

## POULSBO DISTRIBUTION SCHEDULE

**ORDINANCE NO. 2007-39**

**SUBJECT: Amend PMC Chapter 9.80, Disorderly, Loitering, Obstructing**

### CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 9/24/2007
- (X) Passed by the City Council: 10/3/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 10/17/2007
- (X) Effective: 10/22/2007

### DISTRIBUTED COPIES AS FOLLOWS: email all departments

- (K) NK Herald: Emailed by kj 10/5/2007
- (1) Ordinance or Resolution Book
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- (1) City Attorney
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City Clerk

10-5-2007  
Date

ORDINANCE NO. 2007-39

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO MISCELLANEOUS CRIMES; AND AMENDING SECTIONS 9.80.010 TO FLAGS – STATUTES ADOPTED BY REFERENCE, 9.80.020 MISCELLANEOUS CRIMES – STATUTES ADOPTED BY REFERENCE, 9.80.030 MISCELLANEOUS HEALTH AND SAFETY PROVISIONS – STATUTES ADOPTED BY REFERENCE, 9.80.040 LITTERING – STATUTES ADOPTED BY REFERENCE; AND ADDING NEW SECTIONS 9.80.050 WASHINGTON CLEAN AIR ACT – STATUTES ADOPTED BY REFERENCE, 9.80.060 SOLID WASTE MANAGEMENT – STATUTES ADOPTED BY REFERENCE, 9.80.070 CLOSING AREA DURING CALAMITY, 9.80.080 DISORDERLY PERSON, 9.80.090 LOITERING ON SCHOOL GROUNDS, 9.80.100 OBSTRUCTING FIREMEN, 9.80.110 PROVOKING ASSAULT, 9.80.120 PUBLIC DISTURBANCE NOISES, 9.80.130 VEHICLES RESEMBLING POLICE OR FIRE VEHICLES, 9.80.200 PENALTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Poulsbo is concerned about the safety and welfare of its citizens; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO DO ORDAIN AS FOLLOWS:

**Section 1.** PMC 9.80.010 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.80.010. Flags - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.86 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 9.86.010 “Flag,” etc. defined
- 9.86.020 Improper use of flag prohibited
- 9.86.030 Desecration of flag
- 9.86.040 Application of provisions

**Section 2.** PMC 9.80.020 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.80.020 Miscellaneous Crimes - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.91 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 9.91.010 Denial of civil rights – terms denied
- 9.91.020 Operating railroad, steamboat, vehicle, etc. while intoxicated
- 9.91.025 Unlawful bus conduct
- 9.91.060 Leaving children unattended in parked automobile
- 9.91.110 Metal buyers – records of purchases – penalty
- 9.91.130 Disposal of trash in charity donation receptacle
- 9.91.140 Food stamps – unlawful sale
- 9.91.142 Food stamps – trafficking
- 9.91.150 Tree spiking
- 9.91.160 Personal protection spray devices
- 9.91.180 Violent video or computer games

**Section 3.** PMC 9.80.030 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.80.030 Miscellaneous health and safety provisions – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 70.54 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 70.54.010 Polluting water supply – penalty
- 70.54.020 Furnishing impure water – penalty
- 70.54.050 Exposing contagious disease – penalty
- 70.54.060 Ambulances and drivers
- 70.54.065 Ambulances and drivers – penalty
- 70.54.080 Liability of person handling steamboat or steam boiler
- 70.54.070 Door of public buildings to swing outward – penalty
- 70.54.080 Liability of person handling steamboat or steam boiler

**Section 4.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:

9.80.040 Littering - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 70.93 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 70.93.030 Definitions
- 70.93.050 Enforcement of chapter
- 70.93.060 Littering prohibited – penalties – litter cleanup restitution payment
- 70.93.097 Transported waste must be covered or secured
- 70.93.110 Removal of litter – responsibility
- 70.93.230 Violations of chapter – penalties

**Section 5.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:

9.80.050 Washington clean air act - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 70.94 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 70.94.030 Definitions
- 70.94.040 Causing or permitting air pollution unlawful – exception
- 70.94.473 Limitations on burning wood for heat
- 70.94.475 Liability of condominium owners’ association or resident association
- 70.94.477 Limitations on use of solid fuel burning devices

**Section 6.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:

9.80.060 Solid waste management - statutes adopted by reference

Pursuant to the authority contained in 35A.12.140 the following sections of Chapter 70.95 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 70.95.030 Definitions
- 70.95.235 Diversion of recyclable material - penalty
- 70.95.240 Unlawful to dump or deposit solid waste without permit – penalties – litter cleanup restitution
- 70.95.250 Name appearing on waste material – presumption
- 70.95.430 Solid waste recyclers – notice – report -penalty
- 70.95.500 Disposal of vehicle tires outside designated area prohibited – penalty – exemption
- 70.95.555 Waste tires – license for transport or storage business - requirements
- 70.95.560 Waste tires – violation of RCW 79.95.555 - penalty
- 70.95.610 Battery disposal – restrictions – violators subject to fine

**Section 7.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:

9.80.070 Closing area during calamity

A. Whenever a menace to the public health or safety is created by a calamity such as a flood, storm, fire, earthquake, explosion, accident, or other condition creating a hazard, any law enforcement officer, fire department official, or Public Works Director or designee, Building Director or designee, may close the area where the menace exists for the duration thereof by

means of ropes, markers, guards, or other designations, to any and all persons not authorized by such officer to enter or remain within the closed area.

B. Any person who willfully enters such area without authority or remains within the area after notice to evacuate shall be guilty of a misdemeanor.

**Section 8.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:

9.80.080 Disorderly person

A. Any of the following acts shall constitute an act of disorderly conduct:

1. Challenging another person to fight, or fighting by agreement; except as part of an organized athletic event.
2. The use of abusive or obscene language tending toward or causing a breach of the peace.
3. When in a public place, making noise by shouting, screaming, loud singing, squealing automobile tires, unmuffled engine exhaust, throwing objects or striking objects, which disturbs or tends to disturb the public peace.
4. Intentionally disrupting any lawful assembly or meeting of persons without lawful authority.
5. Intentionally obstructing vehicular or pedestrian traffic without lawful authority.
6. Throwing objects at any house, building, vehicle or person with intent to annoy, intimidate, harass or disturb any person.

B. Disorderly conduct is a misdemeanor.

**Section 9.** A new section is added to Chapter 9.80 Poulsbo Municipal Code to read as follows:

9.80.090 Loitering on school grounds

Any person, except a person enrolled as a student in, or parents or guardians of such student, or person employed by the school or institution, who without a lawful purpose therefore willingly loiters about the building or buildings of any public or private school or institution, including schools or institutions of higher learning, or the public premises thereto, shall be guilty of a misdemeanor

**Section 10.** A new section is added to Chapter 9.80 Poulsbo Municipal Code to read as follows:

9.80.100 Obstructing firemen

No person shall obstruct the operations of the fire department in connection with extinguishment, control, or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency scene, or any part thereof, or any lawful order of a police officer assisting the fire department. Violation of this section is a misdemeanor.

**Section 11.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:

9.80.110 Provoking assault

Every person who shall, by word, sign, or gesture, willfully provoke or attempt to provoke another person to commit an assault or breach of the peace shall be guilty of a misdemeanor.

**Section 12.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:

9.80.120 Public disturbance noises

A. It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise.

B. The following sounds are public disturbance noises:

1. The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;
  2. The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;
  3. Yelling, shouting, hooting, whistling, or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place as to unreasonably disturb or interfere with the peace and comfort of owners or possessors of real property;
  4. The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably disturbs or interferes with the peace and comfort of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;
  5. Sound from motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the vehicle itself;
  6. Sound from portable audio equipment such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator;
  7. Sound from outside public address systems, voice amplification and any other form of loud speaker operated at a volume audible beyond the boundaries of the property from which the sound originates. This provision shall not apply only to licensed community activities.
- C. This section shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts. The foregoing provisions shall not apply to licensed mobile street vendors in the regular course of business.
- D. Violation of this section is a misdemeanor.

**Section 13.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:



9.80.130 Vehicles resembling police or fire vehicles

A. No person shall operate a motor vehicle within the city which is painted and contains decals, numbers, name or insignia so as to simulate a Poulsbo police or fire department vehicle without prior authorization from the police chief, fire chief or their designees.

B. Violation of this section is a misdemeanor.

**Section 14.** A new section is added to Chapter 9.80 of the Poulsbo Municipal Code to read as follows:

9.80.200 Penalty

A. Unless otherwise provided, any person violating any of the provisions of this title shall be guilty of a misdemeanor.

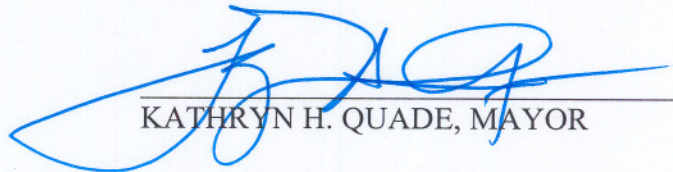
B. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

**Section 15. Severability**

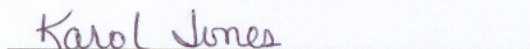
If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 16. Effective Date:** This ordinance shall take effect and be in full force five (5) days after the publication of the attached summary, which is hereby approved.

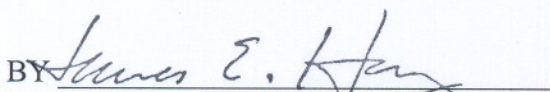
APPROVED:

  
KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:

  
CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/24/2007  
PASSED BY THE CITY COUNCIL: 10/3/2007  
PUBLISHED: 10/20/2007  
EFFECTIVE DATE: 10/25/2007  
ORDINANCE NO. 2007-39



**SUMMARY OF ORDINANCE NO. 2007-39**

of the City of Poulsbo, Washington

On the 3<sup>rd</sup> day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-39. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO MISCELLANEOUS CRIMES; AND AMENDING SECTIONS 9.80.010 TO FLAGS – STATUTES ADOPTED BY REFERENCE, 9.80.020 MISCELLANEOUS CRIMES – STATUTES ADOPTED BY REFERENCE, 9.80.030 MISCELLANEOUS HEALTH AND SAFETY PROVISIONS – STATUTES ADOPTED BY REFERENCE, 9.80.040 LITTERING – STATUTES ADOPTED BY REFERENCE; AND ADDING NEW SECTIONS 9.80.050 WASHINGTON CLEAN AIR ACT – STATUTES ADOPTED BY REFERENCE, 9.80.060 SOLID WASTE MANAGEMENT – STATUTES ADOPTED BY REFERENCE, 9.80.070 CLOSING AREA DURING CALAMITY, 9.80.080 DISORDERLY PERSON, 9.80.090 LOITERING ON SCHOOL GROUNDS, 9.80.100 OBSTRUCTING FIREMEN, 9.80.110 PROVOKING ASSAULT, 9.80.120 PUBLIC DISTURBANCE NOISES, 9.80.130 VEHICLES RESEMBLING POLICE OR FIRE VEHICLES, 9.80.200 PENALTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 5<sup>th</sup> day of October, 2007.

Karol Jones  
CITY CLERK KAROL JONES, CMC