

Title 9

PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 Criminal Code**
- 9.06 Fireworks**
- 9.08 Situational Noise Limitations**
- 9.10 Social Card Games**
- 9.12 False Fire and Burglary Alarms**

Chapter 9.04

CRIMINAL CODE

Sections:

- 9.04.010 Title.
- 9.04.020 Interpretation and definitions.
- 9.04.030 Conviction and payment of costs.
- 9.04.040 Breaking, defacing or preventing the action of gas, electric or water meters.
- 9.04.045 Injury to public property.
- 9.04.050 *Repealed.*

9.04.010 Title.

The title of this chapter shall be referred to and known as the “criminal code of the town of Friday Harbor.” (Ord. 445 § 1, 1977)

9.04.020 Interpretation and definitions.

A. Unless the context thereof indicates to the contrary, words and phrases used in the past, present or future tense shall include the past, present and future tenses; words and phrases used in this chapter in the masculine, feminine or neuter genders include the masculine, feminine and neuter genders; and words and phrases used in the singular or plural include the singular and plural.

B. The word “person” used in this chapter means and includes persons of either sex, associations, copartnerships and corporations, whether acting by themselves or by servant, agent or employee. (Ord. 445 §§ 2, 3, 1977)

9.04.030 Conviction and payment of costs.

Whenever anyone is convicted of an offense under any section of this chapter, he/she must pay the costs of prosecution, in addition to the fine imposed by the court. (Ord. 445 § 4, 1977)

9.04.040 Breaking, defacing or preventing the action of gas, electric or water meters.

No person shall break or deface the seal of any gas, electric or water meter, or obstruct, alter, injure or prevent the action of any meter or other equipment used to measure the quantity of gas, electricity or water supplied to a

consumer thereof. (Ord. 649 § 2, 1985; Ord. 445 § 7, 1977)

9.04.045 Injury to public property.

No person shall mar, injure, destroy or deface any public property, including, but not limited to, any building, sidewalk, street, fence, sign, street lamp, tree, shrub, planting area, vehicle or equipment; nor shall any person enter into or upon any public area which is signed, fenced or otherwise barricaded to clearly indicate that it is not open to admittance by the public. (Ord. 649 § 2, 1985; Ord. 445 § 7, 1977)

9.04.050 Violation – Penalty.

Repealed by Ord. 945. (Ord. 590 § 2, 1983; Ord. 445 § 10, 1977)

Chapter 9.06**FIREWORKS**

Sections:

- 9.06.010 Purpose.
- 9.06.020 Definitions.
- 9.06.030 Applicability.
- 9.06.040 Prohibition.
- 9.06.050 Application for public fireworks display permit.
- 9.06.060 Standards for public fireworks displays.
- 9.06.070 Penalty for violations.

9.06.010 Purpose.

The purpose of this chapter is to make unlawful the sale, possession or discharge of fireworks without a permit. (Ord. 1363 § 1, 2008)

9.06.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "Fireworks" means any composition or device designed to produce a visible or an audible effect by combustion, deflagration or detonation, and which meets the definition of "articles pyrotechnic" as set forth in RCW 70.77.138, or the definition of "consumer fireworks" as set forth in RCW 70.77.136, or the definition of "display fireworks" as set forth in RCW 70.77.131.

B. "Public display" means an entertainment feature where the public is invited, admitted or permitted to view the display or discharge of display fireworks.

C. "Special effects," pursuant to RCW 70.77.146, means any combination of chemical elements or chemical compounds capable of burning independently of the oxygen in the atmosphere, and designed and intended to produce an audible, visual, mechanical or thermal effect as an integral part of a motion picture, radio, television, theatrical or opera production, or live entertainment.

D. "Display fireworks" means large fireworks designed primarily for display and classified as such by the U.S. Department of

Transportation, as further set forth in RCW 70.77.131.

E. "Extreme fire danger" means a period of hot, dry weather accompanied by low fuel moistures. It is during this period that wildland fires can be expected and fire growth will be accelerated. (Ord. 1363 § 2, 2008)

9.06.030 Applicability.

The provisions of this chapter shall be applicable to the sales and use of all fireworks except toy paper caps containing not more than twenty-five hundredths grain of explosive compound for each cap and trick or novelty devices not classified as consumer fireworks. The provisions of this chapter shall not prohibit the use of flares or fuses in connection with the operation of motor vehicles, motor or sail vessels, or other transportation agencies for signal purposes or illumination or for use in forest protection activities or those uses described in RCW 70.77.311. (Ord. 1363 § 3, 2008)

9.06.040 Prohibition.

It is unlawful for any person to possess, sell, offer to sell, use, transfer, discharge, or explode any fireworks within the town of Friday Harbor, except for duly authorized public displays for which a permit has been issued under this chapter. (Ord. 1363 § 4, 2008)

9.06.050 Application for public fireworks display permit.

Application for a permit to hold, conduct or operate a public display of fireworks shall be made to the town fire marshal at least 30 days prior to the scheduled event. Applicants shall meet all qualifications and permit requirements of state law regarding the public display of fireworks and all fire and safety requirements as set forth in the standards for public display per Chapter 70.77 RCW. The applicant shall provide a copy of any approved public display permit to the town fire chief at least seven days prior to the public fireworks display event. (Ord. 1363 § 5, 2008)

9.06.060 Standards for public fireworks displays.

All public fireworks displays shall conform to the following minimum standards and conditions:

A. All public fireworks displays must be planned, organized and discharged by a state of Washington licensed pyrotechnician.

B. A permit for public display of fireworks shall include the name of the applicant, the applicant's address, the exact location, date and time of the proposed display; the number, type and class of fireworks to be displayed; the manner in which the fireworks are being stored prior to the display; and shall include the name and address of the insurance company providing the bond required and a photocopy of the policy per Chapter 70.77 RCW.

C. A drawing shall be submitted, showing a plan view of the fireworks discharge site and the surrounding area within a 300-foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

D. When, at the discretion of the town fire marshal, such requirement is necessary to preserve the public health, safety and welfare, the permit may require that a town fire department pumper and a minimum of four trained firefighters shall be on the site 30 minutes prior to and after the display.

E. Prior to any display, all combustible debris and trash shall be removed from the area of discharge for a distance of 300 feet in all directions.

F. All unfired or "dud" fireworks shall be disposed of in a safe manner.

G. A minimum of 20 gallons of water for firefighting and one fire blanket shall be available at the fireworks discharge site.

H. The permit may be immediately revoked at any time deemed necessary by the town fire marshal, the town fire chief, or a designee of either, due to noncompliance, weather conditions, and/or extreme fire danger. The display may also be canceled as a result of accidental

ignition of any form of combustible or flammable material in the vicinity due to falling debris from the display.

I. Areas of public access shall be determined by the town fire marshal or designee and maintained in an approved manner. (Ord. 1363 § 6, 2008)

9.06.070 Penalty for violations.

Violations of this chapter shall be considered Class 1 civil infractions as defined in Chapter 7.80 RCW. (Ord. 1363 § 7, 2008)

Chapter 9.08

SITUATIONAL NOISE LIMITATIONS

Sections:

- 9.08.010 Purpose.
- 9.08.020 Declaration of policy and findings of special conditions.
- 9.08.030 Relation to state laws and regulations.
- 9.08.040 Definitions.
- 9.08.050 Noise disturbances.
- 9.08.060 Exemptions.
- 9.08.070 Violation and penalty.
- 9.08.080 Enforcement.
- 9.08.090 Provisions not exclusive.

9.08.010 Purpose.

The purpose of this chapter is to establish situational noise limitations and penalties for violating those limitations. (Ord. 1272 § 1, 2005)

9.08.020 Declaration of policy and findings of special conditions.

A. Declaration of Policy. It is hereby declared to be the policy of the town to minimize exposure to citizens to the harmful physiological and psychological effects of excessive noise. It is the express intent of the town council to control the level of noise in a manner that promotes commerce, the use, value and enjoyment of property, sleep and repose, and the quality of the environment.

B. Findings of Special Conditions. The problem of noise in the town has been observed by the town council and is documented by the citizen complaints received by the town. (Ord. 1272 § 2, 2005)

9.08.030 Relation to state laws and regulations.

This section is a complement to, and not in conflict with, Chapter 70.107 RCW, the Noise Control Act of 1974, and Chapters 173-58, 173-60, and 173-62 WAC, which regulate excessive noise using a performance-based code that sets exact decibel levels of tolerable

noise. This chapter regulates excessive noise as a nuisance, as authorized by WAC 173-60-060. (Ord. 1272 § 3, 2005)

9.08.040 Definitions.

For the purposes of this chapter, the words and phrases used herein shall have the meaning indicated below:

A. "Emergency work" means work made necessary to restore property to a safe condition following a public calamity, work required to protect persons or property from imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service.

B. "Motor vehicle" means any motor vehicle which is self-propelled, used primarily for transporting persons or property upon public highways, and required to be licensed under RCW 46.16.010.

C. "Noise" means the intensity and duration character of sounds from any and all sources.

D. "Person" means any individual, corporation, partnership, association, governmental body, state agency, or other entity whatsoever.

E. "Plainly audible" means any sound that can be detected by a person using his or her unaided hearing faculties.

F. "Public highway" means the entire width between the boundary lines of every way publicly maintained by the Department of Highways or any county or city when any part thereof is generally open to use of the public for purposes of vehicular travel as a matter of right.

All other terms shall be interpreted in conformance with their usual and ordinary meaning. (Ord. 1272 § 4, 2005)

9.08.050 Noise disturbances.

A. It shall be unlawful for any person to make or cause to be made any loud or unreasonable noise between the hours of 10:00 p.m. and 7:00 a.m. Noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare

of the community. Any such noise shall be considered to be a public nuisance and an unlawful noise disturbance.

B. It shall be unlawful for any person to make or cause to be made frequent, repetitive, or continuous noise from the discharge of a firearm between sunset and sunrise. Any such noise shall be considered to be a public nuisance and an unlawful noise disturbance.

C. It shall be unlawful for any person to make or cause to be made any of the following loud or unreasonable noises at any time. Such noise shall be deemed to be unreasonable when it disturbs, injures, or endangers the peace or health of another or when it endangers the health, safety, or welfare of the community. The following noises shall be considered to be a public nuisance and an unlawful noise disturbance regardless of the time of day:

1. Frequent, repetitive, or continuous noise made by any animal which unreasonably disturbs or interferes with the peace, comfort, and repose of property owners or possessors, except that such sounds made by animal shelters, or commercial kennels, veterinary hospitals, pet shops, or pet kennels licensed under and in compliance with applicable regulations shall be exempt from this subsection. Notwithstanding any other provision of this section, if the owner or other person having custody of the animal cannot, with reasonable inquiry, be located by the investigating officer, or if the animal is a repeat violator of this subsection, the animal shall be impounded by the animal control officer or his designee, subject to redemption in the manner provided by SJCC 6.08.160;

2. The frequent, repetitive, or continuous sounding of any horn or siren attached to a motor vehicle except as a warning of danger or specifically permitted or required by law;

3. The creation of frequent, repetitive, or continuous noise in connection with the starting, operation, repair, rebuilding, or testing of any motor vehicle, motorcycle, or off-highway vehicle so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;

4. The creation of frequent, repetitive, or continuous noise by use of a musical instru-

ment, whistle, sound amplifier, stereo, radio, television, or other device capable of reproducing sound so as to unreasonably disturb or interfere with the peace, comfort, and repose of owners or possessors of real property;

5. Sound from a motor vehicle audio system, such as a radio, tape player, or compact disc player, which is operated at such a volume that it is plainly audible by a person of normal hearing at a distance of 75 feet or more from the vehicle itself and lasts more than 30 seconds; or

6. Sound from portable audio equipment, such as a radio, tape player, or compact disc player, which is operated at such a volume that it is plainly audible by a person of normal hearing at a distance of 75 feet or more from the source of the sound and lasts for more than 30 seconds. (Ord. 1272 § 5, 2005)

9.08.060 Exemptions.

The following noises are exempt from the provisions of this chapter at all times:

A. Noise originating from aircraft in flight, and sounds which originate at airports and are directly related to flight operations;

B. Noise created by safety and protective devices where noise suppression would defeat the intent of the device or is not economically feasible;

C. Noise created by emergency work necessary in the interest of law enforcement or for the health, safety, or welfare of the community;

D. Noise created by motor vehicles operating on public highways when regulated by WAC 173-60-040;

E. Noise originating from officially sanctioned parades, sporting events, and other public events;

F. Noise created by natural phenomena;

G. Noise created by unamplified human voices except yelling, shouting, or otherwise making loud and raucous noise which unreasonably disturbs or interferes with the peace, comfort, and repose of owners or possessors of real property;

H. Noise created from school marching bands while practicing or parades on public streets;

I. Noise created by ships and other vessels engaged in interstate commerce;

J. Noise from events for which a town permit was obtained;

K. Noise created by ships and other vessels navigating in adverse weather conditions, such as fog;

L. Noise from agricultural activities including the planting and harvesting of crops and the sounds of farm animals including horses, cattle, pigs, sheep, goats, llamas, and alpacas;

M. Noise created by firearm discharge on properly authorized shooting ranges; and

N. Noise created by town of Friday Harbor commercial establishments. (Ord. 1272 § 6, 2005)

9.08.070 Violation and penalty.

A. Violations.

1. Except as provided below, a violation of any provision of this chapter shall be a Class 3 civil infraction.

2. The second violation of any provision of this chapter by the same person within a one-year period shall be a Class 2 civil infraction.

3. A third or subsequent violation of any provision of this chapter by the same person within a one-year period shall constitute a Class 1 civil infraction.

B. Penalties. The penalties for committing a civil infraction under this chapter are set forth in Chapter 1.18 FHMC, as it may be amended from time to time. (Ord. 1272 § 7, 2005)

9.08.080 Enforcement.

This chapter shall be enforced by the San Juan County sheriff's office. The sheriff's office may issue a notice of violation only after it receives a complaint from an identified person who owns, rents, or leases property that is affected by a noise source, except that FHMC 9.08.050(C)(5), relating to motor vehicles' audio systems, shall be subject to enforcement proceedings regardless of whether a complaint has been received. (Ord. 1272 § 8, 2005)

9.08.090 Provisions not exclusive.

The provisions of this chapter shall be cumulative and not exclusive. This chapter shall not affect any other claim, cause of action or remedy, nor, unless specifically provided, shall this chapter be deemed to repeal, amend, or modify any law, ordinance, or regulation relating to noise. Instead, this chapter shall be deemed complementary to existing legislation and common law or noise. (Ord. 1272 § 9, 2005)

Chapter 9.10

SOCIAL CARD GAMES

Sections:

9.10.010 Prohibition.

9.10.010 Prohibition.

It is unlawful for any person to allow any premises or any facilities to be used for, to participate in or to conduct as a commercial stimulant or otherwise, any social card game as defined in RCW 9.46.0282; provided, that this section shall not apply to social card games conducted upon member premises of a licensed, bona fide charitable or nonprofit organization as authorized by RCW 9.46.0311; and provided, further, that this section shall not apply to social card games conducted or played in the dwelling or other place of residence of one of the players. (Ord. 1157 § 1, 2000)

Chapter 9.12

FALSE FIRE AND
BURGLARY ALARMS

Sections:

9.12.010 Definitions.

9.12.020 False alarms prohibited.

9.12.030 Unintentional burglary false alarms.

9.12.040 Unintentional false fire alarms.

9.12.050 Violation – Penalty.

9.12.060 Distribution of funds.

9.12.070 Key box.

9.12.010 Definitions.

For purposes of this chapter the words set out in this section shall have the following meanings:

“Alarm” means a device that manually or automatically sends out an audio and/or visual signal that is intended to alert persons to the fact that a fire, burglary, or robbery is occurring at a specific location.

“False burglary alarm” means the intentional or unintentional activation of a burglary and/or robbery alarm by causes other than forced entry or attempted forced entry to the premises at a time when no criminal act is being committed or attempted on the premises. The causes of unintentional false alarms include, but are not limited to, the following: equipment malfunction, improper installation or maintenance of the equipment, human error or negligence, or any cause other than the actual commission or attempted commission of a criminal act.

“False fire alarm” means the intentional or unintentional activation of a fire alarm by causes other than the occurrence of a fire. The causes of unintentional false alarms include, but are not limited to, the following: equipment malfunction, improper installation or maintenance of the equipment, human error or negligence, or any cause other than the occurrence of a fire.

“Intentional act” means an act done by a person when he or she acts with the object or purpose to accomplish a particular result.

“Unintentional act” means an act done by a person that is not an intentional act. (Ord. 1274 § 1, 2005)

9.12.020 False alarms prohibited.

A. No person shall intentionally or unintentionally cause a false burglary alarm or false fire alarm.

B. In the event that an alarm reported to the county sheriff’s office is determined to be a false alarm, the owner of the alarm system shall bear full responsibility for said alarm for the purposes of this chapter. (Ord. 1274 § 2, 2005)

9.12.030 Unintentional burglary false alarms.

The provisions of this section shall be administered by the county sheriff. Whenever it is determined that a false burglary alarm was not caused intentionally, the sheriff shall proceed as follows:

A. For a response to a premises at which no other unintentional false burglary alarm has occurred within the preceding six-month period, hereinafter referred to as a “first response,” the person responsible, as provided under FHMC 9.12.020(B), may be required, within five working days after notice to do so, to complete a written report to the sheriff, or his designee, on forms provided by him, setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by a qualified service provider and such other information as the sheriff, or his designee, may reasonably require in order to determine the cause for such false alarm and the corrective action necessary to eliminate any repeat of the false alarm.

B. For a second or subsequent response to the same premises within six months after the first response, a written report shall be required, as for a first response, and the sheriff, or his designee, shall inspect or cause to be inspected the alarm system at said premises. Any associated costs for such inspection shall be borne by the responsible party. Following the inspection the sheriff, or his designee, may

prescribe corrective action, in which case notice of such action shall be given to the responsible party. (Ord. 1274 § 3, 2005)

9.12.040 Unintentional false fire alarms.

The provisions of this section shall be administered by the town fire department. When it is determined that a false fire alarm was not caused intentionally, the town fire chief shall proceed as follows:

A. For a response to a premises at which no other unintentional false fire alarm has occurred within the preceding six-month period, hereinafter referred to as a “first response,” the person responsible, as provided under FHMC 9.12.020(B), may be required, within five working days after notice to do so, to complete a written report to the town fire chief, or his designee, on forms provided by him, setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by a qualified service provider and such other information as the fire chief or his designee may reasonably require in order to determine the cause for such false alarm and the corrective action necessary to eliminate any repeat of the false alarm.

B. For a second or subsequent response to the same premises within six months after the first response, a written report shall be required, as for a first response, and the town fire chief, or his designee, shall inspect or cause to be inspected the alarm system at said premises. Any associated costs for such inspection shall be borne by the responsible party. Following the inspection the fire chief, or his designee, may prescribe corrective action, in which case notice of such action shall be given to the responsible party. (Ord. 1274 § 4, 2005)

9.12.050 Violation – Penalty.

A. Every intentional violation of FHMC 9.12.020(A) shall constitute both a public nuisance and a Class I civil infraction, as defined in FHMC 1.18.020.

B. Whenever there shall have been three unintentional false alarms from the same premises within any period of six months, the third false alarm shall constitute both a public

nuisance and a Class I civil infraction, as defined in FHMC 1.18.020. (Ord. 1274 § 5, 2005)

9.12.060 Distribution of funds.

All funds collected from fines imposed by the county district court for violations of this chapter shall be distributed as provided in RCW 3.62.020. The clerk of the county district court in his/her monthly remittance of funds to the town treasurer shall earmark those funds received as a result of fines imposed for a violation of this chapter. Thirty-two percent of those funds shall be remitted by the town treasurer to the state treasurer as required by RCW 3.62.020(2) and the remainder deposited in the town current expense fund as required by RCW 3.62.020(3). (Ord. 1274 § 6, 2005)

9.12.070 Key box.

All buildings equipped with or required to be equipped with fire detection or fire suppression systems or equipment shall install a key box in an accessible location on the exterior of the building in order to allow immediate access by authorized law enforcement or fire-fighting personnel whenever they have reasonable grounds to believe that a fire or other emergency may be occurring within the building.

The key box shall be of a type approved by the town fire chief, shall contain proper keys to gain access to the building, and shall be installed in a manner approved by the fire chief. A key box tamper switch shall be connected to the building's fire alarm system.

Compliance with this section shall be required within six months of the effective date of the ordinance codified in this chapter. (Ord. 1274 § 7, 2005)