

*Title 9*

*CRIMINAL CODE*

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*Chapter 9.02*

**GENERAL PROVISIONS**

**Sections:**

**9.02.010 Misdemeanor – Penalty.**

**9.02.020 Forfeitures Allowable.**

**9.02.010 Misdemeanor – Penalty.**

Any person, firm or corporation who shall violate any provisions of this Title, unless otherwise provided for by law, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by imprisonment in the County jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine. (Ord. 84-172 § 3 (part), 1984; Ord. 83-19 § 2, 1983; prior Code § 35.02.040)

**9.02.020 Forfeitures Allowable.**

All misdemeanors are forfeitable upon the recommendation of the prosecuting attorney and with the concurrence of the court; except, those crimes involving violence or prostitution shall not be forfeitable offenses. (Ord. 84-172 § 3 (part), 1984; prior Code § 35.02.050)



*Chapter 9.04*

**PRELIMINARY ARTICLE**

**Sections:**

**9.04.010 Title – Effective Date – Application.**

**9.04.020 Purposes – Principles of Construction.**

**9.04.030 County Criminal Jurisdiction.**

**9.04.040 Limitation of Actions.**

**9.04.010 Title – Effective Date – Application.**

- A. This Title shall be known and may be cited as the Pierce County Criminal Code and shall become effective on December 7, 1984.
- B. The provisions of this Title shall apply to any offense committed on or after December 7, 1984, which is defined in this Title or the general statutes, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.
- C. The provisions of this Title do not apply to or govern the construction of and punishment for any offense committed prior to December 7, 1984, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this Title has not been enacted.

(Ord. 84-172 § 1 (part), 1984; prior Code § 9.04.010)

**9.04.020 Purposes – Principles of Construction.**

- A. The general purposes of the provisions governing the definition of offenses are:
  - 1. To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;
  - 2. To safeguard conduct that is without culpability from condemnation as criminal;
  - 3. To give fair warning of the nature of the conduct declared to constitute an offense.
- B. The provisions of this Title shall be construed according to the fair import of their terms but when the language is susceptible of differing construction it shall be interpreted to further the general purposes stated in this Title.

(Ord. 84-172 § 1 (part), 1984; prior Code § 9.04.020)

**9.04.030 County Criminal Jurisdiction.**

A person who commits in Pierce County any crime as defined in this Title in whole or in part is liable to punishment. (Ord. 84-172 § 1 (part), 1984; prior Code § 9.04.030)

**9.04.040 Limitation of Actions.**

Prosecutions for misdemeanors may be commenced within one year after their commission; provided, that any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one year.

Where a complaint or an information has been filed, within the time limited for the commencement of a criminal action, if the complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such complaint or information, to the time such complaint or information was set aside. (Ord. 84-172 § 1 (part), 1984; prior Code § 9.04.080)

*Chapter 9.08*

***PRINCIPLES OF LIABILITY***

**Sections:**

**9.08.010 Adopted.**

**9.08.020 Interference With and False Report to Certain County Employees or Officers.**

**9.08.010 Adopted.**

Pierce County recognizes and adopts by reference the Principles of Liability as contained in RCW Chapter 9A.08. (Ord. 84-172 § 1 (part), 1984; prior Code § 9.08.010)

**9.08.020 Interference With and False Report to Certain County Employees or Officers.**

Any person who interferes with any policeman, peace officer, deputy sheriff, the prosecuting attorney, deputy prosecutors or the prosecutor's investigators, medical examiner, deputy medical examiners, or investigators of the medical examiner's office while said officials are performing their legal or official duties, or any person who knowingly gives false information or knowingly makes a false report to any of the above officials while said officials are acting in their official capacity, is guilty of a misdemeanor. (Ord. 86-86 § 1, 1986; Ord. 84-172 § 3 (part), 1984; prior Code § 35.02.340)



*Chapter 9.10*

*DEFENSES*

**Section:**

**9.10.010 Regulations Adopted.**

**9.10.010 Regulations Adopted.**

Pierce County recognizes and adopts by reference those defenses contained in RCW Chapter 9A.12 and RCW Chapter 9A.16. (Ord. 84-172 § 1 (part), 1984; prior Code § 9.16.010)



*Chapter 9.11*

*ANTICIPATORY OFFENSES*

**Sections:**

**9.11.010 Criminal Attempt.**

**9.11.020 Criminal Solicitation.**

**9.11.010 Criminal Attempt.**

- A. A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime.
- B. If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.
- C. An attempt to commit a crime is a misdemeanor.

(Ord. 84-172 § 1 (part), 1984; prior Code 9.28.020)

**9.11.020 Criminal Solicitation.**

- A. A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he offers to give or gives money or other thing of value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission or attempted commission had such crime been attempted or committed.
- B. Criminal solicitation shall be punished as a misdemeanor.

(Ord. 84-172 § 1 (part), 1984; prior Code § 9.28.030)



*Chapter 9.12*

*ATTEMPTED SUICIDE*

**Section:**

**9.12.010 Penalty.**

**9.12.010 Penalty.**

Any person who, with intent to commit suicide or to inflict grave personal injury upon himself, performs an act threatening to his own life is guilty of a misdemeanor. (Ord. 84-169 § 1, 1984; prior Code § 35.24.010)



*Chapter 9.16*

*OFFENSES AGAINST PUBLIC DECENCY*

**Sections:**

**ARTICLE I. BODY STUDIOS**

- 9.16.010 Prohibited.**
- 9.16.020 Defined.**
- 9.16.030 Violation.**

**ARTICLE II. PROSTITUTION**

- 9.16.040 Unlawful Acts.**
- 9.16.050 Known Prostitute or Panderer Defined.**
- 9.16.060 Prostitution Defined – Sexual Activity Defined.**
- 9.16.070 Violation.**
- 9.16.075 Severability.**

**ARTICLE III. LEWD CONDUCT AND OFFENSES AGAINST PUBLIC MORALS**

- 9.16.080 Unlawful Public Exposure Prohibited.**
- 9.16.090 Facilitating Unlawful Public Exposure Prohibited.**
- 9.16.100 Exemptions.**
- 9.16.110 Affirmative Defenses.**

**ARTICLE I. BODY STUDIOS**

**9.16.010 Prohibited.**

From and after the effective date of the resolution codified in this article, it shall be unlawful for any person to operate, conduct, maintain, participate in, or advertise a body studio, or to knowingly be employed, participate in, or conduct any business on the premises of a body studio. (Prior Code § 35.03.010)

**9.16.020 Defined.**

"Body studio" means any premises, other than a massage parlor as defined in Pierce County Code Chapter 5.38 upon which is furnished for a fee or compensation the opportunity to paint, massage, feel, handle, caress or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled, touched or caressed by another person, or to observe, view, photograph, film or videotape any such activity. (Prior Code § 35.03.020)

**9.16.030 Violation.**

Any person violating this article shall be guilty of a misdemeanor. (Prior Code § 35.03.030)

**ARTICLE II. PROSTITUTION**

**9.16.040 Unlawful Acts.**

It is unlawful for anyone:

- A. To commit or offer or agree to commit an act of prostitution; or
- B. To secure or offer to secure another for the purpose of committing an act of prostitution; or
- C. To knowingly transport a person into or within the County with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or
- D. To knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, or to knowingly permit another to remain there for any such purpose; or
- E. To direct another to any place for the purpose of committing an act of prostitution; or
- F. To knowingly in any way aid, abet or participate in an act of prostitution; or
- G. 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 commit, an act of prostitution. Among the circumstances which may be considered in determining whether such purpose is manifested: that such person is a known prostitute or panderer, repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or
- H. To patronize a prostitute. A person is guilty of patronizing a prostitute if:
  - 1. Pursuant to a prior understanding, he/she pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him/her; or
  - 2. He/she pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him/her; or
  - 3. He/she solicits or requests another person to engage in sexual conduct with him/her in return for a fee.

(Ord. 86-121 § 1, 1986; Ord. 82-55 § 1 (part), 1982; prior Code § 35.05.010)

**9.16.050 Known Prostitute or Pandarer Defined.**

For the purpose of this article, a "known prostitute or pandarer" is a person who, within three years previous to the date of arrest for violation of this article, 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. (Ord. 82-55 § 1 (part), 1982; prior Code § 35.05.020)

**9.16.060 Prostitution Defined – Sexual Activity Defined.**

For the purpose of this article, "prostitution" means engaging, agreeing to engage, or offering to engage for a fee, exchange, reward or promise in sexual activity, and "sexual activity" means:

- A. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; and
- B. Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and
- C. Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex; and
- D. Also means masturbation, manual or instrumental, of one person by another.

(Ord. 82-55 § 1 (part), 1982; prior Code § 35.05.030)

**9.16.070 Violation.**

Any person convicted for violation of or failure to comply with any provisions of this article shall be guilty of a misdemeanor. (Ord. 85-52 § 1, 1985; Ord. 82-55 § 1 (part), 1982; prior Code § 35.05.040)

**9.16.075 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 18, 1989)

<b>ARTICLE III. LEWD CONDUCT AND OFFENSES AGAINST PUBLIC MORALS</b>
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**9.16.080 Unlawful Public Exposure Prohibited.**

- A. It shall be unlawful for any person to intentionally commit any act constituting unlawful public exposure.
- B. "Public exposure" means the act of revealing, exhibiting or otherwise rendering certain parts of the human body open to public view.
- C. "Unlawful public exposure" means:
  1. A public exposure of any portion of the human anus or genitals;
  2. A public exposure of any portion of the female breast lower than the upper edge of the areola; or
  3. A public exposure consisting of touching, caressing or fondling of the male or female genitals or female breasts, whether clothed or unclothed.

(Ord. 84-172 § 3 (part), 1984; Ord. 83-28 § 1 (part), 1983; prior Code § 35.02.306)

**9.16.090 Facilitating Unlawful Public Exposure Prohibited.**

- A. It shall be unlawful for the owner, lessee, manager, operator or other person in charge of any public place to knowingly permit, encourage, or cause to be committed, whether by commission or omission, any unlawful public exposure upon said premises.

B. "Public place" means any place in which the general public has a right to be present, whether or not conditioned upon payment of a fee, and includes, but is not limited to, buildings open to the general public, whether or not access is restricted according to age, including those in which food or drink is served, or entertainment provided. (Ord. 84-172 § 3 (part), 1984; Ord. 83-28 § 1 (part), 1983; prior Code § 35.02.307)

**9.16.100 Exemptions.**

The prohibitions set forth in Sections 9.16.080 and 9.16.090 shall not apply to the following:

- A. Play, opera, musical or other dramatic work;
- B. Class, seminar or lecture conducted for a scientific or educational purpose;
- C. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities;
- D. "Expressive dance" which means any dance which, when considered in the context of the entire performance, constitutes an expression of theme, story or ideas, but excluding any dance such as, but not limited to, common barroom-type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas.

(Ord. 84-172 § 3 (part), 1984; Ord. 83-28 § 1 (part), 1983; prior Code § 35.02.308)

**9.16.110 Affirmative Defenses.**

It is an affirmative defense to a prosecution for violation of Sections 9.16.080 and 9.16.090 that the nudity or other public exposure, when considered in the context in which presented, provided actual literary, artistic, political or scientific value and was not provided for commercial or sexual exploitation or with an emphasis on an appeal to a prurient interest. (Ord. 84-172 § 3 (part), 1984; Ord. 83-28 § 1 (part), 1983; prior Code § 35.02.309)

*Chapter 9.18*

***ARREST OF PROBATIONERS***

**Sections:**

**9.18.010 Probationer Defined.**

**9.18.020 Authority to Arrest.**

**9.18.010 Probationer Defined.**

As used in this Chapter "probationer" means any person who after conviction of violation of an ordinance of the County or the Revised Code of Washington, has been placed on probation in connection with the suspension or deferral of sentence by either the Pierce County District Court or the Pierce County Superior Court on appeal. (Ord. 87-78 § 1 (part), 1987)

**9.18.020 Authority to Arrest.**

Whenever a police officer shall have probable cause to believe that a probationer, prior to the termination of the period of the probation, is, in such officer's presence, violating or failing to comply with any requirement or restriction imposed by the court as a condition of such probation, such officer shall cause the probationer to be brought before the court wherein sentence was deferred or suspended, and for such purpose such police officer may arrest such probationer without warrant or other process. (Ord. 87-78 § 1 (part), 1987)



*Chapter 9.20*

**OFFENSES AGAINST PUBLIC PEACE**

**Sections:**

- 9.20.010 Encouraging Fighting.**
- 9.20.030 Loitering on Schoolgrounds.**
- 9.20.040 Loitering With the Intent to Engage in Drug-Related Activity.**
- 9.20.050 Considerations.**
- 9.20.060 Chapter Cumulative.**
- 9.20.070 Severability.**
- 9.20.080 Violation-Penalty.**

**9.20.010 Encouraging Fighting.**

Any person fighting or encouraging others to fight in any public place is guilty of a misdemeanor. (Ord. 84-172 § 3 (part), 1984; prior Code § 35.02.100)

**9.20.030 Loitering on Schoolgrounds.**

Every person, except a person enrolled as a student in, or parents or guardians of such students or person employed by such school or institution, who without a lawful purpose therefor wilfully loiters about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto at a time when school is in session, or when organized school sanctioned activities are in progress, is guilty of a misdemeanor. (Ord. 84-172 § 3 (part), 1984; prior Code § 35.02.320)

**9.20.040 Loitering With the Intent to Engage in Drug-Related Activity.**

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 with the intent to engage in drug-related activity contrary to any of the provisions of Chapter 69.41, 69.50, or 69.52 of the Revised Code of Washington. (Ord. 88-161 § 1 (part), 1988)

**9.20.050 Considerations.**

In the context of Section 9.20.040, included among the circumstances which may be considered in determining whether such intent to engage in drug-related activity is manifested, but not limited thereto, are:

- A. 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, within the knowledge of the arresting officer, been convicted in any court within this state of any provisions referred to in Chapter 69.41, 69.50, or 69.52 of the Revised Code of Washington within the last five (5) years, or substantially similar laws of any political subdivision of this state within the last five (5) years, or any other similar laws of any other state within the last five (5) years; or a person who displays physical characteristics of drug intoxication or usage, such as "needle tracks"; or a person who displays drug paraphernalia as defined in Section 69.50.102 of the Revised Code of Washington; or
- B. Such person is currently subject to a court order prohibiting his/her presence in a high drug-activity geographic area; or

- C. Such person transfers or exchanges small objects, packages, or currency in a furtive fashion; or
- D. Such person takes flight in response to the appearance of a police officer or such person manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in unlawful drug-related activity; or
- E. Such person is in or near a geographic area known by law enforcement to be an area wherein unlawful drug-related activity occurs; or
- F. Such person is in a place open to the public or near any public or private place known to law enforcement to be a place wherein unlawful drug-related activity occurs; or
- G. Such person has an outstanding warrant for a crime involving unlawful drug-related activity, or any vehicle involved is registered to a known unlawful drug user, possessor, or seller, or registered to a person for whom there is an outstanding warrant for a crime involving drug-related activity.

(Ord. 88-161 § 1 (part), 1988)

**9.20.060 Chapter Cumulative.**

The provisions of this Chapter are not intended to repeal any other ordinance or statute involving the same subject matter. (Ord. 88-161 § 1 (part), 1988)

**9.20.070 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 88-161 § 1 (part), 1988)

**9.20.080 Violation – Penalty.**

Any person who violates the provisions of this Chapter is guilty of a misdemeanor, and upon conviction shall be imprisoned for up to ninety (90) days and be subject to a fine of not more than \$1,000.00. (Ord. 88-161 § 1 (part), 1988)

*Chapter 9.24*

***OCCUPYING MOTOR VEHICLE OR  
VESSEL WITHOUT OWNER'S PERMISSION***

**Section:**

**9.24.010 Prohibited Conduct.**

**9.24.010 Prohibited Conduct.**

Any person who, without permission of the owner or person entitled to the possession thereof, enters or remains unlawfully in a motor vehicle or vessel other than a motor home, as defined in RCW 46.04.305, or a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities is guilty of a misdemeanor. (Ord. 84-172 § 3 (part), 1984; prior Code § 35.02.260)



*Chapter 9.28*

*CHILDREN UNATTENDED IN AUTO*

**Section:**

**9.28.010 Misdemeanor Designated.**

**Cross-reference: RCW 9.91.060**

**9.28.010 Misdemeanor Designated.**

Every person having the care and custody, whether temporary or permanent, of a minor child or children under the age of 12 years, who leaves such child or children in an automobile unattended by a person 12 years of age or older, is guilty of a misdemeanor. (Ord. 84-172 § 3 (part), 1984; prior Code § 35.02.150)



*Chapter 9.32*

***DANGEROUS WEAPONS PROHIBITED***

**Sections:**

- 9.32.010 Definitions.**
- 9.32.020 Unlawful Possession, Manufacture or Disposition.**
- 9.32.030 Changing or Obliterating Serial Number.**
- 9.32.040 Exception.**
- 9.32.050 Confiscation and Destruction of Dangerous Weapons and Devices.**
- 9.32.060 Penalty for Violation of Sections 9.32.020 and/or 9.32.030.**
- 9.32.070 Discharge of Firearms Prohibited or Restricted.**
- 9.32.075 Citizen Petition.**
- 9.32.076 Notice of Firearms Prohibited or Restricted Area.**
- 9.32.080 Discharge Near Buildings.**
- 9.32.085 Exemptions to Sections 9.32.070 and 9.32.080.**
- 9.32.090 Violations of Sections 9.32.070 and 9.32.080.**

**9.32.010 Definitions.**

For the purpose of this Chapter, the following terms shall apply:

- A. "Dangerous weapon" means any device listed in subsections B. through F. of this Section.
- B. "Destructive device" means any:
  - 1. Explosive, incendiary or poison gas;
  - 2. Bomb;
  - 3. Grenade;
  - 4. Rocket having a propellant charge of more than four ounces;
  - 5. Missile having an explosive or incendiary charge of more than one-quarter ounce;
  - 6. Mine;
  - 7. Booby trap;
  - 8. Molotov cocktail; or
  - 9. Any similar device, other than firearms, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or
  - 10. Any combination of parts either designed or intended for use in converting any device into a destructive device as defined above from which a destructive device may be readily assembled.
- C. "Firearm" means any weapon or device from which a projectile may be fired by an explosive such as gunpowder.
- D. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol, or other firearm.
- E. "Sawed-off rifle" means any rifle with overall length of less than twenty-six inches and/or barrel length of less than sixteen inches.
- F. "Sawed-off shotgun" means any shotgun with overall length of less than twenty-six inches and/or barrel length of less than eighteen inches.

- G. "Shotgun" means a weapon with one or more barrels intended to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger, as defined in RCW 9.41.010(5).
- H. "Snapblade knife" means any knife having a blade which is or can be concealed in its handle and ejected therefrom by a mechanical or spring device. This definition shall not apply to fixed blade knives having blades which pivot on and fold into their respective handles and can be opened only manually.

(Ord. 2004-72s § 1 (part), 2004; Ord. 90-45 § 1 (part), 1990; Ord. 84-172 (part), 1984; prior Code § 35.09.010)

**9.32.020 Unlawful Possession, Manufacture or Disposition.**

It is unlawful for any person to possess, manufacture and/or dispose of any weapon and/or device as defined in subsections B., D., E., F., and G. of Section 9.32.010. (Ord. 2003-135 § 1, 2004; Ord. 84-172 (part), 1984; prior Code § 35.09.020)

**9.32.030 Changing or Obliterating Serial Number.**

It is unlawful for any person to change, alter, remove or obliterate the serial number upon any firearm. Possession of any firearm upon which the serial number has been changed, altered, removed or obliterated is prima facie evidence that the possessor has changed, altered, removed or obliterated the serial number. (Ord. 84-172 (part), 1984; prior Code § 35.09.030)

**9.32.040 Exception.**

- A. This Chapter shall not apply to the possession of any such weapon or device by any law enforcement officer.
- B. Section 9.32.020 does not prohibit the manufacture, use, possession or disposal of any material, substance or device by those persons engaged in any lawful activity who are authorized by governmental agencies, which have lawful control over such matters, to use such items in the performance of their duties.

(Ord. 84-172 (part), 1984; prior Code § 35.09.040)

**9.32.050 Confiscation and Destruction of Dangerous Weapons and Devices.**

It shall be the responsibility of the Pierce County Sheriff or his representatives to expeditiously dispose of devices defined in subsection B. of Section 9.32.010 to prevent destruction or injury to life or property. Upon final disposition of any action brought against a person(s) under Sections 9.32.020 and 9.32.030, the Sheriff may destroy any and all dangerous weapons. In cases where no action is pending, and/or the dangerous weapon has been abandoned and/or the dangerous weapon has been released to the Sheriff for disposition, the weapon may be destroyed after six months. A perpetual log will be maintained on all items destroyed by the Sheriff. This log will contain but not be limited to the following:

- A. Manufacturer's name;
- B. Model name;
- C. Model number;
- D. Type of action (nomenclature);
- E. Barrel length;
- F. Caliber or gauge;
- G. Serial number;

- H. Identifying features;
- I. Case number.

(Ord. 84-172 (part), 1984; prior Code § 35.09.050)

**9.32.060 Penalty for Violation of Sections 9.32.020 and/or 9.32.030.**

Any person(s) violating Sections 9.32.020 and/or 9.32.030 shall be guilty of a misdemeanor.  
(Ord. 84-172 (part), 1984; prior Code § 35.09.060)

**9.32.070 Discharge of Firearms Prohibited or Restricted.**

Pursuant to RCW 9.41.300(2), the Pierce County Council may designate certain areas of Pierce County where the discharge of firearms shall be prohibited or restricted. Citizens may petition the County Council for the formation, dissolution or amendment of an area where the discharge of firearms shall be prohibited or restricted or the Council may initiate the creation, dissolution or amendment of such an area by passing a resolution declaring its intent to do so. Under no circumstances shall the County Council designate a prohibited or restricted area until the Firearms Advisory Commission, created pursuant to Chapter 2.79 of the Pierce County Code, has had an opportunity to review the proposal and make its recommendation to the Council. No single proposal for an area where the discharge of firearms shall be prohibited or restricted may exceed 160 acres. (Ord. 2004-72s § 1 (part), 2004; Ord. 90-45 § 1 (part), 1990; Ord. 84-172 (part), 1984; prior Code § 35.28.010)

**9.32.075 Citizen Petition.**

Citizens petitioning the Council for the creation, dissolution, or amendment of an area where the discharge of firearms shall be prohibited or restricted shall follow the process set forth in this section. Using a form provided by the Council office, the petitioners shall submit to the Council the following:

- A. A legal description or map of the proposed boundaries of the area proposed for firearms prohibition or restriction. The map should be on an 8-1/2 by 11 inch sheet of paper. The map shall not overlap existing prohibited or restricted zones and should place the proposed boundary lines along established features (i.e., roadways, rivers, freeways, etc.).
- B. A cover letter explaining the reasons petitioners would like the prohibited or restricted shooting zone to be formed or dissolved, along with a history of violations in the area, and including a name, address, and phone number of the person who will act as a liaison with the County concerning this proposed firearms prohibition or restriction area. Note that RCW 9.41.300(2) limits County discharge restrictions to areas where there is a reasonable likelihood that humans, animals, or property will be jeopardized. Other non-authorized reasons will not be accepted as justification for the proposal of a restricted area.
- C. Signatures of at least 60 percent of registered voters owning property within the proposed area. The County Auditor or designee will verify the petition's signatures.
- D. The petition must contain the following:

"I am a legally registered voter of the State of Washington in the precinct written after my name below.

The portion of such precinct within which I own property is included within the proposed prohibited or restricted shooting area.

My residence address is correctly stated below:

I have personally signed this petition."

(Ord. 2004-72s § 1 (part), 2004)

**9.32.076 Notice of Firearms Prohibited or Restricted Area**

- A. Upon adoption of an ordinance establishing an area where the discharge of firearms is prohibited or restricted, the Clerk of the Council shall publish notice of adoption in the newspaper of general circulation within the county and the newspaper of general circulation within the proposed boundaries of the prohibited or restricted area.
- B. Copies of ordinances and maps designating such prohibited and restricted areas shall be on file in the County Sheriff's Department, published in Chapter 9.32 of the Pierce County Code, and filed with the Pierce County Law Enforcement Support Agency (LESA).
- C. Signs publicizing the existence of the area shall be posted along the perimeter by the Public Works Department. The signs shall be placed no more than ¼ mile apart and shall state the ordinance number and whether it is a prohibited or restricted area. Such signs shall only be required in zoning areas which contain the following: agriculture, forestry, and any zoning with a rural designation.

(Ord. 2004-72s § 1 (part), 2004)

**9.32.080 Discharge Near Buildings.**

In all areas of Pierce County where the discharge of firearms is not prohibited or restricted pursuant to 9.32.070, it shall be unlawful to discharge a firearm within 500 feet toward any building occupied by people or domestic animals or used for storage of flammable or combustible materials. It shall be unlawful to discharge a firearm within 1,000 feet toward any K-12 school within the County. (Ord. 2004-72s § 1 (part), 2004; Ord. 90-45 § 1 (part), 1990; prior Code § 35.28.020)

**9.32.085 Exemptions to Sections 9.32.070 and 9.32.080.**

The provisions of Sections 9.32.070 and 9.32.080 shall not apply to the following:

- A. Ranges of regularly constituted shooting clubs;
- B. Firearms which are legally discharged as defined in Chapter 9A.16 RCW;
- C. Firearms discharged for farm slaughter activities.

(Ord. 90-45 § 1 (part), 1990)

**9.32.090 Violations of Sections 9.32.070 and 9.32.080.**

Any person who violates any of the provisions of Sections 9.32.070 or 9.32.080 shall be guilty of a misdemeanor. (Prior Code § 35.28.030)

*Chapter 9.40*

**UNLAWFUL REMOVAL AND TRANSPORTATION  
OF CHRISTMAS TREES AND MINOR FOREST PRODUCTS**

**Sections:**

- 9.40.010 Definitions.**
- 9.40.020 Unlawful to Remove Without Consent of Owner.**
- 9.40.030 Unlawful to Transport Illegally Removed Trees or Products.**
- 9.40.040 Bill of Sale – When Required.**
- 9.40.050 Load Ticket – When Required.**
- 9.40.060 Investigation by Police.**
- 9.40.070 Search Without Warrant.**
- 9.40.080 Trees for Transplanting Excepted.**
- 9.40.090 Arrest and Prosecution.**
- 9.40.100 Penalty.**
- 9.40.110 Severability.**

**Cross-references: Chapter 36.32 RCW; RCW 79.40.070**

**9.40.010 Definitions.**

For the purpose of this Chapter, the following definitions shall apply:

- A. "Christmas trees" means any evergreen trees commonly known as Christmas trees, including fir, hemlock, spruce, pine and cedar trees, but excepting logs, poles, piling or other forest products from which substantially all the limbs and branches have been removed.
- B. "Cutter" or "picker" means any person, firm or corporation or agent thereof who cuts, digs, breaks or removes Christmas trees or minor forest products from private lands.
- C. "Minor forest product" means evergreen foliage, cascara bark, huckleberry brush, salal, sword ferns, rhododendron greens and huckleberries.

(Prior Code § 35.12.010)

**9.40.020 Unlawful to Remove Without Consent of Owner.**

It shall be unlawful for any cutter or picker in Pierce County to cut, dig, break, pick or remove from any private lands any Christmas trees or minor forest products without the consent, express or implied, of the owner or lessee thereof. (Prior Code § 35.12.020)

**9.40.030 Unlawful to Transport Illegally Removed Trees or Products.**

It shall be unlawful for any person, firm or corporation, or the agent thereof, to transport over the highways of this County any Christmas trees or minor forest products which he or his agent or principal has taken from private lands without the consent, express or implied, of the landowner or his authorized lessee or agent. (Prior Code § 35.12.030)

**9.40.040 Bill of Sale – When Required.**

It shall be unlawful for any cutter or picker of Christmas trees, or his agent, to transport over the highways of this County more than five Christmas trees without having in his possession a dated bill of sale, certificate of ownership, or bill of lading showing the number of trees, by species, sold or transferred by any such document and showing his title thereto. (Prior Code § 35.12.040)

**9.40.050 Load Ticket – When Required.**

It shall be unlawful for any person, firm or corporation, or his or their agent or employee, to transport minor forest products over the highways of this County in a quantity of more than five evergreen trees and/or five pounds of other minor forest products without having in his or their possession a load ticket signed by the driver on which will be set forth the following information:

- A. The name and address of the owner or lessee of the lands where the minor forest products were cut, broken, picked, dug or removed, or in the alternative, the legal description of the lands from where the minor forest products were taken and removed, or in the further alternative, the name and address of the person, firm or corporation from whom the minor forest products were received;
- B. The destination of the minor forest products;
- C. The date the minor forest products were taken and removed from the land or delivered to the person transporting the minor forest products; provided, further, that in the event the person transporting the minor forest products shall furnish the information hereinabove in this Section set forth to any peace officer stopping him or them for the purpose of ascertaining whether or not the minor forest products are being transported in violation of this Section and, if requested, sign his name to a written statement prepared by such peace officer, incorporating the information, the signing of the written statement by the transporter shall be conclusively deemed the same as possessing a load ticket for the purpose of this Section.

(Prior Code § 35.12.050)

**9.40.060 Investigation by Police.**

All peace officers shall note and investigate the transportation of Christmas trees and/or minor forest products for the purpose of preventing violations of the provisions of this Chapter. (Prior Code § 35.12.060)

**9.40.070 Search Without Warrant.**

Any peace officer shall have the power to stop, inspect and search without warrant any person or vehicle observed transporting five or more Christmas trees and/or five or more pounds of minor forest products for the purpose of ascertaining whether or not the same are being transported in violation of the provisions of this Chapter. Any hindrance or interference with any such officer so engaged shall be prima facie evidence that the person interfering with or hindering such officer is guilty of a violation of this Chapter. (Prior Code § 35.12.070)

**9.40.080 Trees for Transplanting Excepted.**

The provisions of Sections 9.40.030 and 9.40.070 shall not apply to the transportation of trees in course of transplantation with their roots intact. (Prior Code § 35.12.080)

**9.40.090 Arrest and Prosecution.**

Whenever any person, firm or corporation, or agent violates the provisions of Sections 9.40.020, 9.40.030 or 9.40.040, a peace officer may either arrest the person without a warrant and take him before any court having jurisdiction of the offense, or he may issue a summons or citation for the accused person to appear at the court named and answer a complaint to be filed therewith; provided, that at the time of making the arrest, the peace officer shall seize the trees or minor forest products and may also seize and impound the vehicle used in transporting the same, subject to the order of the court before which the arrested person is ordered to appear; provided, that if the owner of the trees or minor forest products appears before the court and presents satisfactory evidence of ownership, the court shall order the officer to deliver the trees or minor forest products to the owner. However, if the owner does not appear and prove his ownership thereof within five days, the court shall direct the officer to sell the trees and/or minor forest products, and pay the proceeds thereof to the Treasurer of the County who shall deposit same in the general fund. (Prior Code § 35.12.090)

**9.40.100 Penalty.**

Any person, firm or corporation who shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not exceeding two hundred fifty dollars, or by imprisonment in the county jail for a period of not exceeding ninety days. (Prior Code § 35.12.100)

**9.40.110 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 89-155 § 19, 1989)



*Chapter 9.42*

***POLICE DOGS***

**Sections:**

- 9.42.010 Definitions.**
- 9.42.020 Interference With and Abuse of Police Dogs Prohibited.**
- 9.42.030 Reimbursement of Costs to County.**
- 9.42.040 Exemptions From Animal Control Code.**
- 9.42.050 Violation – Misdemeanor.**

**Cross-reference: RCW 98.76.200.**

**9.42.010 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 agency specially trained for law enforcement work and under the control of a dog handler.
- 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. 86-30 § 1 (part), 1986)

**9.42.020 Interference With and Abuse of Police Dogs Prohibited.**

It shall be unlawful for any person to:

- A. Willfully or maliciously interfere with, obstruct, torture, beat, kick, strike, mutilate, disable, shoot, poison, kill or in any other way abuse or harass any police dog;
- B. Harass a police dog while said police dog is confined in its quarters, an automobile, kennel, fenced area, training area, or while it is under the control of a dog handler;
- C. Wilfully or maliciously interfere with a police dog or dog handler while said police dog or dog handler is engaged in lawful police activities.

(Ord. 86-30 § 1 (part), 1986)

**9.42.030 Reimbursement of Costs to County.**

Any person who kills or permanently disables a police dog as a result of any unlawful act set forth in Section 9.42.020 shall be liable for, and shall pay to the General Fund of Pierce County, the value of the police dog at such time the incident occurred, which shall include costs incurred in the training, care, feeding, and purchase cost of such police dog. (Ord. 86-30 § 1 (part), 1986)

**9.42.040 Exemptions From Animal Control Code.**

All police dogs and all dogs being trained as police dogs shall be exempt from all provisions of the Pierce County Code relating to animal control, with the exception of Chapter 6.08, Rabies Control and Section 6.04.010, License Required. If a police dog is required under Chapter 6.08 to be quarantined, such dog will be remanded to the control of its handler. Police dogs so controlled may be used in the line of duty. Follow-up procedures prescribed by the Sheriff's Department or County, or the County's designated agent, will apply.

All police dogs and all dogs being trained as police dogs shall be exempt from all licensing fees set by Pierce County, but such dogs shall be registered with the Auditor.  
(Ord. 2005-108 § 2, 2005; Ord. 89-131 § 1, 1989; Ord. 86-30 § 1 (part), 1986)

**9.42.050 Violation – Misdemeanor.**

Any violation of this Chapter shall constitute a misdemeanor. (Ord. 86-30 § 1 (part), 1986)

*Chapter 9.44*

**DRUG AREA OFF-LIMITS ORDERS**

**Sections:**

**9.44.010 Definitions.**

**9.44.020 Violation of Order.**

**9.44.030 Penalty.**

**9.44.040 Additional Penalties.**

**9.44.010 Definitions.**

For the purpose of this Section, the following terms shall apply:

- A. "Drug Area Off-Limits Order" means any written order by any court of competent jurisdiction that enjoins a person from entering or remaining in a designated area of drug activity.
- B. "Area of Drug Activity" means any specifically described area, private or public, contained in a Drug Area Off-Limits Order.

The perimeter of the Area of Drug Activity shall be clearly defined and shall include all real property contained therein, where drug sales, possession of drugs, pedestrian or vehicular traffic attendant to drug activity, or other activity associated with drug offenses confirms a pattern associated with drug trafficking. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described.

(Ord. 92-110 § 1 (part), 1993)

**9.44.020 Violation of Order.**

It is unlawful for any person who is the subject of and has actual notice of a Drug Area Off-Limits Order as defined in subsection A. of Section 9.44.010 to knowingly violate such order.

(Ord. 92-110 § 1 (part), 1993)

**9.44.030 Penalty.**

Any person who violates any of the provisions of Section 9.44.020 shall be guilty of a misdemeanor. (Ord. 92-110 § 1 (part), 1993)

**9.44.040 Additional Penalties.**

Any person who disobeys a Drug Off-Limits Order issued under subsection A. of Section 9.44.020 shall be subject to criminal penalties as provided by this Section and may be found in contempt of court and subject to penalties prescribed by Chapter 7.21 RCW and RCW 9.92.040.

(Ord. 92-110 § 1 (part), 1993)



*Chapter 9.45*

**STAY OUT OF AREAS OF PROSTITUTION ORDERS**

**Sections:**

**9.45.010 Definitions.**

**9.45.020 Violation of Order.**

**9.45.030 Penalty.**

**9.45.040 Additional Penalties.**

**9.45.010 Definitions.**

For the purpose of this Chapter, the following terms shall apply:

- A. "Stay Out of Areas of Prostitution Orders" means any written order by any court of competent jurisdiction that enjoins a person from entering or remaining in a designated area of prostitution activity.
- B. "Area of Prostitution Activity" means any specifically described area, private or public, contained in a Stay Out of Area of Prostitution Orders.

The perimeter of the Area of Prostitution Activity shall be clearly defined and shall include all real property contained therein, where prostitution, promoting prostitution, pandering, permitting prostitution, pedestrian or vehicular traffic attendant to such activity, or other activity associated with prostitution offenses confirms a pattern associated with prostitution. The area may include the full width of streets, alleys and sidewalks on the perimeter, common areas, planting strips, parks and parking areas within the area described.

(Ord. 2007-15 § 1 (part), 2007)

**9.45.020 Violation of Order.**

It is unlawful for any person who is the subject of and has actual notice of a Stay Out of Areas of Prostitution Orders as defined in subsection A. of Section 9.45.010 to knowingly violate such order. (Ord. 2007-15 § 1 (part), 2007)

**9.45.030 Penalty.**

Any person who violates any of the provisions of Section 9.45.020 shall be guilty of a gross misdemeanor. (Ord. 2007-15 § 1 (part), 2007)

**9.45.040 Additional Penalties.**

Any person who disobeys a Stay Out of Areas of Prostitution Orders issued under Section 9.45.010 shall be subject to criminal penalties as provided by this Chapter and may be found in contempt of court and subject to penalties prescribed by Chapter 7.21 RCW and RCW 9.92.040. (Ord. 2007-15 § 1 (part), 2007)



*Chapter 9.46*

*JAIL LABOR RATES*

**Section:**

**9.46.010 Rates Established.**

**Cross-references: RCW 10.82.030, 10.82.040**

**9.46.010 Rates Established.**

The amount of fines and costs owing by any defendant imprisoned pursuant to RCW 10.82.030 shall be reduced by any portion thereof paid, and \$100.00 for every day the defendant performs labor as provided in RCW 10.82.040, and \$75.00 for every day the defendant does not perform such labor while imprisoned. (Ord. 96-85 § 1, 1996; Ord. 91-181 § 1, 1991)



*Chapter 9.48*

***FEES FOR THE JUVENILE DIVERSION PROGRAM***

**Section:**

**9.48.010 Fees Established.**

**9.48.010 Fees Established.**

The Pierce County Juvenile Court Administrator is hereby authorized to impose a maximum fee of \$125.00 for first contract for Juvenile Diversion Services and \$150.00 for subsequent contracts for Juvenile Diversion Services. In administering this Chapter, the Juvenile Court Administrator shall comply with the provisions of RCW 13.40.085 as it now exists or is hereafter amended. (Ord. 2008-69 § 1, 2008; Ord. 2005-100 § 1, 2005; Ord. 95-42 § 1, 1995)



*Chapter 9.50*

***INDIGENT DEFENSE SERVICES APPLICATION FEE***

**Sections:**

**9.50.010 Application Fee Established.**

**9.50.020 Severability.**

**9.50.010 Application Fee Established.**

- A. A person applying for the appointment of counsel in criminal, juvenile, involuntary commitment, or dependency cases, or in any other case where the right to counsel attaches, shall be assessed a non-refundable application fee of \$25.00.
- B. Application fees paid shall be used to defray the costs and expenses incurred by Pierce County in making the determination of indigency pursuant to Chapter 10.101 RCW. Such costs and expenses include conducting indigency screening, verifying information, processing applications, and providing a written report to the court.
- C. The application fee shall be collected at the time of application.
- D. No defendant will be denied the assistance of counsel because of inability to pay the fee at the time of application. Unpaid application fees shall be reported to the court for consideration at the time of sentencing.

(Ord. 99-31 § 1 (part), 1999)

**9.50.020 Severability.**

If any provision of this Chapter or its application to any person or circumstance is held invalid, the remainder of the Chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 99-31 § 1 (part), 1999)



*Chapter 9.52*

*GAMBLING*

**Sections:**

**9.52.010 Social Card Games Prohibited.**

**9.52.020 Exemption.**

**9.52.030 Violation – Penalty.**

**9.52.010 Social Card Games Prohibited.**

The operation or conduct of social card games as defined by RCW 9.46.0282 is prohibited within unincorporated Pierce County. (Ord. 99-80 § 1 (part), 1999)

**9.52.020 Exemption.**

Bona fide charitable or nonprofit organizations may operate or conduct social card games pursuant to RCW 9.46.0311. (Ord. 2002-120 § 4, 2002; Ord. 99-80 § 1 (part), 1999)

**9.52.030 Violation – Penalty.**

Any person who violates or fails to comply with this Chapter shall be guilty of a misdemeanor. (Ord. 99-80 § 1 (part), 1999)



*Chapter 9.54*

**REGULATION OF PURCHASE/SALE/POSSESSION OF EPHEDRINE**

**Sections:**

- 9.54.010 Definitions.**
- 9.54.020 Limitations on Sales, Purchases, and Possession.**
- 9.54.030 Criminal Penalties.**
- 9.54.040 Civil Penalties, License Revocation or Suspension.**
- 9.54.050 Annual Review.**
- 9.54.060 Severability.**

**9.54.010 Definitions.**

- A. "Ephedrine" means any drug, substance or compound, whether legal or illegal, that contains ephedrine hydrochloride, pseudoephedrine sulfate, pseudoephedrine hydrochloride, pseudoephedrine, or ephedrine, except all of the above in its liquid state.
- B. "Count" means the number of pills, tablets, capsules, or individual units of a substance contained within an individual package, box or container.
- C. "Customer" means any person who knowingly purchases or acquires the products described in this Chapter, or persons who are present for the purchase or acquisition of ephedrine.
- D. "Retailer" means any single geographic location of any retail business, company, corporation, person, employee or associate who furnishes, distributes, sells or gives away ephedrine.
- E. "Sell" means to knowingly furnish, give away, exchange, transfer, deliver, surrender or supply, whether for monetary gain or not.

(Ord. 2000-89 § 1 (part), 2000)

**9.54.020 Limitations on Sales, Purchases, and Possession.**

- A. **Limit on Sales.** No retailer shall knowingly sell to a single customer, in any 24-hour period, more than three packages of a product containing ephedrine in counts of 48 or less per package, or containing a total weight of more than 3 grams of ephedrine per package. Ephedrine products may only be sold in packages containing a maximum count of up to 48.
- B. **Limit on Purchase.** No customer shall purchase or acquire, in any 24-hour period, more than three packages of a product containing ephedrine in counts of 48 or less per package, or containing a total weight of more than 3 grams of ephedrine per package.
- C. **Limit on Possession.** No person shall be in possession of more than 15 grams of ephedrine.
- D. **Exception.**
  - 1. PCC 9.54.020 A., B., and C. shall not apply to the sale, purchase, or possession of ephedrine dispensed by prescription as provided in Chapter 69.41 RCW.
  - 2. PCC 9.54.020 B. and C. shall not apply to the purchase or possession of ephedrine by shopkeepers required to register under RCW 18.64.044.

(Ord. 2000-89 § 1 (part), 2000)

**9.54.030 Criminal Penalties.**

Any person violating any of the provisions of this Chapter is deemed guilty of a gross misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding \$5,000.00, by imprisonment not to exceed one year, or by both fine and imprisonment. (Ord. 2000-89 § 1 (part), 2000)

**9.54.040 Civil Penalties, License Revocation or Suspension.**

Any retail business owner operating with a business license issued by Pierce County who knowingly violates this Chapter may be subject to the revocation or suspension of his/her business license. The process for seeking revocation or suspension shall be as set forth in Title 5 of the Pierce County Code. (Ord. 2000-89 § 1 (part), 2000)

**9.54.050 Annual Review.**

This Chapter will be reviewed annually and will be repealed upon passage of comparable state legislation. (Ord. 2000-89 § 1 (part), 2000)

**9.54.060 Severability.**

Should any provision, Section, paragraph, sentence, or word of this Chapter be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, Sections, paragraphs, sentences, or words of this Chapter shall remain in full force and effect. (Ord. 2000-89 § 1 (part), 2000)

## Chapter 9.56

### DRUG PARAPHERNALIA

#### Sections:

##### 9.56.010 Definitions.

##### 9.56.020 Illegal Conduct.

##### 9.56.030 Remedies.

#### 9.56.010 Definitions.

As used in this Chapter, the following terms shall mean the following:

- A. "Business" means any location, whether indoors or outdoors, at which merchandise is offered for sale.
- B. "Controlled substance" means those controlled substances set forth in the Revised Code of Washington (RCW 69.50) or the United States Code (at 21 USC Sections 801-971) as such now exist or may hereafter be amended.
- C. "Display" means to show to a patron or to place in a manner so as to be available for viewing or inspection by a patron.
- D. "Distribute" means to transfer ownership or a possessory interest to another, whether for consideration, as a gratuity or gift, for consignment, or otherwise.
- E. "Drug paraphernalia" means any of the following:
  1. Any item, whether useful for non-drug-related purposes or not, which is displayed, grouped with other items, advertised, or promoted in a manner to reasonably suggest its usefulness in the growing, harvesting, processing, manufacturing, preserving, inhaling, injecting, or ingesting of marijuana, hashish, cocaine, methamphetamine, or any controlled substance.
  2. Any item, whether useful for non-drug-related purposes or not, which is designed, decorated, adorned, packaged, or displayed in a manner to reasonably suggest its usefulness in the growing, harvesting, processing, inhaling, injecting, or ingesting of marijuana, hashish, cocaine, methamphetamine, or any controlled substance.
  3. Any item defined by any statute of the state of Washington as drug paraphernalia (RCW 69.50) or by any statute of the United States Code (at 21 USC Sections 801-971) as drug paraphernalia.
  4. The term "drug paraphernalia" includes, without limitation, all equipment, products, and materials of any kind, whether useful for non-drug-related purposes or not, which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. Drug paraphernalia includes, but is not limited to, objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
    - a. Kits used, intended for use, or primarily designed for use in the planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance or unlawful drug can be derived.

- b. Kits used, intended for use, or primarily designed for use in the manufacturing, compounding, converting, producing, processing, or preparing of unlawful drugs or controlled substance.
- c. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is an unlawful drug or controlled substance.
- d. Testing equipment used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of unlawful drugs or controlled substances.
- e. Scales and balances used, intended for use, or designed for use in weighing or measuring unlawful drugs or controlled substances.
- f. Diluents and adulterants, such as quinine hydrochloride, mannitol/mannite, dextrose, and lactose used, intended for use, or designed for use in cutting or thinning unlawful drugs or controlled substances.
- g. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana or other controlled substance.
- h. Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding unlawful drugs or a controlled substance.
- i. Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of unlawful drugs.
- j. Containers and other objects used, intended for use, or designed for use in storing or concealing unlawful drugs.
- k. Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting unlawful drugs or controlled substances into the human body.
- l. The phrase "designed primarily for" in subsection 4. of this Section means a device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking, ingestion, or consumption of marijuana, hashish, hashish oil, cocaine, or any other "controlled substance" and is peculiarly adapted to such purposes by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding the fact that it might also be possible to use such device for some other purpose. Such drug paraphernalia includes, but is not limited to, the following items or devices:
  - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls;
  - (2) Water pipes;
  - (3) Carburetion tubes and devices;
  - (4) Smoking and carburetion masks;
  - (5) Roach clips – meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand; whether the device is known as a "roach clip" or otherwise;
  - (6) Miniature cocaine spoons, cocaine vials, or any spoon used, intended for use, or primarily designed for ingestion of a controlled substance;
  - (7) Chamber pipes;
  - (8) Carburetor pipes;

- (9) Electric pipes;
  - (10) Air-driven pipes;
  - (11) Chillums;
  - (12) Bongs;
  - (13) Ice pipes or chillers;
  - (14) Wired cigarette papers;
  - (15) Cocaine freebase kits;
  - (16) A device constructed so as to prevent the escape of smoke into the air and to channel smoke into a chamber where it may be accumulated to permit inhalation or ingestion of larger quantities of smoke than would otherwise be possible, whether the device is known as a "bong" or otherwise;
  - (17) A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a "buzz bomb" or otherwise;
  - (18) A canister, container, or other device with a tube, nozzle, or other similar arrangement attached thereto so constructed as to permit the forcing of smoke accumulated therein into the user's lungs, under pressure, whether the device is known as a "power hitter" or otherwise;
  - (19) A straw or tube for ingestion of a controlled substance through the nose or mouth; and
  - (20) A smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested.
- m. In determining whether an object is "drug paraphernalia," a court, hearing officer, or other authority may consider the following, in addition to the foregoing and all other logically relevant factors:
- (1) Statement by an owner or by anyone in control of the object concerning its use;
  - (2) Proximity of the object to controlled substances;
  - (3) Existence of any residue of controlled substances on the object;
  - (4) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver to persons whom he or she knows, or reasonably should know, intend to use the object to facilitate a violation of the laws of the state of Washington or the United States relating to controlled substances;
  - (5) Descriptive materials or instructions, written or oral, accompanying the object, which explain or depict its use;
  - (6) National and local advertising concerning its use;
  - (7) The manner in which the object is displayed for sale, including its proximity to other objects falling within the definition of drug paraphernalia;
  - (8) The existence and scope of legitimate uses for the object in the community; and
  - (9) Expert testimony concerning its use, including testimony from law enforcement personnel regarding their knowledge and experience concerning its use.
- F. "Manufacture" means to fabricate, make, produce, create, assemble, modify, adapt, or turn out.

- G. "Patron" means a person who enters a business for the purpose of purchasing, or viewing as a shopper, merchandise offered for sale at the business.
- H. "Person" means a natural person or any firm, partnership, association, corporation, or cooperative association.

(Ord. 2005-103 § 1 (part), 2006)

**9.56.020 Illegal Conduct.**

- A. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance.
- B. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of drug paraphernalia. Any person who violates this subsection is guilty of a misdemeanor.

(Ord. 2005-103 § 1 (part), 2006)

**9.56.030 Remedies.**

- A. Any person who violates any provision of subsections A. and B., or who sells or gives, or permits to be sold or given, to any person any drug paraphernalia in any form commits a Class 1 Civil Infraction under Chapter 7.80 RCW and shall be punished accordingly, pursuant to Chapter 7.80 RCW and the infraction rules for courts of limited jurisdiction. It shall be no defense to a prosecution for an infraction issued under this subsection that the person acted, or was believed by the defendant to act, as agent or representative of another. Provided, that nothing in this Section prohibits legal distribution of injection syringe equipment through public health and community-based HIV prevention programs.
- B. Any person 18 years of age or over who violates subsection A. of this Section by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his junior is guilty of a gross misdemeanor.
- C. Any person who violates subsections A. or B., and has previously been found to have committed an infraction under either of those Sections within the most recent 24 month period shall be guilty of committing a misdemeanor. Upon conviction, said person shall be punished by a fine of not more than \$1,000.00 and confinement of up to 90 days, or a combination of a fine and confinement.

(Ord. 2005-103 § 1 (part), 2006)

*Chapter 9.60*

**REGULATION OF SOLICITATION**

**Sections:**

- 9.60.010 Purpose.**
- 9.60.020 Definitions.**
- 9.60.030 Place of solicitation.**
- 9.60.040 Solicitation by Coercion.**
- 9.60.050 Evidence.**
- 9.60.060 Penalties.**

**9.60.010 Purpose.**

The purpose of this Chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation, to promote business and tourism, and to preserve the quality of life while providing safe and appropriate venues for constitutionally protected activity. (Ord. 2008-45s § 3 (part), 2008)

**9.60.020 Definitions.**

The following definitions apply to this Chapter:

- A. "Automated teller machine" means a machine other than a telephone:
  - 1. that is capable of being operated by a customer of a financial institution;
  - 2. by which the customer may communicate to the financial institution a request to withdraw, deposit, transfer funds, make payment, or otherwise conduct financial business for the customer or for another person directly from the customer's account or from the customer's account under a line of credit previously authorized by the financial institution for the customer; and
  - 3. the use of which may or may not involve personnel of a financial institution.
- B. "Coercion" means:
  - 1. to approach or speak to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with either imminent bodily injury or the commission of a criminal act upon the person or another person or upon property in the person's immediate possession;
  - 2. to persist in a solicitation after the person solicited has given a negative response;
  - 3. to block, either individually or as part of a group of persons, the passage of a solicited person;
  - 4. to engage in conduct that would reasonably be construed as intended to compel or force a solicited person to accede to demands;
  - 5. to use violent or threatening gestures toward a person;
  - 6. 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; or
  - 7. to use profane, offensive, or abusive language, which is inherently likely to provoke an immediate violent reaction.
- C. "Exterior public pay telephone" means any coin or credit card reader telephone that is:
  - 1. installed or located anywhere on a premises except exclusively in the interior of a building located on the premises; and

2. accessible and available for use by members of the general public.
  - D. "Public transportation facility" means a facility or designated location that is owned, operated, or maintained by a city, county, county transportation authority, public transportation benefit area, regional transit authority, or metropolitan municipal corporation within the state.
  - E. "Public transportation stop" means an area officially marked and designated as a place to wait for a bus, a rail or light rail vehicle, or any other public transportation vehicle that is operated on a scheduled route with passengers paying fares on an individual basis.
  - F. "Public transportation vehicle" has the meaning given that term in RCW 46.04.355, as currently adopted or as it may be amended in the future.
  - G. "Self-service car wash" means a structure:
    1. at which a vehicle may be manually washed by its owner or operator with equipment that is activated by the deposit of money in a coin-operated machine; and
    2. that is accessible and available for use by members of the general public.
  - H. "Self-service fuel pump" means a fuel pump:
    1. from which a vehicle may be manually filled with gasoline or other fuel directly by its owner or operator, with or without the aid of an employee or attendant of the premises at which the fuel pump is located; and
    2. that is accessible and available for use by members of the general public.
  - I. "Solicit" and all derivative forms of "solicit" means to ask, beg, solicit, or plead, whether orally or in a written or printed manner, for the purpose of immediately receiving contributions, alms, charity, or gifts of items of value for oneself or another person.
- (Ord. 2008-45s § 3 (part), 2008)

**9.60.030 Place of Solicitation.**

- A. Solicitation near designated locations and facilities.
  1. It is unlawful for any person to solicit another person within 25 feet of:
    - a. an automated teller machine;
    - b. the entrance of a building, unless the solicitor has permission from the owner or occupant;
    - c. an exterior public pay telephone;
    - d. a self-service car wash;
    - e. a self-service fuel pump;
    - f. a public transportation stop; or
    - g. any parked vehicle as occupants of such vehicle enter or exit such vehicle.
  2. It is unlawful for a person to solicit another person:
    - a. from private property to the public, unless the solicitor has permission from the owner or occupant;
    - b. after sunset or before sunrise;
    - c. in any public transportation facility or vehicle.
- B. For purposes of subsection A, measurement will be made in a straight line, without regard to intervening structures or objects, from the nearest point at which a solicitation is being conducted to whichever is applicable of the following:
  1. the nearest entrance or exit of a facility in which an automated teller machine is enclosed or, if the machine is not enclosed in a facility, to the nearest part of the automated teller machine;
  2. the nearest entrance or exit of a building;
  3. the nearest part of an exterior public pay telephone;

4. the nearest part of the structure of a self-service car wash;
5. the nearest part of a self-service fuel pump or associated pay station;
6. the nearest point of any sign or marking designating an area as a public transportation stop; or
7. any door of a parked vehicle that is being used by an occupant of such vehicle to enter or exit such vehicle.

(Ord. 2008-45s § 3 (part), 2008)

**9.60.040 Solicitation by Coercion.**

It is unlawful for a person to solicit by Coercion. (Ord. 2008-45s § 3 (part), 2008)

**9.60.050 Evidence.**

Evidence to support a conviction for a violation of this chapter may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence. (Ord. 2008-45s § 3 (part), 2008)

**9.60.060 Penalties.**

A violation of Section 9.60.030 shall be a misdemeanor and, upon conviction thereof, a person is subject to a penalty of up to \$1,000.00, incarceration for up to 90 days, or both a fine and a penalty. Violation of Section 9.60.040 shall be a gross misdemeanor and, upon conviction thereof, a person is subject to a penalty of up to \$5,000.00, incarceration for up to one year, or both a fine and a penalty. (Ord. 2008-45s § 3 (part), 2008)



*Chapter 9.62*

***SOLICITATIONS TO OCCUPANTS OF VEHICLES  
ON PUBLIC ROADWAYS PROHIBITED***

**Sections:**

**9.62.010 Purpose.**

**9.62.020 Definitions.**

**9.62.030 Prohibited Conduct.**

**9.62.040 Evidence.**

**9.62.050 Penalty.**

**9.62.010 Purpose.**

The purpose of this Chapter is to protect citizens from the fear and intimidation accompanying certain kinds of solicitation and to provide for vehicular and pedestrian traffic safety. (Ord. 2008-45s § 4 (part), 2008)

**9.62.020 Definitions.**

The following definitions shall apply to this Chapter:

- A. "Goods" means real property, as well as tangible and intangible personal property.
- B. "Hitchhiking" has the meaning given that term in RCW 46.61.255, as currently adopted or as it may be amended in the future.
- C. "Public property" means:
  - 1. any property open or devoted to public use or owned by the County; and
  - 2. any area dedicated to the public use for sidewalk, street, highway, or other transportation purposes, including, but not limited to, any curb, median, parkway, shoulder, sidewalk, alley, drive, or public right-of-way.
- D. "Roadway" has the meaning given that term in RCW 46.04.500, as currently adopted or as it may be amended in the future.
- E. "Services" means any work done for the benefit of another person.
- F. "Solicit" and all derivative forms of "solicit" means any conduct or act whereby a person:
  - 1. either orally or in writing, asks for an immediate ride, employment, goods, services, financial aid, monetary gifts, or any article representing monetary value, for any purpose;
  - 2. either orally or in writing, sells or offers for immediate sale goods, services, or publications;
  - 3. distributes without remuneration goods, services, or publications; or
  - 4. solicits signatures on a petition or opinions for a survey.
- G. "Vehicle" has the meaning given that term in RCW 46.04.670, as currently adopted or as it may be amended in the future.

(Ord. 2008-45s § 4 (part), 2008)

**9.62.030 Prohibited Conduct.**

- A. It is unlawful for any person, while occupying any public property adjacent to any public roadway in the County, to knowingly conduct a solicitation directed to, or intended to attract the attention of, the occupant of any vehicle traveling on or stopped on the roadway, unless said vehicle is legally parked. An offense occurs when the solicitation is made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money, goods, or services takes place.
1. Hitchhiking is subject to regulations in RCW 46.61.255, which also preempts the regulation of hitchhiking by counties;
  2. The following conduct is exempt from the prohibition in this section:
    - a. summoning aid or requesting assistance in an emergency situation;
    - b. a law enforcement officer or public works or utilities worker in the performance of official duties;
    - c. engaging transportation licensed for hire (e.g. a taxi or shuttle); or
    - d. in possession of a valid permit secured pursuant to Chapter 12.44 PCC;

(Ord. 2008-45s § 4 (part), 2008)

**9.62.040 Evidence.**

Evidence to support a conviction for a violation of this Chapter may include, but is not limited to, testimony of witnesses, videotape evidence of the violation, and other admissible evidence. (Ord. 2008-45s § 4 (part), 2008)

**9.62.050 Penalty.**

A violation of this Chapter shall be a misdemeanor and, upon conviction thereof, a person is subject to a penalty of up to \$1,000.00, incarceration for up to 90 days, or both a fine and a penalty. (Ord. 2008-45s § 4 (part), 2008)