southwest and then extending 300 feet to the east and 300 to the west of the center of Bridgeport Way Southwest from Gravelly Lake Drive Southwest to the western edge of the Southbound Interstate 5.

Area D. Lakeview Area:

Starting at the northern edge of 100th Street Southwest starting at the northwest corner of the intersection of Bridgeport Way Southwest and 100th Street Southwest and proceeding south to Pacific Highway Southwest and then northeasterly to the intersection of Pacific Highway Southwest and the Burlington Northern Railroad tracks and then north on the western edge of the Burlington Northern railroad tracks to the intersection of the Burlington Northern Railroad tracks and 100th Street Southwest and then westerly along the northern edge of 100th Street Southwest to the northwest corner of 100th Street Southwest and Bridgeport Way Southwest.

Area E. McChord Gate Area:

Starting at the southern intersection of New York Street Southwest and the perimeter fence of the northbound lanes of Interstate 5 and then proceeding along the north side of the McChord Air Force Base fence to the Burlington Northern railroad track and then northerly along the western edge of the Burlington Northern railroad track to a point where the railroad track intersect with the perimeter fence of the northbound lanes of Interstate 5 and then southwesterly to the southern intersection of New York Street Southwest and the Perimeter fence.

Area F. Woodbrook Area:

Starting at the northwest corner of the intersection on North Thorne Lane and the southern boundary of McChord Air Force Base and then extending south along the western edge of 80th Avenue Southwest (Murray Road) to the southwestern point where 80th Avenue Southwest (Murray Road) and the Fort Lewis Logistics Center intersect and then east along the northern boundary of the Fort Lewis Logistics Center parallel to 150th Street Southwest to the place where McChord Air Force Base and Ft. Lewis Army base intersect and then north along the eastern boundary of McChord Air Force Base parallel to Woodbrook Drive Southwest and then west along the southern boundary of McChord Air Force Base Housing to the intersection of McChord Air Force Base and North Thorne Lane Southwest. (Ord. 170 § 1 (part), 1998).

9A.06.030 - Violation of Conditions of Release, Suspension or Deferral as Separate Crime

A. The presence of any person within an anti-drug emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine. (Ord. 170 § 1 (part), 1998).

9A.06.040 - Places of Illegal Drug Activity Declared Public Nuisances

Any building, structure or place within the City used for drug related activity or for loitering with the intent of engaging in drug-related activity as defined in this Chapter is hereby declared to be a public nuisance. (Ord. 170 § 1 (part), 1998).

9A.06.050 - Evidence of Use for Illegal Drug Purposes

A. Two or more criminal convictions of persons for drug related offenses in a building, structure or place, within the one-year period preceding the commencement of an action under this Chapter shall give rise to a rebuttable presumption that the building, structure or place has been used for illegal drug purposes and is a public nuisance. In any action under this Chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance.

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control drug related activity may be used to rebut the presumptions created in this Chapter. (Ord. 170 § 1 (part), 1998).

9A.06.060 - Conviction as Prima Facie Evidence

Any conviction of any owner, manager, operator, agent or employee for any illegal drug activity, or for loitering with the intent of engaging in drug-related activity, when such offense was related to any business or commercial enterprise, shall be prima facie evidence that the building, structure or place upon or in which business or commercial enterprise is or was conducted, was used for illegal drug activities. (Ord. 170 § 1 (part), 1998).

9A.06.070 - Penalties for Maintenance of Public Nuisance

Maintenance of a public nuisance as declared herein, in addition to any other civil or criminal penalties, shall result in a civil penalty not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for a first conviction of maintaining a public nuisance and by abatement by closure of such business or commercial enterprise for the period of thirty (30) days for each subsequent conviction of maintaining a public nuisance. (Ord. 170 § 1 (part), 1998).

9A.06.080 - Violation - Penalty

Unless otherwise specifically provided otherwise, any person who violates the provisions of this Chapter is guilty of a gross misdemeanor and, upon conviction, shall be imprisoned in jail for a period of up to one year or fined an amount of not more than \$5,000 or both such jail time and fine. (Ord. 170 § 1 (part), 1998).

CHAPTER 9A.07 – POLICE DOGS

Sections:

9A.07.010 Definitions

9A.07.020 Interference with and abuse of police dogs prohibited

9A.07.060 Reimbursement of costs to City of Lakewood

9A.07.040 Exemptions from Animal Control Code

9A.07.050 Violation- Misdemeanor

9A.07.010 - Definitions

As used in this chapter, unless the context or subject matter clearly requires otherwise, the following words or phrases shall have the following meanings:

- A. "Police dog" means a dog used by a law enforcement officer in discharging any legal duty or power of his or her office including accelerant detection.
- B. "Dog handler" means a law enforcement officer who has successfully completed training as prescribed by the Washington State Criminal Justice Training Commission in police dog handling.
(Ord. 445 § 1 (part), 2007.)

9A.07.020 - Interference With and Abuse of Police Dogs Prohibited

It shall be unlawful for any person to:

1. Willfully or maliciously assault, torment, beat, kick, strike, mutilate, disable, shoot, poison, or in any other way abuse any other police dog, as defined in RCW 4.24.410, owned or being used by the police department in the performance of its official duties; or
2. Willfully hinder, delay, or obstruct any animal used by a law enforcement officer in discharging or attempting to discharge his official duties; or
3. Willfully or maliciously harass a police dog while the dog is confined in its quarters, an automobile, kennel, fenced area, training area, or while it is under the control of a dog handler; or
4. Willfully or maliciously, interfere with a police dog while said police dog or dog handler is engaged in lawful police activities.

(Ord. 445 § 1 (part), 2007.)

9A.07.030 - Reimbursement Of Costs To City

Any person who permanently disables a police dog as a result of any unlawful act set forth in Section 9.75.020 shall be liable for the value of the police dog at the time the incident occurred which shall include the cost to the City to replace the dog, including, but not limited to purchase, training, care, feeding, and any veterinary costs related to the injury or death of the dog. If the police dog is not permanently disabled but sustains an injury as a result of any unlawful act set forth in Section 9.75.020, the responsible person shall pay, at a minimum, the costs of veterinary care required to return the canine to duty. All costs assessed under this section shall be paid to the General Fund of the City of Lakewood. (Ord. 445 § 1 (part), 2007.)

9A.07.040 - Exemptions From Animal Control code

All police dogs and all dogs being trained as police dogs shall be exempt from all provisions of the Lakewood Municipal Code pertaining to animal control. (Ord. 445 § 1 (part), 2007.)

9A.07.050 - Violation - Misdemeanor

Any violation of this section is a misdemeanor. (Ord. 445 § 1 (part), 2007.)

CHAPTER 9A.08 – PUBLIC DISTURBANCE

Sections:

- 9A.08.010 Disorderly conduct.
9A.08.020 Causing unnecessary emergency response.
9A.08.030 Violating privacy.

9A.08.010 - Disorderly Conduct

A. A person is guilty of disorderly conduct if he or she:

1. Fights or encourages others to fight in any public place within the city;
2. Willfully annoys, molests, bothers, insults, offers an affront to another person and thereby intentionally creates the risk of assault;
3. Intentionally obstructs vehicular or pedestrian travel or traffic without lawful authority;

4. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or
5. Urinates or defecates in any place open to the public view.

B. Disorderly conduct is a misdemeanor. (Ord. 180 § 1, 1998; Ord. 41 § 1 (part), 1996.)

9A.08.020 - Causing Unnecessary Emergency Response

It shall be unlawful for any person to intentionally and maliciously engage in any activity or take any action which causes or is likely to cause the needless or unnecessary expenditure of emergency response resources of the City or of any public or private emergency response organization. A violation of this Section shall constitute and be punishable as a misdemeanor. (Ord. 41 § 1 (part), 1996.)

9A.08.030 - Violating Privacy

A. It shall be unlawful for any person to enter or remain in or upon the curtilage of a building or premises of another for the purposes of observing, photographing, video taping or filming another person, other than a family or household member, under circumstances where the other person has a reasonable expectation of privacy. For the purposes hereof, "curtilage" shall mean any premises located within 10 feet of the exterior wall of any building, regardless of whether the premises are enclosed.

B. Violation of this section shall be a gross misdemeanor punishable by a jail sentence of up to 365 days and/or a fine of up to \$5,000. (Ord. 180 § 2, 1998.)

9A.09 – PUBLIC INDECENCY, PROSTITUTION, SEX CRIMES

Sections:

9A.09.010 Body studios prohibited.

9A.09.020 Body studios declared a public nuisance.

9A.09.030 Designation of anti-prostitution emphasis areas.

9A.09.040 Violation of conditions of release, suspension or deferral as separate crime.

9A.09.050 Places of prostitution activity declared public nuisances.

9A.09.060 Evidence of use for prostitution purposes.

9A.09.070 Conviction as prima facie evidence.

9A.09.080 Loitering for prostitution purposes.

9A.09.010 - Body Studios Prohibited

A. Definitions. As used in this Section, the following words and phrases shall have the following respective meanings ascribed to them:

(1) "Body studio" means an premises upon which is furnished for a fee or charge or other consideration the opportunity to paint, massage, feel, handle or touch the unclothed body or unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity, and shall include any such premises which is advertised or represented in any manner whatsoever as a "Body painting studio," "Model studio," "Sensitivity awareness studio" or any other expression or characterization which conveys the same or similar meaning and leads to the reasonable belief that there will be furnished on any such premises for a fee or charge or other consideration the opportunity to paint, massage, feel, handle or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity.

"Body studio" as defined in this Section shall not include massage businesses defined and regulated by Chapter 18.108 RCW, reducing salons or any studio which functions as a part of and under the direct supervision of an institution, the curriculum for which institution is approved by the Office of the State Superintendent of Public Instruction of the State of Washington. "Body studios" shall also not include instances where individuals pay a fee to have decorations painted on their faces, hands or arms, in connection with church, civic or community celebrations and events.

(2) "Model studio" means any premises where the primary purpose of the business is the furnishing of persons as models for a fee or charge or other consideration for the purpose of sketched, painted, drawn, sculptured, photographed or otherwise depicted in such a manner or under circumstances which constitute lewd conduct consistent with the definition and description of lewd matter and lewdness provided in Chapter 7.48 RCW dealing with moral nuisances.

"Model studio" as defined in this Section shall not include any studio which functions as a part of and under the direct supervision of any institution, the curriculum for which institution if approved by the Office of the State Superintendent of Public Instruction of the State of Washington, or which functions to provide models who are sketched, painted, drawn, sculptured, photographed or otherwise depicted for the purpose of commercial sale or advertising.

B. Unlawful conduct.

(1) It is unlawful for any person, firm or corporation to operate, conduct or maintain a body studio or model studio as defined in subsection A. of this Section.

(2) It is unlawful for any person, on the premises of a body studio or model studio to paint, massage, feel, handle or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity or to engage in any such activity for the purpose of being observed, viewed or photographed.

C. Separate offenses.

(1) Each day of operating, conducting or maintaining a body studio or a model studio in violation of subsection B. (1) of this Section shall constitute a separate offense.

(2) Each incident of unlawful conduct prohibited by subsection B. (2) of this Section shall constitute a separate offense. (Ord. 41 § 1 (part), 1996.)

9A.09.020 - Body Studios Declared a Public Nuisance

Any use of property within the City of Lakewood as a body studio or model studio as defined in Section 9.82.020 is a public nuisance, subject to prevention or abatement by injunction or other appropriate legal remedy in the Superior Court of the State of Washington in and for the County of Pierce. (Ord. 41 § 1 (part), 1996.)

9A.09.030 - Designation of Anti-Prostitution Emphasis Areas

Certain areas of the City shall be designated as and identified to be anti-prostitution emphasis areas based on the repeat incidents of prostitution activities occurring therein, and enhanced penalties shall be applied in event of conviction of unlawful acts of prostitution, prostitution loitering, permitting prostitution or pandering, or patronizing a prostitute, within the said areas. The areas to be so designated shall be identified by the City Council in a Resolution passed after consultation with the City Manager, City Attorney and the chief law enforcement officer of the City, and the list identifying such areas shall be kept on file in the office of the City Clerk. Additional areas may also be identified by the Judge of the Municipal or District Court hearing prostitution cases arising from within the City. If a defendant is convicted of prostitution or a prostitution related case occurring from within an area designated as an anti-prostitution emphasis area, a condition or term of sentence, deferral, or suspension, shall be that such defendant shall stay out of all areas of the City designated as an anti-prostitution emphasis areas, unless there are significant and substantial extenuating circumstances in the defendant's particular case justifying avoidance of the requirement for such condition or term of sentence, deferral, or suspension. In such case, the significant and substantial extenuating circumstances shall be identified and recited in the record of the case. (Ord. 41 § 1 (part), 1996.)

9A.09.040 - Violation of Conditions of Release, Suspension or Deferral as Separate Crime

The presence of any person within an anti-prostitution emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both such imprisonment and fine. (Ord. 41 § 1 (part), 1996.)

9A.09.050 - Places of Prostitution Activity Declared Public Nuisances

Any building, structure or place within the City used for the purpose of prostitution or pandering as defined in this Chapter is hereby declared to be a public nuisance. (Ord. 41 § 1 (part), 1996.)

9A.09.060 - Evidence of Use for Prostitution Purposes

A. Two or more criminal convictions of persons for acts of prostitution in a building, structure or place, within the one-year period preceding the commencement of an action under this Chapter shall give rise to a rebuttable presumption that the building, structure or place has been used for the purposes of prostitution and is a public nuisance. In any action under this Chapter, evidence of the common fame and general reputation of the building or place, of the inmates or occupants thereof, or of those resorting thereto, shall be admissible as evidence to prove the existence of the public nuisance but must be supported by additional evidence. Evidence of the general reputation of the building or place, or of the inmates or occupants thereof that is sufficient to establish the existence of the public nuisance, shall be prima facie evidence of knowledge thereof and

acquiescence and participation therein and responsibility for the nuisance by persons or legal entities having an interest in the property. Responsibility for the nuisance shall extend to the owners, lessors, lessees and all those in interest in any form in the property, real or personal, used in conducting or maintaining the public nuisance.

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control prostitution may be used to rebut the presumptions created in this Chapter. (Ord. 41 § 1 (part), 1996.)

9A.09.070 - Conviction as Prima Facie Evidence

Any conviction of any owner, manager, operator, agent or employee for promoting prostitution, for prostitution or pandering, for prostitution loitering, or for permitting prostitution, when such offense was related to any business or commercial enterprise, shall be prima facie evidence that the building, structure or place upon or in which business or commercial enterprise is or was conducted, was used for prostitution. (Ord. 41 § 1 (part), 1996.)

9A.09.080 - Loitering for Prostitution Purposes

A. It shall be unlawful for any person to loiter in or near any thoroughfare or place open to the public in any manner and under circumstances manifesting the purpose of committing, or inducing, enticing, soliciting or procuring another to permit an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifest shall be: That the person is a known prostitute or panderer, repeatedly beacons to, stops or attempts to stop, or engages passers by in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture.

B. Further, it shall be unlawful for any person to attempt to detect or identify a police officer, peace officer, or other law enforcement officer, during an investigation into prostitution or loitering for the purposes of prostitution, by any of the following means:

1. By exposing or offering to expose one's breast or breasts, buttocks, sexual organs or private body parts.
2. By requesting, asking or encouraging another to touch or fondle one's breast or breasts, buttocks, sexual organs or private body parts.
3. By touching or requesting to touch the breast, breasts, buttocks, sexual organs or private body parts of another.
4. By requesting, asking or encouraging another to expose or show the other's breasts, buttocks, sexual organs or private body parts.

C. There is a rebuttable presumption of a violation of the provisions of this chapter where any person inquires, in any manner, as to whether another person is a peace officer, police officer or other law enforcement officer when such inquiry occurs in the course of a police investigation of potential violations of the provisions of this Chapter.

D. For the purposes of this section, a "known prostitute or panderer" is a person who, within three (3) years previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted of violating any ordinance or law of any jurisdiction within the State of Washington defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution.

Violation of this section shall constitute a misdemeanor punishable by a jail sentence of up to ninety (90) days, or a fine of up to \$1,000, or both such jail time and fine.

(Ord. 502 § 1, 2009; Ord. 82 § 1, 1996.)

CHAPTER 9A.10 – TRESPASSING ON SCHOOL PROPERTY

Sections:

9A.10.010 Designated.

9A.10.020 Definitions.

9A.10.030 Lawful purpose or authorization.

9A.10.040 Posting of notices.

9A.10.050 Recreational area excepted.

9A.10.060 Statutory authority.

9A.10.010 - Designated

A person shall be guilty of the crime of trespassing on school property if said person is on school property located within the City, where said property is posted as per Section 9.94.040 without lawful purpose or authorization as defined in Section 9.94.030. (Ord. 41 § 1 (part), 1996.)

9A.10.020 - Definitions

For the purpose of this Chapter, the words set out in this Section shall have the following meanings:

- A. "Actual attendance at an event" means inside the school-owned area for which admittance fees are required, or if attendance fees are not required, that area inside which a fee would have been required had the school district or administration determined to charge for admittance.
- B. "School property" means that property which is owned by the Clover Park School District or any other school located within the city.
- C. "Student" means a person of school age who is duly enrolled in a school in the Clover Park School District, and who is not currently under suspension from attendance at classes of said school and/or district.
- D. "Recreational area" means those areas established by the Clover Park School District, and by the administration of any other school located within the city, for use during non-school hours for recreational activities, including, but not limited to, basketball, tennis, baseball, football and soccer.
- E. "Authorized individual" means any administrator or employee of the school, or other person delegated with the responsibility of supervision for school property. (Ord. 41 § 1 (part), 1996.)

9A.10.030 - Lawful Purpose or Authorization

"Lawful purpose or authorization" shall be defined as follows:

- A. Those persons who are on school property for the purpose of conducting lawful business;
- B. A student assigned to the school at which he or she is found within one-half hour before and one-half hour after the beginning or the conclusion of official school hours as set by the school district or administration.
- C. If said student is engaged in athletic or other extracurricular events sponsored by the school, then said student shall have sixty minutes after the close of such event to leave the premises;
- D. If a non-student, other than the parent of a student, is on the premises for the purpose of delivering a student or picking up a student from school or from an event as described in subsection C of this Section, said non-student, must have the permission of the parent or guardian of said student to pick up said student; the time period for this non-student to be on the school property is fifteen minutes prior to and fifteen minutes after school hours and/or extracurricular activities; in addition, a non-student, other than a parent or guardian of a student, shall not be present on school property during lunch or recess periods;
- E. In the event that the extracurricular activity, such as sporting events, concerts, meetings, presentations, instructional programs, dances, and the like, permits non-students to attend, then the non-student may remain on the premises involved only, and must depart within sixty minutes after the end of such event;
- F. To be included in the interpretation of lawful purpose or authorization for extracurricular events, the non-student must be in actual attendance of the event; actual attendance does not permit gathering in parking lots or other school area adjacent to buildings or stadiums during the activity; persons not in actual attendance of an event but on school property will be deemed to be trespassing;
- G. In all cases a non-student will be guilty of trespassing if said person fails to leave the school property after being ordered to do so by an authorized individual. (Ord. 41 § 1 (part), 1996.)

9A.10.030 - Posting of Notices

The school authorities must post notices on their property which shall read as follows:

ANY PERSON ON THESE PREMISES WITHOUT LAWFUL PURPOSE OR AUTHORIZATION SHALL BE GUILTY OF TRESPASSING. LAKEWOOD MUNICIPAL CODE CHAPTER 9A.10
(Ord. 41 § 1 (part), 1996.)

9A.10.040 - Recreational Area Excepted

Those students and non-students who are making recreational use of the areas designated by the Clover Park School District or the administration of any other schools located within the city, as recreational areas outside school hours whose conduct is otherwise lawful, will not be deemed to be trespassing. (Ord. 41 § 1 (part), 1996.)

9A.10.050 - Statutory Authority

The provisions of Section 28A.87.010 and Section 28A.87.055 of the Revised Code of Washington are adopted by reference, in this Section, as if fully set forth, and as may be hereinafter amended. (Ord. 41 § 1 (part), 1996.)

CHAPTER 9A.11 – LOITERING

Sections:

9A.11.010 Definitions.

9A.11.020 Order to disperse.

9A.11.010 - Definitions

A. "Loitering" means remaining idle in essentially one location and includes the concept of spending time idly, to be dilatory, to linger, to stay, to saunter, to delay, to stand around, and also includes the colloquial expression "hanging around."

B. "Public place" means any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose but does not necessarily mean a place devoted solely to the uses of the public. It also includes the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks. (Ord. 41 § 1 (part), 1996.)

9A.11.020 - Order to Disperse

A. It is unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in such a manner so as to:

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevent the free and uninterrupted ingress, egress and regress, therein, thereon and thereto.

B. When any person causes or commits any of the conditions enumerated in subsection A of this Section, a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders in guilty of a violation of this Chapter. (Ord. 41 § 1 (part), 1996.)

CHAPTER 9A.12 – MISCELLANEOUS CRIMES

Sections:

9A.12.010 Bridge over Steilacoom Lake on Interlaaken Drive Southwest.

9A.12.020 Piercing Ears or Other Body Parts of a Minor Without Parental Consent – Penalty

9A.12.030 Discharge of Firearms in City Prohibited

9A.12.040 Obtaining Hotel, Restaurant or Lodging House Accommodations by Fraud

9A.12.050 Unguarded Fires

9A.12.060 Malicious Prosecution

9A.12.070 Unlawful Depositing in Refuse in Containers

9A.12.080 Unauthorized Communication with Prisoner

9A.12.090 Dogs Taken or Withheld

9A.12.100 Making or Having Burglar or Auto Theft Tools

9A.12.110 Threats to Do Harm

9A.12.010 - Bridge Over Steilacoom Lake on Interlaaken Drive Southwest

It shall be unlawful for anyone to swim from Bridge No. 3192-A which spans Steilacoom Lake on Interlaaken Drive Southwest in the City of Lakewood (Section 3, Township 19 North, Range 2 East, W.M.) (Ord. 41 § 1 (part), 1996.)

9A.12.020 - Piercing Ears or Other Body Parts of a Minor Without Parental Consent - Penalty

Every person who pierces the ear or ears or other part or parts of the body of any minor under the age of eighteen without the personal or written consent of a parent or legal guardian of the minor, is guilty of a misdemeanor. It is not a defense to a

violation of this section that the person piercing the ear or ears or other part or parts of the body of the minor did not know the minor's age unless the person piercing the minor's ear or ears or other body part or parts establishes by a preponderance of the evidence that he or she made a reasonable, bona fide attempt to ascertain the true age of the minor by requiring production of a driver's license or other picture identification card or paper and did not rely solely on the oral allegations or apparent age of the minor, or in the case of purported consent, that he or she made a reasonable, bona fide attempt to determine the identity of the parent or guardian and to ascertain the legitimacy of the consent.

For the purposes of this section, "piercing the ear or ears or other part or parts of the body" includes any piercing of any skin or tissue of an person with insertion of or to facilitate insertion of jewelry or ornaments which leaves a permanent or temporary perforation or hole in the skin or tissue of the person. Medical procedures performed by a licensed physician are exempted from this section. (Ord. 115 § 1, 1997.)

9A.12.030 - Discharge of Firearms in City Prohibited

The entire area of the City is a "no shoot" area. It is unlawful to shoot or discharge any firearm, pistol, rifle or similar device anywhere within the corporate limits of the City other than for the purposes of exercising the rights specified in RCW 9A.16.020. For the purposes of this Section, pistol and rifle shall include but are not limited to pellet guns, B-B guns, air-propelled guns and similar devices. (Ord. 41 § 1 (part), 1996.)

9A.12.040 - Obtaining Hotel, Restaurant or Lodging House Accommodations by Fraud

Any person who shall willfully obtain food, money, credit, lodging or accommodation at any hotel, inn, restaurant, boarding house or lodging house, without paying therefor, with intent to defraud the proprietor, owner, operator or keeper thereof, or who obtains food, money, credit, lodging, accommodation at such hotel, inn, restaurant, boarding house or lodging house, by the use of any false pretense; or, who, after obtaining food, money, credit, lodging or accommodation at such hotel, inn, restaurant, boarding house or lodging house, removes or causes to be removed from such hotel, inn, restaurant, boarding house or lodging house, his or her baggage, without the permission or consent of the proprietor, manager or authorized employee thereof, before paying for such food, money, credit lodging or accommodation, shall be guilty of a misdemeanor, provided that the aggregate amount of food, credit, money, lodging or accommodation so obtained is less than Seventy-five dollars. Proof that food, money, credit, lodging or accommodation were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that the person refused or neglected to pay for such food, money, credit, lodging or accommodation on demand, or that he or she gave in payment for such food, money, credit, lodging or accommodation, negotiable paper on which payment was refused, or that he or she absconded, or departed from, or left, the premises without paying for such food, money, credit, lodging or accommodation, or that he or she removed or attempted to remove, caused to be removed, or caused to be attempted to be removed, his or her property or baggage, shall be prima facie evidence of the fraudulent intent hereinbefore mentioned. (Ord. 41 § 1 (part), 1996.)

9A.12.050 - Unguarded Fires

Any person who kindles a fire upon any street, alley, land, lot or block within the corporate limits of the city, which is not so enclosed or guarded as to prevent the same from spreading or being transmitted to any adjoining property belonging to or occupied by any other person, shall be guilty of a misdemeanor. (Ord. 41 § 1 (part), 1996.)

9A.12.060 - Malicious Prosecution

Every person who shall, maliciously and without probable cause therefor cause or attempt to cause another to be arrested or proceeded against for any misdemeanor or gross misdemeanor of which he is innocent shall be guilty of a misdemeanor. (Ord. 41 § 1 (part), 1996.)

9A.12.070 - Unlawful Depositing in Refuse in Containers

It is unlawful for any person to dump or deposit garbage in garbage or refuse containers or next to garbage or refuse containers on the property of another where the result would be to increase or add to the garbage collection service needs of the owner of the property on which the garbage or refuse container is located. Violation of this Section shall constitute a misdemeanor. (Ord. 41 § 1 (part), 1996.)

9A.12.080 - Unauthorized Communication With Prisoner

Every person who, not being authorized by law, or by an officer authorized by law, has any verbal communication with any prisoner in the city jail or brings into or conveys out of the city jail any writing, clothing, food, tobacco, or any article whatsoever, is guilty of a misdemeanor. It is also unlawful for any person to loiter in or about any city detention facility for the purpose of engaging in any conduct prohibited in this Section. (Ord. 41 § 1 (part), 1996.)

9A.12.090 - Animals Taken or Withheld

Any person who, with intent to deprive or defraud the owner thereof, does any of the following, shall be guilty of a misdemeanor:

- A. Takes, leads away, confines, secrets or converts any dog or other animal;
- B. Conceals the identity of any dog or other animal or its owner by obscuring or removing from the dog or other animal any collar, tag, license, tattoo or other identification device or mark; or,
- C. Willfully kills or injures any dog or other animal, unless excused by law.
- D. Violation of this Section is a misdemeanor. (Ord. 41 § 1 (part), 1996.)

9A.12.100 -- Making or having burglar or auto theft tools

A. Every person who shall make or mend, or cause to be made or mended, or have in his possession any engine, machine, tool, false key, pick lock, bit, nippers, or implement or any other implement listed in subsection B of this section, that is adapted, designed, or commonly used for the commission of burglary or vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of a burglary or vehicle related theft, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools or auto theft tools.

B. The following tools are to be considered prohibited implements: slim jim, false master key, master purpose key, altered or filed key, trial ("jiggler") keys, slide hammer, lock puller, or any other implement shown by facts and circumstances to be intended for use in the commission of a burglary or vehicle involved theft.

C. For the purposes hereof, the following definitions shall apply:

- 1. "False master" or "master key" means any key or other device made or altered to fit locks or ignitions of multiple vehicles, or vehicles other than that for which the key was originally manufactured.
- 2. "Altered key" means any key so altered, by cutting, filing, or other means to fit multiple vehicles or vehicles other than the vehicle for which the key was originally manufactured.
- 3. "Trial ("jiggler") keys" means keys or sets designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

D. It shall be prima facie evidence of "circumstances evincing an intent to use for commission of burglary or vehicle related theft" for a person to be in possession of multiple vehicle keys or altered vehicle keys unless such person is a bona fide locksmith or an employee of a licensed auto dealer or other position for which the possession of such keys is required in the performance of their duties.

E. Making or having burglar or auto theft tools is a gross misdemeanor. (Ord. No. 396 ? 1 (part), 2005.)

9A.12.110 – Threats to Do Harm

It is unlawful for any person to communicate, directly or indirectly, the intent to cause bodily injury to another person or the intent to cause physical damage to the property of another. Every person convicted of a violation of the provisions of this Chapter shall be guilty of the misdemeanor of threats to do harm. (Ord. 41 ? 1 (part), 1996.)

CHAPTER 9A.13 – SECURITY ALARMS

Sections:

- 9A.13.010 Definitions
- 9A.13.020 Administration: Funding; Increases in Fees; Annual Evaluation
- 9A.13.030 Alarm User Permit Requirements and Fees
- 9A.13.040 Alarm User Permit Application and Contents
- 9A.13.050 Terms of Alarm User Permit; Transfer of Permit Prohibited
- 9A.13.060 Duties of Alarm Users

- 9A.13.070 Audible Alarms; Restrictions
- 9A.13.080 Duties of Alarm Installation Companies and Monitoring Companies
- 9A.13.090 Business Permit of Alarm Installation and Monitoring Companies
- 9A.13.100 Duties and Authority of the Alarm Administrator
- 9A.13.110 False Alarm Fees
- 9A.13.120 Notice to Alarm Users of False Alarms and Suspension of Police Response
- 9A.13.130 Suspension of Police Response to Alarm Sites
- 9A.13.140 Appeals of Determinations Regarding Alarm Permits and Fees
- 9A.13.150 Reinstatement of Suspended Alarm Permits
- 9A.13.160 Revocation of Alarm User Permit and Business Permit
- 9A.13.170 Confidentiality of Alarm Information
- 9A.13.180 Scope of Police Chief Duty; Immunities Preserved
- 9A.13.190 Service Charges
- 9A.13.200 Violation – Penalty

9A.13.010 - Definitions

A. "Alarm Administrator" means the person or persons designated by the Chief of Police to administer the provisions of this Chapter.

B. "Alarm Agreement" means the legal contract or agreement by and between the Alarm Installation Company and/or Monitoring Company and the Alarm User.

C. "Alarm Dispatch Request" means a notification to the Chief of Police that an alarm, either manual or automatic, has been activated at a particular alarm site.

D. "Alarm Installation Company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site for compensation, and includes individuals or firms that install and service alarm systems used in a private business or proprietary facility.

E. "Alarm Installer Checklist" means a check off list provided by the Alarm Administrator to the alarm installer to complete at each alarm site after the installation of an alarm system prior to its activation.

F. "Alarm Permit " means the alarm registration issued by the Alarm Administrator to an alarm user which authorizes the operation of an alarm system within the City of Lakewood.

G. "Alarm Response Manager (ARM)" means a person designated by an alarm installation company or monitoring company to handle alarm issues for the company and act as the primary point of contact for the Chief of Police or Alarm Administrator.

H. "Alarm Site" means a location served by one or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate alarm site if served by a separate alarm system. In a single unit building that houses two or more separate businesses with separate alarm systems, each business will be considered a separate alarm site.

I. "Alarm System" means an audible or remote visual or electronic alarm signal which is intended to summon law enforcement response. The term includes hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems. This term does not include an alarm installed in a motor vehicle, nor on one's person or an alarm system designed solely to alert the occupants of a building or residence which will not emit a signal either audible or visible from outside the building or residence.

J. "Alarm User" means any person who has contracted for monitoring, repair, installation, or maintenance service for any alarm system from an alarm company, or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.

K. "Alarm User Awareness Class" means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

L. "Arming Station" means a device that controls an alarm system.

M. "Automatic Voice Dialer" means any electronic, mechanical or other device which, when activated, is capable of being programmed to send a prerecorded voice message to a law enforcement agency requesting a patrol dispatch to an alarm site.

N. "Business Permit" means the permit issued by the Alarm Administrator to an alarm installation company or monitoring company to sell, install, monitor, repair, or replace alarm systems. The term does not include a business license issued by the City of Lakewood or a license issued by the State Fire Marshall for fire alarm systems.

O. "Burglar Alarm" means an alarm intended to identify the presence of an intruder in either a business or residence.

P. "Burglar Alarm Confirmation" means a method by which an Alarm Monitoring Company shall verify a Burglar Alarm call prior to making a Burglar Alarm Dispatch Request. This method requires at least one of four types of acceptable verification for a Burglar Alarm call:

- WITNESS AT SITE; who indicates criminal or suspicious activity
- AUDIO VERIFICATION; that indicates criminal activity
- VISUAL VERIFICATION (LIVE –TIME VIDEO); that indicates criminal activity
- SEQUENTIAL VERIFICATION (Two zone/device activation); The Sequential Verification allows for a variety of configurations that are acceptable as burglar alarm confirmation. It is the most common verification that is used.

1. TWO INDEPENDENT DETECTORS ACTIVATED

2. TWO ALARM SIGNALS WITHIN A 10 MINUTE TIME PERIOD

Q. "Cancellation" means the termination of police response to an alarm site after dispatch request is made but before an officer has arrived at the alarm site.

R. "Chief" means the Chief of Police of the City of Lakewood or his/her designee.

S. "Conversion" means the transaction or process by which one alarm installation company or monitoring company begins the servicing or monitoring of a previously unmonitored alarm system or an alarm system that was previously serviced or monitored by another alarm company.

T. "Customer False Alarm Prevention Checklist" means a check off list provided by the Alarm Administrator to the alarm installer to provide to the alarm user to complete prior to the activation of an alarm system

U. "Duress Alarm" means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires law enforcement response.

V. "Enhanced Call Verification" means that prior to requesting law enforcement dispatch a second telephone call is made to a different telephone number if the first attempt fails to reach an alarm user who can determine whether an alarm signal is valid.

W. "False Alarm" means an alarm dispatch request to the Police which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site.

X. "Holdup Alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

Y. "Local Alarm System" means an unmonitored alarm system that annunciates an alarm only at the alarm site.

Z. "Monitoring" means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the Police.

AA. "Monitoring Company" means the company that contracts with the alarm user to provide monitoring services. The Monitoring Company is also referred to as the Alarm Agreement Holding Company.

BB. "One Plus Duress Alarm" means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

CC. "Panic Alarm" means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

DD. "Permit Number" means a unique individual number assigned to an alarm user as part of the registration of their alarm permit issued by the Police Department.

EE. "Person" means an individual, corporation, limited liability company, partnership, association, organization or similar

entity.

FF. Police or Police department means the LAKEWOOD Police Department

GG. "Protective or Reactive Alarm System" means an alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a person's vision.

HH. "Responsible Party" means a person capable of appearing at the alarm site upon request who has access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

II. "Robbery Alarm" means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery or other crime is in progress, and that a person is in need of immediate law enforcement assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "holdup alarm."

JJ. "SIA Control Panel Standard CP-01" means the ANSI - American National Standard

Institute-approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

KK. "Takeover" means the transaction or process by which an alarm user takes over control of an existing alarm system which was previously controlled by another alarm user.

LL. "Zones" means division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

(Ord. 482 § 2 (part), 2008.)

9A.13.020 - Administration: Funding; Increases in Fees; Annual Evaluation

A. Responsibility for administration of this Chapter is vested with the Chief of Police (Chief) for the City of Lakewood.

B. The Chief shall designate an Alarm Administrator to carry out the duties and functions described in this Chapter.

C. Monies generated by false alarm service fees and permit fees assessed pursuant to this Chapter shall be deposited into the appropriate Police Department revenue accounts.

D. Based upon a review and recommendation from the Chief, the fees set forth in this Chapter may be modified by the City Council. The Chief or its contract representative shall post the fees on the Police Department's link to the City's web site and notify the alarm companies and monitoring companies. These companies shall then be responsible for notifying their

customers of these fees. For purposes of this subsection, "fees" include any type or class of fee and include late fees and penalties.

E. The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this Chapter and identify and implement system improvements as warranted. (Ord. 482 § 2 (part), 2008.)

9A.13.030 - Alarm User Permit Requirements and Fees

A. Alarm sites must be registered.

1. An alarm user shall not operate, or cause to be operated, any alarm system without a valid alarm permit. A separate alarm permit is required for each alarm site having a distinct address or business name. A separate alarm permit is required for each alarm site with the same address having a distinct and separate alarm system (i.e., detached shops or garages on residential property). The initial alarm permit fee must be collected by the Alarm Installation Company from the alarm user. The permit fee and application form shall be sent to the Alarm Administrator within ten days after any alarm system installation or alarm system takeover.

Owners of local alarm systems are required to adhere to this Chapter and are subject to all fees (including service fees), suspensions, penalties or other requirements that are applicable.

The fee for a new initial Alarm Permit shall be collected by the Alarm Installation Company and an Alarm Permit renewal fee shall be collected by the alarm Agreement Holding Company.

2. Alarm fees. The fees for an alarm permit or an alarm permit renewal shall be collected by the Alarm Agreement Holding Company and are as follows:

- a. Permit Fee: To be set by the City fee schedule
- b. Renewal Fee: To be set by the City fee schedule
- c. Senior Rate (60 or older) (residential only): To be set by the City fee schedule
- d. Physically disabled: To be set by the City fee schedule

In order to qualify for the senior rate, applicants must provide proof of age, be listed as the property owner or lessee and must have the alarm contract in his or her name. In order to qualify for the physically disable rate, applicants must be in accordance with RCW 46.16.381.

3. Late Fees. Alarm users who fail to obtain and/or make payment for an alarm permit within 30 days after notification will be assessed a late fee in the amount of \$25.00.

4. Refunds. No refund of a permit or permit renewal fee will be made.

5. Existing Alarm Systems.

(a) Any alarm system which was installed before the effective date of this Chapter, must be registered and a permit fee collected by the Alarm Agreement Holding Company 60 days after the effective date of this Chapter. An Alarm Installation Company or Monitoring Company shall, within 30 days after begin notified in writing from the Alarm Administrator, provide a list of existing alarm users in the City of Lakewood to the Alarm Administrator to include name, address, billing address, and

telephone number in a manner decided upon by the Alarm Administrator. Included shall be the permit fee for each of their alarm user customers.

(b) The alarm agreement company may through a mutual written agreement have another alarm company provide the alarm user's list and collect the permit fee.

(c) Failure to comply and provide customer lists to the Alarm Administrator, as required, will result in a fine of \$25.00 per working day (after the initial 30-day notice expires, i.e. day 31) until the alarm installation company or monitoring company complies with the requirement. Failure to comply will also result in automatic suspension of their business permit.

6. New Alarm Systems:

Any alarm installation company that installs an alarm system on premises within the City of Lakewood after the effective date of this Chapter must notify the Alarm Administrator within ten days after the date of installation and provide the name, address, billing address, and telephone number of the alarm user and a copy of the Customer False Alarm Prevention Checklist as well as any appropriate registration permit fee collected from the alarm user. The failure to notify in accordance with terms of this subsection shall result in a \$100.00 administrative penalty against the alarm installation company.

7. Upon receipt of a completed alarm permit application form and the alarm permit fee, the Alarm Administrator shall authorize response to the applicant unless:

a. The applicant has failed to pay a false alarm fee or fine assessed under Chapter 9.31.020 (2) of the Lakewood Municipal Code.

b. An alarm permit for the alarm site has been suspended, and the violation causing the suspension has not been corrected.

8. Upon receipt of the permit application form and fee, the Alarm Administrator shall authorize response to the alarm user, which is valid for a one-year period. Renewal permits are valid for a one year period from the date of initial issuance.

9. Government entities, including but not necessarily limited to the City of Lakewood and Clover Park School Districts, must obtain permits for all alarm systems on its property under their control within the City of Lakewood, but are exempt from payment of permit and renewal fees. (Ord. 482 § 2 (part), 2008.)

9A.13.040 - Alarm User Permit Application and Contents

A. An application for alarm permit must be on a form provided by the Alarm

Administrator and must contain the following information:

1. The name, complete address, including apartment or suite number, and telephone numbers of the person who will be the holder of the permit and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this Chapter;

2. The physical alarm site address and classification as either residential (includes apartment, condo, mobile home, etc.) or commercial;

3. The classification (i.e., burglary, holdup, duress, panic alarm or other) for each alarm system located at the alarm site, and, for each classification, whether the alarm is audible or silent;

4. The applicant's mailing address, if different from the address of the alarm site;
5. Any dangerous or special conditions present at the alarm site;
6. The type of business conducted at a commercial alarm site;
7. A written certification from the alarm user setting forth the following:
 - a. The date of installation, conversion or take over of the alarm system, whichever is applicable;
 - b. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or take over and of the alarm installation company responsible for providing repair service to the alarm system;
 - c. The name, address, and telephone number of the monitoring company if different from the alarm installation company;
 - d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the application by the alarm installation company; and
 - e. That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
8. An acknowledgement that the police response may be influenced by factors including, but not limited to, the availability of officers, priority of calls, traffic conditions, emergency conditions and staffing levels;
9. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm permit is sufficient cause for refusal to issue a permit, or revocation of an existing permit. (Ord. 482 § 2 (part), 2008.)

9A.13.050 - Terms of Alarm User Permit; Transfer of Permit Prohibited

A. An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the Alarm Administrator of any change in the information listed on the alarm permit application within five business days after such change. Exceptions may be made at the discretion of the Alarm Administrator when the transfer proposed is among members of the family of the original permit holder or successors in interest to the property for which the permit has been issued.

B. An alarm permit shall expire one year after the date of issue, and must be renewed annually by submitting a renewal application and a renewal fee to the Alarm Administrator. The Alarm Administrator shall notify the alarm Agreement Holding Company of the need to renew their registered customers sixty (60) days prior to the expiration of the registration on a monthly basis. It is the responsibility of the Alarm Agreement Holding Company to submit the updated information and renewal fees prior to the registration expiration date. Failure to renew shall be classified as a use of a non-registered security alarm system and subject the Alarm Site to a suspension and late fees. (A \$100.00 fee shall be assessed to the Alarm Agreement Holding Company).

(Ord. 482 § 2 (part), 2008.)

9A.13.060 - Duties of Alarm Users

A. An alarm user shall:

1. Complete the Customer False Alarm Prevention checklist available from their alarm installation company or through the police department's online website, and send the checklist to the Alarm Administrator.
2. Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;
3. Make every reasonable effort to arrive at the alarm system's location within 30 minutes after being requested by the monitoring company or law enforcement agency in order to:
 - a. Deactivate an alarm system;
 - b. Provide access to the alarm site; and /or

c. Provide alternative security for the alarm site.

4. Provide to the monitoring company the names and telephone numbers of at least two individuals who are able and have agreed to:

a. Receive notification of an alarm system activation any time;

b. Respond to the alarm site at any time in the presence of the Lakewood Police; and

c. Provide access to the alarm site and deactivate the alarm system, if necessary. An alarm user will notify the monitoring company when this information changes.

5. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

B. An alarm user shall not use automatic voice dialers for any type of alarm system. No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically select a telephone line leading into the Police Department or transmit any prerecorded message or signal. Waiver: An Automatic voice dialer is allowed as long as it is not connected to the Police Department. It may be used to alert the user only or others.

C. An alarm user shall not use any type of alarm system that is rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable one's vision.

D. Installation of a protective-reactive device can only be done with the prior written approve of the Chief or his/her designee. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device.

E. After the effective date of this Chapter, an alarm user shall not operate or cause to be operated any alarm system capable of sending one plus duress alarms. Within 180 days of the effective date of this Chapter, all alarm users shall authorize their alarm installation company to reprogram all existing duress alarms which utilize a one plus duress code.

F. After the effective date of this Chapter, an alarm user shall not operate or cause to be operated any alarm system with single action or non-recessed button robbery, duress, or panic devices. Within 180 days of the effective date of this chapter, all alarm users shall authorize their alarm installation company to replace existing single-action devices with devices that have dual action at a minimum.

G. An alarm user shall keep a set of written operating instructions for each alarm system at each alarm site.

H. All alarm users shall agree with their alarm installation company or monitoring company to go through an "acclimation period" for the first seven days after installation of an alarm system, during which time the alarm installation company or monitoring company will have no obligation to respond to, nor will it respond to, any alarm signal from the alarm site, or make an alarm dispatch request to law enforcement, even if the alarm signal is the result of an actual alarm event. Exceptions to the "acclimation period" of non-response can be made by the Chief in special circumstances, including but not limited to, domestic violence and stalking. (Ord. 482 § 2 (part), 2008.)

9A.13.070 - Audible Alarms; Restrictions

A. After the effective date of this Chapter it is a violation of this Chapter for any person to operate an alarm system in the City of Lakewood that has a siren, bell or other signal audible from any property adjacent to the alarm site that sounds for longer than ten consecutive minutes after the alarm is activated, or that repeats the ten minute alarm cycle more than three consecutive

times without resetting. Violators will be fined in accordance with the penalties for false alarms. (Ord. 482 § 2 (part), 2008.)

9A.13.080 - Duties of Alarm Installation Companies and Monitoring Companies

A. Each alarm installation company and monitoring company must designate one individual as the Alarm Response Manager (ARM) for the company who will manage alarm related issues and act as the point of contact for the Alarm Administrator and Alarm Coordinator. The appointed individual must be knowledgeable of the general provisions of this Chapter, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the Alarm Administrator and Alarm Coordinator. The name, telephone number, and email address of the designated ARM must be provided to the Alarm Administrator. Failure to comply will result in the suspension of the alarm company business permit. A reinstatement fee of at least \$100.00 or \$10.00 per registered user if letters have been sent (per subsection B) whichever is the greater amount, will be charged. This will cover the administration action costs for this chapter.

B. Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:

1. The applicable law relating to false alarms, including the potential for penalties and revocation or suspension of an alarm permit; and
2. How to prevent false alarms; and
3. How to operate the alarm system; and
4. The Customer False Alarm Prevention Checklist available through the Police Department.

C. After the effective date of this Chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Within 180 days of the effective date of this Chapter, alarm installation companies shall reprogram all existing duress alarms which utilize a one plus duress code.

D. Alarm installation companies shall not install single action or nonrecessed button robbery, duress, or panic devices, and within 180 days of the effective date of this Chapter, replace existing single-action devices within devices that have dual action at a minimum.

E. Ninety days after the effective date of this Chapter, an alarm installation company shall, on new installations, use only alarm control panel(s) which meet ANSI/SIA Cp -01 Control Panel Standard – Features for False Alarm Reduction.

F. An alarm company shall not use an automatic voice dialer which calls the Police Department, the Chief's designee for any alarm system.

G. After completion of the installation of an alarm system, an employee of the alarm installation company shall review with the alarm user the Customer False Alarm Prevention Checklist or an equivalent checklist approved by the Alarm Administrator, giving the alarm user instructions to send the completed checklist to the Alarm Administrator.

H. After completion of the installation of an alarm system, an employee of the alarm installation company shall complete the Alarm Installer Checklist, and send the completed checklist to the Alarm Administrator.

I. A monitoring company shall not make an alarm dispatch request to an alarm signal during the first seven-day "acclimation period" after an alarm system installation. Exceptions to the "acclimation period" of non-response can be made by the Chief in special circumstances, including but not limited to, domestic violence and stalking.

J. A monitoring company shall employ "Burglar Alarm Confirmation" and:

1. Report alarm signals by using telephone numbers designated by the Alarm

Administrator, ensuring they have received two or more alarm signals during the same alarm event (10) minutes.

2. Employ "Enhanced Call Verification" and Burglar Alarm Confirmation on all Burglar Alarm dispatch requests by attempting to verify by telephone the validity of every alarm signal, except robbery and panic activation, before requesting law enforcement response to an alarm system signal. Verification before requesting law enforcement dispatch also requires that a second telephone call be made to a different phone number if the first attempt fails to reach an alarm user who can determine whether an alarm signal is valid. Names and telephone numbers of those persons contacted or attempted to be contacted must be provided to the Alarm Administrator, Alarm Coordinator or Police Department upon request. The Lakewood Police Department may refuse to accept an Alarm Dispatch Request from a Monitoring Company that has failed to comply with the procedure required by Enhance Call Verification and Burglar Alarm Confirmation.

3. Communicate alarm dispatch requests to the Police Department in a manner and form determined by the Alarm Administrator.

a) A valid Permit Number is required for all alarm requests. Failure to provide a valid Permit Number shall result in the call request not being accepted for a police dispatch.

b) Provide zone(s) activation information as part of the Sequential Verification process within the Burglar Alarm Confirmation procedures.

4. Communicate cancellations to the Police Department in a manner and form determined by the Alarm Administrator.

5. Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the alarm.

6. Communicate any available information (north, south, front, back, floor, etc.) about the location of an alarm signal as part of an alarm dispatch request.

7. Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.

8. Installation of a protective-reactive device can only be made with the prior written approval of the Chief or his designee. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device. In all cases where a protective-reactive device is present at an alarm site, the patrol dispatch request shall include a warning for officers not to enter the alarm site until the responsible party is present and has disarmed the device. Failure to provide this warning to officers shall result in a \$200 fee to the monitoring company.

9. Prior to making an alarm dispatch request, attempt to notify the alarm user to send a responsible party to the alarm site, in order to:

a. Deactivate an alarm system;

b. Provide access to the alarm site; and/or

c. Provide alternative security for the alarm site.

10. After an alarm dispatch request, promptly advise the Chief the alarm company knows that the alarm user or a responsible party is on the way to the alarm site;

11. Each monitoring company must maintain, for a period of at least one year after the date of an alarm dispatch request, all records relating to the alarm dispatch request. Records must include the name, address and telephone number of the alarm user, each alarm system zone activated, the time of alarm dispatch request and evidence of all attempts to verify. The Alarm Administrator may request copies of such records for any individual alarm user. If the request is made within 60 days after an alarm dispatch request, the monitoring company shall furnish requested records within three business days after receiving the request. If the records are requested between 60 days and 1 year after an alarm dispatch request, the monitoring company shall furnish the requested records within 30 days after receiving the request. Failure to comply will result in an immediate suspension of response and \$25.00 per day per customer service fee.

12. Each monitoring company shall, upon request, immediately provide the Police Department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.

K. Purchased Accounts. An alarm installation company or monitoring company that purchases any alarm system account from another company shall notify the Alarm

Administrator of such purchase and shall provide to the Alarm Administrator within 30 days from the date of acquisition, a complete list of the acquired customers, in a format the alarm company is capable of producing, that includes the following:

1. Alarm User's permit number
2. Customer name;
3. Customer billing address;
4. Customer telephone number;
5. Alarm site address; and
6. Alarm company license number.

L. The customer lists described in subsections K. and L. above are proprietary and confidential information and will not be released to anyone absent a court order.

M. Failure to provide customer lists to the Alarm Administrator, as required in subsections K. and L. above, will result in a fine of \$25.00 per working day until the alarm installation company or monitoring company complies with the requirement. Failure to pay this fine will result in the immediate suspension of their business permit.

(Ord. 482 § 2 (part), 2008.)

9A.13.090 - Business Permit of Alarm Installation and Monitoring Companies

A. Every Alarm Installation Company and every monitoring company shall obtain a business permit from the police Alarm Administrator and pay an annual prorated fee of \$10.00 per each of their registered Alarm Users in the City of Lakewood up to a maximum payment of \$100.00. Failure to pay the annual fee within 30 days after expiration of the permit will require the payment of a late fee of \$25.00.

B. The Chief may not respond to any alarm dispatch request from any alarm installation company or monitoring company that

does not possess a current valid business permit issued pursuant to this Chapter.

C. The Alarm Administrator shall notify all known alarm users subscribing to an unregistered alarm installation company or an unregistered monitoring company that the company is unregistered and that the Chief will no longer respond to the user's alarms. A reinstatement fee of at least \$100.00 or \$10.00 per alarm user, if letters have been set by the Alarm Administrator, whichever is the greater amount, will be charged to the alarm installation company or monitoring company. This will cover the administration action costs for this Chapter.

D. The fee imposed by this Chapter is in addition to all other fees levied by the City of Lakewood. (Ord. 482 § 2 (part), 2008.)

9A.13.100 - Duties and Authority of the Alarm Administrator

A. The Alarm Administrator shall:

1. Designate the manner and form of alarm dispatch requests and the telephone numbers to be used for such requests; and
2. Establish a procedure to accept cancellation of alarm dispatch requests.

B. The Alarm Administrator shall establish a procedure to acquire and record information on alarm dispatch requests including the following information:

1. Identification of the alarm site;
2. The date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator's name and number;
3. Date and time of an officer's arrival at the alarm site;
4. The alarm zone and zone description, if available;
5. Name of alarm user's personal representative present at the alarm site, if any;
6. Whether an officer was unable to locate the address of the alarm site; and
7. The cause of the alarm signal, if known.

C. The Alarm Administrator shall establish and implement a procedure to notify the alarm user of a false alarm. The notice shall include the following:

1. The date and time of an officer's response to the false alarm; and
2. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting false alarm fees; and
3. The false alarm fees incurred.

D. The Alarm Administrator may require that a conference be held with an alarm user and the alarm installation company or monitoring company responsible for repairing or monitoring of the alarm system to review the circumstances of each false alarm. The conference may be held in person or by telephone call, at the Alarm Administrator's discretion. Failure to participate by any of the notified parties will result in suspension of their alarm user permit or the alarm company business permit after a written notice has been sent.

E. The Alarm Administrator may establish an alarm user awareness class. The Alarm Administrator may request the assistant

of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid creating false alarms.

F. If a false holdup alarm has occurred and the alarm was triggered using a single action, non-recessed buttons, the Alarm Administrator may consider a waiver of the false alarm fee if action is taken by the alarm user to remove or replace the single action, non recessed button.

G. The Alarm Administrator will make a copy of this Chapter and/or a summary sheet available to each alarm user. (Ord. 482 § 2 (part), 2008.)

9A.13.110 - False Alarm Fees

A. An alarm user shall pay the following fees to the Alarm Administrator for police response to any false alarm or robbery alarm:

1. Burglar False Alarm Fee: \$100.00 for each false alarm;

2. Robbery False Alarm Fee: \$200.00 for each false alarm;

3. If a false alarm fee is not paid within 30 days after the invoice is mailed, a late fee to the alarm user in the amount of \$25.00 shall be imposed.

B. Fees for false alarms by unregistered alarm systems.

In addition to the fees set forth in subsection A. above, a supplemental fee is hereby imposed upon any person operating an unregistered alarm system in the amount of \$100.00 for each false alarm. The Alarm Administrator may waive this additional fee for an unregistered system if the alarm user submits an application for alarm permit within ten business days after receiving notice of such violation.

C. If cancellation of police response occurs prior to an officer arriving at the alarm site, the response is not considered a false alarm for the purposes of fees, and no penalty will be assessed.

D. The Alarm Administrator may waive a false alarm fee due to a history of false alarms that is identified as chronic equipment failure and the alarm user has documented work orders of attempts to repair the alarm system.

E. The alarm installation company shall be assessed a fee of \$100.00 if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. Such false alarms are not included in the total number of false alarms for the alarm user.

F. A fee of \$100.00 is hereby imposed against any monitoring company that fails to verify alarm system signals as required in this Chapter.

G. A fee in the amount of \$200.00 is hereby imposed on an alarm installation company if the Alarm Administrator determines that an employee of the alarm installation company knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.

H. Notice of the right of appeal pursuant to this Chapter will be included with notice of any penalty. (Ord. 482 § 2 (part), 2008.)

9A.13.120 - Notice to Alarm Users of False Alarms and Suspension of Police Response

The Alarm Administrator shall notify the alarm user in writing after each false alarm. The notice shall include the amount of the fee for the false alarm, the fact that response will be suspended after the third false alarm in their one-year permit period (excluding duress, holdup and panic alarms), and a description of the appeals procedure available to the alarm user.

The Alarm Administrator shall notify the alarm user and the alarm installation company or monitoring company in writing thirty days before an alarm response is to be suspended. Suspension of alarm response does not apply to duress, robbery, holdup and panic alarms. The notice of suspension must also include the amount of the fee for each false alarm and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company. (Ord. 482 § 2 (part), 2008.)

9A.13.130 - Suspension of Police Response to Alarm Sites

A. It is a violation of this Chapter to make an alarm dispatch request for a suspended alarm site.

B. The Alarm Administrator shall notify the police and alarm installation company and/or monitoring company of each alarm user whose alarm permit qualifies for suspension under this Chapter. The Alarm Administrator shall suspend an alarm permit if it is determined that:

1. The alarm user has had three or more false alarms within one year after the date of issuance of their annual permit, except that the Alarm Administrator may waive a suspension of a permit upon receipt of documented work orders showing numerous attempts to repair the alarm system;
2. There is a false statement of a material fact in the application of a permit; or
3. The alarm user fails or refuses to pay a permit fee, false alarm fee or late fee assessment pursuant to this Chapter.

C. It is unlawful for a monitoring company to make an alarm dispatch request to an alarm site after the company has been notified by the Alarm Administrator that the permit for that alarm site has been suspended. The monitoring company must pay a \$200.00 fee to the Alarm Administrator for each such dispatch to an alarm site. If the penalty is not paid to the Alarm Administrator within 30 days, a late fee of \$25.00 is hereby imposed on the alarm company.

D. Unless there is a separate indication that there is a crime in progress, Emergency Communications (Dispatch) may not dispatch an officer to an alarm site for which an alarm permit is suspended.

E. If an alarm permit is reinstated, the police may again suspend the alarm permit if it is determined that two false alarms have occurred within 180 days after the reinstatement date. The exception set forth in subsection B.1 applies to any such suspension.

F. This subsection applies to alarm systems, except holdup alarms, robbery alarms and panic alarms, which are subject to suspension at the discretion of the Alarm Administrator.

(Ord. 482 § 2 (part), 2008.)

9A.13.140 - Appeal of Determinations Regarding Alarm Permits and Fees

A. If the Alarm Administrator assesses a fee, suspends an alarm permit or denies the issuance, renewal or reinstatement of an alarm permit, the Alarm Administrator shall send written notice of the action and a statement of the right to appeal to the affected applicant or alarm user and the alarm installation company or monitoring company.

B. The alarm user, alarm installation company or monitoring company may appeal any action described in A. above to the designated administrator of the Police by setting forth in writing the reasons for the appeal and delivering the appeal to the police within 20 business days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal of the Chief of Police is as follows:

1. The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal by paying an appeal fee of \$50.00 to the City of Lakewood and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Administrator's Action." Appeal fees will be returned to the appealing party if the appeal is successful. Upon good cause shown, the designated Administrator of the Police Chief may, in the exercise of discretion, waive the appeal fee for residential alarm users.

2. The designated administrator of the Police Chief shall conduct a recorded hearing within 30 days after receipt of the request for review and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The designated administrator of the Police Chief must base his/her decision on the preponderance of evidence presented at the hearing and must render a decision within 15 days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.

3. Any person aggrieved by the decision of the Police Chief or the designated administrator may appeal in accordance with procedures set forth in Chapter 9.31.014 LMC.

4. Filing of an appeal stays any action by the Alarm Administrator to suspend an alarm permit or require the payment of a fee or penalty until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. The provision does not operate as a bar to enforcement action or violations of this Chapter that occur thereafter.

D. The Alarm Administrator of the Chief of Police or their respective designees may adjust the count of false alarms based on:

1. Evidence that false alarm was caused by action of a communications services provider (i.e. telephone, cellular, cable company);

2. Evidence that a false alarm was caused by a power outage;

3. Evidence that an alarm dispatch request was not a false alarm;

4. The occurrence of multiple alarms within a 24-hour period, which may be considered as one false alarm to allow the alarm user time to take corrective action, unless the false alarms are directly caused by the alarm user; or the Alarm Administrator may waive all of a False Alarm fee or a partial part of the fee due to extenuating circumstances or to encourage corrective action.

5. On review of fees or penalties assessed to an alarm installation company or monitoring company, the Alarm Administrator, or, if appealed, the Chief, or designee, or the administrative hearing officer, may consider whether the alarm company had engaged in a consistent pattern of violations. (Ord. 482 § 2 (part), 2008.)

9A.13.150 - Reinstatement of Suspended Alarm Permits

A. On the first suspension of a permit, a person whose alarm permit has been suspended may obtain reinstatement of the permit by the Alarm Administrator if the person:

1. Submits a new application and pays a \$50.00 reinstatement fee; and
2. Pays, or otherwise resolves, all outstanding fees and penalties; and
3. Submits a certification from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company; and
4. The alarm user successfully completes an on-line alarm awareness class and test or written test to waive the first alarm suspension.

B. On the second and every subsequent suspension of a permit, reinstatement may be obtained by compliance with subsection A. above and compliance with any of the following conditions that the Alarm Administrator may require:

1. Proof that an employee of the alarm installation company or monitoring company caused the false alarm.
2. Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01.
3. A written statement from an independent inspector designated by the chief that the alarm system has been inspected and is in good working order.
4. Confirmation that all motion detectors are properly configured.
5. Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company.
6. Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company.
7. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement response is confirmed by voice verification. This condition does not apply to residential property.
8. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement response is confirmed by a camera device. This condition does not apply to residential property.
9. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a person at the alarm site.
10. The alarm user successfully completes an on-line alarm awareness class and test.

C. The Chief shall reinstate the police department's response to an alarm site as soon as is practicable after receiving notice of reinstatement from the Alarm Administrator.

(Ord. 482 § 2 (part), 2008.)

9A.13.160 - Revocation of Alarm User Permit and Business Permit

A. The Police Chief or designee may revoke an alarm user permit, alarm installation company permit or monitoring company permit if he determines that:

1. There is a violation of this Chapter by the alarm user, alarm installation company or monitoring company;
2. There is a false statement of a material fact in the application for a permit;
3. The registered alarm system has generated more than 12 false alarms during any 12 month period; or
4. The alarm user, alarm installation company or monitoring company has failed to pay an alarm permit fee or late fee, a late renewal fee or any fee or penalty assessed under this Chapter, more than 30 days after the fee is due.

B. The Chief or designee may, for good cause shown, reinstate a permit that has been revoked pursuant to this Chapter.

(Ord. 482 § 2 (part), 2008.)

9A.13.170 - Confidentiality of Alarm Information

A. All information contained in documents gathered through alarm permits, the submission of customer lists and in the alarm appeal process must be held in confidence by all employees of the Alarm Administrator, the City of Lakewood and any third party administrator. Such information is proprietary and is hereby declared confidential. A disclosure of such information would violate the customer's right to privacy and could endanger that person's right to safety. Absent special circumstances, such information must not be released to the public or any person other than a law enforcement agency or the applicable alarm user, alarm installation company or monitoring company, except pursuant to court order. (Ord. 482 § 2 (part), 2008.)

9A.13.180 - Scope of Police Chief Duty; Immunities Preserved

A. The issuance of alarm permits does not create a contract between the Chief and or City of Lakewood and any alarm user, alarm installation company or monitoring company, nor does it create a duty or obligation, either express or implied, on the Chief to respond to an alarm. Any and all liability and consequential damage resulting from the failure of the Chief to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that the Chief's response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions and staffing levels, prior response history and administrative actions. (Ord. 482 § 2 (part), 2008.)

9A.13.190 - Service Charges

A. Service charges for monitored alarm sites will be assessed to the alarm user, alarm installation company or monitoring company as specified in the provisions of this Chapter. Service charges for unmonitored alarm sites will be assessed to the alarm user. (Ord. 482 § 2 (part), 2008.)

9A.13.200 - Violation - Penalty

In addition to the penalties and regulations provided herein, any person who violates any provision of this chapter shall be guilty of a misdemeanor. (Ord. 482 § 2 (part), 2008.)

9A.14 – FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES

Sections:

9A.14.010 Weapons apparently capable of producing bodily harm --Carrying, exhibiting, displaying or drawing unlawful-- Exceptions.

9A.14.020 Weapons--Intoxicated persons--Places where liquor consumed.

9A.14.030 Discharge of firearm in City prohibited.

9A.14.010 - Weapons Apparently Capable of Producing Bodily Harm - Carrying, Exhibiting, Displaying or Drawing Unlawful - Exhibitions

A. It is unlawful for anyone to carry, exhibit, display or draw any pistol, rifle, dagger, sword, knife or other cutting or stabbing instrument, club or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons. It is also unlawful, except as provided herein, for any person to possess or have within an area of dominion and control throwing stars and chako sticks. For the purposes of this Section, pistol and rifle shall include but are not limited to pellet guns, B-B guns, air-propelled guns and similar devices. For the purpose of this Section chako sticks are defined as an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by rope, cord, wire or chain in the design of a weapon used in connection with the practice of a system of self-defense, such as karate. In addition, for the purpose of this Section, throwing stars are defined as an instrument consisting of a metal plate having three or more radiating points with one

or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond, or other geometric shape for use as a weapon.

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

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

1. Any act committed by a person while in his place of abode or fixed place of business in self-defense of such abode or business;
2. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses while in the performance of such duty;
3. Any person acting for the purpose of protecting himself against the use or presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by the third person;
4. Any person making or assisting in making a lawful arrest for the commission of a felony; or,
5. Any person engaged in military activities sponsored by the federal or state governments;
6. Provision relating to chako sticks or throwing stars shall not apply to or affect regularly enrolled members of clubs and associations organized for the practice, instruction or demonstration of self-defense arts involving chako sticks or throwing stars while such members are at, or are going to and from their place of residence, a practice session, an instruction session, a demonstration, or place of repair, or while such members are going from the place of purchase, providing that the chako sticks or throwing stars are in a carrying case in the possession of the owner. (Ord. 41 ? 1 (part), 1996.)

9A.14.020 - Weapons - Intoxicated Persons - Places Where Liquor Consumed

A. Any person other than the owner or manager approved as such by the Liquor Control Board who has in his possession or within his immediate physical control a deadly weapon while in an establishment where liquor or alcoholic beverages are served as a consumer thereof, or while under the influence of or affected by the use of intoxicating liquor or drugs as defined in RCW 46.61.506, shall be guilty of a misdemeanor, but this Section shall not apply in the former case to customers partaking of alcoholic beverages with a meal and while seated, nor in the latter case to a person in his own residence.

B. The proprietor of all establishments where liquor or alcoholic beverages are consumed on the premises must advise patrons of the requirements of this Section. A conspicuous sign stating "No Weapons Allowed" or other sign approved by the chief of police and indicating this Section is sufficient notice. No notice needs to be given or posted in the dining area of an establishment with a separate lounge.

C. "Deadly weapon" means any explosive or loaded or unloaded firearm or fixed blade cutting or stabbing instrument, and includes any other weapon, device, instrument, article, or substance as defined in this Section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury. (Ord. 41 ? 1 (part), 1996.)

9A.14.030 - Discharge of Firearms in City Prohibited

The entire area of the City is a "no shoot" area. It is unlawful to shoot or discharge any firearm, pistol, rifle or similar device anywhere within the corporate limits of the City other than for the purposes of exercising the rights specified in RCW 9A.16.020. For the purposes of this Section, pistol and rifle shall include but are not limited to pellet guns, B-B guns, air-propelled guns and similar devices. (Ord. 41 ? 1 (part), 1996.)

Section 3. Severability. If any one or more chapters, sections, subsections or sentences of this ordinance or held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 4. Effective date. This ordinance shall take effect and be in force January 1, 2011.

ADOPTED by the City Council this 6th day of December, 2010.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney