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**Title 10**  
**PUBLIC PEACE, SAFETY AND MORALS**

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**Chapter 10.01**  
**NOISE CONTROL**

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**10.01.010 Declaration of policy -- Findings.**

(1) Purpose. The purpose of this chapter is to minimize the exposure of citizens to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare. It is the express intent of the county to control the level of noise in a manner which promotes the use, value and enjoyment of property; sleep and repose; commerce; and the quality of the environment.

(2) Findings. The problem of noise in unincorporated Snohomish county has been observed by the council and county staff. It has been studied by a council-appointed citizens noise issues advisory group. It is documented by the complaints received and logged in the sheriff's department, and by the complaints recorded and noted at public meetings of the noise issues advisory group. On the basis of this experience and knowledge of conditions within unincorporated Snohomish county, the council finds that special conditions exist which make necessary any and all differences between [chapter 10.01](#) SCC and the regulations adopted by the Washington State Department of Ecology.

(Added Ord. 97-023, § 1, June 4, 1997, Eff date January 1, 1998).

**10.01.020 Definitions.**

All technical terminology used in [chapter 10.01](#) SCC, and not defined in [chapter 10.01](#) SCC, shall be interpreted in conformance with the American National Standards Institute Specifications, Section 1.1-1983 and Section 1.4-1983 as now in force or as later amended. As used in this chapter, the following terms shall have the meanings set forth below:

(1) "Administrator" means the director of the planning and development services department or that person's designated representative who is authorized to administer and enforce specific noise control provisions under [chapter 10.01](#) SCC.

(2) "Ambient sound level" means the background level of all sound in a given district independent of the specific source being measured.

(3) "Commercial agriculture" means the production of livestock or agricultural commodities on lands defined as "Farm and Agricultural" by RCW 84.34.020 (2) and the offering of the livestock and agricultural commodities for sale.

(4) "Construction" means any site preparation, clearing, grading, assembly, erection, demolition, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property.

(5) "Day" or "daytime," for the purposes of this chapter, means the hours between 7:00 a.m. and 10:00 p.m. on weekdays and between 9:00 a.m. and 10:00 p.m. on weekends.

(6) "dB(A)" means the sound level measured in decibels, using the "A" weighting scale which reflects the response characteristics of the human ear.

(7) "District" means the land use zones to which the provisions of [chapter 10.01](#) SCC are applied. For the purpose of chapter 10.01:

(a) "Rural district" includes *the following\** zones established in chapter 30.21 SCC: *Rural Resource Transitional - 10 Acre (RRT-10)\**, Rural-5 acre (R-5), Rural Conservation (RC), Rural Use (RU), Suburban Agriculture-1 acre (SA-1), Forestry (F), Forestry and Recreation (F & R), Agriculture-10 Acre (A-10), and Rural Diversification (RD).

(b) "Residential district" includes *the following\** zones established in chapter 30.21 SCC: Residential 20,000 square feet (R-20,000), Residential 12,500 square feet (R-12,500), Residential 9,600 square feet (R-9,600), Residential 8,400 square feet (R-8,400), Residential 7,200 square feet (R-7,200), Waterfront Beach (WFB), Townhouse (T), Low Density Multiple Residential (LDMR), and Multiple Residential (MR).

(c) "Commercial district" includes *the following\** zones established in chapter 30.21 SCC: Freeway Service (FS), Neighborhood Business (NB), Planned Community Business (PCB), Community Business (CB), Rural Freeway Service (RFS), Rural Business (RB), *Clearview Rural Commercial (CRC)\** and General Commercial (GC).

(d) "Industrial district" includes *the following\** zones established in chapter 30.21 SCC: Business Park (BP), Light Industrial (LI), Heavy Industrial (HI), Industrial Park (IP), Mineral Conservation (MC), Rural Industrial (RI), and all parcels of land possessing a valid conditional use permit for mineral extraction issued pursuant to chapter 30.42C SCC.

(8) "Equipment" means any stationary, mobile, self-powered, or portable device or any part thereof capable of generating sound.

(9) "Exterior play area" means any outdoor area which is designated in any site plan as a place where children will play and/or features playground equipment, fields for organized sports, or other facilities for outdoor recreational activities.

(10) "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle.

(11) "Impulsive sound" means sound having the following qualities: the peak of the sound level is less than one second and short compared to the occurrence rate, the onset is abrupt, the decay is rapid, and the peak value exceeds the ambient level by more than 10 dB(A). For example, the sound made by a pile driver would often meet the definition of an "impulsive sound."

(12) "Land use" means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

(13) "Leq" is a basic measure for quantifying noise exposure, namely: the equivalent A-weighted continuous sound level in a given time period that conveys the same sound energy as the actual time-varying A-weighted sound.

(14) "Ldn (day-night equivalent sound level)" is a basic measure for quantifying noise exposure, namely: the Leq for a 24-hour period with a 10dB weighting applied to sound levels between the hours of 10:00 p.m. and 7:00 a.m.

(15) "Motor vehicle" means any 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, aircraft, watercraft and vehicles used exclusively on stationary rails or tracks are not motor vehicles as that term is used in [chapter 10.01](#).

(16) "Motorcycle" means any motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, except that farm tractors and vehicles powered by engines of less than five horsepower are not included.

(17) "Muffler" means a device consisting of a series of chambers or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine, or for the purpose of introducing water to the flow of the exhaust gas, and which is effective in reducing sound.

(18) "Night" or "nighttime," for the purposes of this chapter, means the hours between 10:00 p.m. and 7:00 a.m. on weekdays, and between 10:00 p.m. and 9:00 a.m. on weekends.

(19) "Noise" means the intensity, duration and character of sounds from any and all sources.

(20) "Off-road vehicle" means any self-propelled motor-driven vehicle not used primarily for transporting persons or property upon public highways nor required to be licensed under RCW 46.16.010. "Off-road vehicle" shall not include special construction vehicles.

(21) "Periodic sound" means sound having the following qualities: the sound level varies repetitively with a period of one minute or less, and the peak value is more than 5 dB(A) above the minimum value. For example, the "chugging" sound made by a steam engine might meet the definition of a "periodic sound."

(22) "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

(23) "Property" means an interest or aggregate of rights in land which is guaranteed and protected by law. For purposes of [chapter 10.01](#) SCC, "property" includes a leasehold interest.

(24) "Property boundary" means an imaginary line exterior to any enclosed structure, at ground surface, which separates the property of one or more persons from that owned by others; and its vertical extension. In the case of separate tenancies or ownerships which share a common wall, floor, or ceiling "property boundary" shall mean the edge of the wall, floor, or ceiling which is on the side of the receiving tenancy or ownership.

(25) "Public disturbance noise" means any sound which, because of its random or infrequent occurrence, is not conducive to measurement under the quantitative standards established in SCC [10.01.030](#); and endangers or injures the safety or health of humans or animals, or endangers or damages personal or real property, or annoys, disturbs or perturbs any reasonable person of normal sensitivities, or is specifically included in those listed in [SCC 10.01.040](#) (1) or [10.01.040](#) (2).

(26) "Public highway" means the entire width between the right-of-way lines of every roadway publicly maintained by the Washington State Department of Transportation, or any county or city, when any part of the right-of-way is generally open to the use of the public for purposes of vehicular travel as a matter of right.

(27) "Pure tone component" means sound having the following qualities: a one-third octave band sound pressure level in the band with the tone that exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above, by 8 dB for center frequencies between 160 and 400 Hz, and by 15 dB for center frequencies less than or equal to 125 Hz. For example, the sound made by a siren often meets the definition of a "pure tone component."

(28) "Receiving property" means property within which sound originating beyond its property boundary is received.

(29) "Repetitive barking" means barking, whether by one or more dogs, which while not continuous constitutes 10 minutes or more of any half hour time span.

(30) "Sound level" means the weighted sound pressure level, measured by the use of a metering characteristic and weighted as specified in American National Standards Institute Specifications, Section 1.4-1983, as now or hereafter amended.

(31) "Sound level meter" means a sound level measuring device either Type I or Type II, as defined by American National Standards Institute Specifications, Section 1.4-1983, as now or hereafter amended.

(32) "Special construction vehicle" means any vehicle which is designed and used primarily for grading, paving, earthmoving, and other construction work; which is not designed or used primarily for the transportation of persons or property on a public highway; and which is only incidentally operated or moved over the highway.

(33) "Temporary construction site" means any location where site clearing, construction of plat improvements, or construction or remodeling of a structure, facility, improvement, or other feature attached to the land occurs including roadway, bikeway, trail, sidewalk, or other similar construction, repair, or improvement.

(34) "Warning device" means any device intended to provide public warning of potentially hazardous, emergency or illegal activities, including but not limited to a burglar alarm or vehicle backup signal, but not including any fire alarm.

(35) "Watercraft" means any contrivance powered by an internal or external combustion engine used or capable of being used as a means of transportation or recreation on water. "Watercraft" includes aircraft taxiing on water, but excludes aircraft in the act of actual landing or takeoff.

(36) "Weekday" means any day Monday through Friday which is not a legal holiday as defined in RCW 1.16.050.

(37) "Weekend" means Saturday and Sunday or any legal holiday as defined in RCW 1.16.050.

\*Code Reviser Note: The text shown above in subsection (7) in *italic font* was added by Ordinance No. 02-098 but was not indicated with addition marks.

(Added Ord. 97-023, § 1, June 4, 1997, Eff date January 1, 1998; Amended Ord. 99-037, § 1, June 9, 1999, Eff date June 21, 1999; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

### **10.01.030 Quantitative standards for sound.**

(1) Unlawful sounds. Except as provided in [SCC 10.01.050](#) (1), [10.01.050](#) (2), [10.01.050](#) (3), [10.01.050](#) (4), [10.01.050](#) (5), [10.01.050](#) (6) and [10.01.050](#) (7) it is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound which intrudes into the property of another person and exceeds the maximum permissible sound levels established in sub-sections SCC [10.01.030](#) (2) and [10.01.030](#) (3); or for any person to operate upon any public highway any motor vehicle or any combination of motor vehicles under any conditions of grade, load, acceleration or deceleration in such manner as to exceed the maximum permissible sound levels established in sub-section SCC [10.01.030](#) (4) for the category of vehicle.

(2) Maximum permissible sound levels. Measurement of sound levels from all sources except motor vehicles on public roads shall be made at or within the property boundary of the receiving property. Maximum permissible sound levels for districts within unincorporated Snohomish county, expressed in dB(A)'s, are:

DISTRICT OF RECEIVING PROPERTY	DISTRICT OF NOISE SOURCE			
	RURAL	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
RURAL	49	52	55	57
RESIDENTIAL	52	55	57	60
COMMERCIAL	55	57	60	65
INDUSTRIAL	57	60	65	70

(3) Modifications to maximum permissible sound levels. The maximum permissible sound levels established in sub-section SCC 10.01.030 (2) are altered by the sum of the increases and reductions in (a), (b), and (c) below:

(a) Sounds of short duration may exceed the maximum permissible sound levels by a total of not more than fifteen minutes in any one-hour period, when comprised of one or any combination of the following:

- (1) 5 dB(A) for a total of fifteen minutes, or
- (2) 10 dB(A) for a total of five minutes, or
- (3) 15 dB(A) for a total of one-and-one-half minutes.

(b) At night, as defined in sub-section 10.01.020 (18), the maximum permissible sound levels are reduced by ten dB(A) where the receiving property lies within a rural or residential district of Snohomish county, except for sound sources exempted under sub-section 10.01.050 (3).

(c) For any source of sound which is periodic, has a pure tone component, or is impulsive, the maximum permissible sound levels are reduced by 5 dB(A) at night, as defined in section 10.01.020 (18), where the receiving property lies within a rural or residential district of Snohomish county, except for sound sources exempted under sub-section 10.01.050 (4).

(4) Maximum permissible sound levels for motor vehicles. Measurement of motor vehicle sound levels shall be made at a distance of fifty feet from the center of the lane of travel at the posted speed limit, by measurement procedures established by the State Commission on Equipment. Maximum permissible sound levels for motor vehicles, expressed in dB(A)'s, are:

Vehicle Category	35 mph (56kph) or less	Over 35 mph (56 kph)
Motorcycles	78	82
Automobiles, light trucks, and not all other	72	78

motor vehicles 10,000 pounds or less GVWR		
All motor vehicles over 10,000 pounds GVWR	86	90

(5) Maximum permissible sound levels for watercraft. No person shall operate a watercraft on the waters of unincorporated Snohomish county in a manner as to exceed the maximum noise limits as prescribed in RCW 88.12.085. All measurements for enforcement of this section shall be taken in accordance with the provisions of Chapter 352-67 WAC.

(6) Modification for recorded bells, chimes, and carillons. The maximum permissible sound levels established in sub-section SCC 10.01.030(2) may be exceeded by 20 dB(A) for sounds of bells, chimes or carillons created by a sound amplifier or other device capable of producing or reproducing sound for a total of not more than 15 minutes a week.

(Added Ord. 97-023, § 1, June 4, 1997, Eff date January 1, 1998).

**10.01.040 Public disturbance noise.**

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

(1) Public Disturbance Noises, Day and Night. Sounds resulting from the following activities, occurring at any hour of the day or night, are determined to be public disturbance noises.

(a) Keeping or harboring any animal or animals whose frequent, repetitive or continuous noisemaking unreasonably interferes with the peace and comfort of persons in rural or residential districts, except farm animals in zones where farm animals are allowed and except the keeping or harboring of animals in commercial kennels, animal shelters, veterinary hospitals, pet shops, and grooming parlors which are in compliance with noise impact mitigation measures designed to meet the standards of SCC [10.01.030\(2\)](#) and [SCC 10.01.040\(1\)](#) required as a part of a conditional use permit or SEPA determination issued by the Hearing Examiner or Department of Planning and Development Services.

(b) The use of unmuffled exhaust systems on motor vehicles, off-road vehicles and recreational watercraft.

(c) Creation of frequent, repetitive or continuous sounds in connection with starting, repairing, operating or testing of motor vehicles, off-road vehicles, or internal combustion engines in a manner that interferes with the peace and comfort of persons in rural or residential districts.

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

(e) The making of any loud and raucous sound within one thousand feet of any school, hospital, sanitarium, nursing or convalescent facility, which unreasonably interferes with the use of such facility, or with the peace, comfort, or repose of persons therein.

(f) The use of a sound amplifier on public streets for commercial advertising or for the purpose of attracting attention to the vehicle, except as permitted by law, provided that ice cream vendors whose sole method of sale is from a moving vehicle shall be exempted.

(g) The creation, by use of a musical instrument, sound amplifier or other device capable of producing or reproducing sound, of sounds heard as comprehensible music rhythms or felt:

(i) Within a residence not originating the noise, or

(ii) Outdoors in a commercial, rural or residential district at a distance of 75 feet or more from the noise source. Such sounds include band sessions, automobile sound systems, and electronic sound reproduction equipment whether the source of the sound is stationary, portable, or in a motor vehicle.

(2) Public Disturbance Noises, at Night in Rural or Residential Districts. Sounds resulting from the following activities are determined to be public disturbance noises when they occur at night and noise is received on property in a rural or residential district.

(a) Operation within a rural or residential district of any mechanically powered saw, drill, sander, grinder, blower, fan, garden tool or similar device, except devices engaged in emergency work exempted under section [SCC 10.01.050](#) (1)(g).

(b) Operating or permitting someone to operate an internal combustion powered model.

(c) Construction activity, including blasting, unless a public disturbance exemption permit pursuant to [SCC 10.01.050](#)(6) is obtained.

(d) The operation or idling, for more than ten minutes at a time, of stationary trucks weighing in excess of 10,000 pounds GVWR, except vehicles engaged in emergency work exempted under section [10.01.050](#)(1)(g).

(e) The sounding of bells, chimes or carillons.

(f) The creation by use of a musical instrument, whistle, human voice, sound amplifier, or other device capable of producing or reproducing sound, of loud and raucous sounds which emanate frequently, repetitively or continuously from any building, structure, vehicle or property, such as sounds originating from a band session, automobile sound system or social gathering.

(3) Exemptions from [SCC 10.01.040](#). Sounds resulting from activities identified in [SCC 10.01.040](#)(1) and [10.01.040](#)(2) shall not be considered public disturbance noises if:

(a) The activity which produces the noise is operated in conformance with a valid Conditional Use Permit; and

(b) The Conditional Use Permit establishes conditions designed to meet the standards of [chapter 10.01](#) SCC; and

(c) Sounds resulting from activities exempt from [SCC 10.01.040](#)(1) and (2) pursuant to this section are not exempt from SCC [10.01.030](#).

No sound source specifically exempted from provisions of this chapter by [SCC 10.01.050](#) (1), [10.01.050](#) (2), [10.01.050](#) (3), [10.01.050](#) (4), [10.01.050](#) (5), [10.01.050](#) (6), or [10.01.050](#) (7) may be determined to be a public disturbance noise, to the extent that the particular source is exempted.

(Added Ord. 97-023, § 1, June 4, 1997, Eff date January 1, 1998; Amended by Ord. 12-021, May 16, 2012, Eff date May 31, 2012).

## **10.01.050 Exemptions.**

(1) Sounds Exempt at All Times. The following sounds are exempt, at all times, from the maximum permissible sound levels established in SCC [10.01.030\(2\)](#) and [10.01.030\(3\)](#), except that such sounds produced by operations or activities requiring the issuance of a Conditional Use Permit or a SEPA determination shall only be exempt in so far as the conditions of the Conditional Use Permit or SEPA determination are being complied with.

(a) Sounds originating from aircraft in flight and sounds which originate at airports and are directly related to flight operations.

(b) Sounds created by the operation of equipment or facilities of surface carriers engaged in interstate commerce by railroad.

(c) Sounds originating from commercial, non-recreational vessels.

(d) Sounds created by the normal operation, on public highways, of motor vehicles regulated under SCC 10.01.030(4) pertaining to maximum permissible sound levels for motor vehicles.

(e) Sounds caused by fire alarms being used as such.

(f) Sounds created by warning devices, excluding back-up beepers, provided the devices do not operate continuously for more than five minutes per incident.

(g) Sounds created by emergency equipment and vehicles necessary for law enforcement or for the health, safety and welfare of the community, when used for these purposes.

(h) Sounds created by safety and protective devices, such as pressure relief valves, where noise suppression would defeat the safety purpose of the device.

(i) Sounds caused by pigs, cattle, horses, sheep, goats, and poultry in zones where allowed, whether in commercial or noncommercial activities, provided that such sounds shall not be exempt within the area bounded by Puget Sound on the west, the Snohomish county/King county line on the south, 164th Street SE on the north and the Bothell Highway (SR527) on the east.

(j) Sounds created by the discharge of firearms in the course of lawful hunting activities in zones where allowed.

(k) Sounds caused by natural phenomena.

(l) Sounds originating from officially sanctioned parades and other public events.

(m) Sounds originating from motor vehicle racing events at existing, authorized facilities.

(n) Sounds emitted during startup of petroleum refinery boilers, provided that the startup procedure is performed during daytime hours whenever possible.

(o) Sounds created by construction equipment, including special construction vehicles, at temporary construction sites, provided the receiving property is located in a commercial or industrial district.



(p) Sounds originating from forest harvesting, silviculture, or commercial agriculture, provided these uses are conducted in compliance with chapter [30.32A](#) or [30.32B](#) SCC.

(q) Sounds created by back-up beepers, provided that at night these sounds shall not be allowed to exceed the noise level necessary to comply with WAC 296.

(r) Sounds produced by fireworks, provided that all the restrictions in [SCC 30.53A](#) are being complied with.

(s) Activities necessary for roof replacement or site protection when weather conditions create an emergency. The noise administrator shall have the authority to determine whether or not an emergency exists.

(2) Sounds Exempt During Daytime Hours. The following sounds are exempt, during daytime hours, from the maximum permissible sound levels established in SCC [10.01.030](#)(2) and [10.01.030](#)(3) except that such sounds produced by operations or activities requiring the issuance of a Conditional Use Permit or a SEPA determination shall only be exempt in so far as the conditions regarding noise of the Conditional Use Permit or SEPA determination are being complied with.

(a) Sounds created by construction equipment, including special construction vehicles, at temporary construction sites.

(b) Sounds created by bells, chimes or carillons not operating for more than five minutes in any one hour.

(c) Sounds created by powered equipment used in temporary or periodic maintenance or repair of residential property.

(d) Sounds created by the installation or repair of essential utility services.

(e) Sounds created by the discharge of firearms in zones where allowed or at a shooting range (as defined in SCC 30.91S.180) which is sited, developed and operated in accordance with all the provisions of Subtitle 30.2 SCC.

(f) Sounds created by blasting.

(g) Sounds created by aircraft engine testing and maintenance.

(3) Exemptions from General Nighttime Reduction Provision. The following sounds are exempt from the nighttime reduction provision of SCC [10.01.030](#)(3)(b) except that such sounds produced by operations or activities requiring the issuance of a Conditional Use Permit or a SEPA determination shall only be exempt insofar as the conditions regarding noise of the Conditional Use Permit or SEPA determination are being complied with:

(a) Sounds originating from electrical substations and transmission lines.

(b) Sounds originating from stationary equipment used in the conveyance of water by a utility.

(c) Sounds emitted from asphalt and concrete production required by public agencies for the construction of public roadways during night-time hours, provided that:

(i) the county noise administrator receives advance written notice that the plant will be operating at night, with said notice indicating the agency in charge of the construction, the contract number, and the dates when the plant shall be operating during nighttime hours; and

(ii) notice shall be prominently posted for the general public:

(A) the same day as the plant operator is notified of the need for the night operation by the public agency; and

(B) be placed at the front entrance to the plant on signs measuring two feet by three feet; and

(C) which gives the information listed in (1) above; and

(iii) if the plant will be operating for more than two consecutive nights notice shall be mailed by the plant operator to all residents within 500 feet of the plant if the plant is located within an Urban Growth Area and within 1,500 feet of the plant if the plant is located outside of an Urban Growth Area.

(iv) in the event the plant operates at night for more than 3 consecutive weeks the operator shall hold a public meeting no later than the end of the fourth week to hear public comment. The purpose of the meeting shall be to identify and, when possible, mitigate neighborhood impacts. Notice of the public meeting shall be provided in the manner described in (1), (2), and (3) above.

(4) Exemptions from the Reduction for Periodic, Pure Tone and Impulsive Sound. The following sounds are exempt from the reduction for periodic, pure tone and impulsive sound provided in SCC [10.01.030](#) (3) (c) except that such sounds produced by operations or activities requiring the issuance of a Conditional Use Permit or a SEPA determination shall only be exempt insofar as the conditions regarding noise of the Conditional Use Permit or SEPA determination are being complied with:

(a) Sounds created by electrical substations and transmission lines.

(b) Sounds created by existing stationary equipment used in the conveyance of water by a utility.

(c) Sounds created by existing industrial activities; provided, that such exemption shall pertain only to the additional 5dB(A) nighttime component of the reduction for periodic, pure tone and impulsive sound, and provided further that such exemption shall only extend to three years after the effective date of this chapter.

(5) Kennel Exemptions.

(a) Commercial kennels, animal shelters, veterinary hospitals, pet shops, and grooming parlors holding a valid license issued pursuant to SCC 6.06 at the time of the adoption of this chapter shall be exempt from the provisions of this chapter other than [SCC 10.01.050](#) (5) (b). Such exemption shall not apply to any conditions or mitigating requirements imposed as a result of a Conditional Use Permit or SEPA determination. All commercial kennels, animal shelters, veterinary hospitals, pet shops, and grooming parlors obtaining a valid license issued pursuant to SCC 6.06 after the adoption of this chapter shall comply with all provisions.

(b) Commercial kennels holding a valid license issued pursuant to SCC [6.06](#) shall be required to observe "quiet hours" between 10 p.m. and 6 a.m. on Monday through Friday and between 10 p.m. and 8 a.m. on Saturday and Sunday. During this time it shall be a violation of the noise ordinance to allow repetitive barking or barking for a duration in excess of 5 minutes.

(6) Public Disturbance Exemption Permit.

(a) Any person who wishes an exemption from the public disturbance provisions of [SCC 10.01.040](#) may apply to the administrator for a permit. The application shall be accompanied by such information and data as the administrator may require and be filed not less than 45 days prior to the proposed event or activity for which the permit is required.

(b) Any use which would otherwise be a violation of [SCC 10.01.040](#) will be exempt from the provisions of [SCC 10.01.040](#) provided a valid permit has been issued by the administrator for the property upon which the use takes place. In no way shall such a permit exempt any holder from compliance with all other county codes.

(c) The person applying for an exemption shall post the property with a notice stating the proposed exemption, any proposed mitigating measures, and instructing persons who wish to comment to contact the administrator within a thirty day comment period. The comment period shall extend for 30 days from the day the affidavit described herein is given to the administrator. The applicant shall also mail notice to all property owners and residents within 500 feet of the property line of the lot containing the noise source. An affidavit, which shall include the names and addresses of property owners and residents notified, shall be given to the administrator by the applicant swearing that the posting and mailed notice was provided. Any person who believes they may be impacted may comment. Signs and instructions for posting shall be provided to the applicant by the administrator. The responsibility for and cost of notice shall be borne by the applicant.

(d) Following the 30 day comment period and after reviewing the application and any comments, the administrator shall:

(i) if no comments have been received, issue a temporary permit which may include conditions. Following the issuance of the temporary permit there shall be a 14 day appeal period. The holder of a temporary permit may operate upon receipt of the permit, even if the 14 day appeal period has not expired. Any person who believes they are impacted may comment during the appeal period, in which case the procedures outlined in (e) shall be followed. In the absence of such comments the temporary permit shall become final at the end of the 14 day appeal period.

(ii) if comments have been received the procedures outlined in (e) below shall be followed.

(e) Permit Process When Comments are Received.

(i) the administrator may call one or more administrative conferences with the applicant and persons submitting comments on the application to better understand the issues at hand. Administrative conferences shall be informal in nature, designed to elicit neighbors' concerns and reach an accommodation between the applicant and those with concerns. Notice of the administrative conference shall be provided to the applicant and any persons who commented on the application. The administrator shall have the authority to recommend that the parties make use of a dispute resolution service.

(ii) permits shall be issued when:

(A) the administrator has determined that no person has demonstrated that the issuance of the permit shall create an undue noise burden; or

(B) the administrator has placed conditions upon the permit which in his/her judgment mitigate the concerns expressed by those opposed.

(f) When issuing the permit the administrator may place conditions regarding use including, but not limited to, restrictions on time of day, location on the lot, days of the week, and total hours of use per week.

(g) Final permits shall be for a period of one year, and may be renewed. The one year period shall begin at the end of the 14 day appeal period. Renewals shall be automatic unless complaints have been received by the noise administrator, in which case the same process shall be followed for renewals as for the original permit, except that written notice of the renewal shall be provided to all complainants.

(h) Fees. All initial applications for a permit shall be subject to a \$150 non-refundable application fee. In the event complaints have been received and the renewal is not automatic, the fee for the renewal of a permit shall be \$150. There shall be no fee for automatic renewals.

(7) Other Exemptions. Street construction or repair projects, which for reasons of public safety require that the work be done at night, shall be exempt from SCC [10.01.030](#) and [10.01.040](#) provided:

(a) That a single neighborhood is not impacted for longer than four weeks, and

(b) That those persons residing adjacent to the street which is to be worked on shall receive notice of the project at least one week in advance of the beginning of work.

(Added Ord. 97-023, § 1, June 4, 1997, Eff date January 1, 1998; Amended Ord. 99-037, § 2, June 9, 1999, Eff date June 21, 1999; Ord 02-098, December 9, 2002, Eff date February 1, 2003).

#### **10.01.060 Modified standards permit.**

(1) Any person who owns or is in possession of any property, use, process or equipment from which sound can emanate may apply to the administrator for a Modified Standards Permit (MSP) to provide relief from the requirements of [SCC 10.01.030](#) or rules or regulations adopted under SCC [10.01.030](#) governing the quality, nature, duration or extent of discharge of noise. A MSP may apply to all noise sources of a particular class or type. The application shall be accompanied by such information and data as the administrator may require. The administrator has authority to rule on the application, subject to the provisions of this section and to any rules and regulations adopted under this section.

(2) Criteria. The administrator may grant a MSP if the administrator finds that:

(a) The noise occurring or proposed to occur does not endanger public health, welfare, or safety; and

(b) In considering the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public the MSP is warranted; and

(c) The MSP, if granted, will further a public interest; and

(d) The applicant demonstrates the requirements for a temporary, technical or economic MSP under [SCC 10.01.060](#) (3) are met.

(3) Categories of MSPs.

(a) Temporary. The administrator may grant a temporary MSP, not to exceed fourteen days, for any activity, use, process or equipment which the administrator determines is temporary in nature. All such determinations shall be made in accordance with the procedures outlined in [SCC 10.01.060](#)(2).

(b) Technical. The administrator may grant a technical MSP on the ground that there is no practical means known or available for the adequate prevention, abatement or control of the noise involved. The duration of a technical MSP shall be until such practical means for prevention, abatement or control become known or available. A technical MSP shall be subject to the holder's taking of any alternative measures that the

administrator may prescribe. The holder of a technical MSP shall make reports to the administrator on a yearly or more frequent basis, as required by the administrator, detailing actions taken to develop a means of noise control or to reduce the noise involved, and must relate these actions to pertinent current technology.

(c) Economic. The administrator may grant an economic MSP on the ground that compliance with the particular requirement or requirements for which the MSP is sought will require the taking of measures which, because of their extent or cost, must be spread over a period of time. The duration of the MSP shall be for a period not to exceed such reasonable time as is required, in the view of the administrator, for the taking of the necessary measures. An economic MSP shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on the applicant's adherence to the timetable.

(4) Application Fee. Application for a MSP or for renewal of a MSP shall be accompanied by payment of a nonrefundable fee as follows:

- (a) Temporary MSP \$100.00
- (b) Technical or economic MSP \$250.00

In addition to this nonrefundable fee, applicants for technical or economic MSPs shall pay all additional costs not covered by the fee. Such costs include, but are not limited to:

- (i) Consultant charges for acoustical or economic studies;
- (ii) Field inspections;
- (iii) All hearing costs;

(iv) Any time in excess of 5 hours required to review the original application. All such charges shall be based upon actual costs paid by the county when an outside contractor is used to perform the work. When the work is performed by county staff the charge shall be \$40/hour.

(5) MSP not Held as a Right. A MSP or its renewal shall not be a right of the applicant or holder of the MSP or renewal, but shall be at the reasonable discretion of the administrator. The administrator shall retain jurisdiction over all MSPs. Upon a petition for review being filed by any person affected by a MSP or by any public official, the administrator may, in his/her discretion, call an administrative conference for the purpose of reviewing that MSP. Procedures governing such administrative conferences shall be in accordance with [SCC 10.01.060](#)(6). Upon accepting a petition for review the administrator may, for good cause shown, temporarily stay the force and effect of all or any part of the MSP until the review is finally adjudicated. The administrator may reaffirm, modify or rescind all or any part of the MSP being reviewed, provided that permanent modifications or rescission may only take place following an administrative conference.

(6) Administrative Procedures.

(a) The administrator shall adopt rules and regulations governing the application for and granting of MSPs, including provision for notice and/or administrative conferences. The administrator shall have authority to:

- (i) Receive and examine available information,
- (ii) Make decisions,

(iii) At his/her discretion, hold administrative conferences for the settlement or simplification of the issues,

(iv) Dispose of procedural requests or similar matters, and

(v) Take any action authorized by or necessary to carry out this section.

(b) No technical or economic MSP may be granted without due notice to the public and opportunity to comment. If comments in opposition to the granting of the MSP are received, no technical or economic MSP may be granted until after an administrative conference has been held.

(c) Temporary MSPs may be granted by the administrator upon application.

(d) Notice of a MSP request and/or administrative conference shall be as provided in Section [30.70.045\(1\), \(2\) and \(3\)](#) except that the time and place for the administrative conference shall be set by the administrator and the notices shall be mailed to all property owners and residents within 500 feet of the property line of the lot containing the noise source, provided that if the MSP being requested is related to a mining use or operation the notice shall be provided to all property owners and residents within 1,500 feet. Preparation and mailing of notice to such owners and residents on applications involving repair, replacement, or construction of a public highway shall be the responsibility of the applicant.

The administrator's decision shall be final and may be appealed in the manner provided in [SCC 10.01.060](#) (8).

(7) Renewal. MSPs, except temporary MSPs, granted under [chapter 10.01](#) may be renewed on terms and conditions and for periods which would be appropriate on the initial granting of a MSP. No renewal of a technical or economic MSP shall be granted except on application made at least sixty days prior to the expiration of the MSP.

(8) Appeals. Any person aggrieved by the denial, granting or the terms and conditions of the grant of a noise MSP by the administrator may appeal such decision to the hearing examiner under the following procedures:

(a) Appeals shall be filed and processed pursuant to the provisions of [chapter 2.02](#) SCC.

(b) At the hearing, the appellant shall have the burden of proof, which burden shall be met by a preponderance of the evidence.

(c) The decision of the examiner shall be final and conclusive with an optional right of reconsideration as provided in SCC 2.02.167 and may then be reviewable by an action for writ of review filed in Snohomish county superior court as provided in [chapter 2.02](#) SCC; except as may be limited by chapters 43.21C RCW, 197-11 WAC and [30.61](#) SCC.

(9) Suspension of Enforcement Action. An owner or possessor of a pre-existing use or activity for which a MSP has been requested shall be free from enforcement action regarding the noise covered in the MSP application until such time as the MSP has been granted or denied.

(Added Ord. 97-023, § 1, June 4, 1997, Eff date January 1, 1998; Amended Ord. 99-037, § 3, June 9, 1999, Eff date June 21, 1999; Ord. 02-098, December 9, 2002, Eff date February 1, 2003)

## **10.01.070 Noise prevention.**

(1) Applicants for permits for the building of new commercial or industrial structures shall be advised by the Department of Planning and Development Services that Snohomish County has passed and enforces a noise ordinance. The department shall provide them with information regarding [chapter 10.01](#) SCC. Persons building new commercial or industrial structures are urged to plan to address noise issues in their building and site design, particularly when the noise will impact residential areas in the evening and at night.

(2) The standards provided in [chapter 10.01](#) SCC represent the minimum protections for citizens from noise which are deemed appropriate. The county is aware of technologies and techniques which would reduce the impact of noise on citizens even further, but has chosen not to require them due to the impact on existing commercial and industrial uses. The fact that a new commercial or industrial use will meet the requirements of this code does not preclude other steps for noise abatement being required by the county when considering Conditional Use Permits and making SEPA determinations.

(3) New Residential Structures. In situations where the general conditions within a residential plat or short plat applied for after the effective date of this chapter indicate that noise from existing airports or interstate freeways may cause the exterior noise level anywhere within the proposed plat to exceed an Ldn of 60 dB(A), buffering or other mitigating measures may, prior to the approval of the preliminary plat, be required to be incorporated into the design and construction plans of the site and structure which are capable of reducing sound inside each home (with windows closed) to a level no higher than a Ldn of 40 dB(A). The following factors shall be considered in making a determination to require such mitigation measures:

(a) Whether reasonable noise mitigation measures are available, and

(b) Whether the financial impacts of the mitigation measures are disproportionate to the overall cost of the project, and

(c) Whether the benefit outweighs the cost.

(4) Arterial Street Improvements. In residential districts where arterial street improvements will be constructed in a new location or there is physical alteration of an existing arterial which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes, the county shall consider having a noise analysis done by a qualified person if, when measured:

(a) The existing noise level (maximum hourly Leq) exceeds 67dBA, or

(b) The projected noise level (maximum hourly Leq) is expected to increase beyond 67dBA, or

(c) The exterior noise level is expected to increase by 10 dBA or more as a result of the project.

In determining and measuring noise impacts, measurements should be taken from those exterior areas where frequent human use occurs.

(5) In deciding whether spending on noise mitigation measures related to arterial street improvements will be approved, the council and county administrative agencies shall consider the following factors:

(a) Whether reasonable noise mitigation measures are available, and

(b) Whether the financial impacts of the mitigation measures are disproportionate to the overall cost of the arterial improvement project, and

(c) Whether benefited property owners contribute to the cost, and

- (d) Whether the benefited community is supportive of mitigation measures, and
  - (e) Whether the existing noise level was near or above 67dB(A) before or after the proposed arterial street improvements, and
  - (f) Whether a cost-benefit analysis shows the benefit to outweigh the cost.
- (6) Violations of this section shall not be subject to enforcement under [SCC 10.01.080](#)(2) and (3).

(Added Ord. 97-023, § 1, June 4, 1997, Eff date January 1, 1998).

### **10.01.080 Enforcement and appeals.**

(1) Administrative and Enforcement Personnel. The administrator or a person designated by the administrator is authorized and directed to administer and enforce the provisions of [chapter 10.01](#) SCC pertaining to quantitative standards and MSPs, except for [SCC 10.01.030](#)(5). The administrator shall also be responsible for the issuance of all exemptions under [SCC 10.01.050](#)(6) and (7). The Sheriff or any duly appointed deputy sheriff is authorized and directed to administer and enforce the provisions of [chapter 10.01](#) SCC pertaining to public disturbance noise and [SCC 10.01.030](#)(5). The Department of Public Works is authorized and directed to ensure the carrying out of the provisions of [SCC 10.01.070](#)(4) and (5). The Department of Planning and Development Services is authorized to enforce the provisions of [SCC 10.01.070](#)(1), (2), and (3). All county departments are authorized to assist the administrator, the Sheriff, the Department of Planning and Development Services, and the Department of Public Works in the administration and enforcement of [chapter 10.01](#) SCC.

(2) Quantitative Standards Enforcement.

(a) Whenever the administrator has reason to believe that a violation of any of the quantitative standards in section [SCC 10.01.030](#), other than [10.01.030](#)(5), has occurred, the administrator may initiate enforcement action. Enforcement action shall include, at the administrator's discretion, the issuance of an administrative notice and order and/or the issuance of a notice of civil infraction under the provisions of Chapter 7.80 RCW. In issuing an administrative notice and order the administrator shall follow the procedures outlined in chapter [30.85 SCC](#).

(b) Any person charged with a civil infraction under the provisions of [10.01.030](#) (excluding [10.01.030](#)(5)) shall respond to the notice of infraction in the manner set forth in Chapter 7.80 RCW.

(c) When a civil infraction is issued each violation shall be subject to a civil penalty of:

(i) \$100 when the violator is not engaged in commercial ventures as defined in chapter [30.85 SCC](#); and

(ii) \$250 when the violator is engaged in commercial ventures as defined in chapter [30.85 SCC](#).

(iii) penalties for an additional separate violation of a like nature by the same person within a three year period shall be double the rates identified in this section.

(d) In cases where the same person has been found to have committed three or more violations of [10.01.030](#) (excluding [10.01.030](#)(5)) within a three year period, any subsequent violations of [10.01.030](#) (excluding [10.01.030](#)(5)) within one year of the last adjudication shall constitute a misdemeanor. In such cases, the administrator shall have the option of either:



- (i) initiating an administrative notice and order proceeding which may include the imposition of a monetary fine not to exceed \$1,000 for each 24 hour period in which the violation persists, and/or requiring the installation of fixed sound-measuring devices at the violator's property boundary at the violator's expense; or
- (ii) transmitting the case records to the prosecutor's office for prosecution as a misdemeanor; or
- (iii) any combination thereof. In the event the installation of fixed sound-measuring devices is required by the administrator the administrator shall also have the authority to require provision of periodic monitoring reports to the county.

(3) Public Disturbance Enforcement. Any person found to be in violation of the provisions of section [SCC 10.01.040](#) governing public disturbance noise or [10.01.030\(5\)](#) shall be deemed to have committed a civil infraction as established in Chapter 7.80 RCW and for each violation shall be subject to a civil penalty of \$50; provided that penalties for an additional separate violation of a like nature by the same person within a one year period shall be \$100; and provided further that any second violation within a 24 hour period shall constitute a misdemeanor punishable by incarceration for a period not to exceed 90 days and/or monetary fine not to exceed \$1,000. Any person charged with a civil infraction under the provisions of section [SCC 10.01.040](#) or [10.01.030\(5\)](#) shall respond to the notice of infraction in the manner set forth in Chapter 7.80 RCW. Where a person has been found to have committed the same offense in violation of [SCC 10.01.040](#) or [10.01.030\(5\)](#) three or more times in a one year period, a subsequent charge brought within one year of the last adjudication constitutes a misdemeanor punishable by incarceration for a period not to exceed 90 days and/or a monetary fine not to exceed \$1,000.

(4) Appeals. Appeals from decisions of the administrator regarding violations of quantitative standards or regarding applications for MSPs or MSP renewals, shall be to the hearing examiner under the following procedures, provided that appeals of civil infractions shall be subject to the provisions of Chapter 7.80 RCW:

- (a) Appeals shall be filed and processed pursuant to the provisions of [chapter 2.02](#) SCC.
- (b) At a hearing regarding a violation of the quantitative standards, the administrator shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence.
- (c) At a hearing regarding an appeal of a MSP or MSP renewal, the appellant shall have the burden of proof, which burden shall be by a preponderance of the evidence.
- (d) The hearing examiner's decision shall be final and conclusive with a right of reconsideration as provided in [SCC 2.02.170](#) and may then be reviewable by an action for judicial review filed as provided in [chapter 2.02](#) SCC..

(Added Ord. 97-023, § 1, June 4, 1997, Eff date January 1, 1998; Ord. 02-098, December 9, 2002, Eff date February 1, 2003).

## **Chapter 10.04**

### **OFFENSES AGAINST PUBLIC DECENCY**

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#### **10.04.010 Definitions.**

As used in this chapter, the following words and terms shall have the meaning set forth in this section:

- (1) "Actor" means a person, regardless of gender, who engages in conduct prohibited by this chapter.

- (2) "Expose" means to reveal, exhibit, or otherwise render open to public view.
- (3) "Expressive conduct" means any dance, opera, musical, dramatic work, or other exhibition or performance, whether or not part of an organized or formal event, that constitutes protected speech under the federal or state constitution.
- (4) "High risk prostitution area" means:
- (a) The entire area extending two blocks east of and two blocks west of and inclusive of State Route 99 (Highway 99) from 220th Street S.W. to 244th Street S.W.; and,
- (b) The entire area extending two blocks east of and two blocks west of and inclusive of State Route 99 (Highway 99) from State Road 525 (Mukilteo Speedway) to 112th Street S.W.
- (5) "Obscene" matter means any matter:
- (a) Which the average person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest; and
- (b) Which explicitly depicts or describes patently offensive representations or descriptions of:
- (i) Ultimate sexual acts, normal or perverted, actual or simulated; or
- (ii) Masturbation, fellatio, cunnilingus, bestiality, excretory functions or lewd exhibition of the genitals or genital area; or
- (iii) Violent or destructive sexual acts including but not limited to human or animal mutilation, dismemberment, rape or torture; and
- (c) Which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political or scientific value.
- (6) "Public place" means an area generally visible to public view including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and any place in which the general public has a right to be present or view, whether or not conditioned upon payment of a fee, and includes, but is not limited to, buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them, and structures from which customers can be served through a drive-up or walk-up window, door, or other means, whether or not access is restricted according to age.
- (7) "Public place provided or set apart for nudity" means an enclosed public restroom, an enclosed functional shower or locker room facility, an enclosed sauna, a motel room or hotel room designed and intended for sleeping accommodations, the location of a bona fide private club whose membership as a whole engages in social nudism or naturalism (a nudist resort or camp), and any similar public places in which nudity is necessarily and customarily expected outside of the home.
- (8) "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of any person.
- (9) "Sexual intercourse:"
- (a) Has its ordinary meaning and occurs 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.

(10) "Sexually explicit material" means any pictorial or three-dimensional material depicting sexual intercourse, masturbation, sodomy, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship, or emphasizing the depiction of adult human genitals; PROVIDED, HOWEVER, That works of art or of anthropological significance shall not be deemed to be within the foregoing definition. In determining whether material is prohibited for public display by this section such material shall be judged without regard to any covering which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of this subsection.

(Ord. 83-010 § 2, adopted February 25, 1983; Amended Ord. 92-122, Dec. 2, 1992; Amended Ord. 92-152, Jan. 13, 1993; Amended by Ord. 09-127, Dec. 9, 2009, Eff date Jan. 7, 2010).

#### **10.04.020 Unlawful public exposure prohibited.**

(Ord. 83-010 § 2, adopted February 25, 1983; Repealed by Ord. 09-127, Dec. 9, 2009, Eff date Jan. 7, 2010)

#### **10.04.025 Lewd conduct.**

(1) A person is guilty of lewd conduct if in a public place and under circumstances where such conduct is likely to be observed by a member of the public the person intentionally:

(a) Exposes any of the following body parts of the person without a full and opaque covering in other than a public place provided or set apart for nudity:

(i) Any part of the male or female genitals, pubic hair, pubic area, perineum, anus, or bottom one-half of the anal cleft;

(ii) Any part of the areola or nipple of the female breast; or

(iii) More than one-half of the part of the female breast located below the top of the areola, provided that the covered area shall be reasonably compact and contiguous to the areola.

(b) Exposes the male genitals in a discernibly turgid state, even if fully and opaquely covered.

(c) Touches, caresses, or fondles the genitals or female breast, whether clothed or unclothed;

(d) Masturbates; or

(e) Engages in sexual contact.

(2) Body paint, body dye, tattoos, latex, tape, or any similar substance applied to the skin surface, any substance that can be washed off the skin, or any substance designed to simulate or by which by its nature simulates the appearance of the anatomical area beneath it, is not full and opaque covering within the meaning of this section.

(3) This section shall not be construed to prohibit:

(a) The act of breastfeeding or expressing breast milk;

(b) Classes, seminars, and lectures held for serious scientific or educational purposes;

(c) Expressive conduct that is not obscene, subject to the time, place, and manner restrictions contained in chapters 6.25, 6.30, or 30.28 SCC or other law;

(d) Conduct of licensed adult entertainers within adult entertainment dance studios operating pursuant to chapter 6.25 SCC;

(e) Conduct of licensed employees working as escorts or nude house cleaners in adult businesses operating pursuant to chapter 6.30 SCC, provided that the conduct is not exposed to a person under 18 years of age; or

(f) Conduct of a child under 10 years of age.

(Added by Ord. 09-127, Dec. 9, 2009, Eff date Jan. 7, 2010)

#### **10.04.030 Facilitating unlawful public exposure prohibited.**

(Ord. 83-010 § 2, adopted February 25, 1983, Repealed by Ord. 09-127, Dec. 9, 2009, Eff date Jan. 7, 2010)

#### **10.04.035 Facilitating lewd conduct.**

The owner, lessee, manager, operator, or other person in charge of a public place is guilty of facilitating lewd conduct if the person knowingly permits, encourages, or causes to be committed lewd conduct as defined in SCC 10.04.025.

(Added by Ord. 09-127, Dec. 9, 2009, Eff date Jan. 7, 2010)

#### **10.04.040 Exemptions.**

(Ord. 83-010 § 2, adopted February 25, 1983; Amended Ord. 86-099, § 60, Nov. 12, 1986; Repealed by Ord. 09-127, Dec. 9, 2009, Eff date Jan. 7, 2010)

#### **10.04.050 Prostitution.**

(1) A person is guilty of prostitution if such person engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

(2) For purposes of this section, "sexual conduct" means "sexual intercourse" or "sexual contact" as defined herein.

(Ord. 83-010 § 2, adopted February 25, 1983).

#### **10.04.060 Prostitution - sex of parties immaterial - no defense.**

In any prosecution for prostitution, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated, or solicited is immaterial, and it is no defense that:

(1) Such persons were of the same sex;

(2) The person who received, agreed to receive, or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.

(Ord. 83-010 § 2, adopted February 25, 1983).

#### **10.04.070 Permitting prostitution.**

A person is guilty of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails without lawful excuse to make reasonable effort to halt or abate such use.

(Ord. 83-010 § 2, adopted February 25, 1983).

#### **10.04.080 Patronizing prostitution.**

A person is guilty of patronizing prostitution if:

- (1) Pursuant to a prior understanding the person pays a fee to another person as compensation for that other person or a third person having engaged in sexual contact with him or her; or
- (2) The person pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor, the other person will engage in sexual conduct with him or her; or
- (3) The person solicits or requests another person to engage in sexual conduct with him or her in return for a fee; or
- (4) The person remains in or near a high risk prostitution area open to the public with the intent of committing prostitution as defined in [SCC 10.04.050](#). Among the circumstances which may be considered in determining whether an actor intends such prohibited conduct are:
  - (a) That the actor is a known prostitute or panderer; or
  - (b) That the actor repeatedly beckons to, stops or attempts to stop or engage passersby in conversation or repeatedly stops, or attempts to stop, motor vehicle operators by hailing, waving of arms or any other bodily gesture; or,
  - (c) That the actor inquires whether a potential patron, procurer or prostitute is a police officer or searches for articles that would identify a police officer or requests the touching of genitals or female breasts or requests exposure of genitals or female breasts with the purpose of establishing that the person is not a police officer.
- (5) The person remains in or near a high risk prostitution area open to the public with the intent of inducing, enticing, soliciting or procuring another to commit prostitution as defined in [SCC 10.04.050](#). Among the circumstances which may be considered in determining whether an actor intends such prohibited conduct are:
  - (a) That the actor circles a high risk prostitution area and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
  - (b) That the actor inquires whether a person being induced, solicited, enticed or procured to commit prostitution is a police officer or searches for articles that would identify a police officer or requests the touching of genitals or female breasts or requests exposure of genitals or female breasts with the purpose of establishing that the person is not a police officer.

(Ord. 83-010 § 2, adopted February 25, 1983; Amended Ord. 92-122, Dec. 2, 1992).

#### **10.04.090 Public display of sexually explicit material.**

A person is guilty of displaying sexually explicit material if he knowingly places such material upon public display, or if he knowingly fails to take prompt action to remove such a display from property in his possession after learning of its existence.

Material is placed upon "public display" if it is placed on or in a billboard, viewing screen, theater marquee, newsstand, display rack, window, showcase, display case or similar place so that sexually explicit material is easily visible from a public thoroughfare or from the property of others.

(Ord. 83-010 § 2, adopted February 25, 1983).

**10.04.100 Location of performers providing certain forms of entertainment restricted.**

(Ord. 83-010 § 2, adopted February 25, 1983; Repealed by Ord. 09-127, Dec. 9, 2009, Eff date Jan. 7, 2010)

**10.04.110 Affirmative defenses.**

(Ord. 82-010 § 2, adopted February 25, 1983; Repealed by Ord. 09-127, Dec. 9, 2009, Eff date Jan. 7, 2010)

**10.04.120 Urinating in public.**

A person is guilty of urinating in public if he or she intentionally urinates or defecates in a public place other than a washroom or toilet room under circumstances where such act could be observed by any member of the public.

(Added Ord. 92-152, Jan. 13, 1993).

**10.04.300 Penalty.**

Violation of any of the provisions of this chapter constitutes a misdemeanor, punishable by a fine of up to \$1000.00, imprisonment for a period of up to ninety days, or both.

(Ord. 83-010 § 2, adopted February 25, 1983).

**10.04.310 Severability.**

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

(Ord. 83-010 § 2, adopted February 25, 1983).

## **Chapter 10.05**

### **DISSEMINATING SEXUALLY EXPLICIT MATERIALS TO MINORS**

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**10.05.010 Definitions.**

In this chapter, unless the context clearly requires otherwise:

(1) "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse:

(a) which the average adult person, applying contemporary community standards, would find, when considered as a whole, appeals to the prurient interest in sex of minors; and

(b) which the average adult person would find is patently offensive to prevailing standards in the adult community with respect to what is suitable material for minors; and

(c) which, when considered as a whole, and in the context in which it is used, lacks serious literary, artistic, political and scientific value for minors.

(2) "Knowledge" and "knowing" have the meaning set out in RCW 9A.08.010(1)(b).

(3) "Minor" means a person less than 18 years old.

(4) "Nudity" means the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.

(5) "Sadomasochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

(6) "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks or, if such person be a female, breast.

(7) "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(Added Ord. 94-091, § 1, Sept. 21, 1994).

#### **10.05.020 Disseminating sexually explicit material to minors.**

A person is guilty of disseminating sexually explicit material to minors when:

(1) with knowledge of its character and content, he sells or loans to a minor for monetary consideration:

(a) any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct or sadomasochistic abuse and which is harmful to minors; or

(b) any book, pamphlet, magazine or printed matter however reproduced which contains any matter enumerated in paragraph (1)(a) hereof, or explicit and detailed verbal descriptions or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse and which, taken as a whole, is harmful to minors; or

(2) knowing the character and content of a motion picture, show or other presentation which, in whole or in part, depicts nudity, sexual conduct or sadomasochistic abuse, and which is harmful to minors, he:

(a) exhibits such motion picture, show or other presentation to a minor for a monetary consideration; or

(b) sells to a minor an admission ticket or pass to premises whereon there is exhibited or to be exhibited such motion picture, show or other presentation; or

(c) admits a minor for a monetary consideration to premises whereon there is exhibited or to be exhibited such motion picture show or other presentation.

(Added Ord. 94-091, § 1, Sept. 21, 1994).

### **10.05.030 Affirmative defenses.**

In any prosecution for disseminating sexually explicit material to minors, it is an affirmative defense that:

- (1) the defendant had reasonable cause to believe that the minor involved was 18 years old or more; and
- (2) such minor exhibited to the defendant a draft card, driver's license, birth certificate or other official or apparently official document purporting to establish that such minor was 18 years old or more.

(Added Ord. 94-091, § 1, Sept. 21, 1994).

### **10.05.040 Vicarious liability.**

No person shall be vicariously liable for the conduct of agents, employees, or employers who violate this chapter except as provided in RCW 9A.08.030(2)(b).

(Added Ord. 94-091, § 1, Sept. 21, 1994).

### **10.05.050 Penalty.**

Any person violating this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided in [SCC 1.01.100](#).

(Added Ord. 94-091, § 1, Sept. 21, 1994).

## **Chapter 10.06 INTOXICATING LIQUOR ON COUNTY PROPERTY**

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### **10.06.010 Intoxicating liquor on county property.**

No person may be in possession of an open package containing intoxicating liquor or consume intoxicating liquor, as defined in [SCC 10.08.010](#), on any county park, fairground, building, or other property of Snohomish county, except as provided for in this chapter.. Every person who violates any provision of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided in [SCC 1.01.100](#).

(Res. 79-167, adopted July 2, 1979; Ord. 06-078, Oct. 11, 2006, Eff date Oct. 23, 2006).

### **10.06.020 Leased facilities.**

The opening or consumption of alcoholic beverages shall be permitted on any premises or property of the county leased to another party or otherwise contractually bound by an operator or concessionaire agreement for a term of one year or more, including the clubhouse at Kayak Point golf course and the Future of Flight Aviation Center, PROVIDED the lessee or other person occupying the premises or property has obtained a valid license from the Washington state liquor control board permitting the sale of intoxicating liquor.

(Ord. 81-025 § 1, adopted April 6, 1981; Ord. 80-014 § 1, adopted June 2, 1980; Res. 79-167, adopted July 2, 1979; Ord. 06-078, Oct. 11, 2006, Eff date Oct. 23, 2006).

### **10.06.030 Evergreen fairground and licensees of Snohomish county airport and Snohomish county department of parks and recreation.**



The opening or consumption of alcoholic beverages shall be permitted on the premises of the Evergreen fairground, as described in [SCC 2.32.020](#); the Snohomish county airport, as described in [SCC 15.08.052](#) and the outdoor patio of the Grand Terrace Room and indoor facilities at Willis Tucker Community Park located at 6705 Puget Park Drive, Snohomish, WA 98296 pursuant to the terms of either a special occasion license, pursuant to RCW 66.24.380 and Chapter 314-05 WAC, or a banquet permit, pursuant to RCW 66.20.010 and Chapter 314-18 WAC, hereinafter collectively referred to as liquor license, issued to the person occupying such premises by the Washington state liquor control board; PROVIDED, That such person shall have secured a license or permit to use such premises, hereinafter referred to as a facility license, from Snohomish county, and PROVIDED, FURTHER, That:

- (1) No such facility license shall be issued by Snohomish county except upon written application stating that the licensee intends to seek a Washington state liquor license and the terms of such license;
- (2) No liquor shall be served at a licensed event until the county receives written confirmation of the licensee's successful application for a liquor license from the Washington state liquor control board;
- (3) The licensee shall indemnify and hold Snohomish county harmless from any liability arising out of any activity conducted permitted by such licensee on county property;
- (4) The licensee shall provide commercial general liability insurance in an amount not less than \$1,000,000 combined single limit bodily injury and property damage. Coverage shall include host liquor liability if alcohol is provided and/or liquor liability if liquor is sold. Liquor liability and/or host liquor liability must be noted on the evidence of insurance. Snohomish county, its officers, and employees shall be named as additional insured, with an additional insured endorsement. The policy shall not be reduced or cancelled without 45 days' written notice to the county. The licensee shall provide to the county a certificate of insurance with endorsements prior to the event and, upon written request of the county, a duplicate of the policy as evidence of the insurance provided;
- (5) If required by the director of the airport or the director of the department of parks and recreation, the licensee shall provide crowd control by the sheriff's reserve, other police reserve, or such other security personnel as approved by the sheriff of Snohomish county. At the discretion of the county executive, the director of the airport, the director of the department of parks and recreation, or the sheriff, any facility license issued by the county for use of any premises of the Evergreen Fairground, the Snohomish county airport, or the specified premises at Willis Tucker Community Park may be revoked at any time if such licensee shall fail to adequately police and control the sale, service, or consumption of liquor pursuant to a valid liquor license issued to it from the Washington state liquor control board or if such licensee violates any terms of its facility license.

As used in this section, the term "person" means an individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other legal entity.

(Ord. 81-025 § 2, adopted April 6, 1981; Res. 79-167, adopted July 2, 1979; Ord. 06-078, Oct. 11, 2006, Eff date Oct. 23, 2006).

#### **10.06.040 Severability.**

If any portion of this chapter is held invalid, such decision shall have no effect upon the validity of the remaining portions of this chapter. The board of county commissioners hereby declares that it would have adopted this chapter and each part or portions thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof be declared invalid or unconstitutional.

(Res. 79-167, adopted July 2, 1979).

**10.06.050 Effective date.**

This resolution shall be effective on October 1, 1979. The amount of insurance coverage required by [SCC 10.06.030](#) shall be reviewed prior to the effective date of this act.

(Res. 79-167, adopted July 2, 1979).

## **Chapter 10.08**

### **MINORS POSSESSING INTOXICATING LIQUOR**

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**10.08.010 Intoxicating liquor defined.**

"Liquor" or "intoxicating liquor" as used in this chapter, are defined to mean alcohol, spirits, wine or beer, and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semi-solid, solid or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating.

(§ 1 of Res. adopted September 2, 1952).

**10.08.020 Minors possession unlawful - Exception.**

It is unlawful for any person under the age of 21 years, to purchase, drink, consume or possess intoxicating liquor or liquors within the county limits of Snohomish county, or to have consumed intoxicating liquor or liquors and to be or remain within the county limits of Snohomish county, except in the case of liquor given or permitted to be given to a person under the age of 21 years when in the company of his parent or guardian of legal age for beverage or medicinal purposes or administered to him by his physician or dentist for medicinal purposes only.

(§ 2 of Res. adopted September 2, 1952; Amended Ord. 87-004, February 18, 1987).

**10.08.030 Penalty for violation.**

Any person violating this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in [SCC 1.01.100](#).

(§ 4 of Res. adopted September 2, 1952).

## **Chapter 10.10**

### **GRAFFITI ABATEMENT DEMONSTRATION PROGRAM**

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Chapter 10.10 SCC repealed effective January 1, 2010.

(Added by Amended Ord. 08-011, March 19, 2008, Eff date April 11, 2008)

## Chapter 10.12 NO SHOOTING AREAS

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### 10.12.010 No shooting areas established.

The following described areas are hereby established as no shooting areas:

- (1) That portion of Snohomish county bounded on the south by the Shelby Road, on the west by 43rd Avenue West, on the north by Serene Way and on the east by Lake Road, all in Section 34, Township 28 North, Range 4 East, W.M.
- (2) All that portion of Snohomish county bounded on the south by 164th Street S.W., on the west by Larchway North, on the east by East Shore Drive, 155th and 2nd Avenue West, and on the north by Lakeview Road, all in Section 1, Township 27 North, Range 4 East, W.M.
- (3) That portion of Snohomish county bounded on the east, south and west by the east, south and west boundary lines of the Plat of Lake Bosworth No. 2, in Section 36, Township 30 North, Range 6 East, W.M., and Section 31, Township 30 North, Range 7 East, W.M., and on the north by the east and north lines of Government Lot 1 and by the north and west lines of Government Lot 2, in Section 36, Township 30 North, Range 6 East, W.M.
- (4) All of Government Lot 1, including Tidelands, Section 8, Township 29 North, Range 5 East W.M.
- (5) All of Government Lots 6, 7, 8 and 10, including Tidelands abutting thereon, lying southerly and westerly of the Smith Island Road in Section 9, Township 29 North, Range 5 East W.M.
- (6) That portion of Government Lots 6, 7, 8 and 10, including Tidelands abutting thereon, lying northerly and easterly of the Smith Island Road, Section 9, Township 29 North, Range 5 East W.M., shall be closed to shooting except during legal open hunting season for shotgun shooting only.
- (7) That portion of south Snohomish county from the Snohomish-King County Line north to the south city limits of Everett, Washington and west from the freeway to Puget Sound, except that portion lying within any incorporated city or town.
- (8) The waters of Silver Lake and in the area 500 yards from the shoreline of the lake in any direction.
- (9) Skyko River Tracts No. 4, in Sections 19 and 20, Township 28 North, Range 11 East, W.M.
- (10) All county owned gravel pits, sanitary landfills, garbage sites and park property now located or hereafter located throughout Snohomish county.
- (11) SE 1/4 of the SE 1/4 of Section 9, Township 27 North, Range 5 East W.M.
- (12) That portion of south Snohomish county from the King county line north to the city limits of Everett and west from the old Bothell- Everett Highway to the Freeway Highway 5, except that portion thereof lying within any incorporated city or town.

(13) Beginning at the north city limits of the city of Snohomish, in Section 7, Township 28 North, Range 6 East, W.M., on Hill Road or Blackman's Lake Road (107th Avenue), thence north along the west side of Hill Road to Shubert Road (64th Street), thence west along the north line of Shubert Road and extended to SR No. 9, thence south along SR No. 9 to SR No. 2, thence southeasterly along SR No. 2 to Larson Road, thence east on north side of Larson Road to Park Road, thence north along the east line of Park Road to the city limits of Snohomish.

(14) The waters of Echo Lake located in Section 33, Township 27 North, Range 6 East, W.M. and that area extending 500 yards from the shoreline of said lake in any direction.

(15) That part of Section 30, Township 28 North, Range 8 East, W.M., lying west of the Sultan River.

(16) The waters of Lake Roesiger and in the area 500 yards from the shoreline of said lake in any direction.

(17) That portion of Section 22 and N 1/2 26.27 Twp 29 N. Rge 6 E, W.M. and including Plat of Northwest Estates (6259) described as follows: Northwest Estates E boundary; Panther Creek centerline being W boundary; lying S'ly of following described line; Beginning at centerline Panther Creek and N margin 16th St. S.E.; then E along N margin to NW'ly margin 155th Ave S.E.; then NE'ly along NW'ly margin to SW'ly margin Carlson Rd; then SE'ly along SW'ly margin Carlson Rd to W margin Plat of Northwest Estates (6259) end describe line.

(18) The Plat of Blue Spruce Grove, generally described as:

Division No. 1 - a portion of NE 1/4 of Section 11, Township 30 North, Range 6 East, W.M. and a portion of NW 1/4 of Section 12, Township 30 North, Range 6 East, W.M.; Division No. 2 - a portion of Gov't. Lots 5 and 6, Section 11, Township 30 North, Range 6 East, W.M.; Division No. 3 - a portion of Gov't. Lot 6, Section 11 and Gov't. Lot 1, Section 12, Township 30 North, Range 6 East, W.M.; and Division No. 4 - a portion of the NW 1/4, NW 1/4, Section 12, Township 30 North, Range 6 East, W.M.

(19) The Plat of Tyee Berry Tracts located in Sections 30 and 31, Township 30 North, Range 5 East, W.M.

(20) All of Government Lots 5 and 6 of Section 4, Township 28 North, Range 5 East, W.M. together with Government Lots 5 and SE 1/4, NE 1/4 of Section 5, Township 28 North, Range 5 East, W.M.

(21) The waters of Panther Lake and in the area 500 yards from the shoreline of said lake in any direction; located in Sections 2 and 3, Township 28 North, Range 6 East, W.M., and Sections 34 and 35, Township 29 North, Range 6 East, W.M. together with those lands in Section 2 including the N 3/4 of Section 11, Township 28 North, Range 6 East, W.M. all lying west of 171st Ave. S.E.

(22) That portion of Sections 31 and 32, Township 28 North, Range 5 East, W.M., and Sections 5, 6, 7 and 8, Township 27 North, Range 5 East, W.M., lying east of the Bothell-Everett Highway (Old Pacific Highway), south of 132nd Street S.E. and west of 35th Avenue S.E. (York Road), and north of the following described line:

Beginning at the intersection of the east right-of-way line of said York Road and the south right-of-way line of Seattle Hill Road; thence from said point of beginning, westerly along said southerly right-of-way line of Penny Creek Road, to its intersection with the east right-of-way line of 25th Avenue S.E.; thence south along last said east line to the intersection with the south line of 164th Street S.E.; thence westerly along the last said south line to its intersection with the east right-of-way line of Old Snohomish Road; thence southwesterly along the Old Snohomish County Road to the east right-of-way line of said Bothell-Everett Highway.

(23) The waters of Lake Ketchum and in the area 500 yards from the shoreline of said lake in any direction.

(24) Section 28, Township 30 North, Range 7 East, W.M., SW1/4 NW1/4 and that part NW1/4 NW1/4 lying south of county road.

(25) Com on the NS ctrln of Sec 19, Twp 27N, Rng 10E, W.M., with its intersection with the S mgn of Co. Rd. #403, (known as the Old Gold Bar-Index Road), th SW'ly and NW'ly alg sd S mgn of the Co. Rd., to the W 1n of Sec 19, sd 1n being also the E 1n of Sec 24, Twp 27N, Rng 9E, W.M., th cont alg the S mgn of the Co. Rd., to its int with the W 1n of Gov Lot 1, in Sec 24, Twp 27N, Rng 9E, W.M., th S alg the W 1n of Gov Lot 1 ext, to the NW cor of Gov Lot 8, th cont S alg the W 1n of Gov Lot 8, to its int with the N mgn of State Rd. No. 15, th SE'ly alg the N mgn of State Rd. No. 15, to the E 1n of Sec 24, Twp 27N, Rng 9E, W.M., th cont alg sd N mgn of sd R/W, thru the W1/2 of Sec 19, Twp 27N, Rng 10E, W.M., to its int with the NS ctrln of sd Sec 19, the N alg the NS ctrln to the POB.

(26) Beg at the NE cor of Govt. Lot 6; th W 30'; th S 219' TPB; th S 181'; th SW'ly to Ebey Slough, sd pt being 70' N of the SE cor of Lot 6; th Walg the N ln of Ebey Slough tap 442.75' E of the W ln of lot 6; th N to the N ln of Govt. Lot 6; th E'ly alg the N ln of Govt. Lot 6 tap 442.75' W of the NE cor of Govt. Lot 6; th S 219' PLW the E ln of Govt. Lot 6; th E PLW the N ln of Govt. Lot 6 to TPB. All in Section 31, Township 30 North, Range 5 East, W.M., Snohomish county, Washington. Located Approx. 1.4 miles W of Marysville and S of Marine Drive.

(27) The waters of Sunday Lake located in Section 26, Township 32 North, Range 4 East, W.M. and the lands surrounding said Sunday Lake as follows: Beg app on the S R/W ln of Sunday Lake road and 1,040' W of the E ln of Sec 26, Twp 32N, Rng 4E, W.M., the POB; th SE'ly tap wh is 1,500' S'ly and 1,040' W of the E ln of Sec 25, Twp 32N, Rng 4E, W.M.; th W to the N'ly R/W ln of State Hwy 530; th NW'ly alg the N'ly R/W ln of Hwy 530 tap wh is S of the proj W R/W ln of 26th Ave. N.W.; th N alg sd proj W R/W ln of 26th Ave. N.W. to the S R/W ln of Sunday Lake Road; the E'ly alg the S ln of Sunday Lake Road to the POB.

(28) All of Section 35, Township 27 North, Range 6 East, W.M., except property lying east of the High Bridge Road and the West Snoqualmie Valley Road. (See commissioners' proceedings of November 27, 1978.)

(29) That portion of Snohomish county bounded on the south and southeast by SR 522, on the north and northeast by the old Snohomish-Monroe Rd, on the west by 115th Avenue SE (Shorts School River Rd) then heading west along the section line between Township 27 N, Range 6 E.W.M. and Township 28 N, Range 6 E.W.M. to the Snohomish River, and bounded on the southwest by the NE bank of the Snohomish River to its intersection with SR 522.

(30) That part of NW 1/4 Section 31, Township 30 N, Range 6 E, lying north of 54th Street NE and lying west of 107th Avenue NE.

(31) That part of SW 1/4 Section 30, Township 30, Range 6 E, lying west of 107th Avenue NE.

(32) That part of SE 1/4 Section 25, Township 30, Range 5 E, lying east of 95th Avenue NE.

(33) That part of NE 1/4 Section 36, Township 30, Range 5 E, lying north of 54th Street NE and east of 95th Avenue NE.

(34) That portion of Snohomish county bounded on the south by the Snohomish/King county line, on the north by Maltby Road, on the east by State Highway 9 and on the west by the Bothell-Everett Highway, except that portion lying within the boundaries of any incorporated city or town.

(35) The area bounded to the south by the King county line; on the east by Highway 9; on the north by the Lowell-Larimer Road and the Everett city limits; and on the west by Highway 527 (Bothell-Everett Highway).

(36) The Plats of May Creek Mountain View Tracts and May Creek Mountain View Tracts Division No. 2, Division No. 3 and Division No. 4, situated in Section 5, Township 27 North, Range 9 East, W.M., Snohomish county, Washington.

(37) Beginning at the SE corner of Section 34-27N-6E W.M., thence north along said east section line to the intersection of 230th St. SE, thence west along said road to the intersection of 155th Ave. SE, thence north along said road to the intersection of an unnamed tributary to the Snoqualmie River, thence northwesterly along said unnamed tributary number 0221 to the intersection of Ricci Creek, thence north along said creek to a point of intersection with Ricci Road, thence northerly along said road to the intersection of High Bridge Road, thence northwesterly along said road to the southerly edge of SR 522, thence southwestly along SR 522 to the intersection of Fales Road, thence north along said road to the intersection of Elliott Road, thence southeasterly along said road to the intersection with 172nd St. SE, thence easterly to the end of said road, thence continuing due east to the easterly side of the Snohomish River, thence northwesterly along the east side of the Snohomish River to a point on the east line of Government Lot 2 in the northeast quarter of Section 6-27N-6E W.M., thence north along said line and crossing the Snohomish River to the northwesterly side of said river, thence in a southwestly direction along its shoreline to a point on the south line of Government lot 2, thence due west to a point of intersection with B.N.R.R. R/W, thence in a northerly direction along said R/W to the north line of Section 31-28N-6E W.M., thence west along north line of 36-28-5E W.M. to SR 9, thence along said road in a southwestly direction to a point of intersection with the Snohomish-King County line, thence east along said line to the point of beginning.

(38) Beginning at a point of intersection of 68th Ave NW and 332nd St. NW on the north line of Section 5-32N-4E W.M., thence west along 332nd NW to point of intersection with 76th Ave NW, thence south along said road to the intersection of 316th Pl. NW, thence due east to a point of intersection on 68th Avenue NW, thence north along said road to the point of beginning and also including Lake Ketchum Recreation Tracts Division 6 in Section 6, Township 32N, Range 4E W.M.

(39) Beginning at a point of intersection of 236th St. NE and 27th Ave. NE on the north line of Section 5-31-5E W.M., thence westerly along 236th St. NE to its junction with Interstate 5, thence southerly along Interstate 5 to the northern most shoreline of the Stillaguamish River, thence easterly along said river to a point of intersection with the southerly extension of 27th Ave. NE, thence north along said road and its extension to the point of beginning.

(40) Beginning at a point of intersection of SR 530 and 119th Ave. NE in Section 29-32-6E W.M., thence south along 119th Ave. NE to its junction with 260th St. NE, thence east along said road to its junction with 121st Avenue NE, thence south to a point approximately 1000' along said road, thence due east to a point 500' east of the west line of Section 28-32-6E W.M., thence due north to a point of intersection with Jim Creek Road, thence continuing due north to a point of intersection with an unnamed tributary, number 0145 of the Stillaguamish River, thence following said tributary in a northwesterly direction to a point of intersection with SR 530, thence along said SR 530 in a southwestly direction to the point of beginning.

(41) All that portion of Snohomish county lying west of Hwy. 9, east of 67th Ave. NE., south of the southern city limits of Arlington and north of the south line of Section 23, 24-31N-5E W.M.

(42) Beginning at a point of intersection with 2nd St. and the eastern boundary of the city of Snohomish in Section 18-28N-6E W.M, thence north following the eastern city boundary to a point of intersection with 68th St. SE, thence east along said road to a point of intersection with 147th Ave. SE, thence south along said road to a point of intersection with 92nd St. SE, thence west along said road and its extension to a point of intersection

with Hwy 2, thence continuing west of 92nd St. SE and its extension to a point of intersection with 2nd St., thence along said road to the point of beginning.

(43) All of section 29-28N-7E W.M. together with that portion of section 30-28N-7E W.M. lying north of Brown Road and east of Chain Lake Road, together with that portion of section 32-28N-7E W.M., lying north of West Branch West Woods Creek Road, east of Ingrahm Road and west of Wagner Road.

(44) All that portion of Snohomish county lying south of 164th Street SE, westerly of the west boundary and southerly of the south boundary of the state reformatory located in section 11-27N-6E W.M., south of the southern city limits of Monroe, southeasterly of SR 522, easterly of the Snohomish River, and northwesterly of the Skykomish River.

(45) Beginning at a point of intersection of SR 9 and SR 92 in section 1-29N-5E W.M., thence northeasterly along SR 92 to a point of intersection with 44th Street NE, thence east along said road to a point of intersection with 147th Avenue NE, (Tanner Rd) thence southerly along said road to a point of intersection with Russell Road, thence southerly along said road to a point 950' north of the intersection of Beach Drive and 147th Avenue SE, thence due east to the junction of Utley and Newberg Road, thence southerly along Newberg Road to a point of intersection with OK Mill Road, thence southwestly along said road to a point of intersection with the S. Machias Road, thence southwestly along said road to the northern boundary of the City of Snohomish, thence westerly following the city boundary to SR 9, thence southerly and westerly following the western city boundary to a point of intersection with Riverview Road, thence northwesterly along said road to a point of intersection with Foster Slough Road, thence northwesterly along said road to a junction with 60th St. SE, thence east along said road to a junction with 83rd Ave. SE, thence north along said road to a junction with Fobes Road, thence northwesterly along said road to a point of intersection with Highway 2, thence continuing northwesterly along Highway 2 to a junction with SR 204, thence in a northerly direction along said road to a junction with Sunnyside Blvd. S.E., thence northerly along said road to a junction with Sunnyside Blvd. N.E., thence continuing along Sunnyside Blvd. NE to the north line of Section 11-29N-5E W.M., thence east along said line to an intersection with SR 9, thence north along said road to the point of beginning.

Except those parcels within the city boundary of Lake Stevens.

(46) Beginning at a point of intersection of Highway 522 and Fales Road on the west section line of Section 20 Township 27N - Range 6E, W.M. located in Snohomish county, Washington, thence in a northerly direction along Fales Road to a point of intersection with Elliott Road, thence following Elliott Road in a southeasterly direction to a point of intersection with 172nd Street SE, thence easterly along said road and its easterly projection to a point on the easterly shoreline of the Snohomish River, thence following said shoreline in a southeasterly direction to a point of intersection with Highway 522, thence following said highway in a southwestly direction to the point of beginning.

(47) That portion of South Snohomish county from the Snohomish-King County line to the south city limits of Everett and Mukilteo, west from Lowell Larimer Road and Hwy 9 to Puget Sound, except that portion lying within any incorporated city or town. The area beginning on the north boundary Tulalip Indian Reservation at the shore of Port Susan; thence east along said Reservation boundary to the west right-of-way SR 5 to a point 500 feet South of 1st Street in the City of Marysville, thence east along a line 500 feet South of and parallel to 1st Street to a point 500 feet east of Liberty Avenue; thence north along a line 500 feet East of and parallel to Liberty Avenue to a point 500 feet south of 3rd Street (Sunnyside Boulevard); thence easterly and southerly along a line 500 feet distant from 3rd Street and Sunnyside Boulevard to the south line Section 3, Township 29 North, Range 5E W.M.; thence east along the south line of said section 3 and section 2 and 1 of said Township and Range to the east right-of-way of SR 9; thence North along said right-of-way of SR 9 to the North line of Section 25 Township 31 North Range 5E W.M. Being 172nd Street NE; thence west along the north line of the following sections 25, 26, 27, 28, 29, 30 Township 31N Range 5E W.M. and Sections 25, 26,

27, 28, 29, 30 Township 31 Range 4E W.M. and Section 25 Township 31 N Range 3E W.M. to the shore of Port Susan; thence southerly along the shores of Port Susan to the point of beginning. Together with that portion of section 24-31N-3E W.M. lying west of Marine Drive and Clarence Avenue and south of 184th Street NW extended west to Puget Sound.

(48) That area of Sections 3 and 10, Township 27 North, Range 9 East, W.M., lying easterly of Gold Bar nature trails, northerly of Reiter Road (CORD #15), westerly of Old Lake Isabel Road, and southerly of the Bonneville power line right of way, and including all of Gold Bar nature trails. Section 3, Township 27, Range 9, RT-10-) Northwest 1/4 Northeast 1/4 Southwest 1/4. Section 3 Township 27 Range 9 South 1/2 Northeast 1/4 Southwest 1/4 together with west 85 feet of South 1/2 Northwest 1/4 Southeast 1/4. Section 3 Township 27 Range 9 Southeast 1/4 Southwest 1/4 together with 85 feet of Southwest 1/4 Southeast 1/4. Section 10 Township 27 Range 9 RT-6-) Northwest 1/4 Northwest 1/4. Section 10 Township 27 Range 9 Southwest 1/4 Northwest 1/4 less abandoned county road and less portion lying South of said county road. Section 10 Township 27 Range 9 RT-8-) North 1/2 Southeast 1/4 Northwest 1/4. Section 10 Township 27 Range 9 RT-19) abandoned transmission line right-of-way over Southwest 1/4 Northwest 1/4 - GN parcel nos. 168-A & portion of Great Northern right-of-way parcel number 167-A said section. Section 10 Township 27 Range 9 North 1/2 Southwest 1/4 Northeast 1/4 together with following described tract - South 115 feet less W 85 feet thereof of Northwest 1/4 Northeast 1/4. Section 10 Township 27 Range 9 Northeast 1/4 Northwest 1/4 together with W 85 feet of Northwest 1/4 Northeast 1/4. Section 9 Township 27 Range 9 RT-1-) East 1/2 Northeast 1/4 Northeast 1/4 less county road and less that portion lying northerly county road.

(49) That portion of Snohomish county described as follows: The plat of Lake Alyson Div. No. 1 (5167) together with that portion of the south half of the northwest quarter of section 4-29N-7E, W.M. described as follows, commencing at the northeast corner of said south half of the northwest quarter thence S 02 degrees 36' 50" W along the east line of said northwest quarter 665 feet, thence N 87 degrees 23' 10" W along the north line of said plat of Lake Alyson 275 feet to the true point of beginning, thence N 68 degrees 59' 16" W along the north line of said plat 214.10 feet, thence N 02 degrees 36' 50" E parallel with the east line of said northwest quarter 182.43 feet, thence S 87 degrees 23' 10" E perpendicular to said east line 203.16 feet, thence S 02 degrees 36' 50" parallel with said east line 250 feet to the true point of beginning per BLA 194-91 A.F. No. 9111010311, together with the southwest quarter of the northeast quarter, together with that portion of the west half of the southeast quarter north of and including the P-5000 road all within section 4-29N-7E, W.M.

(50) All that portion of Snohomish county located in sections 28, 29, 30 township 27 North, Range 10 East, W.M. described as follows: The assessors plat of Mount Index Riversites (5256), together with the assessors plat of Mount Index Riversites Division No. 2 (5257), (5258), (5259), (5260), (5261), (5262), (5263), together with the assessors plat of Bridal Veil Falls Park (3813).

(51) Those portions of Sections 1 and 2, Township 30 North, Range 6 East, W.M. and Sections 35 and 36, Township 31 North, Range 6 East, W.M. situated in Snohomish county described as follows: The north half and the north half of the south half of section 2, together with section 1, less the south half of the southwest quarter of said section 1, together with the south half of the southwest quarter and the southeast quarter of section 35, together with the southwest quarter of section 36.

(52) That portion of Snohomish county situated in Section 14, Township 29 North, Range 5 East, W.M., described as follows: Government lot 3 and the north half of Government lot 4, together with the south half of the south half of the southeast quarter of the northwest quarter and together with that portion of the northeast quarter of the southwest quarter lying westerly of the Olympic Pipeline Co. right-of-way except the south 660 feet and except the north 330 feet thereof. Together with that portion of the south 330 feet of the southwest quarter of the northeast quarter lying westerly of the county road also known as Sunnyside Blvd.

(53) Those portions of state-owned lands in Sections 9, 10, 11, 14, 15, 16, Township 28 North, Range 8 East, W.M., situated in Snohomish county described as follows: Those lands 100 yards in width on either side



of Sultan Basin road beginning at the south line of the southeast quarter of the southeast quarter of section 16 crossing the southeast quarter of the southeast quarter, the northeast quarter of the southeast quarter of section 16; the south half of the southeast quarter, the northeast quarter of the southeast quarter of section 9; the northwest quarter of the southwest quarter, the south half of the south half of section 10; the northeast quarter of the northwest quarter, the north half of the northeast quarter of section 15; the north half of the northwest quarter of section 14; the south half of the southwest quarter, the southwest quarter of the southeast quarter terminating at the concrete bridge crossing Olney Creek in the southwest quarter of the southeast quarter of section 11. Together with those state lands 100 yards in width on either side of Marsh Creek Road beginning at its junction with Sultan Basin Road in the northeast quarter of the southeast quarter of section 9 crossing the northeast quarter of the southeast quarter, the southeast quarter of the northeast quarter and terminating at its crossing of Marsh Creek in the southeast quarter of the northeast quarter of section 9. Together with those lands in the northwest quarter of section 9, township 28N, range 8E. W.M. and the southwest quarter of the northeast quarter of section 9, township 28N, range 8E. W.M. and the north half of the southwest quarter of section 9, township 28N, range 8E. W.M. and the southwest quarter of the southwest quarter of section 9, township 28N, range 8E. W.M. and the northwest quarter of the southeast quarter of section 9, township 28N, range 8E. W.M. Together with the south half of the south half of section 16, township 28N, range 8E. W.M.

(54) Beginning with the most westerly contact between the South Fork of the Skykomish River and permanent no-shooting area #50 as shown in [SCC 10.12.010](#); and then proceeding north and west along the west shore of the South Fork of the Skykomish River to where the river intersects with the Stevens Pass Hwy; and then westerly to where the highway intersects with 495th Dr. SE; and then southerly to where 495th Dr. SE intersects with Bridal Veil Falls Rd.; and then easterly to where Bridal Veil Falls Rd intersects permanent no-shooting area #50.

(55) Beginning at the point of the intersection of Home Acres Road and Ebey Slough, thence NE along the east bank of Ebey Slough to a point west of the north terminus of Fobes Road, thence south along Fobes Road to 83rd Ave. (Mack Road), thence south along 83rd Ave. to 60th St., thence west along 60th St. to Home Acres Road, thence north along Home Acres Road to the point of beginning, shall be closed to shooting except during legal open hunting season for shotgun shooting only.

(56) Those portions of land in Sections 1, 11 and 12 Township 28 North, Range 8 East; Sections 5, 6 and 7 Township 28 North, Range 9 East; Sections 32 and 33 Township 29 North, Range 9 East W.M. situated in Snohomish County described as follows: Those lands 100 yards in width on the northwesterly side of Sultan Basin Road beginning at the concrete bridge crossing Olney Creek in the south half of said section 11 and traversing northeasterly through sections 1, 11 and 12; together with those lands 100 yards in width on the northwesterly side of Sultan Basin road traversing northeasterly through sections 5, 6 and 7 in Township 28 North, Range 9 East; together with those lands 100 yards in width on the northwesterly side of Sultan Basin road traversing northeasterly through sections 32 and 33 in Township 29 North, Range 9 East terminating at the intersection with an unnamed road approximately 1800 feet in distance southwesterly of the shoreline of Spada Lake in the northwest quarter of section 33 Township 29 North, Range 9 East. Together with those lands in section 16 Township 28 North, Range 8 East, W.M. situated in Snohomish County described as follows: the north half and the north half south half. Together with those lands in section 9 Township 28 North, Range 8 East W.M. situated in Snohomish County described as follows: the southeast quarter of the southwest quarter and the south half of the southeast quarter.

(57) Those portions of land in Section 35, Township 29 North, Range 6 East, W.M. situated in Snohomish County lying south of Dubuque Road described as follows: The W 1/2 NW 1/4 NW 1/4 together with Lots 1 thru 7, 17 thru 21 of survey recorded in vol. 8 of survey page 62 under auditor file number 7809010372 being a revision of survey recorded in vol. 7 of survey page 187 under auditor file number 7805250164.

(58) Those portions of Sections 13 and 24, Township 31 North, Range 5 East, W.M. described as follows: Beginning at a point of intersection of the centerline of 196<sup>th</sup> St. N.E. and the west margin of Burn Road along the north line of the northeast1/4southwest1/4 of said Section 13; Thence in a southeasterly direction along said west margin to a point on the east line of the Snohomish County PUD #1 easement and the junction of Old Burn Road in the northwest1/4southeast1/4; Thence south along the east line of said easement

to a point on the south line of the northwest $\frac{1}{4}$ southeast $\frac{1}{4}$ ; Thence west along said south line to the east line of the Plat of Portage Creek; Thence south along the east line of said plat to the north line of the northeast $\frac{1}{4}$ northwest $\frac{1}{4}$  of Section 24; Thence east along said north line to the northeast corner of the northeast $\frac{1}{4}$ northwest $\frac{1}{4}$ ; Thence south along the east line of the northeast $\frac{1}{4}$ northwest $\frac{1}{4}$ ; Thence continuing south along the east line of the southeast $\frac{1}{4}$ northwest $\frac{1}{4}$  to a point of intersection with the centerline of 182<sup>nd</sup> St. N.E. in the southeast $\frac{1}{4}$ northwest $\frac{1}{4}$  of said Section 24; Thence west on said centerline and its westerly projection to the west line of the southeast $\frac{1}{4}$ northwest $\frac{1}{4}$ ; Thence north to a point 565 feet south of the northeast corner of the southwest $\frac{1}{4}$ northwest $\frac{1}{4}$  on the east line of said subdivision; Thence west from said point to a point on the east margin of SR 9; Thence northwesterly along said east margin and the existing Arlington City Limits to the north line of the southwest $\frac{1}{4}$ northwest $\frac{1}{4}$ ; Thence continuing east and north along the existing Arlington City Limits to the northeast corner of the southwest $\frac{1}{4}$ southwest $\frac{1}{4}$  of said Section 13; Thence continuing west along said existing Arlington City Limits to the west line of said Section 13; Thence continuing north along said Arlington City Limits and the west line of the northwest $\frac{1}{4}$ southwest $\frac{1}{4}$  of said Section 13 to the northwest corner of said subdivision; Thence east along the north line of the northwest $\frac{1}{4}$ southwest $\frac{1}{4}$  to a point of intersection with the centerline of 196<sup>th</sup> St. N.E.; Thence continuing east along said centerline of 196<sup>th</sup> St. N.E. to a point of intersection with the west margin of Burn Road and the point of beginning.

(59) Those portions of Sections 1, 2, and 12, Township 31 North, Range 5 East, W.M. described as follows: Beginning at a point of intersection of the most northeasterly corner of lot 37, plat of Haller City, Block 33 and the southerly shoreline of the South Fork Stillaguamish River located in government lot 11 in said Section 2 also being the existing Arlington City Limits; Thence following said existing Arlington City Limits in a southerly and easterly direction to the south margin of Tveit Road in the southeast $\frac{1}{4}$ northwest $\frac{1}{4}$  of said Section 12; Thence easterly along the south margin of Tveit Road to the east line of the southeast $\frac{1}{4}$ northwest $\frac{1}{4}$  of said Section 12; Thence northerly along said east line to the southerly line of the Bonneville Transmission line, Jim Creek easement; Thence northeasterly along said southerly easement line to the east line of the southwest $\frac{1}{4}$  northeast $\frac{1}{4}$  of said Section 12; Thence north along the east line of the west  $\frac{1}{2}$  northeast  $\frac{1}{4}$  to the center line of the South Fork Stillaguamish River in said Section 12; Thence following said river center line in a northerly and westerly direction to a point approximately 60 feet north of the most northeasterly corner of lot 37, plat of Haller City, Block 33 on the southerly shoreline of the South Fork Stillaguamish River located in government lot 11 in said Section 2; Thence south approximately 60 feet to the most northeasterly corner of lot 37, plat of Haller City, Block 33 on the southerly shoreline of the South Fork Stillaguamish River located in government lot 11 in said Section 2 and the point of beginning.

(60) Those portions of Sections 20 and 29, Township 32 North, Range 6 East, W.M. described as follows: Beginning at a point of intersection of the west line of the southeast $\frac{1}{4}$ northwest $\frac{1}{4}$  and the northerly margin of SR 530 in said Section 29; Thence northeasterly along said northerly margin to a point of intersection with the westerly margin of 127<sup>th</sup> Ave N.E. in the southeast $\frac{1}{4}$ southeast $\frac{1}{4}$  of said Section 20; Thence north along said westerly margin of 127<sup>th</sup> Ave. N.E. to the north line of the south  $\frac{1}{2}$  northwest $\frac{1}{4}$ southeast $\frac{1}{4}$ ; Thence west along said north line to the west line of the northwest $\frac{1}{4}$ southeast $\frac{1}{4}$ ; Thence south along said west line to the southwest corner of the northwest $\frac{1}{4}$ southeast $\frac{1}{4}$ ; Thence west along the north line of the southeast $\frac{1}{4}$  southwest $\frac{1}{4}$  to a point of intersection with the centerline of an unnamed creek approximately 902 feet easterly of the northwest corner thereof; Thence following said unnamed creek in a southwesterly direction to a point of intersection with the south line of the southeast $\frac{1}{4}$  southwest  $\frac{1}{4}$  approximately 176 feet easterly of the southwest corner thereof; Thence west approximately 176 feet to the southwest corner of the southeast $\frac{1}{4}$ southwest $\frac{1}{4}$  of said Section 20; Thence south along the west line of the northeast $\frac{1}{4}$ northwest $\frac{1}{4}$  of said Section 29 for approximately 740 feet; Thence east approximately 185 feet; Thence south approximately 550 feet to the south line of the northeast $\frac{1}{4}$ northwest $\frac{1}{4}$ ; Thence west approximately 185 feet to the southwest corner of the northeast $\frac{1}{4}$ northwest $\frac{1}{4}$ ; Thence south along the west line of the southeast $\frac{1}{4}$ northwest $\frac{1}{4}$  of said Section 29 to the point of beginning. Together with adjacent right of way for SR 530 and 127<sup>th</sup> Ave. N.E.

(61) Those portions of Sections 19, 20, 29, and 30 in Township 28 North, Range 8 East, W.M. described as follows: The East half of the Southeast quarter of Section 19, Township 28 North, Range 8 East; The South half of Section 20, Township 28 North, Range 8 East lying west of 323rd Ave S.E. and west of Sultan Basin

Road; The Northeast quarter lying west of Sultan Basin Road, the North half of the Northwest quarter, and the Southeast quarter of the Northwest quarter, also including 124th St. S.E. within the North half of the Southeast quarter of Section 29, Township 28 North, Range 8 East; The East half of the Northeast quarter of Section 30, Township 28 North, Range 8 East; and The north half of Section 20, Township 28 North, Range 8 East; The northeast quarter lying southeast of the City of Everett pipeline R/W aka Lake Chaplain Road and Old Pipeline Road in Section 19, Township 28 North, Range 8 East; The east half of the northwest quarter lying southeast of the City of Everett pipeline R/W aka Old Pipeline Road and also northeast of Reiner Road in Section 19, Township 28 North, Range 8 East; The northwest quarter of the southeast quarter lying northeast of Reiner Road in Section 19, Township 28 North, Range 8 East; The southwest quarter of the southeast quarter lying east of Reiner Road less Lot 1 of survey recorded in volume 34 of surveys pages 52-53 AF no. 9101305004 (Legals recorded AF No. 9101300342) in Section 19, Township 28 North, Range 8 East; The northeast quarter of the southwest quarter lying east of Reiner Road in Section 19, Township 28 North, Range 8 East; That portion of Govt. Lot 4 described as follows. Beginning at the northeast corner of Govt. Lot 4 thence south along the east line of Govt. Lot 4 to the intersection with the north line of Co. road thence west along said Co. road to intersect the easterly line of the City of Everett waterline R/W thence westerly to intersect the northerly line of said waterline R/W and the west line of the east half of Govt. Lot 4 thence north along said west line of the east half to the north line of Govt. Lot 4 thence east to the true point of beginning less that portion lying west of the east margin of the city of Everett waterline R/W in Section 19, Township 28 North, Range 8 East; and The northwest quarter of the northeast quarter lying northwest of the City of Everett pipeline R/W aka Lake Chaplain Road in Section 19, Township 28 North, Range 8 East; The north half of the northwest quarter lying northwest of the City of Everett pipeline R/W aka Lake Chaplain and Old Pipeline Roads and also lying east of Woods Lake Road in Section 19, Township 28 North, Range 8 East.

(Added Res. Feb. 23, 1964; Res. March 30, 1964; Res. Nov. 9, 1964; Res. Aug. 30, 1965; Res. Oct. 3, 1966; Res. Oct. 10, 1966; Res. April 15, 1966; Res. May 12, 1969; Res., § 1, Sept. 22, 1969; Res., § 1, March 2, 1970; Res. May 10, 1971; Res. June 28, 1971; Res. Sept. 7, 1971; Res. Feb. 20, 1973; Res. Feb. 11, 1974; Res. March 18, 1974; Res. Oct. 28, 1974; Res. Dec. 16, 1974; Res. April 21, 1975; Res. May 5, 1975; Res. June 2, 1975; Res. July 14, 1975; Res. July 21, 1975; Res. Sept. 15, 1975; Res. Nov. 15, 1976; Res. Oct. 10, 1977; Res., § 1, Dec. 11, 1978; Ord. 81-002, February 20, 1981; Ord. 81-097, Oct. 1, 1981; Amended Ord. 86-011, § 1, February 26, 1986; Amended Ord. 86-060, July 16, 1986; Amended Ord. 87-002, § 1, February 25, 1987; Amended Ord. 88-109, § 1, Jan. 4, 1989; Amended by Amended Ord. 91-077, § 2, June 5, 1991; Amended Ord. 92-073, July 22, 1992; Amended Ord. 93-024, March 31, 1993; Amended Ord. 95-017, § 1, May 31, 1995, Eff date June 12, 1995; Ord. 95-041, § 1, July 19, 1995, Eff date August 3, 1995; Amended Ord. 97-103, § 1, Dec. 17, 1997, Eff date Dec. 29, 1997; Amended Ord. 98-026, § 1, June 24, 1998, Eff July 6, 1998; Ord. 04-067, July 28, 2004, Eff date Aug. 9, 2004, Ord. 05-064, August 31, 2005, Eff date Sept. 18, 2005; Amended by Amended Ord. 08-165, Jan. 28, 2009, Eff date Feb. 13, 2009; Amended by Ord. 09-151, Feb. 17, 2010, Eff date March 8, 2010; Amended by Ord. 12-051, Aug. 1, 2012, Eff date Aug. 19, 2012).

#### **10.12.020 Shooting unlawful.**

It is unlawful for any person to discharge firearms or any instrument of the kind commonly known as a pellet gun, b-b gun, sling or sling-shot in any of the no-shooting areas as described in [SCC 10.12.010](#); PROVIDED it is not unlawful to discharge firearms or any instrument of the kind commonly known as a pellet gun, b-b gun, sling or sling-shot in the lawful protection of persons or property in such "no-shooting areas," nor shall it be unlawful for any persons, firms or corporations, or his or her or their agent or representative to discharge such firearms or instruments in the course of slaughter of domestic animals for commercial or domestic purposes or for the Washington state game department or duly authorized agents thereof to shoot or destroy merganser ducks or any other fish-eating ducks which they might designate. Discharging such firearms or instruments at shooting ranges (as defined in [SCC 30.91S.180](#)) which are sited, developed and operated in accordance with all the provisions of Title 30 SCC, or in county parks at times and in areas specifically designated by the parks

division and posted for such use pursuant to [SCC 22.16.090](#), shall not be deemed an unlawful action under this section.

(Res. adopted Nov. 17, 1969; Res. adopted Feb. 24, 1964; Amended Ord. 91-077, § 3, June 5, 1991; Emerg Ord. 06-095, Oct. 16, 2006, Eff date Oct. 16, 2006).

### **10.12.030 Penalty for violation.**

Any person, firm or corporation that violates any part of this chapter shall be guilty of a misdemeanor and shall be punished as provided in [SCC 1.01.100](#).

(Res. adopted Feb. 24, 1964).

### **10.12.040 Creation of additional "No Shooting" areas through petition method.**

(1) The council will consider establishment of a "no shooting" area in addition to those described in [SCC 10.12.010](#) following the filing of a petition by residents of the proposed additional area that meets the following terms and conditions:

(a) The proposed area shall contain a minimum of 50 single family dwellings or, in the alternative, it shall contain a minimum area of one square mile.

(b) The proposed area shall have readily identifiable boundaries. If reasonably possible, the boundaries shall constitute a physical barrier, i.e., a river, freeway, roadway, etc.

(c) The petition for the proposed area shall be signed by a minimum of fifty-one percent of the area's registered voters, except as provided in subsection (d) below.

(d) A request by a school district board of directors for a "no shooting" designation around a school site may substitute for the signatures referenced in (c) above.

(e) The completed petition supporting the proposed area shall be filed with the clerk of the county council.

(2) This section shall not limit the legislative authority of the county council.

(Added Amended Ord. 91-077, § 4, June 5, 1991; Amended Ord 01-055, August 15, 2001, Eff date August 30, 2001).

### **10.12.045 Temporary no shooting areas.**

(1) The county council may establish a temporary no shooting area for reasons of safety associated with a temporary construction project or other event. All temporary no shooting areas shall be approved by the council by ordinance.

(2) All such temporary no shooting areas shall have a duration of not more than one year.

(3) The requesting agency or person shall be required to adequately post, at their cost, the area as "no shooting". The wording on these signs must include the effective dates of the temporary no shooting area. At a minimum all roads entering the area shall be so signed.

(4) The requesting agency or person shall be responsible for removing the signs within 10 days of their expiration.

(Added Ord. 95-017, § 2, May 31, 1995, Eff date June 12, 1995).

**10.12.050 Petition - Form.**

Petitions for "No shooting" areas shall be substantially in the following form:

**WARNING**

Every person who signs this petition with any other than his or her true name, or who knowingly signs more than one of these petitions, or who signs this petition when he or she is not a legally registered voter, or who makes herein any false statement, may be punished by fine or imprisonment or both.

**PETITION TO CREATE A  
"NO SHOOTING" AREA**

To the County Council, Snohomish County:

We, the undersigned citizens of the State of Washington and legally registered voters of the respective precincts set opposite our names, respectfully request that the area known as \_\_\_\_\_, be established as a "No shooting" area.

The proposed area's boundaries are:

Each of us for himself or herself says:

I have personally signed this petition, I am a legal registered voter of the state of Washington, in the precinct, written after my name, and my residence address is correctly stated.

Petitioner's Precinct Residence Address City or Zip

signature name street and number PO Box No.

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_ etc.

Failure to comply with any of the above format will not invalidate the petition, but rather shall be a matter for consideration by the council as to whether the standards of SCC 10.12.040 have been met.

(Added by Amended Ord. 91-077, § 5, June 5, 1991).

**10.12.060 Public hearing.**

Upon receipt of a "no shooting" area application and petition, as set forth in SCC 10.12.040 and [10.12.050](#), the county council shall set the matter for consideration at a public hearing in accordance with the general provisions of [chapter 2.48](#) SCC.

(Added by Amended Ord. 91-077, § 6, June 5, 1991; Amended Ord 01-055, August 15, 2001, Eff date August 30, 2001).

#### **10.12.070 Enforcement.**

The enforcement of this chapter shall be in accordance with the provisions of [SCC 10.12.030](#) and 1.01.100.

(Added by Amended Ord. 91-077, § 7, June 5, 1991).

#### **10.12.080 Abrogation of "no shooting" areas.**

(1) The council will consider abrogation of a "no shooting" area at any time after one year from establishment of the "no shooting" area following the filing of a petition that meets the following terms and conditions:

(a) If the petition proposes abrogation of the entire "no shooting" area, the petition proposing abrogation shall be signed by a minimum of fifty-one percent of registered voters who reside within the "no shooting" area.

(b) If the petition proposes abrogation of less than the entire "no shooting" area, the remaining "no shooting" area shall comply with SCC 10.12.040(b) and the petition proposing abrogation shall be signed by a minimum of fifty-one percent of registered voters who reside within the "no shooting" area excluding registered voters who reside more than 2000 feet from the area proposed for abrogation.

(c) The completed petition proposing abrogation shall be filed with the clerk of the council.

(2) This section shall not limit the legislative authority of the county council.

(Added by Amended Ord. 91-077, § 8, June 5, 1991; Amended Ord. 01-055, August 15, 2001, Eff date August 30, 2001).

#### **10.12.900 Severability.**

If any provision of this chapter is held invalid, the remainder of the chapter shall not be affected.

(Added by Amended Ord. 91-077, § 9, June 5, 1991).

## **Chapter 10.14 DISPOSITION OF FIREARMS**

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#### **10.14.010 Firearm inventory.**

The Sheriff shall maintain an inventory of every firearm coming into its possession after June 30, 1993 that has been judicially forfeited, that has been seized and may be subject to judicial forfeiture, or that has been or may be forfeited due to the failure to make a claim under applicable state law.

(Added Ord. 99-024, § 1 May 5, 1999, Eff date May 20, 1999).

#### **10.14.020 Authorized disposition methods.**

On at least an annual basis, and unless otherwise required, authorized or prohibited by state or federal law, the Sheriff shall dispose of each inventoried firearm that has been forfeited by:

- (1) retaining the firearm solely for agency use;
- (2) destroying the firearm;
- (3) firearms illegal for any person to possess must be destroyed.

(Added Ord. 99-024, § 1 May 5, 1999, Eff date May 20, 1999).

#### **10.14.030 Annual report.**

The Sheriff shall submit an annual report to the Council that designates the disposition of each inventoried firearm that has been forfeited and the proceeds, if any, that may have resulted from sale at auction.

(Added Ord. 99-024, § 1 May 5, 1999, Eff date May 20, 1999).

## **Chapter 10.20 LITTERING HIGHWAYS AND COUNTY PROPERTY (Res. adopted July 10, 1922) REPEALED by Amended Ord. 05-136, November 20, 2005, Eff date December 15, 2005)**

## **Chapter 10.24 ILLEGAL ACTIVITIES ON COUNTY PROPERTY**

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#### **10.24.010 Standing or fishing on county bridges.**

It is unlawful for any person to stand upon or fish from any portion of a bridge which is part of a county road or which is within a county park other than a walkway constructed or designated as a sidewalk or walkway for pedestrian traffic.

(Res. 79-252, adopted August 27, 1979).

#### **10.24.020 Diving, jumping from county bridges and piers.**

It shall be unlawful to dive, jump, leap, or step from a bridge or pier which is part of a county road or which is within a county park into any body of water under such bridge or pier.

(Res. 79-252, adopted August 27, 1979).

#### **10.24.030 Diving, jumping, leaping, stepping, or trespassing on county property where posted.**

It shall be unlawful to dive, jump, leap, step, or fish from or trespass upon any county property posted as hazardous. Posted notice shall also state that it is unlawful to dive, jump, leap, step, or fish from or trespass upon any such property and that violations will be punished by imprisonment of not over 90 days or a fine not to exceed \$250.00, or by such other penalty as is prescribed by law.

(Res. 79-252, adopted August 27, 1979).

#### **10.24.035 Unlawful camping.**

(1) It is unlawful for any person to camp on county property, except on:

- (a) a designated camping area of a county park;
- (b) the Evergreen State Fairgrounds where authorized pursuant to rules or regulations adopted by the fairgrounds manager;
- (c) county airport property at Paine Field where authorized pursuant to rules or regulations adopted by the airport director; or
- (d) other county property located outside the boundaries of a city or town where authorized by a license or permit issued by the county.

(2) In this section,

- (a) "camp" means to pitch, use, park, or occupy camp facilities for the purpose of habitation, as evidenced by the use of camp paraphernalia;
- (b) "camp facilities" include but are not limited to tents, huts, temporary shelters, or vehicles if the vehicle is being used as a living quarters;
- (c) "camp paraphernalia" includes but is not limited to tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, or cooking facilities or equipment;
- (d) "camping area" has the meaning given in SCC 22.04.040;
- (e) "county park" has the meaning given in SCC 22.04.040; and
- (f) "county property" means real property owned or managed by the county and used for county purposes, including but not limited to county roads, rights-of-way, offices, buildings, courtyards, open spaces, and parks, wherever located within the county.

(Added by Amended Ord. 12-029, June 20, 2012, Eff date Aug. 1, 2012)

#### **10.24.037 Unlawful fires.**

It is unlawful for any person to build or set a fire on county property, except in a county park pursuant to SCC 22.12.070 or where authorized by a license or permit issued by the county.

(Added by Amended Ord. 12-029, June 20, 2012, Eff date Aug. 1, 2012)

#### **10.24.040 Authority to post.**

The director of the department of parks and recreation, with respect to county park and recreation property; the county engineer, with respect to property under the control of the Snohomish county department of public works; the airport director, with respect to county airport property; and the director of the department of facilities management, with respect to other property; shall have the power to cause property under their respective controls to be posted consistent with this chapter.

(Res. 79-252, adopted August 27, 1979; Amended by Amended Ord. 12-029, June 20, 2012, Eff date Aug. 1, 2012).

#### **10.24.050 Penalty.**

Any person violating the terms of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided in [SCC 1.01.100](#).

(Res. 79-252, adopted August 27, 1979).



## Chapter 10.28

# GENERAL RULES AND REGULATIONS GOVERNING CERTAIN SNOHOMISH COUNTY PROPERTY

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### **10.28.010 General applicability.**

(1) All persons having entered on Snohomish county property or facility at places where admission is charged for entry, including but not limited to the Paine Field Airport and the Evergreen State Fairgrounds, shall be governed by the rules and regulations herein prescribed by the board of Snohomish county commissioners (hereinafter "board"). Administrative heads and department heads (hereinafter "board appointees") shall comply with and enforce these regulations.

(2) Any person using county facilities for which an admission is charged shall comply with these rules and regulations and such others as may from time to time be promulgated by the board.

(3) Any person refusing to comply with these or other applicable rules and regulations shall, on proper request of a board appointee, be directed to leave the facility and, in the event of failure to comply with said request, be regarded as a trespasser subject to all penal laws of the state of Washington.

(Res. adopted August 7, 1978).

### **10.28.020 Soliciting.**

Unless separately licensed as a concessionaire or as otherwise permitted by contract by the board, users of county property or facilities where a fee is charged for admission are prohibited from soliciting funds for any purpose or offering merchandise or services for sale; except, as otherwise provided under SCC 10.28.060 herein.

(Res. adopted August 7, 1978).

### **10.28.030 Signs - Advertisement and written matter.**

Except as otherwise provided in [SCC 10.28.050](#), no person shall post, distribute or display signs, advertisement, circulars, or printed or written matter at the facility.

(Res. adopted August 7, 1978).

### **10.28.040 Use of roads and walks.**

No person shall use the roads or walkways in such a manner as to hinder or obstruct the free flow of traffic thereon.

(Res. adopted August 7, 1978).

### **10.28.050 Use of premises-Exercising the right of free expression.**

The use of county property or facilities for the purpose of exercising the right of free expression and communication, to seek petition signatures, and to picket, demonstrate, or display signs shall not be abridged; PROVIDED, That such use shall not unreasonably interfere, in any way, with other users of the facilities not

engaged in free expression activities. To achieve this balance, the following rules and regulations are hereby adopted:

(1) No person or persons shall distribute literature, seek petition signatures, picket, display signs or otherwise attempt to communicate their views to other users of the property or facility without first delivering written notice to the board appointee in charge of the county property or facility in question of their intent to do so and obtaining proper identification for each day's activity at least 24 hours prior thereto. A copy of any literature or petitions which the applicant proposes to distribute, as well as the text of any signs the applicant proposes to display, shall be affixed to the written notice and shall state:

(a) Full name, mailing address and telephone number of the person, and if he is a member of an organization, the name of the organization sponsoring, conducting, or promoting the activity;

(b) A description of the proposed activity stating type of communicating to be involved;

(c) The date, hour, and anticipated duration of such activity;

(d) The number and names of persons planning to participate in such activity.

(2) All persons who have sent proper notification as set forth in subsection (1) shall assemble at 9:00 a.m. on each day that such person intends to engage in the activity at the business office of the board appointee responsible for the county property intended for such activity. The board appointee shall authorize six persons a day to engage in such activity. The board appointee shall issue identification on a first-come, first-served basis. The identification shall be in the form of a badge valid for the 24-hour period beginning at 9:00 a.m. on the day of issue. Badges shall be in the form of a badge valid for the 24-hour period beginning at 9:00 a.m. on the day of issue. Badges shall be issued and reissued under the following procedures:

(a) Each badge shall state:

Solicitor No. \_\_\_\_\_

Valid 9:00 a.m., (date)

Bearers activity not endorsed by Snohomish county.

(b) If more persons requesting the issuance of a badge are present at any time than the number of badges available at that time, the board appointee shall randomly select the persons by lot to whom badges shall be issued. Such random selection shall be done without regard to the identity of the persons requesting badges or the nature of the religious solicitation activity they wish to pursue.

(c) Each person receiving a badge shall return the badge upon completion of solicitation to the board appointee. The board appointee shall, upon request, reissue each badge that is returned.

(3) No more than six persons shall at any one time distribute literature, picket, petition, or solicit funds in the Evergreen State Fairgrounds. In all other county property or facility, no more than six persons shall at any one time distribute literature, picket, petition, or solicit funds.

(4) Activities conducted pursuant to these regulations shall be permitted only in those portions of the facilities open to the general public for common use.

No persons shall interfere with the free flow of persons or vehicles upon or through the facility or otherwise prevent the orderly and efficient use of county property for its primary purpose. To assure compliance with this rule, the following standards shall apply:

- (1) No person shall engage in any activity described herein:
    - (a) In areas of the Evergreen State Fairgrounds housing agricultural activities or animals or within 15 feet thereof;
    - (b) At ticket counters or within 15 feet thereof;
    - (c) In parking areas;
    - (d) Within restaurants, other lease areas, or washrooms; or
    - (e) In seating areas of facilities where entertainment activity occurs.
  - (2) No person shall engage in any activity described herein within 15 feet of any concession facility.
  - (3) No person shall engage in activity described herein within 15 feet of any person waiting in any ticket or other line.
  - (4) The use of sound or voice amplifying apparatus in or adjacent to the facilities is prohibited. No chanting, dancing, or similar conduct is permitted.
  - (5) Tables, stands, chairs, or other structures shall not be used or placed upon the facilities or property.
  - (6) For safety reasons and general cleanliness, there shall be no storage of placards, boxes, or supplies on the facilities or property.
  - (7) No person engaged in the activity described herein shall deliberately touch any unconsenting persons.
- (Res. adopted August 7, 1978).

## **Chapter 10.32**

### **SMALL BOATS ON SKYKOMISH RIVER**

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#### **10.32.010 Territory covered.**

The following regulations are hereby established for the portion of Skykomish River described as follows:

The Skykomish River and its tributaries commencing at a point where the railroad bridge crosses the river approximately one-half mile east of the town of Gold Bar, thence easterly to its source.

(Res. adopted August 1, 1966).

#### **10.32.020 Posting signs.**

All usual access points to the portions of the river as described above shall be posted as dangerous to boat travel and the provisions of [SCC 10.32.030](#) are required.

(§ 1 of Res. adopted August 1, 1966).

### **10.32.030 Required equipment on boats.**

Every person who shall use any boat, raft, kayak or other flotation device on the portions of the river as described above shall wear a life jacket of a type approved by the U.S. Coast Guard for use on inland waters and also shall wear a helmet which shall cover the user's skull from the eyebrows to the top of the neck, which helmet shall be secured by a chin strap and shall have an impact resistance equal to or better than a 20 gauge logger's helmet (aluminum).

(§ 2 of Res. adopted August 1, 1966).

### **10.32.040 Penalty for violation of [SCC 10.32.030](#).**

Any persons, association or corporation violating the provisions of [SCC 10.32.030](#) shall be guilty of a misdemeanor and shall be punished as provided in [SCC 1.01.100](#).

(§ 3 of Res. adopted August 1, 1966).

## **Chapter 10.36 ABANDONED VEHICLES**

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### **10.36.010 Purpose of chapter.**

Abandoned, wrecked, dismantled or inoperative vehicles or automobile hulks or parts thereof are declared to be a public nuisance and may be abated as provided by this chapter and applicable state law.

(§ 1 of Res. adopted June 15, 1970).

### **10.36.020 Definitions.**

An "abandoned vehicle" for the purposes of this chapter means any vehicle left within the limits of any highway, or upon the property of another, without the consent of the owner of such property, or upon any public property, for a period of 24 hours or longer, except that a vehicle shall not be considered "abandoned" if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

An "abandoned automobile hulk" for the purposes of this chapter means the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs.

(§ 2 of Res. adopted June 15, 1970).

### **10.36.030 Presumption of abandonment.**

It is a prima facie presumption that any vehicle within unincorporated areas of Snohomish county, on private or public property or within the limits of any highway, is abandoned if the same:

- (1) Is inoperable by reason of damage, neglect or the removal of parts therefrom; and

- (2) Is unlicensed for current operation of a public street; and
- (3) Has been substantially in the same condition for a period of 10 days or more.

(§ 3 of Res. adopted June 15, 1970).

#### **10.36.040 Liability for removal costs.**

The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing and disposing of such motor vehicle.

(§ 4 of Res. adopted June 15, 1970).

#### **10.36.050 Removal--Authority.**

The sheriff of Snohomish county is authorized to remove and impound vehicles from any public street, alley or other public place, or from private property in the unincorporated areas of Snohomish county in any of the circumstances enumerated below:

(1) Any vehicle parked in such a position that it constitutes an obstruction to traffic or is unlawfully parked in any prohibited or restricted area, or is parked or so used as to endanger or be likely to endanger any user or potential user of any public highway, or is used in violation of the traffic ordinances of Snohomish county or the traffic laws of the state of Washington is declared to be a public nuisance and may be removed under the direction of the sheriff by means of towing or otherwise;

(2) In the event that an operator of a motor vehicle is arrested and placed in custody, or in the event the operator of a motor vehicle is incapacitated as the result of an accident and is unable to drive his vehicle to a place of safety; and there is no other person present who is able and willing to act as agent for such operator to drive the vehicle to a place of safety, the sheriff may provide for the removal of such vehicle to a place of safety by towing or otherwise;

(3) When any abandoned vehicle or abandoned automobile hulk as defined in [SCC 10.36.020](#) is found on public or private property, or within the limits of any highway, within the unincorporated areas of Snohomish county.

(§ 5 of Res. adopted June 15, 1970).

#### **10.36.060 Removal--Notices required--Contents.**

Upon the receipt of a complaint from a private person regarding the presence of an abandoned, wrecked, dismantled or inoperative vehicle or automobile hulk or parts thereof on private property, or upon its own initiative, the sheriff's office shall cause written notice to be given to the last registered owner of record of the vehicle and to the owner of record of the property upon which the vehicle or hulk is located to the effect that:

(1) A public hearing before the board of county commissioners on the matter of abatement and removal of the vehicle or hulk may be requested; and

(2) If no hearing is requested in writing within 15 days following the date of mailing of such notice, the vehicle or hulk will be removed; and

(3) Costs of removal may be assessed against the last registered owner of the vehicle or hulk, unless such owner in the transfer of ownership of such vehicle or hulk has complied with RCW 46.52.104, or the costs may be assessed against the owner of the property on which the vehicle is stored.

(§ 6 of Res. adopted June 15, 1970).

#### **10.36.070 Removal--Hearing notice to landowner.**

If a request for a hearing is received pursuant to [SCC 10.36.060](#)(1), a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or hulk as a public nuisance shall be mailed, by certified or registered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(§ 7 of Res. adopted June 15, 1970).

#### **10.36.080 Removal--Required when, exceptions.**

The owner of the land upon which the vehicle or hulk is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle or hulk was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the county shall not assess costs of administration or removal of the vehicle or hulk against the property upon which it is located, or otherwise attempt to collect such cost from the owner.

(1) After notice has been given of the intent of the county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or hulk shall be removed, at the request of a law enforcement officer, and disposed of to a licensed auto wrecker with notice to the Washington State Patrol and the Department of Motor Vehicles that the vehicle has been wrecked.

(2) These provisions shall not apply to:

(a) A vehicle or hulk which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, or

(b) A vehicle or hulk which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(§ 8 of Res. adopted June 15, 1970).

#### **10.36.090 Declared public nuisance.**

The presence of an abandoned vehicle or automobile hulk, as defined in [SCC 10.36.020](#), on any property, in a manner that offends public decency is declared to be a public nuisance. For the purpose of this section, an abandoned vehicle or automobile hulk includes a vehicle or hulk on the property of its owner.

(§ 8A of Res. adopted June 15, 1970).

#### **10.36.100 Presumption of public nuisance.**

The presence of any abandoned vehicle or automobile hulk on any lot zoned R 7200; R 8400; R 9600 or multiple residence, for a period of 30 continuous days, unless enclosed within a building, shall constitute a prima facie presumption that the abandoned vehicle or automobile hulk is a public nuisance.

(§ 8B of Res. adopted June 15, 1970).

#### **10.36.110 Noncompliance with nuisance notice declared misdemeanor.**

Any person who shall maintain on his property a public nuisance as defined by this chapter, and who after 10 days' notice to remove, repair or enclose the public nuisance shall fail to do so, shall be guilty of a misdemeanor.

(§ 8C of Res. adopted June 15, 1970).

#### **10.36.120 Towage and storage costs--Lien on vehicle.**

All costs incurred by Snohomish county in the removal and storage of an impounded vehicle shall be a lien upon the vehicle. All towing and storage charges on each vehicle impounded shall be paid by the owner or his agent if the vehicle be redeemed. In the case of abandoned vehicles, all costs of removal and storage shall be recovered from the proceeds of sale, or from the last registered owner, or the owner of the property upon which the abandoned vehicle was found, in accordance with the procedures established in this chapter.

(§ 9 of Res. adopted June 15, 1970).

#### **10.36.130 Report to Washington state patrol required when.**

It shall be the duty of the sheriff of Snohomish county to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a public highway or at any other place and the vehicle or hulk shall thereafter, at the direction of the sheriff, be placed in the custody of a tow truck operator.

(§ 10 of Res. adopted June 15, 1970).

#### **10.36.140 Appointment of tow truck operator.**

The sheriff may appoint any towing truck operator engaged in removing and storing abandoned motor vehicles for the purpose of disposing of abandoned vehicles and abandoned automobile hulks. Such appointment shall be contingent upon the towing truck operator receiving an appointment by the Department of Motor Vehicles and complying with the provisions of RCW 46.52.108, and any rules and regulations for the disposition of abandoned vehicles and abandoned automobile hulks established by the director of the department of motor vehicles or by the board of county commissioners.

Any appointment of a towing truck operator may be cancelled by the sheriff upon evidence that the appointed tow truck operator has not complied with any law, rule or regulation relative to the handling and disposition of abandoned motor vehicles. Appeal upon the grounds that the cancellation was arbitrary and capricious may be taken to the board of county commissioners.

(§ 11 of Res. adopted June 15, 1970).

#### **10.36.150 Tow truck operator duties.**

An appointed tow truck operator, at the direction of the sheriff of Snohomish county, shall take custody of an abandoned vehicle or abandoned automobile hulk, remove the same to the established place of business of the

tow truck operator where the vehicle or hulk shall be stored; such tow truck operator shall have a lien upon the vehicle or hulk for services provided in the towing and storage of the same, and shall also have a claim against the last registered owner of the vehicle or hulk provided in the towing and storage of the same, not to exceed the sum of \$100.00.

Within five days after receiving custody of such abandoned vehicle or abandoned automobile hulk, the tow truck operator shall give notice of his custody to the department of motor vehicles and to the chief of the Washington state patrol and within five days after having received the name and address of the owner, he shall notify the registered and legal owner of the same with copies of such notice being sent to the chief of the Washington state patrol and to the department of motor vehicles. The notice to the registered and legal owner shall be sent by the tow truck operator to the last known address of the owner appearing on the records of the department of motor vehicles, and such notice shall be sent to the registered and legal owner by certified or registered mail with a five-day return receipt requested. Such notice shall contain a description of the vehicle or hulk including its license number or motor number if available, or both license number and motor number if both be available, and shall state the amount due the tow truck operator for services in the towing and storage of the same and the time and place of public sale if the amount remains unpaid.

(§ 12 of Res. adopted June 15, 1970).

#### **10.36.160 Unclaimed--Sale notice required.**

If, after the expiration of 15 days from the date of mailing of notice to the registered and legal owner, the vehicle or automobile hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the tow truck operator having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

(§ 13 of Res. adopted June 15, 1970).

#### **10.36.170 Unclaimed--Nuisance when--Disposal.**

Any vehicle impounded pursuant to this chapter and left unclaimed for a period of 15 days shall be deemed to be an abandoned vehicle, and at the expiration of such period the vehicle shall be deemed to be in the custody of the sheriff, and the sheriff shall deliver the vehicle to a tow truck operator who shall dispose of the vehicle in the manner provided in RCW 46.52.111 and 46.52.112; PROVIDED, That if the vehicle is of a model year 10 or more years prior to the calendar year in which such vehicle is stored, the sheriff is authorized to declare that such vehicle is a public nuisance, and may dispose of such vehicle without notice of sale, and in such case the director of motor vehicles will issue an appropriate bill of sale to the tow truck operator to dispose of the vehicle as he may determine.

(§ 14 of Res. adopted June 15, 1970).

#### **10.36.180 Disposal of proceeds of auction sale.**

The abandoned vehicle or abandoned automobile hulk shall be sold at such auction to the highest bidder. The proceeds of the sale, after deducting the towing and storage charges due the tow truck operator, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the tow truck operator for his towing and storage charges and the cost of sale, such tow truck operator shall be entitled to assert a claim for any deficiency, not to exceed \$100.00, less the amount bid at the auction, against the last registered owner of such vehicle or automobile hulk.



(§ 15 of Res. adopted June 15, 1970).

#### **10.36.190 Liability of owner--Exception.**

A registered owner transferring a motor vehicle shall be relieved from personal liability under [SCC 10.36.040](#), 10.36.050, 10.36.140 and 10.36.170 if he complies with RCW 46.52.104, which requires that within five days of the transfer he transmit to the department of motor vehicles, on a form prescribed by the director of motor vehicles, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made.

(§ 16 of Res. adopted June 15, 1970).

#### **10.36.200 Alternate disposal methods.**

If the board of county commissioners determines that commercial channels of disposition of abandoned vehicles or abandoned automobile hulks declared public nuisances are not available or are inadequate, final disposition of such vehicles or their parts may be made to a disposal site operated by Snohomish county, or may be transferred to another governmental body provided such disposal shall be only as scrap.

(§ 17 of Res. adopted June 15, 1970).

#### **10.36.210 Penalty for wilful abandonment.**

Any person who shall take any automobile or abandoned vehicle or automobile hulk as defined by [SCC 10.36.020](#), and leave such automobile or abandoned vehicle or automobile hulk within the unincorporated areas of Snohomish county on any public property or private property without the permission of the owner thereof, with the intent to abandon the vehicle, "abandoned vehicle" or "automobile hulk," shall be guilty of a misdemeanor and in addition to any other penalties provided for the punishment of misdemeanors may be assessed all costs of removal of the automobile, abandoned vehicle or automobile hulk.

(§ 18 of Res. adopted June 15, 1970).

#### **10.36.220 Presumption of intent to abandon.**

Any person who shall take any automobile, abandoned vehicle or automobile hulk and leave such within the unincorporated areas of Snohomish county on any public property or on private property without the permission of the owner thereof, for a period of 10 days, shall be presumed to have intended to abandon the automobile, abandoned automobile or automobile hulk.

(§ 19 of Res. adopted June 15, 1970).

#### **10.36.230 Penalty for violation.**

Any violation of this chapter shall be a misdemeanor and be punishable as provided in [SCC 1.01.100](#).

(§ 20 of Res. adopted June 15, 1970).

#### **10.36.240 Severability.**

In the event any section or clause of this resolution, or its application to any person or circumstance is held invalid, the remainder of the resolution or its application to other persons or circumstances is not affected.

(§ 21 of Res. adopted June 15, 1970).

#### **10.36.250 Effective date.**

This resolution shall become effective on the first day of July, 1970.

(§ 22 of Res. adopted June 15, 1970).

## **Chapter 10.40 SURFACE-MINED LAND RECLAMATION**

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#### **10.40.010 Program adopted.**

The following consolidated reclamation program for land that has been disturbed by surface mining as provided in the Act, be and is hereby adopted for the regulation of work as defined by the Act, conducted by county or contractor crews working for the county.

(Res. adopted January 4, 1971).

#### **10.40.020 Practices required of work crews.**

All surface mining, as defined in the Act, done pursuant to the county's combined operating permit and conducted by county or contractor crews shall provide for reclamation of the surface-mined land which shall include:

- (1) Practices to protect adjacent surface resources;
- (2) Surface gradient restoration to a surface suitable for a useful subsequent use of the land after reclamation is completed;
- (3) Revegetation or other surface treatment of disturbed areas;
- (4) Prevention or elimination of conditions that will create a public nuisance, endanger public safety, damage property, or be hazardous to vegetative, animal, fish, or human life in or adjacent to the area;
- (5) Control of contaminants and disposal of surface mining refuse;
- (6) Diverting surface waters around the disturbed areas;
- (7) Restoration of stream channels and stream banks to a condition minimizing erosion and siltation and other pollution;
- (8) Preparation of such maps and other supporting documents as may be reasonably required by the state of Washington board of natural resources;
- (9) A time schedule for reclamation that provides that reclamation activities, particularly those relating to the control of erosion, shall, to the extent feasible, be conducted simultaneously with surface mining and in any case shall be initiated at the earliest possible time after completion or abandonment of mining on any segment of the permit area. Reclamation activities shall be completed not more than two years after completion or abandonment of surface mining on each segment of the area that has been surface mined.

(Res. adopted January 4, 1971).

### **10.40.030 Minimum standards.**

Reclamation shall be conducted in accordance with those of the following minimum standards that are applicable for each site:

(1) Excavations made to a depth of not less than two feet below the low groundwater mark, which will result in the establishment of a lake of sufficient area and depth of water to be useful for residential, recreational, game, or wildlife purposes, shall be reclaimed in the following manner:

(a) All banks in soil, sand, gravel, and other unconsolidated materials shall be sloped to two feet below the low groundwater line at a slope no steeper than one and one-half feet horizontal to one foot vertical;

(b) Portions of solid rock banks shall be stepped or other measures be taken to permit a person to escape from the water.

(2) In all other excavations in soil, sand, gravel, and other unconsolidated materials, the side slopes and the slopes between successive benches shall be no steeper than one and one-half feet horizontal to one foot vertical for their entire length.

(3) The sides of all strip pits and open pits in rock and other consolidated materials shall be no steeper than one foot horizontal to one foot vertical, or other precautions must be taken to provide adequate safety.

(4) The slopes of quarry walls in rock or other consolidated materials shall have no prescribed angle of slope, but where a hazardous condition is created that is not indigenous to the immediate area, the quarry shall be either graded or backfilled to a slope of one foot horizontal to one foot vertical or other precautions must be taken to provide adequate safety.

(5) In strip mining operations, the peaks and depressions of the soil banks shall be reduced to a gently rolling topography which will minimize erosion and which will be in substantial conformity with the immediately surrounding land area.

(6) In no event shall any provision of this section be construed to allow stagnant water to collect or remain on the surface mined area. Suitable drainage systems shall be constructed or installed to avoid such conditions if natural drainage is not possible.

(7) All grading and backfilling shall be made with nonnoxious, noninflammable, noncombustible solids unless approval has been granted by the director for a supervised sanitary fill.

(8) In all types of surface mining, in order to prevent water pollution, all acid-forming surface mining refuse shall be disposed of by covering all acid-forming materials with at least two feet of clean fill. The final surface covering shall be graded so that surface water will drain away from the disposal area.

(9) Vegetative cover will be required in the reclamation plan as appropriate to the future use of the land.

(10) All surface mining that will disturb streams must comply with the requirements of the State Fisheries Laws (Title 75 RCW), and every application for an operating permit for such operations must have a reclamation plan that shall have been approved by the department of fisheries with regard to operations in streams, as required by Title 75 RCW.

(Res. adopted January 4, 1971).

#### **10.40.040 Site intended for repeated or continuing use.**

If a site is intended for repeated or continuing use for construction and maintenance purposes, depletion of the pit will proceed in an orderly manner to preserve the portions reserved for future use until they are needed. In these cases, the reclamation plans provide for staged reclamation consistent with the plan of depletion.

(Res. adopted January 4, 1971).

#### **10.40.050 Mining operation--Completion, screening requirements.**

The mining operation itself shall provide, within limits of normal operational procedures of the industry, for completion of surface mining and associated disturbances on each segment of the area in which mining will be conducted so that reclamation can be initiated at the earliest possible time on those portions of the surface mined area that will not be subject to further disturbance by the mining operation. Whenever feasible, visual screening, vegetative or otherwise, will be maintained or established on the property containing the surface mining to screen the view of the operation from public highways, parks, and residential areas.

(Res. adopted January 4, 1971).

## **Chapter 10.44 DRUG BUY FUND**

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#### **10.44.010 County drug fund established.**

The Snohomish county treasurer and the Snohomish county auditor shall create separate and distinct from the general fund of the county, a special fund to be known as the Snohomish county sheriff's department drug buy fund.

(Ord. 80-051, August 25, 1980).

#### **10.44.020 Administration of fund.**

The fund established by this chapter shall be administered by the Snohomish county sheriff's department according to sound accounting and principles consistent with all applicable laws, rules, regulations, and orders, consistent with the purpose of this chapter.

(Ord. 80-051, August 25, 1980).

#### **10.44.030 Sources of moneys for fund.**

The fund established by this chapter shall consist of the following:

- (1) All fines, forfeitures and penalties ordered paid by court order into this fund; and
- (2) The proceeds from sales and other transactions authorized by RCW 69.50.505 (g) and SCC 10.46.050, less the amount of proceeds deductible therefrom by authority of chapter 63.40 RCW.

(Ord. 80-051, August 25, 1980; Ord. 04-014, Feb. 11, 2004, Eff date Mar. 4, 2004).

#### **10.44.040 Disbursements from fund--Use of moneys.**

The sheriff of Snohomish county or his designee may authorize disbursements from the fund created by this chapter for purposes of enforcing any and all state statutes and county ordinances relating to controlled substances.

(Ord. 80-051, August 25, 1980).

#### **10.44.050 Seizure and forfeiture of currency.**

Where currency is seized by the Snohomish county sheriff's department as evidence that an act was committed which constitutes a violation of chapter 69.50 RCW, the Uniform Controlled Substances Act, or of any county ordinance relating to controlled substances, a judge of either the superior court or of the district justice court may order that currency or, any portion thereof, be paid directly to the fund established by this chapter as a fine, forfeiture, or penalty, PROVIDED That the person or persons who claim ownership of the currency, or any portion thereof, is convicted of a violation under chapter 69.50 RCW and the currency no longer has evidentiary value. Should the person or persons, from whom the currency or any portion thereof was seized, be convicted of such a violation and should such person or persons disavow ownership of the currency, it shall be ordered forfeited to the fund established in this chapter subject to its having no further evidentiary value.

In the event that there be no prosecution of the alleged violation for which purposes the seizure of currency was made, or in the event such a case is "closed" and there remains such currency in the custody of the Snohomish county sheriff's department, such currency shall be returned to the person or persons from whom the money was seized in the same manner as with any other evidence. Should no valid claim to such seized currency be received, the notice provisions of chapter 63.40 RCW shall be used, PROVIDED That forfeiture to the fund established by this chapter shall occur instead of there being conducted an auction or other sale. Should two or more persons contest rights to ownership or possession, and there can be reached between said contesting persons no agreement for receipt of possession, there may be instituted the appropriate legal proceedings to determine rights of ownership or possession.

(Ord. 80-051, August 25, 1980).

#### **10.44.060 Application of chapter.**

This chapter shall apply to all cases developed by the Snohomish county sheriff's department relating to the enforcement of state statutes and county ordinances pertaining to controlled substances including:

- (1) Active or existing cases, regardless of whether or not formal charges have yet been filed;
- (2) Cases developed hereafter; and
- (3) Inactive or closed cases wherein such a seizure of currency has been or was made and such currency is currently in the possession, custody or control of the Snohomish county sheriff's department.

(Ord. 80-051, August 25, 1980).

#### **10.44.070 Definitions.**

All terms used herein shall, in addition to their ordinary meaning, also be defined according to common law and any state statute or county ordinance.

(Ord. 80-051, August 25, 1980).

## Chapter 10.46

# CIVIL FORFEITURE ACTIONS

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### **10.46.010 Definitions.**

In this chapter, unless the context clearly requires otherwise,

(1) "Civil forfeiture action" means a judicial or non-judicial proceeding authorized by chapter 69.50, 9.41, 9A.82, 9A.83, or 10.105 of the Revised Code of Washington as now or hereafter amended.

(2) "Civil forfeiture property" means property acquired or held by the county as a result of a civil forfeiture action unless and until the property is retained for official use.

(3) "Task force commander" has the meaning given in SCC 3.67.010.

(Added Ord. 00-005, § 1, March 22, 2000, Eff date April 2, 2000; Ord. 04-014, Feb. 11, 2004, Eff date Mar. 4, 2004).

### **10.46.020 Authority of prosecuting attorney.**

(1) The prosecuting attorney shall have the authority and discretion to bring, join, compromise or settle civil forfeiture actions on behalf of the county, or on behalf of the county and other jurisdictions where authorized by interlocal agreement, without the need for further approval from the county executive or council. The prosecuting attorney shall obtain approval from the Sheriff before compromising or settling any civil forfeiture action in which the forfeitable property interest at issue has a fair market value in excess of \$50,000.

(2) Upon bringing or joining a civil forfeiture action against real property, the prosecuting attorney shall provide the property management division with all information in his or her possession or control relating to the condition of the property. Within a reasonable time after receiving the information, the property management division shall provide the prosecuting attorney with a written report stating the results of an environmental or other risk assessment or that no risk assessment will be performed. The prosecuting attorney shall consider the report before obtaining an interest in the real property for the county.

(3) The prosecuting attorney shall provide a report of actions taken by the prosecuting attorney under this section to the county executive and county council on a quarterly basis.

(Added Ord. 00-005, § 1, March 22, 2000, Eff date April 2, 2000; Ord. 04-014, Feb. 11, 2004, Eff date Mar. 4, 2004).

### **10.46.030 Authority of the Sheriff.**

The Sheriff shall have the authority and discretion to initiate civil forfeiture actions against personal property by seizing the property on behalf of the county, or on behalf of the county and other jurisdictions where authorized by interlocal agreement, to the extent permitted by law, and may request that the prosecuting attorney initiate civil forfeiture actions against real or personal property.

(Added Ord. 00-005, § 1, March 22, 2000, Eff date April 2, 2000).

### **10.46.040 Civil forfeiture property - Duties.**

(1) The sheriff shall notify the property management division in writing when the county acquires civil forfeiture property and when the county retains civil forfeiture property for official use. The property management division shall inventory civil forfeiture property and property retained for official use to the extent required by SCC 4.46.115 through 4.46.125 and SCC 4.46.170, and shall manage and dispose of property retained for official use under chapter 4.46. The sheriff shall be the custodial department for civil forfeiture property and property retained for official use.

(2) Upon the written recommendation of the sheriff or task force commander, the property management division may declare real or personal civil forfeiture property surplus to the needs of the county and may sell, lease, or otherwise dispose of such property as provided in this chapter.

(3) The property management division may approve and sign all contracts with real estate agents, appraisers, escrow agents, environmental risk analysts and other professionals for professional services relating to the management and disposition of civil forfeiture property and all contracts related to assessing environmental contamination and other risk factors relevant to the decision to acquire civil forfeiture property. In selecting professional service contractors, the property management division shall consider the recommendations of the sheriff and the task force commander and shall follow any applicable county selection processes.

(4) The property management division shall advertise the sale, lease, or other disposition of surplus civil forfeiture property under SCC 10.46.050 by publishing notice in a legal newspaper of general circulation at least once a week for two consecutive weeks before an offer is accepted by the county. In the case of real property, the advertisement shall describe the property by both its legal description and street address or, if there is no street address, by a vicinity description.

(5) The property management division is granted signature authority to execute all contracts, deeds, leases, licenses and other documents relating to the management and disposition of civil forfeiture property under chapter 10.46 SCC.

(Added Ord. 04-014, Feb. 11, 2004, Eff date Mar. 4, 2004)

#### **10.46.050 Civil forfeiture property - Disposition of surplus property.**

(1) The county may dispose of surplus civil forfeiture property by:

(a) Selling real property by private negotiation based upon the written recommendation of the sheriff, approval of the property management division, and under terms that include:

- (i) Consideration that is no less than the appraised fair market value of the property as established by a qualified appraiser working in accordance with the standards of the profession;
- (ii) Cash due at closing; and
- (iii) Title transfer by quitclaim deed.

(b) Leasing real property by private negotiation, based upon the written recommendation of the sheriff, approval of the property management division, and under terms that include:

- (i) Consideration that is no less than the appraised fair market rental value of the property as established by a qualified appraiser working in accordance with the standards of the profession;
- (ii) The prevailing wage provisions set out in SCC 4.46.335;
- (iii) A lease term of no more than two years;

(iv) The limitations on improvements, assignment, and subleasing set out in SCC 4.46.370(2) and SCC 4.46.370(3); and

(v) Provision for the collection and payment of applicable leasehold excise taxes.

(c) Selling personal property valued in excess of \$5,000 by private negotiation based upon the written recommendation of the sheriff and approval of the property management division.

(d) Selling personal property valued at equal to or less than \$5,000 by private negotiation with approval of the property management division.

(e) Destroying or otherwise disposing of personal property valued at equal to or less than \$5,000 based upon the written recommendation of the sheriff or task force commander and with the approval of the property

management division.

(2) No interest in civil forfeiture property leased, sold, or otherwise disposed of under this section may be sold, leased or otherwise transferred, directly or indirectly, to an employee of the county or, if the property is held by the county on behalf of itself and other jurisdictions under the terms of an interlocal agreement, an employee of a jurisdiction participating in the interlocal agreement. In addition to its ordinary meaning, the term "employee" for purposes of this section includes former employees involved in the criminal investigation that led to forfeiture of the civil forfeiture property at issue and any person involved in an action authorized under this chapter with respect to that property.

(Added Ord. 04-014, Feb. 11, 2004, Eff date Mar. 4, 2004)

## **Chapter 10.48**

### **DRUG PARAPHANALIA**

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#### **10.48.010 Definitions.**

The term "drug paraphernalia" means all equipment, products, and materials of any kind whose primary design function is 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 unlawful drugs, including but not limited to controlled substances as defined by chapter 69.50 RCW. Such term includes but is not limited to:

- (1) Kits used, intended for use, or 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;
- (2) Kits used, intended for use, or designed for use in the manufacturing, compounding, converting, producing, processing, or preparing of unlawful drugs;
- (3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is an unlawful drug;
- (4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of unlawful drugs;
- (5) Scales and balances used, intended for use, or designed for use in weighing or measuring unlawful drugs;
- (6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting unlawful drugs;
- (7) 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;
- (8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding unlawful drugs;
- (9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of unlawful drugs;



(10) Containers and other objects used, intended for use, or designed for use in storing or concealing unlawful drugs;

(11) 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) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls,

(b) Water pipes,

(c) Carburetion tubes and devices,

(d) Smoking and carburetion masks,

(e) 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,

(f) Miniature cocaine spoons and cocaine vials,

(g) Chamber pipes,

(h) Carburetor pipes,

(i) Electric pipes,

(j) Air-driven pipes,

(k) Chillums,

(l) Bongs,

(m) Ice pipes or chillers.

In determining whether an object is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(3) The proximity of the object, in time and space, to a direct violation of the Controlled Substance Act, chapter 69.50 RCW;

(4) The proximity of the object to controlled substances;

(5) The existence of any residue of controlled substances on the object;

(6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a

violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community;
- (14) Expert testimony concerning its use.

(Ord. 80-111, adopted December 15, 1980).

#### **10.48.020 Possession of drug paraphernalia.**

It is unlawful for any person to use, or to possess with intent to use, any item of drug paraphernalia 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 in violation of this act. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 90 days or fined not more than \$500.00, or both.

(Ord. 80-111, adopted December 15, 1980).

#### **10.48.030 Manufacture or delivery of drug paraphernalia.**

It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, any item of 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 in violation of this code. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than 90 days, fined not more than \$500.00, or both.

(Ord. 80-111, adopted December 15, 1980).

#### **10.48.040 Advertisement of drug paraphernalia.**

It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, or to display on any poster, readerboard or billboard or sign of any sort, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement or display, in whole or in part, is to promote the sale of any object designed or intended for use as drug paraphernalia. Any person who

violates this section is guilty of a crime and upon conviction may be imprisoned for not more than 90 days, fined not more than \$500.00, or both.

(Ord. 80-111, adopted December 15, 1980).

#### **10.48.050 Nuisance.**

The distribution or possession for the purpose of sale, exhibition or display, in any place, public or private, of any devices, contrivances, instruments, or paraphernalia, including all items defined as drug paraphernalia in [SCC 10.48.010](#), which are primarily designed for or intended to be used for the smoking, ingestion, or consumption of marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, is hereby declared to be a public nuisance and may be abated by Snohomish county. This remedy shall be in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this chapter.

(Ord. 80-111, adopted December 15, 1980).

#### **10.48.060 Seizure and forfeiture.**

(1) The following are subject to seizure and forfeiture:

(a) All drug paraphernalia.

(2) Upon showing of probable cause that any property is subject to seizure or forfeiture, any court of competent jurisdiction may issue a warrant for the seizure thereof. Any peace officer having probable cause to believe that property is subject to seizure and forfeiture may seize the same provided proceedings for forfeiture shall be commenced within a reasonable time and in no case more than five days after the initial seizure.

(3) Property seized in accord with the section or subject to forfeiture shall be forfeited by civil proceedings commenced in the same manner as other civil actions of a like nature. Property abandoned or lost or for whom the owner cannot be determined shall be disposed of as is other lost property.

(4) The property forfeited shall be the sole property of Snohomish county.

(Ord. 80-111, adopted December 15, 1980).

#### **10.48.070 Severability.**

If any provision or section of this chapter shall be held to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

(Ord. 80-111, adopted December 15, 1980).

#### **10.48.080 Effective date.**

This chapter shall be effective on January 1, 1981.

(Ord. 80-111, adopted December 15, 1980).

## Chapter 10.52

# BURGLARY, ROBBERY AND/OR INTRUSION ALARM SYSTEMS

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### 10.52.010 Definitions.

When used in this chapter, and unless the context clearly requires otherwise, the following words and phrases shall have the meaning and construction set forth below:

(1) "Alarm system" means a system, device or mechanism that, when activated, transmits a message or signal to an alarm monitor, emits an audible or visible signal that can be heard or seen by persons outside the premises, or transmits a signal beyond the premises in some other fashion for the purpose of reporting a crime in progress or other emergency situation to the sheriff or other police agency.

(2) "Alarm user" means a person that owns, leases, or otherwise maintains possession or control over a premises protected by an alarm system.

(3) "Consecutive numbered response" means a sheriff dispatch to the premises of a false alarm when that dispatch has been preceded within the previous twelve months by a sheriff dispatch to a false alarm at the same premises.

(4) "False alarm" means the activation of an intrusion or panic alarm when no crime is being committed or attempted on the premises and no medical emergency exists, unless the alarm is activated by an unusual occurrence, action of a telephone company, or a power outage lasting longer than four hours. Any number of false alarms in a single twenty-four hour period shall be considered a single false alarm unless intentionally caused by any person.

(5) "First response" means a sheriff dispatch to the premises of a false alarm when that response has not been preceded within the previous twelve months by a sheriff dispatch to a false alarm at the same premises.

(6) "Intrusion alarm" means an alarm system designed to be activated automatically to warn of an unauthorized entry or other criminal act on or about a premises.

(7) "Panic alarm" means an alarm system designed to be activated manually to signal a medical emergency or the commission of an unlawful act on or about a premises.

(8) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, limited liability company, limited liability partnership or other legal entity.

(9) "Premises" means a building, dwelling, structure, or real property protected by an alarm, including an individual unit in a multiunit building or complex when the individual unit is served by a separate alarm, but not including any motor vehicle.

(10) "Service costs" means the current average cost to the county to respond to a call for service, including staff and dispatch service costs, as calculated by the sheriff and approved by council motion. Until such time as council has approved a different amount, services costs shall be equal to seventy-five dollars.

(11) "Sheriff" means the sheriff of Snohomish County or any duly appointed deputy sheriff of Snohomish County.

(12) "Unusual occurrence" means the extraordinary, sudden and unexpected manifestation of the forces of nature that cannot be prevented by reasonable human care, skill, or foresight.

(Added Ord. 84-035, § 1, Mar. 21, 1984; Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002).

### 10.52.040 Unlawful activation of alarm system.

(1) It is unlawful for an alarm system to generate a false alarm, and the alarm user shall be considered the person responsible for the false alarm.

(2) It is unlawful for any person to activate a panic alarm or to intentionally activate an intrusion alarm when doing so is a false alarm.

(Added Ord. 84-035, § 1, Mar. 21, 1984; Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002).

### **10.52.050 False alarms; Civil fines assessed.**

If the sheriff responds to a false alarm, the sheriff may assess and collect fines from either the alarm user or, if the false alarm is generated by activation of a panic alarm or the intentional activation of an intrusion alarm, the person that activated the alarm system as follows: (1) For a first response - no fine.

(2) For the first consecutive numbered response - a fine equal to twice the amount of service costs plus \$150.00.

(3) For the second consecutive numbered response - a fine equal to service costs plus \$325.00.

(4) For the third consecutive numbered response - a fine equal to service costs plus \$500.00.

(5) For the fourth and each succeeding consecutive numbered response - a fine equal to service costs plus \$1000.00.

The sheriff may assess and collect fines using all appropriate legal remedies, including the procedures set forth in [SCC 10.52.070](#) and 10.52.080.

(Added Ord. 84-035, § 1, Mar. 21, 1984; Amended Ord. 88-081, § 1, Oct. 26, 1988; Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002).

### **10.52.060 Violation--Penalty.**

The sheriff is authorized and directed to enforce the terms and provisions of this chapter. If it is determined through investigation, inspection, and or other means that any person has violated any provision of this chapter, then the sheriff may issue a notice and order.

(Added Ord. 84-035, § 1, Mar. 21, 1984; Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002).

### **10.52.070 Preliminary Finding Notice**

(1) No less than ten days before issuing a notice and order, the sheriff shall send a notice to the person determined to be responsible for a false alarm. The notice shall contain:

(a) The street address and, when available, a legal description sufficient to identify the alarm system premises upon which the false alarm occurred;

(b) A statement that the sheriff has made a preliminary finding that a false alarm occurred with a brief and concise description of the incident, including the date and approximate time the sheriff arrived at the alarm system premises;

(c) A statement that the person determined to be responsible for the false alarm may, within ten days of the date appearing on the notice, provide information to establish that the incident identified as a false alarm is not a false alarm;

(d) A statement advising that, no earlier than ten days after the date appearing on the notice, the sheriff may issue a notice and order that may assess fines as provided in this chapter.

(2) The sheriff shall mail the notice to the person determined to be responsible for generating the false alarm by regular first class mail at the alarm system premises and the person's last known address, if any.

(Added Ord. 84-035, § 1, Mar. 21, 1984; Amended Ord. 02-059, November 20, 2002, December 13, 2002).

### **10.52.080 Notice and Order.**

(1) The sheriff shall issue a notice and order under SCC 10.52.060 directed to the person determined to be responsible for a false alarm. The notice and order shall contain:

- (a) The street address and, when available, a legal description sufficient to identify the alarm system premises upon which the false alarm occurred;
- (b) A statement that the sheriff has found that a false alarm occurred with a brief and concise description of the incident, including the date and approximate time the sheriff arrived at the alarm system premises;
- (c) If the sheriff has determined to assess fines under [SCC 10.52.050](#), the order shall so state and shall require that the fines be paid within a certain time from the date of the order as determined by the sheriff;
- (d) A statement advising:
  - (i) that the person determined to be responsible for the false alarm may appeal the notice and order to the Snohomish County hearing examiner pursuant to [Chapter 2.02 SCC](#);

(ii) that failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under county code.

(2) The notice and order, and any amended or supplemental notice and order, shall be served upon the person determined to be responsible for the false alarm either personally or by mailing a copy of such notice and order by certified mail with return receipt requested to such person at the alarm system address or, if the notice is directed to a person other than the alarm user, at any address at which that person may be served with legal process under Washington law. Proof of service of the notice and order shall be made at the time of service by a notarized verification or a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

(Added Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002)

### **10.52.090 Appeals - Procedure**

(1) The person served with a notice and order under SCC 10.52.080 may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of [Chapter 2.02 SCC](#).

(2) At the hearing on a notice and order appeal, the sheriff shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence. A rebuttable presumption shall exist, however, that the factual statements and determinations made by the sheriff in the notice and order are correct.

(3) The decision of the hearing examiner on any such appeal shall be final and conclusive with an optional right of reconsideration as provided in [Chapter 2.02 SCC](#) and may then be reviewable by an action for writ of review filed with Snohomish County superior court as provided in [Chapter 2.02.SCC](#).

(Added Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002)

### **10.52.100 No criminal penalties**

Violations of this chapter shall not constitute a crime.

(Added Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002)

### **10.52.110 Remedies not exclusive**

The remedies for violation of this chapter that are set forth in this chapter are not exclusive.

(Added Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002)

### **10.52.120 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.

(Added Amended Ord. 02-059, November 20, 2002, Eff date December 13, 2002)

## **Chapter 10.60**

### **CONTRACTS FOR LAW ENFORCEMENT SERVICES**

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#### **10.60.010 Purpose of chapter.**

The purpose of this chapter is to establish a means to maximize local resources including personnel and facilities, reduce duplication of services, enhance local efficiencies without diminishing effectiveness, and share resources between local governments through the regionalization of services. It is to establish policies and procedures by which local governmental units may make the most efficient use of their powers by enabling them to cooperate with the county on a basis of mutual advantage and thereby to provide law enforcement services and facilities in a manner that will accord best with local governmental units' geographic, economic, population and other factors influencing the needs of their citizens.

(Added Ord. 90-164, as amended, November 28, 1990; Amended Ord. 94-16 § 1, March 9, 1994).

#### **10.60.020 Policy.**

It is the policy of Snohomish county that the county shall realize neither a profit nor a loss in providing contracted law enforcement services.

(Added Ord. 94-16 § 2, March 9, 1994).

#### **10.60.030 Authority.**

The Snohomish county sheriff's office shall have the authority to meet with authorized representatives of cities, towns, or incorporation committees of an unincorporated area of the county preparing for incorporation into a city or town to assist in evaluating their law enforcement needs. All actions taken by the sheriff's office to facilitate the contracting for law enforcement services between the county and another governmental entity shall be in accordance with the policies and procedures set forth herein and with applicable state laws.

(Added Ord. 94-16 § 2, March 9, 1994).

#### **10.60.040 Procedure.**

A city, town, or the incorporation committee of an unincorporated area of the county preparing for incorporation into a city or town (any of which may hereinafter be referred to as "applicant") may use the following procedures to request a law enforcement services contract with Snohomish county:

(1) The sheriff or a designated representative shall meet with the authorized representatives of the applicant to assist in evaluating the applicant's law enforcement needs and to facilitate the applicant's writing a proposed "scope of services" which the applicant seeks to receive as the result of a law enforcement contract with the county.

(2) After the proposed "scope of services" has been approved by the applicant's authorized representatives, the applicant may request that the county provide such services on a contracted basis by submitting an application package to the county executive. The application package shall include as a minimum: a motion or

resolution adopted by the city, town council, or incorporation committee requesting the county to provide law enforcement services on a contract basis; four copies of the approved "scope of services," a statement of the applicant's expectations relative to local ordinance enforcement, court filing fees, communications assessments, jail fees, prosecutor and/or court attorney charges; a statement of the number of commissioned and non-commissioned employees assigned to the local police or public safety department at the time of such request; and, the number of employees to be assigned at the time the requested law enforcement services contract will be signed. The applicant may include additional information which the applicant feels would clarify any information provided.

(3) The county executive, after ensuring the applicant's request meets the requirements of this chapter and providing a copy of the "scope of services" to the district court of the affected area, the prosecutor, and the assigned counsel, shall submit such request to the Snohomish county sheriff and notify the Snohomish county council of the applicant's request for a law enforcement contract.

(4) Upon receipt of the request for contracted law enforcement services, the sheriff shall coordinate with the county's office of budget and finance to identify all costs, both direct and indirect, and the number of FTE's required to fulfill the "scope of services" requested by the applicant. The office of budget and finance will compile this information in a written format established by the executive and forward it to the executive.

(5) The executive shall provide such cost information, in writing to the sheriff, the county council, and the mayor or manager of the city or town or the chairman of the incorporation committee, requesting the contracted law enforcement services.

(6) If the applicant agrees to the costs and terms offered by Snohomish county, the applicant shall submit a letter of intent to contract for a minimum of three years of law enforcement services to the county executive.

(7) The county executive shall advise the county council and the sheriff's office of the applicant's letter of intent. The sheriff's office shall coordinate with the applicant and the civil division of the Snohomish county prosecutor's office to facilitate the drafting of a proposed three year law enforcement contract.

(8) Three originals of the law enforcement contract, signed by an authorized representative of the applicant, shall be delivered to the county executive who will submit them to the county council for review and approval by council motion.

(Added Ord. 94-16 § 2, March 9, 1994).

### **10.60.050 Severability.**

If any provision or section of this chapter shall be held by a competent court to be void or unconstitutional, all other parts, provisions, and sections of this chapter not expressly so held to be void or unconstitutional shall continue in full force and effect.

(Added Ord. 94-16 § 2, March 9, 1994).

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