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OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

Chapter 12.08
IMPERSONATING PUBLIC OFFICERS-UNAUTHORIZED SALE, POSSESSION OR USE OF OFFICIAL PROPERTY

Sections:

12.08.010 Impersonating members of public safety department.
12.08.020 Selling or disposing of police badges prohibited.
12.08.030 Possessing badge with intent to impersonate officer.
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12.08.050 Penalty for violation.

12.08.010 Impersonating members of public safety department. It is unlawful for anyone:

A. To represent himself falsely to be a member of the department of public safety, hereinafter referred to as "the department" or a special member appointed pursuant to RCW 36.28.020;

B. To wear without authority of the King County sheriff, uniforms or a distinctive part thereof, or any badge or insignia of the department of public safety, or any facsimile of the aforementioned uniform, badge or insignia;

C. To wear or carry upon his person or display upon a vehicle without the authority of the King County sheriff, any object, device or lettering containing the words "King County Police Officer", "King County Deputy Sheriff", "King County Detective", "King County Patrol", "King County Police" or any such words of a similar nature reasonably designed to create the impression such person is in any manner connected with the department. (Ord. 13037 § 4, 1998: Ord. 1069 § 1, 1971).

12.08.020 Selling or disposing of police badges prohibited. It is unlawful for any person to sell, exchange, give away, or otherwise dispose of in any manner, without the authority of the department's director, any police badge or insignia issued or authorized by the department. (Ord. 1069 § 2, 1971).

12.08.030 Possessing badge with intent to impersonate officer. It is unlawful for any person, except a member of the department or such member appointed pursuant to RCW 36.28.020, to have in his possession any police badge issued or authorized by the department or any facsimile thereof, with intent falsely to represent himself to be a member or special member of the department. (Ord. 1069 § 3, 1971).

12.08.040 Intent to impersonate presumed. The intent falsely to represent that a person is a member or special member of the department shall be presumed upon discovery of such possession as referred in the immediately foregoing section; provided, however, that such presumption shall be rebuttable. (Ord. 1069 § 4, 1971).

12.08.050 Penalty for violation. Any violation of or failure to comply with the provisions of this chapter shall subject the offender upon conviction thereof to a fine of not exceeding two hundred fifty dollars or to imprisonment for not exceeding ninety days or both. (Ord. 1069 § 5, 1971).

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OFFENSES AGAINST THE PERSON

Chapter 12.16
DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY IN EMPLOYMENT BY CONTRACTORS, SUBCONTRACTORS AND VENDORS[1]

(Formerly DISCRIMINATION AND AFFIRMATIVE ACTION IN EMPLOYMENT BY CONTRACTORS, SUCONTRACTORS AND VENDORS)

Sections:

12.16.010 Definitions.
12.16.020 Nondiscrimination - general.
12.16.025 Nondiscrimination - persons with disabilities.
12.16.040 Minimum affirmative action measures.
12.16.050 Contract requirements.
12.16.060 Contract eligibility.
12.16.070 Statements from unions or employee referral agencies.
12.16.080 Subcontractors.
12.16.090 Compliance monitoring.
12.16.100 Reporting requirements.
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12.16.155 Establishment of apprenticeship program.
12.16.156 Apprentice utilization goals.
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12.16.165 Apprenticeship - requirements.
12.16.170 Source of apprentices.
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12.16.180 Apprenticeship - federal and state requirements.

[1]For statutory provisions regarding the Law Against Discrimination, see chapter 49.60 RCW.

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12.16.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Administrator" means the director of the finance and business operations division in the department of executive services.

B. "Contract awarding authority" means any person with the power to enter into a contractual arrangement binding the county and also means the particular office, agency or division on whose behalf the contract is executed. In addition, "contract awarding authority" includes, but is not limited to, the county executive, heads of county departments or offices and as delegated, division directors.

C. "Contractor" means any person, firm, business, organization, company, partnership, corporation or other legal entity, excluding real property lessors and lessees and government agencies, contracting to do business with the county including, but not limited to, public work contractors, consultant contractors, providers of professional services, service agencies, vendors, and suppliers selling or furnishing materials, equipment or goods or services.

D. "Disability" means the presence of a sensory, mental or physical impairment that is medically cognizable or diagnosable; or exists as a record or history; or is perceived to exist whether or not it exists in fact. A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

E. "Disability access laws" means all laws requiring that county services, programs and activities be accessible by people with disabilities including Title II of the Americans with Disabilities Act, Title II of the Telecommunications Act of 1934, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

F. "Discriminate" means an action, other than an action taken in accordance with lawful equal employment opportunity efforts, or failure to act, whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, by reasons of sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification.

G. "Discrimination" means differential treatment of or pursuit of policies or practices that have a disproportionate impact upon persons due to their sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification.

H. "Employment" means any and all terms and conditions and policies and practices of employment including, but not limited to, hiring, firing, upgrading, demotion, recruiting, transfer, lay-off, termination, pay rates and advertisement, hours and conditions of work.

I. "Equal employment opportunity" means the availability of employment and advancement of all people based on merit, capability, and potential, and without regard to an individual's sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification. "Equal employment opportunity" includes the following components: recruitment, application processing, hiring, job placement, compensation, promotion, transfer, termination and work assignment.

J. "Equal employment opportunity efforts" means active efforts to ensure equal opportunity in employment that is free from all forms of discrimination.

K. "Equal opportunity" means a system of practices under which individuals are not excluded from any opportunity or benefits because of their sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification.

L. "Minority" or "Minorities" means a person who is a citizen of the United States and who is a member of one or more of the following historically disadvantaged racial groups:

1. Black or African American: Having origins in any of the Black racial groups of Africa;

2. Hispanic: Mexican, Puerto Rican, Cuban, Central American, South American or of other Spanish or Portuguese culture or origin, regardless of race;

3. Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent or the Pacific Islands; or

4. American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

M. "Permanent workforce" means those persons employed by a bidder, proposer or contractor for at least six continuous months immediately prior to the bid or proposal opening or the award of a contract by the county, and who are currently employed by the bidder, proposer or contractor.

N. "Reasonable accommodation" means steps taken to modify facilities used by employees or to modify a particular job component which enables an otherwise qualified person with a disability to perform the essential functions of the job.

O. "Sexual orientation" means male or female heterosexuality, bisexuality, or homosexuality, and includes a person's attitudes, preferences, beliefs and practices pertaining to sex.

P. "Underrepresentation" means presence in a contractor's work force of minorities, women, and persons with disabilities in a particular job category in proportionate numbers less than their representation in the county's labor market area. (Ord. 16960 § 24, 2010: Ord. 16855 § 1, 2010: Ord. 11992 § 2, 1995).

12.16.020 Nondiscrimination - general. No contractor, subcontractor or union doing business with the county or a county contractor, who furnishes workers or services in connection therewith, shall discriminate against any person on the basis of sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification, and no such contractor, subcontractor or union shall violate any of the terms of chapter 49.60 RCW, Title VII of the Civil Rights Act of 1964, or any other applicable federal, state or local law or regulation regarding nondiscrimination in employment. (Ord. 16855 § 2, 2010: Ord. 11992 § 3, 1995).

12.16.025 Nondiscrimination - persons with disabilities. In addition to the general prohibition against discrimination stated in K.C.C. 12.16.020, all contractors, subcontractors or unions doing business with or furnishing workers or services to the county:

A. Shall make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant or employee unless the contractor can demonstrate that the accommodation would impair or cause undue hardship on the operation of the contractor, subcontractor or union's business; and

B. Shall not conduct a preemployment medical examination or make a preemployment inquiry [about]* whether an applicant has a disability. A contractor, subcontractor or union doing business with or furnishing workers or services to the county may make [a]* preemployment inquiry about an applicant's ability to perform job-related functions. Nothing in this section shall prohibit a contractor, subcontractor or union doing business with or furnishing workers or services to the county from conditioning an offer of employment on the results of a medical examination prior to initiation of the employment, if all entering employees are subject to such an examination regardless of disability. (Ord. 16855 § 3, 2010: Ord. 11992 § 4, 1995).

***Reviser's note: Language not underlined in Ordinance 16855. See K.C.C. 1.24.075.**

12.16.040 Minimum affirmative action measures. The evaluation of a contractor's compliance with this chapter shall be based upon the contractor's effort to implement equal employment opportunity policies to achieve a diverse workforce. The contractor shall document these efforts and shall implement equal opportunity efforts at least as extensive as the following:

A. Disseminate the contractor's equal employment opportunity policy internally and externally; post nondiscrimination policies and requirements of this chapter in locations that are clearly visible to all employees; notify each subcontractor, labor union or representative of workers with which there is a collective bargaining agreement or other contract, subcontract or understanding, of the contractor's commitments under this chapter; include the equal opportunity policy in advertisements and other media; discuss equal employment opportunities and policies with new employees during employment orientation; discuss equal employment opportunity policies with managers and supervisors and their roles and responsibilities in implementing the efforts required under this chapter;

B. Adopt and implement recruitment procedures to achieve equal employment opportunity and diversity in the pool of applicants for employment;

C. Review all employment policies and procedures, including tests, recruitment, hiring and training practices and policies, performance evaluations, seniority policies and practices, job classifications and job assignments, to ensure that they do not discriminate against any person, and validate all tests and other selection requirements where there is an obligation to do so under state or federal law;

D. Maintain a current file of applications of all persons who are applicants or referrals for employment indicating the actions that were taken with respect to each individual and the reasons for the actions; and contact these persons when a job vacancy exists for which these individuals may be qualified. Names may be removed from the file after twelve months from the last application or referral;

E. Designate an employee who shall have the responsibility for implementation of the contractor's equal employment opportunity efforts. (Ord. 16855 § 5, 2010: Ord. 11992 § 6, 1995).

12.16.050 Contract requirements.

A. The county's policy, as stated in this chapter, requiring nondiscrimination in contractor and subcontractor employment and equal employment opportunity shall be included in all county contracts, except real property sale [and]* lease [transactions and]* government agency contracts. The requirement of compliance with disability access laws shall be included in all applicable county contracts. A violation of this chapter shall be deemed a breach of a material provision of the contract between the county and the contractor. Such a breach shall be grounds for cancellation, termination or suspension, in whole or in part, of the contract by the county, or for invoking the enforcement provisions of this chapter providing for penalties, liquidated damages or other remedies, and may result in ineligibility for county contracts. The burden is on the contractor to demonstrate its compliance with this chapter.

B. Invitations to bid and requests for proposals for all county contracts, except real property leases, may require the bidder or proposer to [comply]* specifically with equal employment opportunity efforts to follow in the event a contract is awarded to the bidder or proposer. Such efforts shall ensure the contractor and its subcontractors while performing the contract for the county affords equal opportunity in employment.

C. Whenever the administrator determines that a contractor's obligations under this chapter need review or updating, the administrator shall notify the contractor, who shall take such steps as are necessary to review or update its equal employment opportunity policies and practices to meet county requirements.

D. A bidder may also be required, after award of a contract, to submit permanent workforce information including, but not limited to, the total number of employees for all business locations, a personnel inventory by job category and other such data as may be determined by the administrator.

E. Contractors performing under construction contracts shall submit monthly employment reports on such forms and by methods, including electronic submission, as may be established by the administrator. The reports shall include information sufficient to demonstrate the extent to which the contractor has complied with this chapter.

F. Neither the provisions of any collective bargaining agreement nor the failure by a union with whom the contractor has a collective bargaining agreement to shall excuse the contractor's obligation under this chapter.

G. The following provisions shall be included in contracts awarded by the county, except as provided otherwise in this chapter:

1. During performance of the contract, the contractor agrees that it will not discriminate against any employee or applicant for employment because of the employee or applicant's sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification. The contractor will take equal employment opportunity efforts to ensure that applicants and employees are treated, without regard to their sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age. The equal employment opportunity efforts shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeships. The contractor agrees to post in conspicuous places available to employees and applicants for employment notices setting forth this nondiscrimination clause;

2. The contractor shall permit access by the administrator to the contractor's records of employment, employment advertisements, application forms, other pertinent data and records related to the contract for the purpose of monitoring, audit and investigation to determine compliance with this chapter; and

3. The contractor shall implement and carry out the obligations in this chapter and the contract regarding equal employment opportunity. The county shall consider the failure to implement and carry out such obligations in good faith as a material breach of the contract and grounds for withholding payment and/or termination of the contract and dismissal of the contractor.

I. All contracts and agreements with the county, under which a contractor provides a service, program or activity to the general public or under which a contractor provides a service, program or activity directly to county employees on behalf of the county as the employer shall include the following provisions:

1. The contractor agrees to provide to persons with disabilities access to programs, activities and services provided under the contract or agreement, as required by the disability access laws; and

2. The contractor shall not discriminate against persons with disabilities in providing the work under the contract. In any subcontracts for the programs, activities and services under their contract or agreement with the county, the contractor shall include the requirement that the subcontractor provide to persons with disabilities access to programs, activities and services provided under the contract or agreement, as required by the disability access laws, that the subcontractor shall not discriminate against persons with disabilities in providing the work under the contract and that the subcontractor shall provide that the county is a third-party beneficiary to that required provision. (Ord. 16855 § 6, 2010: Ord. 11992 § 7, 1995).

***Reviser's note: Language not underlined in Ordinance 16855. See K.C.C. 1.24.075.**

12.16.060 Contractor eligibility.

A. All public works contractors entering into contracts or agreements with the county, with an estimated value in excess of the dollar threshold for formal solicitation and advertisement, in accordance with K.C.C. 4.16.090 and 4.16.155, shall submit to the contract awarding authority upon the authority's request, and in a format and using such methods, as may be provided by the county, employment data for its workforce.

B. The reporting requirements for each contractor and its subcontractors and any other such provisions as the administrator deems necessary and appropriate for compliance with and enforcement of this chapter, shall be included in all county contracts, except real property sale and lease transactions and government agency contracts.

C. Invitations to bid and requests for proposals for all county contracts and agreements in which a contractor will provide a service, program or activity to the general public, or in which a contractor will provide a service, program or activity directly to King County employees on behalf of the county as the employer shall require the bidder or proposer to provide to persons with disabilities access to services, programs and activities provided under the contact or agreement as required by the disability access laws. (Ord. 16855 § 7, 2010: Ord. 11992 § 8, 1995).

12.16.070 Statements from unions or employee referral agencies. All labor unions or agencies that refer workers or employees or provide or supervise apprenticeship or other training programs from whom the contractor obtains employees must comply with this chapter, which requires the organization have no discriminatory practices or policies based on sex, race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification. (Ord. 16855 § 8, 2010: Ord. 11992 § 9, 1995).

12.16.080 Subcontractors. For all public work contracts, the county shall require contractors to submit [reports]* from their subcontractors in the same manner and method as required of the contractor. For these contracts, the reporting requirements that apply to the contractor during the contract period apply equally to all subcontractors. Contractors shall be responsible for ensuring that their subcontractors adhere to the same equal employment opportunity requirements that apply to the contractors. The county shall deem any violation of this chapter by a subcontractor a violation by the contractor and will subject the contractor to the sanctions and penalties in the contract and in this chapter. (Ord. 16855 § 9, 2010: Ord. 11992 § 10, 1995).

***Reviser's note: Language not underlined in Ordinance 16855. See K.C.C. 1.24.075.**

12.16.090 Compliance monitoring. The administrator shall monitor compliance with this chapter and shall conduct such investigations as may be necessary to determine compliance on the part of any contractor, firm or organization with this chapter. Each contract awarding authority shall ensure that contractors are notified of their obligations under this chapter. The administrator shall ensure that each contract awarding authority properly monitors contractors in compliance with this chapter. (Ord. 16855 § 10, 2010: Ord. 11992 § 11, 1995).

12.16.100 Reporting requirements.

A. The executive, through the administrator, shall have the responsibility for monitoring and auditing implementation of the requirements of this chapter and shall have the power to request from all county departments and offices, responding parties, and/or contractors any relevant records, information and documents. The administrator shall have access to all county records related to compliance with this chapter. County contract awarding authorities shall provide full cooperation to the administrator in the implementation of this chapter and shall promptly submit records, information and documents upon request of the administrator.

B. County contract awarding authorities shall keep complete and detailed records regarding compliance with this chapter. The administrator shall devise and promulgate to all county departments uniform standards for the keeping of complete and detailed records as required by this chapter.

C. The contractor shall, upon request, furnish all information and reports as reasonably required by the administrator to determine compliance with this chapter, and shall permit access to its books, records and accounts for purposes of investigation to ascertain compliance with the nondiscrimination and equal employment opportunity requirements of this chapter. All information, data or records obtained pursuant to the monitoring and investigation activities authorized under this chapter shall be kept confidential by the county to the extent allowed by law, except that the county may release such information when requested to do so in cooperation with state and federal agencies administering and enforcing state and federal laws against discrimination. (Ord. 16855 § 11, 2010: Ord. 11992 § 12, 1995).

12.16.115 Enforcement.

A. Where a complaint alleging a violation of this chapter has been filed by any individual or entity, including a contract awarding authority, within six months of the completion of all work on a contract alleging a violation of this chapter by a contractor or where, within that same time period, evidence of a violation is discovered from information gained through compliance monitoring or auditing, the administrator shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint or notice of investigation on the respondent within twenty days after the filing of said charge and shall promptly make an investigation thereof. If a party selected by the administrator conducts the investigation, the costs of such an investigation shall be borne by the department or project, as applicable, for which the contract was awarded. The investigation shall be directed to ascertain the facts concerning the violation alleged in the complaint and shall be conducted in an objective and impartial manner. During such an investigation, the administrator shall consider any statement of position or evidence with respect to the allegations of the complaint which the complainant or the respondent wishes to submit.

1. The administrator shall have the authority to sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including but not limited to books, records, correspondence or documents in the possession or under the control of the person or entity subpoenaed, and access to evidence for the purpose of examination and copying as is necessary for the investigation. The administrator shall consult with the prosecuting attorney before issuing any subpoena under this section.

If an individual or entity fails to obey a subpoena issued hereunder, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the administrator may seek the assistance of the county prosecuting attorney by requesting that the prosecuting attorney petition the superior court for King County for an order or other appropriate action necessary to secure enforcement of the subpoena.

2. The results of the investigation shall be reduced to written findings of fact and a finding shall be made that there either is or is not reasonable cause for believing that a violation has been or is being committed. If a finding is made that there is no reasonable cause, said finding shall be served on the complainant and respondent. Within thirty days after service of such negative finding, the complainant shall have the right to file a written request with the administrator asking for reconsideration of the finding. The administrator shall respond to such request in writing within a reasonable time by granting or denying the request and specifying the reasons for either granting or denying the request.

B. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that a violation by a contractor subcontractor has occurred, the administrator shall endeavor to remedy the violation by conference, conciliation and persuasion, which may, by agreement of the parties, include monetary compensation, the creation of additional opportunities for the employment of persons on other contracts, or such other requirements as may lawfully be agreed upon by the parties and the administrator. Any settlement agreement shall be reduced to writing and signed by both parties. An order shall then be entered by the administrator setting forth the terms of the agreement. Copies of such an order shall be delivered to all affected parties and the original thereof recorded with the records and licensing services division.

If no agreement can be reached, a finding to that effect shall be made by the administrator and incorporated in a preliminary order, with a copy thereof furnished to the complainant and respondent. The preliminary order shall also include:

1. A finding that a violation has occurred; and
2. The basis for such a finding.

C. In the case of failure to reach an agreement for the elimination of such a violation, and upon the entry of a preliminary order, the complaint and any and all findings made and remedies ordered shall be certified by the administrator to the office of the county hearing examiner for hearing.

A hearing shall thereafter be conducted by the office of the hearing examiner for the purpose of affirming, denying or modifying the preliminary order. The hearing shall be conducted on the record and the hearing examiner shall have such rule making and other powers necessary for conduct of the hearing as are specified by K.C.C. 20.24.170. Such hearings shall be conducted within a reasonable time after receipt of the certification. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each affected party and to the administrator.

Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the complaint;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. To impeach any witness regardless of which party first called such witness to testify;
5. To rebut evidence presented against a party; and
6. To self-representation or to be represented by anyone of a party's choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions, shall render a written decision and shall order one or more of the following:

1. Dismissal of the complaint when a violation is found not to have occurred;
2. Cancellation of the contract in part or in whole;
3. Disqualification of the violator from participation in county contracts for a period of up to five years;
4. Exclusion of the violator from future contracts or vending until demonstration of compliance; and
5. Enforcement of any provision of the contract providing remedies, such as penalties or liquidated damages for violation of contractual provisions or enforcement of any other remedy available under the laws of the county. Upon a finding by the hearing examiner that a contractor has in fact failed to abide by the provisions of this chapter, liquidated damages shall be imposed unless the hearing examiner finds that the imposition of such damages would be clearly inequitable, in which case the hearing examiner may grant such other relief as may be lawful and appropriate.

E. In the case where the alleged violator is the contract awarding authority and a finding is made that there is reasonable cause to believe that the contract awarding authority has committed a violation, the finding shall be forwarded to the executive, who shall review the evidence and may order one or more of the following:

1. Dismissal of the complaint when a violation is found not to have occurred;
2. Corrective personnel action;
3. Disqualification and suspension of authority of all members, any board, commission, or other body constituting the violating contract awarding authority; and
4. Enforcement of any other remedy available under the laws of the county.

F. In addition to any other remedy available under the laws of the county and the state of Washington, any person, firm, corporation, business, union or organization that prevents or interferes with or retaliates against a contractor or subcontractor's efforts to comply with this chapter or that submits false or misleading information to any county department or employee concerning compliance with this chapter shall be subject to a civil penalty of up to five thousand dollars for each occurrence, the county having previously complied with the notice and hearing provisions of this chapter. Each submission of false or misleading information shall constitute a separate occurrence. (Ord. 16855 § 12, 2010: Ord. 15971 § 65, 2007: Ord. 11992 § 13, 1995).

12.16.125 Real property lessors and lessees. No lessor or lessee doing business with the county shall discriminate on the basis of race, color, marital status, national origin, religious affiliation, disability, sexual orientation, gender identity or expression or age except by minimum age and retirement provisions, unless based upon a bona fide occupational qualification, in the employment or application for employment or in the administration or delivery of services or any other benefits under this chapter. The lessor or lessee shall comply fully with all applicable federal, state and local laws, ordinances, executive orders and regulations that prohibit such discrimination. These laws include, but are not limited to, chapter 49.60 RCW, and Titles VI and VII of the Civil Rights Act of 1964. The language in this section shall be included in all lease agreements. (Ord. 16855 § 13, 2010: Ord. 10849 § 19, 1993).

12.16.140 Administrative rules of practice and procedure. Administrative practices and procedures required to fully implement the provisions of this chapter shall be promulgated and filed with the clerk of the council in the manner prescribed in Chapter 2.98 of this code. (Ord. 4528 § 14, 1979).

12.16.155 Establishment of apprenticeship program. There is hereby established a county apprenticeship training program. An essential component of the program shall be the inclusion of minorities, women, persons with disabilities and economically disadvantaged youth as apprentices.

The administrator shall be responsible for implementing the apprenticeship program under this section. The administrator shall:

A. Administer, monitor and enforce the goals and requirements of this chapter;

B. Coordinate all elements among all county agencies whose involvement is necessary to implement a successful program;

C. Coordinate the county's efforts with those of other jurisdictions with similar programs to insure a coherent, cohesive and focused response to the future labor needs of the local area construction industry;

D. Monitor, track and document access to apprentices and state-approved apprentice training programs by open shop contractors who choose to bid on county construction contracts and accept the county's apprenticeship training program requirements; and

E. In addition, the administrator shall include in the annual report required in K.C.C. 12.16.175 the extent of apprentice shortages, if any, by construction trade for the given reporting year, and shall gather this information from the apprentice training programs being utilized by the county's construction contractors. The county shall require contractors who claim apprentices are unavailable to document their efforts to obtain apprentices. (Ord. 16855 § 15, 2010: Ord. 12787 § 2, 1997).

12.16.156 Apprentice utilization goals. The following voluntary hiring goals shall be applied to following target populations for public works projects as a whole that are subject to the apprenticeship program requirements until the council approves new voluntary hiring goals [for these target populations]*:

Target Populations	Voluntary Hiring Goals
Minorities	21%
Women	25%
Persons with disabilities	2%
Economically disadvantaged youth	7%

(Ord. 16855 § 16, 2010: Ord. 13313 § 2, 1998).

***Reviser's note: Language not underlined in Ordinance 16855. See K.C.C. 1.24.075.**

12.16.157 Goals application.

A. The voluntary hiring goals established in this chapter shall be used as countywide goals for the participation of persons within the targeted populations as apprentices on applicable county public works projects as a whole. Such goals shall apply as a whole until all available apprentices are taken or until the established target goals are reached.

B. Application of the voluntary hiring goals for persons from the targeted populations established in K.C.C. 12.16.156 shall be based on the available labor hours on each project and the level of apprentice availability and underutilization of the target groups in each participating construction craft as well as the other criteria listed in K.C.C. 12.16.160.C. (Ord. 16855 § 17, 2010: Ord. 13313 § 4, 1998).

12.16.160 Implementation and apprentice utilization.

A. The administrator shall:

1. Develop specific criteria for assessing the feasibility of implementing the apprenticeship program on each public works project. The administrator is authorized to develop and adopt rules consistent with the requirements and policy directives of K.C.C. 12.16.150 through 12.16.180 and in accordance with K.C.C. chapter 2.98. Such rules shall include criteria for determining on a project-by-project basis the appropriateness of requiring the use of apprentices in a certain percentage;

2. Establish the percent of labor hours required for the use of apprentices on each public works project selected for the apprenticeship program. The labor hour percentage requirement on the contract for apprentices shall be determined by the administrator. When setting the requirement, the administrator shall consider, in addition to other factors, duration of the project, the scope of work, type of work, and the types of crafts and trades to be utilized on the project. During the term of the contract, the administrator may reduce or waive the required percentage of apprentice labor hours upon determination that:

a. the contractor has demonstrated that it has utilized its "best efforts" to meet the established percentage requirement but remains unable to fulfill the;

b. In order to meet the requirement, the contractor will be forced to displace members of their workforce;

c. the reasonable and necessary requirements of the contract render apprentice utilization infeasible at the required levels;

3. One purpose of the apprenticeship program is to enable minorities, women, persons with disabilities and economically disadvantaged youth to participate in apprenticeship opportunities. Thus, whenever feasible, the administrator shall encourage contractors to include minorities, women, persons with disabilities and economically disadvantaged youth in a significant number of the apprentice labor hours requirement set for the project;

4. Develop the necessary bid document and contract specification language to implement this apprenticeship requirement;

5. Implement a system for monitoring the actual use of apprentices on selected public works projects. Such monitoring shall include, at a minimum, identifying individual apprentices by name and Washington state apprenticeship registration number, reviewing documents provided by the contractor showing total apprentice labor hours, determining the apprentice hours worked by minorities, women, persons with disabilities and economically disadvantaged youth, and assessing whether the contractor has complied with the apprenticeship requirement.

B. Unless otherwise determined by the administrator, in accordance with the standards established in K.C.C. 12.16.150 through 12.16.180, failure by a contractor to comply with the established contract apprenticeship requirements shall be deemed a breach of contract for which the county shall be entitled to all remedies allowed by law and under the contract. Failure to comply with the apprenticeship requirements may be considered evidence bearing on a contractor's qualification for award of future contracts. (Ord. 16855 § 18, 2010: Ord. 12787 § 4, 1997).

12.16.165 Apprenticeship - requirements. The county shall require apprentice utilization on selected county public works projects that will serve to maximize the growth and development of apprentice opportunities. The administrator of the apprenticeship program, as defined in this chapter, in cooperation with the appropriate contract awarding division or department, shall select which public works projects shall include an apprenticeship program. Such selection should be guided by the following:

A. The size of the project and the anticipated hours for apprentices in required trades in order to make the experience beneficial;

B. The kinds of skills required on the project so that current apprentices or waiting applicants have opportunities to pursue the training they need; and

C. The ratio of labor to material with a preference given to projects that are labor intensive.

If the administrator and the contract awarding authority cannot agree on whether a specific public works project shall include an apprenticeship program, the administrator's department director shall make the decision.

The administrator is authorized to require of contractors, through bidding and contract documents, that apprentices enrolled in training programs approved or recognized by the Washington State Apprenticeship and Training Council perform a percentage of total labor hours on the selected projects.

The administrator may exempt construction contracts that do not meet the criterion described in subsections A. through C. of this section from the required participation in the apprenticeship training program but exemptions for such construction contracts of one million dollars or more shall be thoroughly documented and reported to the council in the annual report required by K.C.C. 12.16.175.

For the purposes of this section "labor hours" means to the total number of hours worked by workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" also include hours worked by workers employed by subcontractors on the project. (Ord. 16855 § 19, 2010: Ord. 12787 § 3, 1997).

12.16.170 Source of apprentices.

The administrator shall work with joint apprenticeship training committees approved by the state of Washington to identify qualified apprentices whom contractors could utilize to meet the apprenticeship requirement established for a public works project. It shall be the policy of King County government that minorities, women, persons with disabilities and economically disadvantaged youth who are recipients of its services and who meet the criteria established in K.C.C. 12.16.150 through 12.16.180 shall be actively recruited for participation in apprenticeship training. The administrator shall work with other county agencies providing employment training services to the apprenticeship training target populations cited in K.C.C. 12.16.150 through 12.16.180, which shall include, but not be limited to, those programs in the King County department of community and human services and other employment training programs as may be housed in other county agencies. In addition, the administrator shall ensure that private agencies providing employment training services to county residents outside of the city of Seattle shall be used as a source of apprenticeship training program recruitment.

The administrator shall cooperate with agencies that have access to preapprenticeship programs as a step towards [toward] preparing members of the target populations cited in K.C.C. 12.16.150 through 12.16.180 to successfully participate in apprenticeship training programs. In addition, the administrator shall cooperate with these agencies to encourage their dissemination of information on apprenticeship training opportunities to all school districts within King County outside of the city of Seattle, to actively recruit the targeted populations into the county’s apprentice training program.

The administrator may propose the creation of any preapprenticeship training programs which may be needed to meet the intent of K.C.C. 12.16.150 through 12.16.180. (Ord. 16855 § 20, 2010: Ord. 12787 § 5, 1997).

12.16.175 Apprenticeship - annual report required. The administrator shall submit an annual report to the executive detailing performance of the program by April 15 of each year. This report shall be forwarded to the council no later than April 30. The report shall include, but not be limited to the following:

A. The number and kinds of public works projects and contracts on which apprenticeship requirements were established;

B. The percentage of labor hours actually worked by apprentices on each such project and the total number of labor hours on each project;

C. The number of apprentices by contractor broken down by trade and craft category, the wages paid by category of work or trade, the number and percentage of minorities, women, persons with disabilities and disadvantaged youth utilized as apprentices and the degree of compliance with the percentage goals to be established pursuant to K.C.C. 12.16.150 through 12.16.180;

D. A description of problems encountered in the implementation of the requirements of K.C.C. 12.16.150 through 12.16.180, which shall include, but not be limited to, access by open shop contractors to state-approved training program apprentices and the resolution of any problems arising therefrom;

E. A description of barriers encountered by participating apprentices and steps taken to resolve those problems and to insure their continued participation in the program;

F. The number of new apprentices indentured during the reporting year as a result of the county's apprenticeship training requirements for its construction contracts; and

G. The percentage of apprentices in training who have graduated to journey level during the reporting year. (Ord. 12787 § 6, 1997).

12.16.180 Apprenticeship - federal and state requirements. The administrator may issue rules and procedures and take steps necessary to implement and comply with applicable federal and state laws and regulations. (Ord. 12787 § 7, 1997).

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Chapter 12.17
DISCRIMINATION IN CONTRACTING

Sections:

12.17.002 Statement of purpose - findings.
12.17.003 Application of chapter.
12.17.004 Liberal construction of chapter.
12.17.005 Effect of chapter on right to actions or pursuit of remedies.
12.17.006 Effect of chapter on liability.
12.17.007 Effect of chapter on statutes of limitation.
12.17.008 Effect of chapter on actions by contractor based solely upon job performance.
12.17.010 Definitions.
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12.17.040 Complaint – investigation – notice – prefinding settlement agreement – discovery – subpoenas – enforcement – findings – reconsideration.
12.17.050 Settlement – order without settlement – compliance – penalties.
12.17.060 Hearing – order finality – appeal.
12.17.070 Enforcement by office of civil rights.
12.17.080 Enforcement by private persons.
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12.17.100 Requirement to comply.

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12.17.002 Statement of purpose - findings. This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the provisions of the constitution of this state. The King County council hereby finds and declares that practices of discrimination in contracting by business enterprises against any person on the basis of race, color, age, gender, marital status, sexual orientation, religion, ancestry, national origin, disability or use of a service or assistive animal by an individual with a disability constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County. (Ord. 15399 § 2, 2006: 15398 § 1, 2000).

12.17.003 Application of chapter. This chapter applies to: King County when King County is acting as a contractor or is awarding a contract; business enterprises having an agreement with King County; and other contractors, subcontractors, suppliers, materialmen, bonding agencies, trade associations, contracting agencies and other business enterprises and persons doing business in unincorporated King County. (Ord. 15399 § 3, 2006).

12.17.004 Liberal construction of chapter. This chapter shall be liberally construed for accomplishment of its policies and purposes. This chapter shall not be construed to endorse any specific belief, practice, behavior or orientation. Nothing in this chapter relating to gender-based discrimination affects the ability of an employer to require an employee to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of state or federal law, though an employer shall allow an employee to appear or dress consistently with the employee's gender identity. (Ord. 15399 § 4, 2006).

12.17.005 Effect of chapter on right to actions or pursuit of remedies. Nothing in this chapter shall be deemed to deny any persons the right to institute any action or to pursue any other available civil or criminal remedy for the violation of those persons' civil rights. (Ord. 15399 § 5, 2006).

12.17.006 Effect of chapter on liability. Nothing in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of King County by its officers, employees or agents. (Ord. 15399 § 6, 2006).

12.17.007 Effect of chapter on statutes of limitation. Nothing in this chapter shall be construed to toll the statute of limitations for any claims under federal or state statute. (Ord. 15399 § 7, 2006).

12.17.008 Effect of chapter on actions by contractor based solely upon job performance. Nothing in this chapter shall be construed to prohibit or apply to actions taken in good faith against any person by a contractor based solely upon their performance, qualifications or ability to perform in accordance with the terms of a contract or for other nondiscriminatory reasons. (Ord. 15399 § 8, 2006).

12.17.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Business enterprise" means a licensed business organization located in or doing business in unincorporated King County or that is required to comply with this chapter by the terms of an agreement with King County under K.C.C. 12.17.100.

B. "Charging party" means the person aggrieved by an alleged unfair contracting practice or the person making a complaint on another person's behalf, or the office of civil rights when the office of civil rights files a complaint.

C. "Commercially significant contract" means a contract for the provision of services, including, but not limited to, construction services, consulting services or bonding or other financial services, or the sale of goods that exceeds five thousand dollars.

D. "Contract" means an agreement to perform a service or provide goods that entails a legally binding obligation and that is performed or intended to be wholly or partly performed within unincorporated King County or that includes King County as a party. "Contract" does not include the following: a contract for the purchase and sale of residential real estate; a contract for employment; and a collective bargaining agreement.

E. "Contracting agency" means a person who for compensation engages in recruiting, procuring, referral or placement of contracts with a contractor, and that is doing business in King County.

F. "Contractor" means a business enterprise, including, but not limited to, a company, partnership, corporation or other legal entity, excluding real property lessors and lessees, contracting to do business within the county. "Contractor" includes, but is not limited to, a public works contractor, a consultant contractor, a provider of professional services, a service agency, a vendor, and a supplier selling or furnishing materials, equipment, goods or services, but does not include a governmental agency other than King County.

G. "Discriminate," "discrimination" and "discriminatory act" mean an action, other than an action taken in accordance with a lawful affirmative action program, or failure to act, whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, by reasons of race, color, age, gender, marital status, sexual orientation, religion, ancestry, national origin, disability or use of a service or assistive animal by an individual with a disability, unless based upon a bona fide contractual qualification.

H. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

I. "Party" includes the person making a complaint alleging an unfair contracting practice and the person alleged to have committed an unfair contracting practice.

J. "Person" includes one or more individuals, partnerships, business enterprises, associations, organizations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers or group of persons and includes King County.

K. "Respondent" means a person who has been alleged or found to have committed an unfair contracting practice prohibited by this chapter.

L. "Retaliate" means to take action against any person because that person has:

1. Opposed any practice forbidden by this chapter;
2. Complied or proposed to comply with this chapter or any order issued under this chapter; or
3. Filed a complaint, testified or assisted in any manner in any investigation, proceeding or hearing initiated under this chapter.

M. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and gender identity. As used in this definition "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with "gender identity" includes self-image, appearance, behavior or expression.

N. "Trade association" means an association of businesses organizations engaged in similar fields of business that is formed for mutual protection, the interchange of ideas, information and statistics or the maintenance of standards within their industry. (Ord. 15399 § 9, 2006: Ord. 13981 § 2, 2000).

12.17.020 Unfair contracting practices prohibited. It is an unfair contracting practice for a:

A. King County government agency, business enterprise doing business in unincorporated King County or business enterprise required to comply with this chapter by the terms of an agreement with King County under K.C.C. 12.17.100 to discriminate against a person with respect to the bid, award or referral of a contract or with respect to the conditions, terms, price, performance standards or other provisions of a contract;

B. Contracting agency or trade association to discriminate against a person with respect to membership rights and privileges, admission to or participation in a guidance program or other business or occupational training program;

C. Bonding company to discriminate against a person regarding the terms and conditions under which bonding services are offered or performed;

D. Contracting agency or trade association to discriminate against a person with respect to a referral of a contract opportunity or assignment of a particular contract;

E. Contractor, business enterprise, contracting agency or trade association to retaliate against a person because that person has opposed an act of discrimination or because that person has made a charge, testified or assisted in any manner in an investigation, proceeding or hearing initiated under this chapter. (Ord. 13981 § 3, 2000).

12.17.030 Complaint – filing – investigation – order – amendment – notice.

A. An individual complaint alleging an unfair contracting practice in connection with a commercially significant contract may be filed with the office of civil rights by or on behalf of any person who claims to be aggrieved by that unfair contracting practice.

B. A complaint alleging that a group is being subjected to an unfair contracting practice in connection with a commercially significant contract may be filed by:

1. Any member of the group;
2. The office of civil rights;
3. A state or federal agency concerned with discrimination in contracting whenever the agency has reason to believe that an unfair contracting practice has been or is being committed; or
4. A trade association that has reason to believe that an unfair contracting practice has been or is being committed against any of its members.

C. A complaint alleging an unfair contracting practice shall be in writing on a form or in a format determined by the office of civil rights, shall be signed by the charging party, shall describe with particularity the unfair contracting practice complained of and shall include a statement of the dates, places and circumstances and the persons responsible for the acts and practices. The complaint must be filed within one hundred eighty days of the time of the alleged unfair contracting practice or within one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the occurrence. However, the office of civil rights shall not reject a complaint as insufficient because of failure to include all required information, if the office of civil rights determines that the complaint substantially meets the informational requirements necessary for processing.

D. If a complaint has been filed in accordance with this chapter, the office of civil rights shall initiate an investigation under this chapter. If the office of civil rights determines that a violation of this chapter or a rule or regulation adopted under this chapter has occurred, the office shall issue an order in accordance with this chapter. With respect to violations of this chapter, the notice, service and hearings provisions in this chapter control over K.C.C. Title 23.

E. The charging party or the office of civil rights may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original complaint. For jurisdictional purposes, the amendments shall relate back to the date the original complaint was first filed. Either the charging party or the office of civil rights, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter, as provided under K.C.C. 12.17.070, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted if justice will be served by the permission. All parties must be allowed time to prepare their cases with respect to additional or expanded allegations that the parties did not and could not have reasonably foreseen would be an issue at the hearing.

F. The charging party may also amend a complaint to include allegations of additional unrelated unfair contracting practices that arose after filing of the original complaint. The amendment must be filed within one hundred eighty days after the occurrence of the additional alleged unfair contracting practices and before the issuance of findings of fact and a determination with respect to the original complaint by the office of civil rights. The amendments may be made at any time during the investigation of the original complaint if the office of civil rights will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of civil rights with evidence concerning the allegations before the issuance of findings of fact and a determination.

G. Upon the receipt of a complaint, the office of civil rights shall serve notice upon the charging party acknowledging the filing. (Ord. 15399 § 10, 2006: Ord. 13981 § 4, 2000).

12.17.040 Complaint – investigation – notice – prefinding settlement agreement – discovery – subpoenas – enforcement – findings – reconsideration.

A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.17.030, the office of civil rights shall, within twenty days, cause to be served or mailed to the respondent by certified mail, return receipt requested, a copy of the complaint along with a notice advising of procedural rights and obligations of respondents under this ordinance, and shall promptly make an investigation of the complaint. Each respondent may file an answer to the complaint, not later than twenty days after receipt of notice from the office of civil rights. If the respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of civil rights. The extension may be granted if good cause is shown.

B. The investigation shall be commenced promptly. It shall be directed to ascertain the facts concerning the discriminatory practice alleged in the complaint and shall be conducted in an objective and impartial manner.

C. During the investigation, the office of civil rights shall consider any statement of position or evidence with respect to the allegations of the complaint which the charging party or the respondent wishes to submit. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of the investigation, may be joined as an additional or substitute respondent upon written notice to the person from the office of civil rights. The notice, in addition to meeting the requirements of subsection A. of this section, shall explain the basis for the belief of the office of civil rights that the person to whom the notice is addressed is properly joined as a respondent.

D. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the office of civil rights shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Nothing said or done in the course of the settlement discussions may be used as evidence in a subsequent proceeding under this ordinance without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement discussions shall be an agreement between the respondent and the charging party, and is subject to approval by the office of civil rights. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.17.070.

E. The office of civil rights shall seek the voluntary cooperation of all persons: to obtain access to premises, records, documents, individuals and other possible sources of information; to examine, record and copy necessary materials; and to take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of civil rights may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or evidence; inspection and physical and mental examinations; and requests for admissions. The office of civil rights may sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including, but not limited to, books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed, access to evidence for the purpose of examination and copying as are necessary for the investigation. The office of civil rights shall consult with the prosecuting attorney before issuing any subpoena under this section.

F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the office of civil rights may invoke the aid of the King County prosecuting attorney who may petition the King County superior court for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask an order of the court to compel the witness to appear and testify or cooperate in the investigation of the unfair contracting practice.

G. If the office of civil rights concludes after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of civil rights may invoke the aid of the prosecuting attorney who may file a civil action for appropriate temporary, injunctive or preliminary relief pending final disposition of the complaint.

H. The results of the investigation shall be reduced to written findings of fact and a finding shall be made that there either is or is not reasonable cause for believing that an unfair contracting practice has been or is being committed.

I. If a finding is made that there is no reasonable cause, the finding shall be served on the charging party and respondent. Within thirty days after service of the negative finding, the charging party may file a written request with the office of civil rights asking for reconsideration of the finding. The office of civil rights shall furnish the charging party with information regarding how to request reconsideration. The office of civil rights shall respond in writing within a reasonable time by granting or denying the request. (Ord. 15399 § 11, 2006: Ord. 15399 § 11, 2006: Ord. 13981 § 5, 2000).

12.17.050 Settlement – order without settlement – compliance – penalties.

A.1. If the finding is made initially or on request for reconsideration that reasonable cause exists to believe that an unfair contracting practice occurred, the office of civil rights shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion, which may include as a condition of settlement:

a. elimination of the unfair contracting practice;
b. payment of actual damages including payment of lost profits not in excess of the amount of monetary damage actually incurred;
c. payment of damages caused by emotional distress, humiliation and embarrassment;
d. payment of attorneys' fees and costs; and
e. such other requirements as may be agreed upon by the parties and the office of civil rights.

2. A settlement agreement shall be reduced to writing and signed by the respondent and the charging party and shall be approved by the office of civil rights. An order shall then be entered by the office of civil rights setting forth the terms of the agreement. Copies of the order shall be delivered to all affected parties and the original of the order filed with the records and licensing services division. Failure to comply with the postfinding settlement agreement or order may be enforced under K.C.C. 12.17.070. Each postfinding settlement agreement is a public record.

B.1. If the parties cannot reach agreement, the office of civil rights shall make a finding to that effect, incorporate the findings in the order and furnish a copy of the order to all affected parties. The order shall also include:

a. a finding that an unfair contracting practice has occurred;

b. the basis for the finding; and

c. an order requiring the respondent to cease and desist from the unfair practice and to take appropriate affirmative measures, which may include:

(1) payment of actual damages including payment of lost profits not in excess of the amount of monetary damages actually incurred;

(2) payment of damages caused by emotional distress, humiliation and embarrassment;

(3) payment of attorneys' fees and costs; and

(4) such other action as in the judgment of the office of civil rights will effectuate the purposes of this chapter, which may include the requirement for a report on the matter of compliance.

2. If the office of civil rights finds the respondent willfully or knowingly committed any unfair contracting practice, the office of civil rights may further order the respondent to pay a civil penalty of up to one thousand dollars per violation, which penalty shall be paid to the King County treasury for deposit in the county general fund.

C. If there is a failure to reach an agreement for the elimination of any unfair contracting practice where the respondent is an executive department, division or office of the county, the office of civil rights may compel compliance by the executive department, division or office with any settlement agreement agreed to between the complainant and the office of civil rights. (Ord. 15971 § 66, 2007: Ord. 15399 § 12, 2006: Ord. 13981 § 6, 2000)

12.17.060 Hearing – order finality – appeal.

A.1. A party aggrieved by an order of the office of civil rights may request in writing within thirty days of the service of the order an appeal hearing before the county office of the hearing examiner. The request for hearing shall be filed with the office of civil rights. The request for hearing must identify clearly and specifically:

a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;

b. specific reasons why the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

2. Unless the hearing examiner authorizes an amendment to the statement of appeal, the identification of errors and the statement of reasons for reversal or modification defines and limits the issues that the examiner may consider.

B. An order issued by the office of civil rights in accordance with procedures in this chapter becomes final thirty days after service of the order unless a written request for hearing is filed with the office of civil rights within the thirty-day period.

C. If the order of the office of civil rights is appealed, the office of the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing and the hearing examiner shall have such rule-making and other power necessary for the conduct of the hearing as are specified by K.C.C. 20.24.170. The order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

D. Each party has the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the complaint;
2. To introduce documentary and physical evidence;
3. To cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. To impeach any witness regardless of which party first called the witness to testify;
5. To rebut evidence against the party;
6. To represent himself or herself or to be represented by anyone of the party's choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation has occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant any relief that the office of civil rights could grant under K.C.C. 12.17.050.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B. (Ord. 15399 § 13, 2006: Ord. 13981 § 7, 2000).

12.17.070 Enforcement by office of civil rights.

A. If the office of civil rights has reasonable cause to believe that a respondent has breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.17.040 or 12.17.050 or violated an order of the office of civil rights issued under K.C.C. 12.17.050 or an order of the hearing examiner issued under K.C.C. 12.17.060, the office of civil rights shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in King County superior court for appropriate relief with respect to a breach of a prefinding or postfinding settlement agreement or violation of an order of the office of civil rights issued under K.C.C. 12.17.050 or an order of the hearing examiner issued under K.C.C. 12.17.060. The action may be commenced no later than ninety days after the referral of the alleged break underlying the referral under subsection A. of this section. (Ord. 15399 § 14, 2006: Ord. 13981 § 8, 2000).

12.17.080 Enforcement by private persons.

A. An aggrieved person may commence a civil action in King County superior court not later than one year after the occurrence or the termination of an alleged unfair contracting practice, whichever occurs last, to obtain appropriate relief with respect to the unfair contracting practice.

B. The computation of the one-year period does not include time during which an administrative proceeding under this chapter was pending with respect to a complaint or charge under this chapter based upon the discriminatory contracting practices.

C. An aggrieved person may commence a civil action under this section whether or not a complaint has been filed under K.C.C. 12.17.030 and without regard to the status of any such a complaint, except as provided in subsection D of this section, but if a settlement or conciliation agreement has been reached with the consent of an aggrieved person, an action may not be filed under this subsection by the aggrieved person with respect to the alleged unfair contracting practice that forms the basis for the complaint except for the purpose of enforcing the terms of the agreement.

D. An aggrieved person may not commence a civil action under this section with respect to an alleged unfair contracting practice which forms the basis of a complaint if a hearing on the complaint has been convened by the office of the King County hearing examiner.

E. In a civil action under this section, if the court finds that an unfair contracting practice has occurred or is about to occur, the court may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.17.050.B.

F. Relief granted under this section does not affect any contract, sale, encumbrance or lease consummated before the granting of the relief and involving a bona fide purchaser, encumbrances or tenant, without actual notice of the filing of a complaint with the office of civil rights or civil action under this title.

G. Upon timely application, the prosecuting attorney may intervene in the civil action if the prosecuting attorney determines that the case is of general public importance.

H. This section is intended to provide private judicial remedies for violations of this chapter that are expansive as the powers granted by the Constitution and laws of the state of Washington. (Ord. 15399 § 15, 2006: Ord. 13981 § 9, 2000).

12.17.090 Authorization to implement procedures. The office of civil rights may implement such forms, administrative processes and operational procedures as are necessary to implement this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98. The office of civil rights shall further assist other county agencies and departments upon request in effectuating and promoting the purposes of this chapter. (Ord. 15399 § 16, 2006: Ord. 13981 § 10, 2000).

12.17.100 Requirement to comply. King County shall include the requirement to comply with this chapter in all contracts, all agreements with recipients of grants and other funds through or from King County and all agreements with organizations which use King County buildings, facilities or property or use property for which King County is responsible for capital improvements. (Ord. 13981 § 11, 2000).

Chapter 12.18
FAIR EMPLOYMENT PRACTICES

Sections:

12.18.010 Statement of purpose - findings.
12.18.013 Application of chapter.
12.18.014 Liberal construction of chapter.
12.18.015 Effect of chapter on right to actions or pursuit of remedies.
12.18.016 Effect of chapter on liability.
12.18.017 Effect of chapter on statutes of limitation.
12.18.018 Effect of chapter on actions by employer based solely upon job performance.
12.18.020 Definitions.
12.18.030 Unfair employment practices prohibited.
12.18.040 Filing of a complaint.
12.18.050 Investigation of complaint.
12.18.060 Conference, conciliation and persuasion - orders.
12.18.070 Hearing - appeal.
12.18.080 Enforcement by office of civil rights.
12.18.085 Enforcement by private persons.
12.18.090 Authorization to implement procedures.
12.18.095 Requirement to comply.
12.18.097 Fair employment code compliance.
12.18.100 Severability.

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12.18.010 Statement of purpose - findings. This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the state Constitution. The King County council hereby finds and declares that practices of employment discrimination against any person on the basis of race, color, age, gender, marital status, sexual orientation, religion, ancestry, national origin, disability or use of a service or assistive animal by an individual with a disability constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County. (Ord. 15399 § 18, 2006: Ord. 7430 § 1, 1985).

12.18.013 Application of chapter. This chapter applies to King County if the county is acting as an employer. This chapter also applies to other employers, labor organizations and employment agencies acting in unincorporated King County. (Ord. 15399 § 19, 2006).

12.18.014 Liberal construction of chapter. This chapter shall be liberally construed for accomplishment of this chapter's policies and purposes. This chapter shall not be construed to endorse any specific belief, practice, behavior, or orientation. Nothing in this chapter relating to gender-based discrimination affects the ability of an employer to require an employee to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of state or federal law, though an employer shall allow an employee to appear or dress consistently with the employee's gender identity. (Ord. 15399 § 20, 2006).

12.18.015 Effect of chapter on right to actions or pursuit of remedies. Nothing in this chapter shall be deemed to deny any persons the right to institute any action or to pursue any other available civil or criminal remedy for the violation of the person's civil rights. (Ord. 15399 § 21, 2006).

12.18.016 Effect of chapter on liability. Nothing in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of King County by its officers, employees or agents. (Ord. 15399 § 22, 2006).

12.18.017 Effect of chapter on statutes of limitation. Nothing in this chapter shall be construed to toll the statute of limitations for any claims under federal or state statute. (Ord. 15399 § 23, 2006).

12.18.018 Effect of chapter on actions by employer based solely upon job performance. Nothing in this chapter may be construed to prohibit or apply to actions directed against an employee taken in good faith by an employer based solely upon the job performance of the employee. (Ord. 15399 § 24, 2006).

12.18.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

A. "Age" means being eighteen years old or older.

B. "Aggrieved person" includes a person who claims to have been injured by an unfair employment practice.

C. "Charging party" means any person alleging an unfair employment practice under this chapter by filing a complaint with the office of civil rights.

D.1. "Disability" means:

a. a physical or mental impairment that substantially limits one or more of a person's major life activities, either temporarily or permanently;

b. a person has a record of having such an impairment;

c. a person is regarded as having such an impairment; or

d. a person has any other condition that is a disability under the Washington state Law Against Discrimination, chapter 49.60 RCW, as it pertains to employment.

2. "Disability" does not include current, illegal use of a controlled substance, as defined in section 102 of 21 U.S.C. Sec.802 as it exists on April 16, 2006.

E. "Discrimination," "discriminate" or "discriminatory act" means any action or failure to act, whether by itself or as part of a practice, the effect of which is to adversely affect or differentiate between or among, individuals or groups of individuals, by reasons of race, color, age, gender, marital status, sexual orientation, religion, ancestry, national origin, disability or use of a service or assistive animal by an individual with a disability, unless based upon a bona fide occupational qualification.

F. "Employee" means any person who works for another in return for financial or other compensation, and does not include any individual employed by the individual's parents, spouse or child, or in the domestic service of any person.

G. "Employer" means King County or any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons in unincorporated King County, and includes neither any religious or sectarian organization not organized for private profit nor any governmental body other than King County.

H. "Employment agency" means any person who for compensation engages in recruiting, procuring, referral or placement of employees with an employer.

I. "Labor organization" means any organization existing for the purpose of:

1. Dealing with employers concerning grievances, terms or conditions of employment; or
2. Providing other mutual aid or protection in connection with employment.

J. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

K. "Party" includes the person making a complaint or upon whose behalf a complaint is made alleging an unfair employment practice, the person alleged or found to have committed an unfair employment practice and the office of civil rights.

L. "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers or groups of persons and includes King County.

M. "Respondent" means any person who is alleged to or found to have committed an unfair employment practice prohibited by this chapter.

N. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, performs tasks or provides medically necessary support for the benefit of an individual with a disability.

O. "Settlement discussions" or "conference, conciliation and persuasion" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the charging party, the respondent and the office of civil rights.

P. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and gender identity. As used in this definition, "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with "gender identity" includes self-image, appearance, behavior or expression. (Ord. 15399 § 25, 2006: Ord. 7430 § 2, 1985).

12.18.030 Unfair employment practices prohibited. It is an unfair employment practice and unlawful for any:

A. Employer or labor organization to discriminate against any person with respect to referral, hiring, tenure, promotion, terms, conditions, wages or other privileges of employment;

B. Employment agency or labor organization to discriminate against any person with respect to membership rights and privileges, admission to or participation in any guidance program, apprenticeship training program or other occupational training program;

C. Employer, employment agency or labor organization to print, circulate or cause to be printed, published or circulated, any statement, advertisement or publication relating to employment or membership, or to use any form of application therefor, that indicates any discrimination unless based upon a bona fide occupational qualification;

D. Employment agency to discriminate against any person with respect to any reference for employment or assignment to a particular job classification;

E. Employer, employment agency or a labor organization to retaliate by taking action against any person because that person:

1. Opposed any practice forbidden by this chapter;

2. Compiled or proposed to comply with this chapter or any order issued under this chapter; or

3. Filed a complaint, testified or assisted in any manner in any investigation, proceeding or hearing initiated under this chapter;

F. Publisher, firm, corporation, organization or association printing, publishing or circulating any newspaper, magazine or other written publication to print or cause to be printed or circulated any advertisement with knowledge that the action is in violation of K.C.C. 12.18.030.C, or to segregate and separately designate advertisements as applying only to men or women unless the discrimination is based upon a bona fide occupational qualification reasonably necessary to the normal operation of the particular business, enterprise or employment; and

G. Employer to prohibit any person from speaking in a language other than English in the workplace unless:

1. The employer can show that requiring employees speak only English at certain times is justified by business necessity; and

2. The employer informs employees of the requirement and the consequences of violating the requirement. (Ord. 15399 § 26, 2006: Ord. 9615 § 1, 1990: Ord. 7430 § 3, 1985).

12.18.040 Filing of a complaint.

A. A complaint alleging an unfair employment practice may be filed by:

1. Any aggrieved person;

2. A state, local or federal agency concerned with discrimination in employment, including the office of civil rights, if the agency has reason to believe that an unfair employment practice has been or is being committed; or

3. Any labor organization that has reason to believe that an unfair employment practice has been or is being committed.

B. A complaint alleging an unfair employment practice shall be in writing and signed by the charging party, and shall describe with particularity the unfair employment practice complained of, the location of the practice and the person alleged to have committed the unfair employment practice. The complaint must be filed with the office of civil rights within one hundred eighty days of the time of the alleged unfair employment practice or within one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the occurrence. However, the office of civil rights shall not reject a complaint as insufficient because of failure to include all required information, if the office of civil rights determines that the complaint substantially meets the informational requirements necessary for processing.

C. Upon the receipt of a complaint, the office of civil rights shall serve upon the charging party notice acknowledging the filing.

D. The charging party or the office of civil rights may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original complaint. For jurisdictional purposes, the amendments relate back to the date the original complaint was first filed. Either the charging party or the office of civil rights, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter, as provided under K.C.C. 12.18.070, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted if justice will be served by the permission. All parties must be allowed time to prepare their cases with respect to additional or expanded allegations that the parties did not and could not have reasonably foreseen would be an issue at the hearing.

E. The charging party may also amend a complaint to include allegations of additional unrelated unfair employment practices that arose after filing of the original complaint. The charging party must file any amendments adding the allegations within one hundred eighty days of the time of the additional unfair employment practice or within one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the additional discriminatory act, and before the issuance of findings of fact and a determination with respect to the original complaint by the office of civil rights. The amendments may be made at any time during the investigation of the original complaint if the office of civil rights will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of civil rights with evidence concerning the allegations before the issuance of findings of fact and a determination. (Ord. 15399 § 27, 2006: Ord. 7430 § 4, 1985).

12.18.050 Investigation of complaint.

A. Upon receipt of a complaint meeting the requirements of K.C.C. 12.18.040.C, the office of civil rights shall cause to be served or mailed, by certified mail, return receipt requested, a copy of the complaint to the respondent within twenty days after the filing of the complaint and shall promptly make an investigation of the complaint. Each respondent may file an answer to the complaint not later than twenty days after receipt of notice from the office of civil rights. If a respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of civil rights. The office of civil rights may grant the extension if good cause is shown.

B. The office of civil rights shall direct the investigation to ascertain the facts concerning the unfair employment practice alleged in the complaint and shall conduct the investigation in an objective and impartial manner.

C. During the investigation, the office of civil rights shall consider any statement of position or evidence with respect to the allegations of the complaint which the charging party or the respondent wishes to submit. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsection A. of this section, to the person from the office of civil rights. The notice, in addition to meeting the requirements of subsection A. of this section, must explain the basis for the office of civil rights' belief that the person to whom the notice is addressed is properly joined as a respondent.

D. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the office of civil rights shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Anything said or done in the course of the settlement discussions may not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement discussions must be an agreement between the respondent and the charging party and is subject to approval by the office of civil rights. Each prefinding settlement agreement is a public record. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.18.080.

E. The office of civil rights shall seek the voluntary cooperation of all persons: to obtain access to premises, records, documents, individuals and other possible sources of information; to examine, record and copy necessary materials; and to take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of civil rights may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or other evidence, for inspection and other purposes; physical and mental examinations; and requests for admissions. The office of civil rights may sign and issue subpoenas requiring the attendance and testimony of witnesses and the production of or access to evidence including books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed as are necessary for the investigation. The office of civil rights shall consult with the prosecuting attorney before issuing a subpoena under this section.

F. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify if requested concerning any matter under investigation, the office of civil rights may invoke the aid of the prosecuting attorney, who may petition to the superior court for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the investigation of the unfair employment practice.

G. If the office of civil rights concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of civil rights may invoke the aid of the prosecuting attorney, who may file a civil action for appropriate temporary, injunctive or preliminary relief pending final disposition of the case.

H. The office of civil rights shall reduce the results of the investigation to written findings of fact and make a finding that there either is or is not reasonable cause for believing that an unfair employment practice has been or is being committed.

I. If a finding is made that there is no reasonable cause, the finding shall be served on the charging party and respondent. Within thirty days after service of such a negative finding, the charging party may file a written request with the office of civil rights asking for reconsideration of the finding. The office of civil rights shall furnish the charging party with information regarding how to request reconsideration. The office of civil rights shall respond in writing within a reasonable time by granting or denying the request. (Ord. 15399 § 28, 2006: Ord. 7430 § 5, 1985).

12.18.060 Conference, conciliation and persuasion - orders.

A.1. If the office of civil rights makes the finding initially or on request for reconsideration that reasonable cause exists to believe that an unfair employment practice occurred, the office of civil rights shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion which may include as a condition of settlement:

a. elimination of the unfair employment practice;
b. payment of back pay not in excess of the amount of monetary damage actually incurred;
c. payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;
d. reinstatement;
e. payment of attorneys' fees and costs;
f. participation in training on fair employment laws; and
g. such other requirements as may lawfully be agreed upon by the parties and the office of civil rights.

2. Any postfinding settlement agreement shall be reduced to writing and signed by all parties, with the approval of the office of civil rights. The office of civil rights shall then enter an order setting forth the agreement and furnish copies of the order to all affected parties. Each postfinding settlement agreement is a public record. Failure to comply with the postfinding agreement or order may be enforced under K.C.C. 12.18.080.

B.1. If the parties cannot reach agreement, the office of civil rights shall make a finding to that effect, incorporate the finding in the order and furnish a copy of the order to all affected parties. The order shall also include:

a. a finding that an unfair employment practice occurred;
b. the basis for the finding; and

c. an order requiring the respondent to cease and desist from the unfair practice and to take appropriate affirmative measures, which may include:

(1). payment of back pay not in excess of the amount of monetary damage actually incurred;

(2) payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;

(3) reinstatement;

(4) payment of attorneys' fees and costs;

(5) participation in training on fair employment laws; and

(6) such other action as in the judgment of the office of civil rights will effectuate the purposes of this chapter, which may include the requirement for a report on the matter of compliance.

2. If the office of civil rights finds the respondent willfully or knowingly committed any unfair employment practice, the office of civil rights may further order the respondent to pay a civil penalty of up to s one thousand dollars per violation, which penalty shall be paid to the King County treasury for deposit in the county general fund.

C. If the parties fail to reach an agreement for the elimination of any unfair employment practice in which the respondent is an executive department, division or office of the county, the King County executive may compel compliance by the executive department, division or office with any settlement agreement agreed to between any charging party and the office of civil rights. (Ord. 15399 § 29, 2006: Ord. 7430 § 6, 1985).

12.18.070 Hearing - appeal.

A.1. Any respondent or charging party, after by an order of the office of civil rights is made in accordance with K.C.C. 12.18.060.B, may request an appeal hearing before the hearing examiner by filing a written request for hearing within thirty days of the service of the order. The request for hearing shall be filed with the office of civil rights. The request for hearing must identify clearly and specifically:

a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;

b. specific reasons by the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

2. Unless the hearing examiner authorizes an amendment to the statement of appeal, the identification of errors and the statement of reasons for reversal or modification defines and limits the issues the examiner may consider.

B. Any order issued by the office of civil rights in accordance with procedures in this chapter becomes final thirty days after service of the order unless a written request for hearing is filed with the office of civil rights within the thirty-day period.

C. If the order of the office of civil rights is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. 20.24.170. The order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

D. Each party may, among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;
2. Introduce documentary and physical evidence;
3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. Impeach any witness regardless of which party first called the witness to testify;
5. Rebut evidence against him or her; and
6. Represent himself or herself or be represented by anyone of his or her choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.18.060.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B. (Ord. 15399 § 30, 2006: Ord. 7430 § 7, 1986).

12.18.080 Enforcement by office of civil rights.

A. If the office of civil rights has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.18.050 or 12.18.060, or violated an order of the office of civil rights issued under K.C.C. 12.18.060 or an order of the hearing examiner issued in accordance with K.C.C. 12.18.070, the office of civil rights shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to a breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.18.050 or 12.18.060, or a violation of an order of the office of civil rights issued under K.C.C. 12.18.060 or an order of the hearing examiner issued under K.C.C. 12.18.070. This action may be commenced no later than ninety days after the referral of the alleged breach under subsection A. of this section. (Ord. 15399 § 31, 2006: Ord. 7430 § 8, 1985).

12.18.085 Enforcement by private persons.

A. An aggrieved person may commence a civil action in superior court not later than three years after the occurrence or termination of an alleged unfair employment practice or ninety days after a determination of reasonable cause is issued by the office of civil rights, whichever occurs last, to obtain appropriate relief with respect to the unfair employment practice.

B. A civil action may be filed under this section whether or not an administrative complaint has been filed under K.C.C. 12.18.040 and without regard to the status of such a complaint. However, if the office of civil rights obtained a prefinding or postfinding settlement or conciliation agreement with the consent of the aggrieved person, an action may not be filed under this section by the aggrieved person with respect to the alleged unfair employment practice that forms the basis for the complaint except for the purpose of enforcing the agreement. To preclude such a filing, the prefinding or postfinding settlement or conciliation agreement must include language that the aggrieved person knowingly waives any right to file a civil action based on the same alleged unfair employment practice.

C. Subject to subsection D. of this section, after the filing of a civil action involving the same claim or arising from the same facts and circumstances, whether under this chapter or similar law, the office of civil rights may administratively close a complaint of an unfair employment practice.

D. If a court dismisses a private cause of action without reaching the merits and on grounds that would not preclude pursuit of a complaint under this chapter, the charging party may request, within ninety days of the entry of the court's order of dismissal, that the office of civil rights reopen a previously filed case. Upon such a request, the office of civil rights may reopen a case that was administratively closed upon the filing of a civil action. If the office of civil rights closes a case based on a "no reasonable cause" finding, the case shall not be reopened except as provided through reconsideration under K.C.C. 12.18.050.

E. A charging party or aggrieved person may not secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.

F. An aggrieved person may not commence a civil action under this section with respect to an alleged unfair employment practice that forms the basis of a complaint if a hearing on the complaint has been convened under K.C.C. 12.18.070.

G. In a civil action under this section, if the court finds that a unfair practice occurred, the court may grant such relief as is available for violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

H. Upon timely application, the prosecuting attorney may intervene in the civil action if the prosecuting attorney determines that the case is of general public importance.

I. This section is intended to provide private judicial remedies for violations of this chapter that are as expansive as the powers granted by the Constitution and laws of the state of Washington. (Ord. 15399 § 17, 2006).

12.18.090 Authorization to implement procedures. The office of civil rights may implement such forms, administrative processes and operational procedures as are necessary to comply with this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98. (Ord. 15399 § 32, 2006: Ord. 7430 § 9, 1985).

12.18.095 Requirement to comply. King County shall include the requirement to comply with K.C.C. 12.18, as amended, in all contracts and agreements with recipients of grants and other funds through or from King County and with organizations which use King County buildings, facilities or property or which use property for which King County is responsible for capital improvements. (Ord. 9615 § 2, 1990).

12.18.097 Fair employment code compliance.

A. If a complaint filed under this chapter, office of civil rights shall initiate an investigation under this chapter.

B. If the office of civil rights determines that a violation of this chapter or any rules and regulations adopted under this chapter occurred, the office of civil rights shall issue an order in accordance with this chapter. For the enforcement of this chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23. (Ord. 15399 § 33, 2006: Ord. 13263 § 52, 1998).

12.18.100 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 15399 § 34, 2006: Ord. 7430 § 10, 1985).

Chapter 12.19
County Contracts — Nondiscrimination in Benefits

Sections:

12.19.010 Purpose.
12.19.020 Definitions.
12.19.030 Nondiscrimination in benefits.
12.19.040 Powers and duties of the executive.
12.19.050 Appeals.

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12.19.010 Purpose. The purpose of this chapter is to protect and further a more just government by requiring that public funds be expended so as to prohibit county contractors from discrimination in the provision of employee benefits between employees with spouses and employees with domestic partners. (Ord. 14823 § 2, 2003).

12.19.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Contract" means an agreement to perform services or provide tangible personal property as defined in K.C.C. 4.16.010. that entails a legally binding obligation of twenty-five thousand dollars or more. "Contract" does not include the following: noncompetitive human services contracts; a contract between a contract-awarding authority and a public entity; a contract for the purchase, lease or rent of real estate; or a collective bargaining agreement.

B. "Noncompetitive human services contracts" means any contract involving more than twenty-five thousand dollars for department of community and human services or public health - Seattle and King County that is noncompetitive, does not have to be advertised and is not processed by the procurement and contract services section of the finance and business operations division.

C. "Contract-awarding authority" means the county officer, department, commission, employee or board authorized to enter into or to administer contracts on behalf of the county.

D. "Domestic partner" means any person who is a domestic partner as defined in K.C.C. 3.12.010 and is registered with the employee's employer as the employee's domestic partner or, in the absence of such an employer-provided registry, is registered as a domestic partner with a governmental body in accordance with state or local law authorizing the registration. Any internal employer registry of domestic partnership must comply with the criteria for domestic partnerships specified by the executive by administrative rule.

E. "Employee benefits" means: the provision of bereavement leave; disability, life and other types of insurance; family medical leave; health benefits; membership discounts; moving expenses; pension and retirement benefits; travel benefits; and other benefits given to employees. However, "employee benefits" does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

F. "Legally domiciled member of household" means any person who:

1.a. currently lives in the same primary residence as the employee;

b. intends to continue living in the same primary residence as the employee;

c. is jointly responsible with the employee for the basic living expenses of the household;

d. is eighteen years of age or older; and

e. is not married; or

2. Is an adult, dependent relative living in the same primary residence as the employee and is claimed as the employee's tax dependent. (Ord. 16856 § 1, 2010: Ord. 15000 § 1, 2004: Ord. 14823 § 3, 2003).

12.19.030 Nondiscrimination in benefits.

A. A contractor who has contracted with the county shall not discriminate in the provision of employee benefits between an employee with a spouse and an employee with a domestic partner or an employee who resides with a legally domiciled member of household.

B. A contractor who has contracted with the county does not discriminate in the provision of employee benefits between employees with spouses and employees with domestic partners, so long as the contractor:

1. Provides the same employee benefits to employees' spouses and domestic partners;
2. Provides no employee benefits to employees' spouses and domestic partners; or
3. Provides the same employee benefits to employees' spouses and legally domiciled members of households.

C. The executive may waive the requirements of this chapter where any of the following applies:

1. The award of a contract or amendment to a contract is necessary in an emergency, as "emergency" is defined in K.C.C. 4.16.050;
2. The contract is for a proprietary purchase under K.C.C. 4.16.040;
3. There are no contractors capable of responding to the county's requirements that can comply with the provisions of this chapter;
4. The contractor, despite taking all reasonable measures to do so, demonstrates it is unable to extend a particular employee benefit to domestic partners;
5. The requirements of this chapter are inconsistent with a grant, subvention or agreement with a public agency; or
6. The county is purchasing through a cooperative or joint purchasing agreement.

D. A request for a waiver of the terms of this chapter must be made to the executive by the contract-awarding authority in a manner prescribed by the executive by administrative rule.

E. A contract-awarding authority shall not execute a contract with a contractor unless the contractor has agreed that the contractor will not discriminate in the provision of employee benefits as provided for in this chapter.

F. All contracts awarded by the county shall contain provisions prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach of the contracts as prescribed by K.C.C. 12.19.040. (Ord. 15000 § 2, 2004: Ord. 14823 § 4, 2003).

12.19.040 Powers and duties of the executive. The executive shall:

A. Adopt public and administrative rules in accordance with this chapter establishing standards and procedures for effectively carrying out this chapter;

B. Determine and impose appropriate sanctions or remedies, or both, for violation of this chapter by contractors including, but not limited to:

1. Disqualification of the contractor from bidding on or being awarded a county contract for up to two years;
2. Remedies allowable by contract including, but not limited to, liquidated damages and termination of the contract;
3. Remedial action after a finding of noncompliance, as specified by rule; and
4. Other appropriate civil remedies and sanctions allowable by law;

C. Examine contractor's benefit programs covered by this chapter; and

D. Administer other requirements specified by this chapter or that are necessary to implement the purposes of this chapter. (Ord. 14823 § 5, 2003).

12.19.050 Appeals. An aggrieved contractor may appeal a decision made by the executive under K.C.C. 12.19.040.B. An appeal must be submitted in writing to the executive within ten working days of the decision to be appealed. The executive shall consider the appeal. The executive shall issue a decision in writing to the contractor within twenty days of the submittal of the appeal that contains findings upon which the decision was made. (Ord. 14823 § 6, 2003).

Chapter 12.20
OPEN HOUSING*

Sections:

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***For statutory provisions regarding the Law Against Discrimination, see chapter 49.60 RCW.**

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12.20.010 Statement of purpose - findings. This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the state Constitution. The King County council finds and declares that practices of housing discrimination against any persons on the basis of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability or use of a service or assistive animal by an individual with a disability constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County. (Ord. 15399 § 35, 2006: Ord. 10469 § 1, 1992: Ord. 5280 § 1, 1981).

12.20.013 Application of chapter. This chapter applies to actions occurring in and to property located in unincorporated King County. (Ord. 15399 § 36, 2006).

12.20.014 Liberal construction of chapter. This chapter shall be liberally construed for accomplishment of its policies and purposes. This chapter shall not be construed to endorse any specific belief, practice, behavior or orientation. Nothing in this chapter relating to gender-based discrimination affects the ability of an employer to require an employee to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of state or federal law, though an employer shall allow an employee to appear or dress consistently with the employee's gender identity. (Ord. 15399 § 37, 2006).

12.20.015 Effect of chapter on right to actions or pursuit of remedies. Nothing in this chapter shall be deemed to deny any persons the right to institute any action or to pursue any other available civil or criminal remedy for the violation of the person's civil rights. (Ord. 15399 § 38, 2006).

12.20.016 Effect of chapter on liability. Nothing in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of King County by its officers, employees or agents. (Ord. 15399 § 39, 2006).

12.20.017 Effect of chapter on statutes of limitation. Nothing in this chapter shall be construed to toll the statute of limitations for any claims under federal or state statute. (Ord. 15399 § 40, 2006).

12.20.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Aggrieved person" includes a person who:

1. Claims to have been injured by an unfair housing practice; or
2. Believes that he or she will be injured by an unfair housing practice that is about to occur.

B. "Charging party" means any person alleging an unfair housing practice under this chapter by filing a complaint with the office of civil rights.

C.1. "Disability" means:

a. a physical or mental impairment that substantially limits one or more of a person's major life activities, either temporarily or permanently;

b. a person has a record of having such an impairment;

c. a person is regarded as having such an impairment; or

d. a person has any other condition that is a disability under the Washington state Law Against Discrimination, chapter 49.60 RCW, as it pertains to real estate and housing.

2. "Disability" does not include current, illegal use of a controlled substance, as defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

D. "Discriminate" means any action or failure to act, whether by single act or as part of a practice, the effect of which is to adversely affect or differentiate between or among individuals or groups of individuals, because or race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability, or use of a service or assistive animal by an individual with a disability.

E. "Dwelling" or "dwelling unit" mean any building, structure or portion of a building or structure that is occupied as, or designed or intended for occupancy as, a residence by one or more families or individuals, and any vacant land that is offered for sale or lease for the construction or location thereon of any such a building, structure or portion of a building or structure.

F. "Housing accommodations" means any dwelling or dwelling unit, rooming unit, rooming house, lot or parcel of land in unincorporated King County that is used, intended to be used or arranged or designed to be used as, or improved with, a residential structure for one or more human beings.

G. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

H.1. "Parental status" means one or more individuals, who have not attained the age of eighteen years, being domiciled with:

a. a parent or another person having legal custody of the individual or individuals; or

b. the designee of such a parent or other person having the custody, with the written permission of the parent or other person.

2. The protections afforded against discrimination on the basis of familial status apply to a person who is pregnant or is in the process of securing legal custody of an individual who has not attained the age of eighteen years.

I. "Participation in the Section 8 program" means participating in a federal, state or local government program in which a tenant's rent is paid partially by the government, through a direct contract between the government program and the owner or lessor of the real property, and partially by the tenant.

J. "Party" includes the person charging or making a complaint or upon whose behalf a complaint is made alleging an unfair practice, the person alleged or found to have committed an unfair practice and the office of civil rights.

K. "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers or any group of persons; including any owner, lessee, proprietor, housing manager, agent or employee whether one or more natural persons. "Person" also includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision [of the state].

L. "Real estate transaction" includes, but is not limited to, the sale, conveyance, exchange, purchase, rental, lease or sublease of real property.

M. "Real estate-related transaction" means any of the following:

1. The making or purchasing of loans or providing other financial assistance:

a. for purchasing, constructing, improving, repairing or maintaining real property; or

b. secured by real property; or

2. The selling, brokering or appraising of real property.

N. "Real property" includes, but is not limited to, buildings, structures, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

O. "Respondent" means any person who is alleged or found to have committed an unfair practice prohibited by this chapter.

P. "Senior citizens" means persons who are sixty-two years of age or older.

Q. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, performs tasks or provides medically necessary support for the benefit of an individual with a disability.

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R. "Settlement discussions" and "conference, conciliation and persuasion" mean the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the charging party, the respondent and the office of civil rights.

S. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and gender identity. As used in this definition, "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with “gender identity” includes self-image, appearance, behavior or expression. (Ord. 15399 § 41, 2006: Ord. 14199 § 148, 2001: Ord. 10469 § 2, 1992: Ord. 7816 § 1, 1986: Ord. 5732 § 1, 1981: Ord. 5280 § 2, 1981).

12.20.030 Unfair housing practices - generally. It is unlawful for any person to engage in, or cause or allow another to engage in, any of the following acts described in Sections 12.20.040 through 12.20.060, which are designated as unfair housing practices prohibited by this chapter. (Ord. 5280 § 3 (part), 1981).

12.20.040 Unfair housing practices - designated.

A. It is a discriminatory practice and unlawful for any person, whether acting for himself or herself or another, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability or use of a service or assistive animal by an individual with a disability:

1. To refuse to engage in a real estate transaction with a person or to otherwise make unavailable or deny a dwelling to any person;

2. To discriminate against a person in the terms, conditions or privileges of a real estate transaction, including financial terms and conditions such as the setting of rents or damage deposits, or in the furnishing of facilities or services in connection with any real estate transaction; however, rents and damage deposits may be adjusted to recognize the number of persons utilizing the property except insofar as such adjustment might discriminate based on race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability or use of a service or assistive animal by an individual with a disability;

3. To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;

4. To refuse to negotiate for a real estate transaction with a person;

5. To represent to a person that real property is not available for inspection, sale, rental or lease when in fact it is so available, to fail to bring a property listing to the person's attention or to refuse to permit the person to inspect real property;

6. To make, print, circulate, publish, post or mail or cause to be made, printed, circulated, published, posted or mailed a statement, notice, advertisement or sign, pertaining to a real estate transaction or a real estate related transaction that indicates, directly or indirectly, an intent to make a limitation, preference or discrimination with respect to the transaction;

7. To use a form of application or to make a record of inquiry regarding a real estate transaction or a real estate related transaction that indicates, directly or indirectly, an intent to make a limitation, preference or discrimination with respect to the transaction;

8. To offer, solicit, accept, use or retain a listing of real property with the understanding that a person might be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection with the transaction;

9. To expel a person from occupancy of real property;

10. To discriminate against in the course of negotiating or executing a real estate transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien or other security in real property or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee or other aspect of the transaction; or

11. To deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership or participation.

B. It is a discriminatory practice and unlawful for any person, whether acting for himself or herself or for another, to coerce, intimidate, threaten or interfere with any other person in the exercise or enjoyment of, on account of the other person having exercised or enjoyed, or on account of the other person having aided or encouraged any person in the exercise or enjoyment of, any right granted or protected by this chapter.

C. It is a discriminatory practice and unlawful for any person, whether acting for himself or herself or for another, to discriminate against in the sale or rental of, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a disability of any one or more of:

1. That [buyer or renter];

2. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

3. Any person associated with that buyer or renter.

D. It is a discriminatory practice and unlawful for any person, whether acting for himself or herself or another, to discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with a dwelling, because of a disability of any one or more of:

1. That person;

2. A person residing in or intending to reside in that dwelling after it is so sold, rented or made available; or

3. Any person associated with that person.

E. For the purposes of this chapter, discriminatory practices based either on disability or use of a service or assistive animal by an individual with a disability are unlawful and include:

1. Refusal to permit, at the expense of an individual with a disability, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications might be necessary to afford the person full enjoyment of the premises. However, for a rental, the landlord may, if it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

2. Refusal to make reasonable accommodations in rules, policies, practices or services, if the accommodations might be necessary to afford an individual or individuals with disabilities equal opportunity to use and enjoy a dwelling; or

3. Failure to design, construct and alter dwellings in conformance with 42 U.S.C. 3604 as it exists on the effective date of this section, the Washington State Barrier Free Regulations (chapter 51-50WAC, pursuant to chapters 19.27 and 70.92 RCW), other regulations adopted under 42 U.S.C. 3604 and chapters 19.27 and 70.92 RCW, and all other applicable laws pertaining to access to individuals with disabilities. If the requirements of applicable laws differ, the requirements that require greater accessibility to individuals with disabilities govern.

F. It is discriminatory practice and unlawful for any person, whether acting on his or her own behalf or for another, to retaliate by taking action against another person because the other person:

1. Opposed any practice forbidden by this chapter;

2. Complied or proposed to comply with this chapter or any order issued under this chapter; or

3. Filed a complaint, testified or assisted in any manner in any investigation, proceeding or hearing initiated under this chapter. (Ord. 16149 § 1, 2008: Ord. 15399 § 42, 2006: Ord. 10469 § 3, 1992: Ord. 5280 § 3(A), 1981).

12.20.050 Unfair housing practices - real estate-related transactions. It is a discriminatory practice and unlawful for any person acting for monetary gain, whether acting for himself or herself or another in connection with any real estate-related transaction, whose business includes engaging in real estate-related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in Section 8 program, sexual orientation, disability or use of a service or assistive animal by an individual with a disability. (Ord. 15399 § 43, 2006: Ord. 10469 § 4, 1992: Ord. 5280 § 3 (B), 1981).

12.20.060 Unfair housing practices - blockbusting and steering. It is a discriminatory practice and unlawful for any person acting for monetary gain, whether acting for himself or herself or others, directly or indirectly, to engage in the practices of blockbusting or steering, including the commission of any one or more of the following acts:

A. Inducing or attempting to induce any person to sell or rent any real property by representation regarding the entry or prospective entry into the neighborhood or area of a person or persons of a particular race, color, religion, national origin, ancestry, age, gender, marital status, participation in the Section 8 program, sexual orientation, parental status, disability or use of a service or assistive animal by an individual with a disability; or

B. Showing or otherwise taking any action, the intention or effect of which is to steer a person or persons to any section of the county or to particular real property in a manner tending to segregate or maintain segregation on the basis of race, color, religion, national origin, ancestry, age, gender, marital status, sexual orientation, parental status, participation in Section 8 program, disability or use of a service or assistive animal by a an individual with a disability. (Ord. 15399 § 44, 2006: Ord. 10469 § 5, 1992: Ord. 5280 § 3 (C), 1981).

12.20.070 Filing of a complaint.

A. A complaint alleging an unfair housing practice may be filed by:

1. Any aggrieved person; or

2. Any state, local or federal agency concerned with discrimination in housing, including the office of civil rights has reason to believe that an unfair housing practice has been or is being committed.

B. A complaint alleging an unfair housing practice shall be in writing and signed by the charging party. The complaint must be filed by the charging party with the office of civil rights within three hundred sixty-five days after the occurrence or termination of the alleged unfair housing practice. The complaint must describe with particularity the practice complained of and the location of the practice and must identify the person being charged with committing an unfair housing practice. However, the office of civil rights shall not reject a complaint as insufficient because of failure to include all required information, if the office of civil rights determines that the complaint substantially meets the informational requirements necessary for processing.

C. Upon the receipt of a complaint alleging an unfair housing practice, the office of civil rights shall serve notice upon the charging party acknowledging the filing and advising the charging party of the time limits provided under this chapter and of the choice of forums provided by this chapter.

D. The charging party or the office of civil rights may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set for, in the original complaint. For jurisdictional purposes, the amendments relate back to the date the original complaint was first filed. Either the charging party or the office of civil rights, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter, as provided under K.C.C. 12.20.100, and thereafter may amend a complaint only with permission of the hearing examiner, which permission shall be granted if justice will be served by the permission, and all parties shall be allowed time to prepare their case with respect to additional or expanded allegations they did not and could not have reasonably foreseen would be an issue at the hearing.

E. The charging party may also amend a complaint to include allegations of additional unrelated discriminatory practices that arose after the filing of the original complaint. The charging party must file any amendments adding the allegations within three hundred sixty-five days after the occurrence or termination of the additional discriminatory practices and before the issuance of findings of fact and a determination with respect to the original complaint by the office of civil rights. The amendments may be made at any time during the investigation of the original complaint if the office of civil rights will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of civil rights with evidence concerning the allegations before the issuance of findings of fact and a determination. (Ord. 10469 § 6, 1992: Ord. 7816 § 2, 1986: Ord. 5732 § 2, 1981: Ord. 5280 § 4, 1981).

12.20.080 Investigation of complaint.

A. After the filing of a complaint, the office of civil rights shall cause to be served on or mailed to the respondent, by certified mail, return receipt requested, a copy of the complaint, along with a notice advising of procedural rights and obligations of respondents under this chapter promptly and in no case longer than twenty days after the filing the complaint. Each respondent may file an answer to the complaint, not later than ten days after receipt of notice from the office of civil rights. If the respondent is unable to file a response within ten days, he or she may request an extension of time from the office of civil rights, not to exceed five days. The office of civil rights may grant the extension if good cause is shown.

B. The investigation shall be commenced promptly and in no event later than thirty days after receipt of the complaint. It shall be directed to ascertain the facts concerning the unfair practice alleged in the complaint and shall be conducted in an objective and impartial manner. The investigation shall be completed within one hundred days after the filing of the complaint, unless it is impracticable to do so. If the office of civil rights is unable to complete the investigation within the one hundred days, the office of civil rights shall notify the charging party and respondent, in writing, of the reasons for not doing so. The office of civil rights shall make final administrative disposition of a complaint within one year of the date of receipt of the complaint, unless it is impracticable to do so. If the office of civil rights is unable to do so, the office of civil rights shall notify the charging party and respondent, in writing, of the reasons for not doing so.

C. During the investigation, the office of civil rights shall consider any statement of position or evidence with respect to the allegations of the complaint that the charging party or the respondent wishes to submit.

D. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of investigation, may be joined as an additional or substitute respondent upon written notice, under subsection A. of this section, to the person from the office of civil rights. The notice, in addition to meeting the requirements of subsection A. of this section, shall explain the basis for the belief of the office of civil rights that the person to whom the notice is addressed is properly joined as a respondent.

E. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the office of civil rights shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Nothing said or done in the course of the settlement discussions may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement discussions shall be an agreement between the respondent and the charging party, and is subject to approval by the office of civil rights. Each prefinding settlement agreement is a public record. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.20.120.

F. The office of civil rights shall seek the voluntary cooperation of all persons to: obtain access to premises, records, documents, individuals and other possible sources of information; examine, record and copy necessary materials; and take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of civil rights may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or evidence, for inspection and other purposes; physical and mental examinations; and requests for admissions. The office of civil rights may sign and issue subpoenas requiring the attendance and testimony of witnesses, the production of evidence including books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed and access to evidence for the purpose of examination and copying as are necessary for the investigation. The office of civil rights shall consult with the prosecuting attorney before issuing any subpoena under this section.

G. If an individual fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under investigation, the office of civil rights may invoke the aid of the prosecuting attorney, who shall petition to the superior court for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the investigation of the unfair housing practice.

H. If the office of civil rights concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of civil rights may invoke the aid of the prosecuting attorney, who shall file a civil action for appropriate temporary, injunctive or preliminary relief pending final disposition of the case.

I. The office of civil rights shall reduce the results of the investigation to written findings of fact and make a finding that there either is or is not reasonable cause for believing that an unfair housing practice has been or is being committed.

J. If a finding is made that there is no reasonable cause, the finding shall be served on the charging party and respondent. Within thirty days after service of such a negative finding, the charging party may file a written request with the office of civil rights asking for reconsideration of the finding. The office of civil rights shall furnish the charging party with information regarding how to request reconsideration. The office of civil rights shall respond in writing within a reasonable time by granting or denying the request. (Ord. 15399 § 46, 2006: Ord. 10469 § 7, 1992: Ord. 7816 § 3, 1986: Ord. 5280 § 5, 1981).

12.20.090 Conference, conciliation and persuasion - orders.

A.1. If the office of civil right makes the finding initially or on request for reconsideration that reasonable cause exists to believe that an unfair housing practice occurred or is about to occur, the office of civil rights shall endeavor to eliminate the unfair practice by conference, conciliation and persuasion, which may include as a condition of settlement the:

a. elimination of the unfair housing practice;

b. payment of actual damages, including damages caused by emotional distress, humiliation and embarrassment;

c. reinstatement to tenancy;

d. payment of attorneys' fees and costs;

e. payment of a civil penalty to vindicate the public interest up to the limits in 42 U.S.C. Sec. 3612(g)(3) and 24 C.F.R. 180.671(2003), as they exist on April 16, 2006, which penalty shall be paid to King County for deposit in the county general fund;

f. participation in training on fair housing laws; and

g. such other requirements as may lawfully be agreed upon by the parties and the office of civil rights.

2. Any postfinding settlement agreement shall be reduced to writing and signed by all parties, with the approval of the office of civil rights. The office of civil rights shall then enter an order setting forth the agreement and furnish copies of the order to all affected parties. Failure to comply with the postfinding agreement or order may be enforced under K.C.C. 12.20.120. Each postfinding settlement agreement is a public record.

B.1. If the parties cannot reach agreement, the office of civil rights shall make a finding to that effect, incorporate the finding in an order, and furnish a copy of the order to all affected parties. The order shall also include:

a. a finding that an unfair housing practice is about to occur or has occurred;

b. the basis for the finding; and

c. an order requiring the respondent to cease and desist from such unfair practice and to take appropriate affirmative action, including:

(1) payment of actual damages, including damages caused by emotional distress, humiliation and embarrassment;

(2) reinstatement to tenancy;

(3) payment of attorneys' fees and costs;

(4) participation in training on fair housing laws; and

(5) such other action as in the judgment of the office of civil rights will effectuate the purposes of this chapter, which may include the requirement for report on the matter of compliance, injunctive relief and the payment of a civil penalty to vindicate the public interest up to the limits set out in 42 U.S.C. Sec. 3612(g)(3) as it exists on April 16, 2006. (Ord. 15399 § 47, 2006: Ord. 10469 § 8, 1992: Ord. 5280 § 6, 1981).

12.20.095 Notification of governmental agencies. In the case of an order with respect to a discriminatory housing practice that occurred in the course of a business subject to a licensing or regulation by a governmental agency, the office of civil rights shall, not later than thirty days after the date of the issuance of the order or, if the order is appealed pursuant to K.C.C. 12.20.100, thirty days after the order is in substance affirmed upon the review:

A. Send copies of the findings of fact, conclusions of law and the order, to that governmental agency; and

B. Recommend to that governmental agency appropriate disciplinary action including, if appropriate, the suspension or revocation of the license of the respondent. (Ord. 15399 § 48, 2006: Ord. 10469 § 11, 1992).

12.20.100 Hearing - appeal.

A.1. Any charging party, respondent or aggrieved person on whose behalf the finding was made, after an order of the office of civil rights is made in accordance with K.C.C. 12.20.090.B, may appeal the order by electing to have the claims on which reasonable cause was found decided in a civil action under K.C.C. 12.20.124 or in a hearing before the hearing examiner. The office of civil rights shall provide the charging party, respondent and aggrieved person on whose behalf the finding was made with information regarding how to make the election. This election must be made not later than thirty days after the receipt by the electing person of service of the order. The person making the election shall give notice of the election stating which forum is elected to the office of civil rights and to all other charging parties and respondents to whom the complaint relates. The notice of election should identify clearly and specifically:

a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;

b. specific reasons by the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

2. Any order issued by the office of civil rights under K.C.C. 12.20.090.B becomes final thirty days after service of the order unless a written notice of election is filed with the office of civil rights within the thirty-day period. If the order becomes final, parties violating the order are subject to the enforcement provisions of K.C.C. 12.20.120.

B. If no election of civil action is made, and an election for hearing is made, the complaint, any and all findings made and either affirmative action measures or civil penalties, or both, required shall be certified by the office of civil rights to the office of the hearing examiner for hearing.

C. A hearing shall be conducted by the office of the hearing examiner for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by K.C.C. 20.24.170. The office of civil rights shall maintain the action and the order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the certification. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

D. Each party may , among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;
2. Introduce documentary and physical evidence;
3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;
4. Impeach any witness regardless of which party first called him or her to testify;
5. Rebut evidence against him or her; and
6. Represent himself or herself or to be represented by anyone of his or her choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation is about to occur or occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation is not about to occur or did not occur. The hearing examiner may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.20.090.B. A copy of the hearing examiner's findings, conclusions and decision shall be served on all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B. (Ord. 15399 § 49, 2006: Ord. 10469 § 9, 1992: Ord. 5280 § 7, 1981).

12.20.120 Enforcement by office of civil rights.

A. If the office of civil rights has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.20.080 or 12.20.090 or violated an order of the office of civil rights issued under K.C.C. 12.20.090 or an order of the hearing examiner issued under K.C.C. 12.20.100, the office of civil rights shall refer the matter to the prosecuting attorney for the filing of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.20.080 or 12.20.090, or violation of an order of the office of civil rights issued under K.C.C. 12.20.090 or an order of the hearing examiner issued under K.C.C. 12.20.100. This action may be commenced no later than ninety days after the referral of the alleged breach under subsection A. of this section. (Ord. 15399 § 50, 2006: Ord. 10469 § 12, 1992: Ord. 5280 § 9, 1981).

12.20.122 Enforcement by private persons.

A. An aggrieved person may commence a civil action in superior court not later than one year after the occurrence or the termination of an alleged discriminatory housing practice, whichever occurs last, to obtain appropriate relief with respect to such discriminatory housing practice.

B. The computation of the one-year period shall not include any time during which an administrative proceeding under this chapter was pending with respect to a complaint or charge under this chapter based upon the discriminatory housing practices.

C. An aggrieved person may commence a civil action under this section whether or not a complaint has been filed under K.C.C. 12.20.070 and without regard to the status of any such complaint. However, if the office of civil rights or the United States Department of Housing and Urban Development has obtained a prefinding or postfinding settlement or conciliation agreement with the consent of an aggrieved person, an action may not be filed under this section by the aggrieved person with respect to the alleged discriminatory housing practice that forms the basis for the complaint except for the purpose of enforcing the agreement. To preclude such a filing, the prefinding or postfinding settlement or conciliation agreement must include language that the charging party knowingly waives any right to file a civil action based on the same alleged unfair housing practice.

D. Subject to subsection E. of this section, after the filing of a civil action involving the same claim or arising from the same facts and circumstances, whether under this chapter or similar law, the office of civil rights may administratively close a complaint of an unfair housing practice.

E. If a court dismisses a private cause of action without reaching the merits and on grounds that would not preclude pursuit of a complaint under this chapter, the charging party may request, within ninety days of the entry of the court's order of dismissal, that the office of civil rights reopen a previously filed case. Upon such a request, the office of civil rights may reopen a case that was administratively closed upon the filing of a civil action. If the office of civil rights closes a case based on a "no reasonable cause" finding, the case shall not be reopened except as provided through reconsideration under K.C.C. 12.20.080. A charging party or aggrieved person may not secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.

F. An aggrieved person may not commence a civil action under this section with respect to an alleged discriminatory housing practice that forms the basis of a complaint if a hearing on the complaint has been convened by the office of the hearing examiner.

G. In a civil action under subsection A., of this section, if the court finds that a discriminatory practice occurred or is about to occur, the court may order remedies as allowed by 42 U.S.C. 3613 (c) as it exists on April 16, 2006, including punitive damages as provided in 42 U.S.C. 3613(c), and, subject to the restrictions of subsection H. of this section, may grant as relief, as the court deems appropriate, any permanent or temporary injunction, temporary restraining order or other order, including an order enjoining the defendant from engaging in the practice or ordering such affirmative action as might be appropriate. The court may also allow reasonable attorneys' fees and costs to the prevailing party.

H. Relief granted under this section shall not affect any contract, sale, encumbrance or lease consummated before the granting of the relief and involving a bona fide purchaser, encumbrances or tenant, without actual notice of the filing of a complaint with the office of civil rights or civil action under this chapter.

I. Upon timely application, the prosecuting attorney may intervene in the civil action if the prosecuting attorney determines that the case is of general public importance.

J. This section is intended to provide private judicial remedies for violations of this chapter that are as expansive as the powers granted by the Constitution of laws of the state of Washington. (Ord. 15399 § 51, 2006: Ord. 10469 § 13, 1992).

12.20.124 Civil enforcement when election is made for a civil action.

A. If an election is made under K.C.C. 12.20.100 for the claims to be decided in a civil action, the office of civil rights shall authorize and, not later than thirty days after the election is made, shall commence, on behalf of the charging party, a civil action in superior court to affirm or modify the order of the office of civil rights issued under K.C.C. 12.20.090.

B. Any aggrieved person with respect to the issues to be determined in a civil action under this section may intervene as of right in that civil action.

C. In a civil action under this section, if the court finds that a discriminatory housing practice has occurred, or is about to occur, the court may grant as relief any relief which a court could grant with respect to such discriminatory housing practice in a civil action under K.C.C. 12.20.122. Any relief so granted that would accrue to an aggrieved person in a civil action commenced by that aggrieved person under K.C.C. 12.20.122 also accrues to that aggrieved person in a civil action under this section. If monetary relief is sought for the benefit of an aggrieved person who does not intervene in that civil action, the court shall not award the monetary relief if that aggrieved person has not complied with discovery orders entered by the court. (Ord. 15399 § 52, 2006: Ord. 10469 § 14, 1992).

12.20.130 Exceptions.

A. Nothing in this chapter:

1. Prohibits treating any person or persons meeting the definition of parental status or any individual with a disability or individuals with disabilities more favorably than others if the favorable treatment does not discriminate against persons on the basis of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, participation in the Section 8 program, sexual orientation, disability or use of a service or assistive animal by an individual with a disability;

2. Prohibits a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings that it owns or operates for other than a commercial purpose, to persons of the same religion, or from giving preference to persons of the same religion, but only if:

a. membership in the religion is not restricted on account of race, color, ancestry or national origin; and

b. the limitation or preference is reasonably in the furtherance of a religious purpose or activity;

3. Prohibits any person from limiting the rental or occupancy of housing accommodations in any sorority, fraternity, school dormitory or similar residential facility to persons of one gender if considerations of personal privacy exist;

4. Prohibits any person from limiting, on the basis of age or parental status, the sale, rental or occupancy of housing accommodations that fully qualify as housing for older persons age fifty-five and over under 42 U.S.C. Sec. 3607 as it exists on April 16, 2006;

5. Prohibits any person from limiting the sale, rental or occupancy of housing accommodations to:

a. individuals with disabilities in any housing facility operated for individuals with disabilities;

b. senior citizens in any housing facility operated exclusively for senior citizens; or

c. elderly persons in any housing provided under any state or federal program that meets the requirements of 42 U.S.C. Sec. 3607(b)(2)(A) as it exists on April 16, 2006;

6. Requires any person to rent or lease a housing accommodation to a minor;

7. Requires or permit any sale, rental or occupancy otherwise prohibited by law;

8. May be interpreted to prohibit any person from making a choice among prospective purchasers or tenants of real property on the basis of factors other than race, color, religion, ancestry, national origin, age, gender, marital status, parental status, sexual orientation, participation in the Section 8 program, disability or use of a service or assistive animal by an individual with a disability; or

9. Prohibits any person from placing limitations on the maximum number of tenants permitted per unit on account of reasonable space limitations or requirements of law.

B. Nothing in this chapter, except K.C.C. 12.20.040.A.6, 12.20.040.A.7, 12.20.040.A.8, 12.20.040.B and 12.20.050, applies to the renting, subrenting, leasing or subleasing of a single-family or duplex dwelling unit in which the owner normally maintains a permanent residence, home or abode.

C. Nothing in this chapter prohibits any party to a real estate transaction or real estate-related transaction from considering the capacity to pay and credit history of any individual applicant.

D. Nothing in this chapter prohibits any party to a real estate transaction or real estate related transaction from considering or taking reasonable action based on the application of the community property law to the individual case. (Ord. 16149 § 2, 2008: Ord. 15399 § 53, 2006: Ord. 10469 § 15, 1992: Ord. 10153 § 5, 1991: Ord. 5732 § 3, 1981: Ord. 5280 § 10, 1981).

12.20.133 Authorization to implement procedures. The office of civil rights may implement such forms, administrative processes and operational procedures as are necessary to comply with this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98. (Ord. 15399 § 54, 2006: Ord. 10469 § 16, 1992).

12.20.140 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 15399 § 56, 2006: Ord. 10469 § 17, 1992: Ord. 7816 § 5, 1986: Ord. 5280 § 11, 1981).

12.20.150 Fair housing code compliance.

A. If a complaint has been filed under this chapter, the office of civil rights shall initiate an investigation under this chapter.

B. If the office of civil rights determines that a violation of this chapter or any rules and regulations adopted under this chapter is about to occur or has occurred the office of civil rights shall issue an order in accordance with this chapter. For enforcement of this chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23. (Ord. 15399 § 58, 2006: Ord. 14199 § 149, 2001: Ord. 13263 § 53, 1998).

Chapter 12.22
DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATIONS

Sections:

12.22.010 Statement of purpose - findings.
12.22.013 Application of chapter.
12.22.014 Liberal construction of chapter.
12.22.015 Effect of chapter on right to actions or pursuit of remedies.
12.22.016 Effect of chapter on liability.
12.22.017 Effect of chapter on statutes of limitation.
12.22.020 Definitions.
12.22.030 Discrimination in places of public accommodation prohibited.
12.22.040 Filing of a complaint.
12.22.050 Investigation of complaint.
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12.22.070 Hearing - appeal.
12.22.080 Enforcement by office of civil rights.
12.22.085 Enforcement by private persons.
12.22.090 Authorization to implement procedures.
12.22.095 Code compliance.
12.22.100 Severability.

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12.22.010 Statement of purpose - findings. This chapter is an exercise of the police power of King County for the protection of the public welfare, health, peace and safety of the residents of King County and in fulfillment of the state Constitution. The King County council hereby finds and declares that the practice of discrimination against any person on the basis of race, color, gender, marital status, parental status, sexual orientation, religion, ancestry, age, national origin, disability or use of a service or assistive animal by an individual with a disability in places of public accommodation constitute matters of local concern and are contrary to the public welfare, health, peace and safety of the residents of King County. (Ord. 15399 § 60, 2006: Ord. 8625 § 1, 1988).

12.22.013 Application of chapter. This chapter applies to places of public accommodation operated by King County and applies to actions involving places of public accommodation located in unincorporated King County. (Ord. 15399 § 61, 2006).

12.22.014 Liberal construction of chapter. This chapter shall be liberally construed for accomplishment of its policies and purposes. This chapter shall not be construed to endorse any specific belief, practice, behavior or orientation. Nothing in this chapter relating to gender-based discrimination affects the ability of an employer to require an employee to adhere to reasonable workplace appearance, grooming and dress standards not precluded by other provisions of state or federal law, though an employer shall allow an employee to appear or dress consistently with the employee's gender identity. (Ord. 15399 § 62, 2006).

12.22.015 Effect of chapter on right to actions or pursuit of remedies. Nothing in this chapter shall be deemed to deny any person the right to institute any action or to pursue any other available civil or criminal remedy for the violation of the person's civil rights. (Ord. 15399 § 63, 2006).

12.22.016 Effect of chapter on liability. Nothing in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of King County, or its officers or agents, for any injury or damage resulting from or by reason of any act or omission in connection with the implementation or enforcement of this chapter on the part of King County by its officers, employees or agents. (Ord. 15399 § 64, 2006).

12.22.017 Effect of chapter on statutes of limitation. Nothing in this chapter shall be construed to toll the statute of limitations for any claims under federal or state statute. (Ord. 15399 § 65, 2006).

12.22.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Aggrieved person" includes any person who claims to have been injured by an act of discrimination in a place of public accommodation;

B. "Charging party" means any person alleging an act of discrimination in a place of public accommodation under this chapter by filing a complaint with the office of civil rights.

C.1. "Disability" means:

a. a physical or mental impairment that substantially limits one or more of a person's major life activities, either temporarily or permanently;

b. a person has a record of having such an impairment;

c. a person is regarded as having such an impairment; or

d. a person has any other condition that is a disability under the Washington state Law Against Discrimination, chapter 49.60 RCW, as it pertains to public accommodations.

2. "Disability" does not include current, illegal use of a controlled substance, as defined in section 102 of 21 U.S.C. Sec. 802 as it exists on April 16, 2006.

D. "Discrimination" or "discriminatory practice or act" means any action or failure to act, whether by a single act or part of a practice, the effect of which is to adversely affect or differentiate between or among individuals, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, sexual orientation, disability or use of a service or assistive animal by an individual with a disability.

E. "Marital status" means the presence or absence of a marital relationship and includes the status of married, separated, divorced, engaged, widowed, single or cohabiting.

F. "Owner" includes a person who owns, leases, subleases, rents, operates, manages, has charge of, controls or has the right of ownership, possession, management, charge or control of real property on his or her own behalf or on behalf of another.

G. "Parental status" means being a parent, step-parent, adoptive parent, guardian, foster parent or custodian of a minor child or children.

H. "Party" includes a person making a complaint or upon whose behalf a complaint is made alleging an unfair public accommodations practice, a person alleged or found to have committed an unfair public accommodations practice and the office of civil rights.

I. "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers or any group of persons, and includes King County but no governmental body other than King County. "Person" also includes any owner, lessee, proprietor, manager, agent or employee whether one or more natural persons.

J. "Place of public accommodation" means any place, store or other establishment, either licensed or unlicensed, that supplies goods or services to the general public. "Place of public accommodation" includes, but is not limited to, the following types of services or facilities: hotels, or other establishments provide lodging to transient guests; restaurants, cafeterias, lunchrooms, lunch counters, soda fountains or other facilities principally engaged in selling or offering for sale food for consumption upon the premises; motion picture houses, theatres, concert halls, convention halls, sport arenas, stadiums or other places of exhibition or entertainment; bowling alleys and amusement parks; retail establishments; transportation carriers; barber shop; beauty shops; bars or taverns or other facilities engaged in selling or offering for sale alcoholic beverages for consumption upon the premises; food banks, senior citizens centers and other social service organizations and establishments; places of public accommodation operated by King County; and public burial facilities if the facilities are owned and operated by any cemetery corporation or burial association.

K. "Respondent" means a person who is alleged or found to have discriminated in a place of public accommodation.

L. "Senior citizen" means an individual as old or older than an age set for a senior category. The minimum age for the senior category is fifty-five years.

M. "Service or assistive animal" means a dog guide, signal or hearing dog, seizure response dog, therapeutic companion animal or other animal that does work, performs tasks or provides medically necessary support for the benefit of an individual with a disability.

N. "Settlement discussions" or "conference, conciliation and persuasion" means the attempted resolution of issues raised by a complaint, or by the investigation of a complaint, through informal negotiations involving the charging party, the respondent and the office of civil rights.

O. "Sexual orientation" means heterosexuality, homosexuality, bisexuality and gender identity. As used in this definition, "gender identity" means having or being perceived as having a gender identity different from that traditionally associated with the sex assigned to that person at birth. Protection associated with “gender identity” includes self-image, appearance, behavior or expression. (Ord. 15399 § 66, 2006: Ord. 14199 § 150, 2001: Ord. 8625 § 2, 1988).

12.22.030 Discrimination in places of public accommodation. It is unlawful for any person to engage in, or cause or allow another to engage in, any of the acts listed in this section, which are hereby designated as discrimination, in places of public accommodation located in unincorporated King County or operated by King County wherever located.

A. It is a discriminatory practice for any person, whether acting for himself or herself or another, because of race, color, religion, national origin, ancestry, age, gender, marital status, parental status, sexual orientation, disability or use of a service or assistive animal by an individual with a disability:

1. As owner, custodial agent or employee of a place of public accommodation, to discriminate in denying, refusing, rejecting or granting any privilege, service, goods, merchandise, commodity or accommodation;

2. As owner, custodial agent or employee of a place of public accommodation, to discriminate by segregating or requiring the placing of any person in any separate section or area of the premises or facilities of the place of public accommodation; or

3. To place, post, maintain or display any written or printed advertisement, notice or sign to the effect that any of the accommodations, advantages, facilities, privileges, goods or merchandise of any place of public accommodation, will or might be refused, withheld from or denied to any person.

B. It is a discriminatory practice and unlawful for any person , whether acting on her or her own behalf or for another, to retaliate by taking action against another person because the other person:

1. Opposed any practice forbidden by this chapter;

2. Complied or proposed to comply with this chapter or any order issued under this chapter; or

3. Filed a complaint, testified or assisted in any manner in any investigation, proceeding or hearing initiated under this chapter.

C. Nothing in this section:

1. Applies to any non-commercial facility operated or maintained by a bona fide religious institution;

2. May be construed to prohibit treating individuals with disabilities more favorably than individuals without disabilities or to prohibit treating senior citizens more favorably than nonsenior citizens; or

3. May be construed to prohibit offering discounts, special prices or other special arrangements to children or families or imposing age limits for individuals up to twenty-one years old. (Ord. 15399 § 67, 2006: Ord. 8625 § 3, 1988).

12.22.040 Filing of a complaint.

A. A complaint alleging discrimination in a place of public accommodation may be filed by:

1. Any aggrieved person; or

2. Any state, local or federal agency concerned with discrimination in places of public accommodation, including the office of civil rights, if the agency has reason to believe that a discriminatory act or practice has been or is being committed.

B. A complaint alleging discrimination in a place of public accommodation shall be in writing and signed by the charging party. The complaint must be filed with the office of civil rights within one hundred eighty days of the occurrence of the alleged discrimination or within one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the occurrence. The complaint must describe with particularity the practice complained of and the location of the practice and must identify the person being charged with committing the discrimination. However, the office of civil rights shall not reject a complaint as insufficient because of failure to include all required information, if the office of civil rights determines that the complaint substantially meets the informational requirements necessary for processing.

C. Upon the receipt of a complaint, the office of civil rights shall serve notice upon the charging party acknowledging the fling.

D. The charging party or the office of civil rights may amend a complaint: to cure technical defects or omissions; to clarify and amplify allegations made in the complaint; or to add allegations related to or arising out of the subject matter set forth, or attempted to be set forth, in the original complaint. For jurisdictional purposes, the amendments relate back to the date the original complaint was first filed. Either the charging party or the office of civil rights, or both, may amend a complaint for these reasons as a matter of right before service of notice of hearing on the matter as provided under K.C.C. 12.22.070, and thereafter may amend a complaint only with the permission of the hearing examiner, which permission shall be granted if justice will be served by the permission, and all parties shall be allowed time to prepare their cases with respect to additional or expanded allegations that the parties did not and could not have reasonably foreseen would be an issue at the hearing.

E. The charging party may also amend a complaint to include allegations of additional unrelated discriminatory acts that arose after filing of the original complaint. The charging party must file any amendments adding the allegations within one hundred eighty days of the occurrence of the alleged discrimination or within one hundred eighty days of when the charging party, through exercise of due diligence, should have had notice or been aware of the additional discriminatory act, and before the issuance of findings of fact and a determination with respect to the original complaint by the office of civil rights. The amendments may be made at any time during the investigation of the original complaint if the office of civil rights will have adequate time to investigate the additional allegations and the parties will have adequate time to present the office of civil rights with evidence concerning the allegations before the issuance of findings of fact and a determination. (Ord. 15399 § 68, 2006: Ord. 8625 § 4, 1988).

12.22.050 Investigation of complaint.

A. After the filing of a complaint, the office of civil rights shall serve notice of the complaint and a copy of the complaint on the respondent within twenty days after the filing of the complaint. Each respondent may file an answer to the complaint not later than twenty days after receipt of notice from the office of civil rights. If a respondent is unable to file a response within twenty days, the respondent may request an extension of time from the office of civil rights. The extension may be granted by the office of civil rights if good cause is shown. The office of civil rights shall commence the investigation of the complaint promptly.

B. The office of civil rights shall direct the investigation to ascertain the facts concerning the discrimination in public accommodations alleged in the complaint and shall conduct the investigation in an objective and impartial manner. During the investigation, the office of civil rights shall consider any statement of position or evidence with respect to the allegations of the complaint that the charging party or the respondent wishes to submit. A person who is not named as a respondent in a complaint, but who is identified as a respondent in the course of the investigation, may be joined as an additional or substitute respondent upon written notice, as provided under subsection A. of this section, to the person from the office of civil rights. The notice, in addition to meeting the requirements of subsection A. of this section, must explain the basis for the belief of the office of civil rights that the person to whom the notice is addressed is properly joined as a respondent.

C. During the period beginning with the filing of the complaint and ending with the issuance of the findings of fact, the office of civil rights shall, to the extent feasible, engage in settlement discussions with respect to the complaint. Anything said or done in the course of the settlement discussions may not be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned. A prefinding settlement agreement arising out of the settlement discussions must be an agreement between the respondent and the charging party, and is subject to approval by the office of civil rights. Each prefinding settlement agreement is a public record. Failure to comply with the prefinding settlement agreement may be enforced under K.C.C. 12.22.080.

D. The office of civil rights shall seek the voluntary cooperation of all persons to obtain access to premises, records, documents, individuals and other possible sources of information; to examine, record and copy necessary materials; and to take and record testimony or statements of persons reasonably necessary for the furtherance of the investigation. The office of civil rights may conduct discovery in aid of the investigation by the following methods or others: deposition upon oral examination or written questions; written interrogatories; requests for the production of documents or other evidence, inspection and other purposes; physical and mental examinations; and requests for admissions. The office of civil rights may sign and issue subpoenas requiring the attendance and testimony of witnesses and the production of or access to evidence including books, records, correspondence, e-mail or documents in the possession or under the control of the person subpoenaed as are necessary for the investigation. The office of civil rights shall consult with the prosecuting attorney before issuing a subpoena under this section.

E. If an individual fails to obey a subpoena issued under this section, or obeys the subpoena but refuses to testify if requested concerning a matter under investigation under this section, the office of civil rights may invoke the aid of the prosecuting attorney who may petition to the superior court for an order or other appropriate action necessary to secure enforcement of the subpoena. The petition shall:

1. Be accompanied by a copy of the subpoena and proof of service;
2. Set forth in what specific manner the subpoena has not been complied with; and
3. Ask for an order of the court to compel the witness to appear and testify or cooperate in the investigation of the discrimination in public accommodations.

F. If the office of civil rights concludes at any time after the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of civil rights may invoke the aid of the prosecuting attorney who may file a civil action for appropriate temporary, injunctive or preliminary relief pending final disposition of the case.

G. The office of civil rights shall reduce the results of the investigation to written findings of fact make and a finding that there either is or is not reasonable cause for believing that an act of discrimination in a place of public accommodations has been or is being committed.

H. If a finding is made that there is no reasonable cause, the finding shall be served on the charging party and respondent. Within thirty days after service of such a negative finding, the charging party may file a written request with the office of civil rights asking for reconsideration of the finding. The office of civil rights shall furnish the charging party with information regarding how to request reconsideration. The office of civil rights shall respond in writing within a reasonable time by granting or denying the request. (Ord. 15399 § 69, 2006: Ord. 8625 § 5, 1988).

12.22.060 Conference, conciliation and persuasion - orders.

A.1. If the office of civil rights makes the finding initially or on request for reconsideration that reasonable cause exists to believe that discrimination in a place of public accommodation occurred, the office of civil rights shall endeavor to eliminate the discriminatory practice by conference, conciliation and persuasion, which may include as a condition of settlement:

a. elimination of the discriminatory practice;
b. payment of refunds or credits not in excess of the amount of monetary damage actually incurred;
c. payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;
d. payment of attorneys' fees and costs;
e. participation in training on public accommodations laws; and
f. such other requirements as may lawfully be agreed upon by the parties and the office of civil rights.

2. Any postfinding settlement agreement shall be reduced to writing and signed by all parties, with the approval of the office of civil rights. The office of civil rights shall then enter an order setting forth the agreement and furnish copies of the order to all affected parties. Each postfinding settlement agreement is a public record. Failure to comply with the postfinding settlement agreement or order may be enforced under K.C.C. 12.22.080.

B.1. If the parties cannot reach agreement, the office of civil rights shall make a finding to that effect, incorporate the finding in the order and furnish a copy of the order to all affected parties. The order shall also include:

a. a finding that discrimination in a place of public accommodation occurred;

b. the basis for the finding;

c. an order requiring the respondent to cease and desist from such discriminatory practice and to take appropriate affirmative measures, which may include:

(1) payment of refunds or credit or other damages not to exceed monetary damage actually incurred;

(2) payment of other actual damages, including damages caused by emotional distress, humiliation and embarrassment;

(3) payment of attorneys' fees and costs;

(4) participation in training in public accommodations laws; or

(5) such other action as in the judgment of the office of civil rights will effectuate the purposes of this chapter, which may include the requirement for a report on the matter of compliance.

2. If the office of civil rights finds the respondent willfully or knowingly committed any discrimination in a place of public accommodation, the office of civil rights may further order the respondent to pay a civil penalty of up to one thousand dollars per violation, which penalty shall be paid to the King County treasury for deposit in the county general fund. (Ord. 15399 § 70, 2006: Ord. 8625 § 6, 1988).

12.22.070 Hearing - appeal.

A.1. Any respondent or charging party, after an order of the office of civil rights is made in accordance with K.C.C. 12.22.060.B, may request an appeal hearing before the hearing examiner by filing a written request for hearing within thirty days of the service of the order. The request for hearing shall be filed with the office of civil rights. The request for hearing must identify clearly and specifically:

a. the errors that the appellant believes were made in the action or decision that is being appealed, or the procedural irregularities associated with that action or decision;

b. specific reasons why the county's action should be reversed or modified; and

c. the desired outcome of the appeal.

2. Unless the hearing examiner authorizes an amendment to the statement of appeal, the identification of errors and the statement of reasons for reversal or modification defines and limits the issues that the examiner may consider.

B. Any order issued by the office of civil rights in accordance with procedures in this chapter becomes final thirty days after service of the order unless a written request for hearing is filed with the office of civil rights within the thirty-day period.

C. If the order of the office of civil rights is appealed, the hearing examiner shall conduct a hearing for the purpose of affirming, denying or modifying the order. There shall be a verbatim record kept of the hearing. The hearing examiner has such rule-making and other powers necessary for the conduct of the hearing as are specified by K.C.C. 20.24.170. The order of the office of civil rights shall not be presumed correct. The hearing examiner's decision shall be based upon a preponderance of the evidence. The hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days before the date of the hearing to each affected party and to the office of civil rights.

D. Each party may, among exercising other rights:

1. Call and examine witnesses on any matter relevant to the issues of the complaint;

2. Introduce documentary and physical evidence;

3. Cross-examine opposing witnesses on any matter relevant to the issues of the complaint;

4. Impeach any witness regardless of which party first called the witness to testify;

5. Rebut evidence against him or her; and

6. Represent himself or herself or be represented by anyone of his or her choice who is lawfully permitted to do so.

E. Following review of the evidence submitted, the hearing examiner presiding at the hearing shall enter written findings and conclusions and shall affirm or modify the order previously issued if the hearing examiner finds that a violation occurred. The hearing examiner shall reverse the order if the hearing examiner finds that a violation did not occur. The hearing examiner may grant as relief any relief that the office of civil rights could grant under K.C.C. 12.22.060.B. A copy of the hearing examiner's decision shall be delivered to all affected parties. The order of the hearing examiner is final unless reviewed by a court under K.C.C. 20.24.240.B. (Ord. 15399 § 71, 2006: Ord. 8625 § 7, 1988).

12.22.080 Enforcement by the office of civil rights.

A. If the office of civil rights has reasonable cause to believe that a respondent breached a prefinding or postfinding settlement agreement executed under K.C.C. 12.22.050 or 12.22.060, or violated an order of the office of civil rights issued under K.C.C. 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070, the office of civil rights shall refer the matter to the prosecuting attorney for the filling of a civil action under subsection B. of this section for the enforcement of the agreement.

B. The prosecuting attorney may commence a civil action in superior court for appropriate relief with respect to a breach of a prefinding or postfinding settlement agreement executed under K.C.C. 12.22.050 or 12.22.060, or violation of an order of the office of civil rights issued under K.C.C. 12.22.060 or an order of the hearing examiner issued under K.C.C. 12.22.070. The action may be commenced no later than ninety days after the referral of the alleged breach underlying the referral under subsection A. of this section. (Ord. 15399 § 72, 2006: Ord. 8625 § 8, 1988).

12.22.085 Enforcement by private persons.

A. An aggrieved person may commence a civil action in superior court not later than one year after the occurrence or termination of alleged discrimination in a place of public accommodation or ninety days after a determination of reasonable cause is issued by the office of civil rights, whichever occurs last, to obtain appropriate relief with respect to the discrimination in public accommodations.

B. A civil action may be filed under this section whether or not an administrative complaint has been filed under K.C.C. 12.22.040 and without regard to the status of the complaint. However, if the office of civil rights obtained a prefinding or postfinding settlement or conciliation agreement with the consent of the aggrieved person, an action may not be filed by the aggrieved person with respect to the alleged discrimination in public accommodations that forms the basis for the complaint except for the purpose of enforcing the agreement. To preclude such a filing, the prefinding or postfinding settlement or conciliation agreement must include language that the aggrieved person knowingly waives any right to file a civil action under this section based on the same alleged discrimination in public accommodations.

C. Subject to subsection D. of this section, after the filing of a civil action involving the same claim or arising from the same facts and circumstances, whether under this chapter or similar law, the office of civil rights may administratively close a complaint of discrimination in public accommodations.

D. If a court dismisses a private cause of action without reaching the merits and on grounds that would not preclude pursuit of a complaint under this chapter, the charging party may request, within ninety days of the entry of the court's order of dismissal, that the office of civil rights reopen a previously filed case. Upon such a request, the office of civil rights may reopen a case that was administratively closed upon the filing of a civil action. If the office of civil rights closes a case based on a "no reasonable cause" finding, the case may not be reopened except as provided through reconsideration under K.C.C. 12.22.050.

E. A charging party or aggrieved person may not secure relief from more than one governmental agency, instrumentality or tribunal for the same harm or injury.

F. An aggrieved person may not commence a civil action under this section with respect to an alleged discrimination in public accommodations practice that forms the basis of a complaint if a hearing on the complaint has been convened under K.C.C. 12.22.070.

G. In a civil action under this section, if the court finds that discrimination in public accommodations occurred, the court may grant such relief as is available for violations of the Washington state Law Against Discrimination, chapter 49.60 RCW.

H. Upon timely application, the prosecuting attorney may intervene in the civil action, if the prosecuting attorney determines that the case is of general public importance.

I. This section is intended to provide private judicial remedies for violations of this chapter that are as expansive as the powers granted by the Constitution and laws of the state of Washington. (Ord. 15399 § 59, 2006).

12.22.090 Authorization to implement procedures. The office of civil rights may implement such forms, administrative processes and operational procedures as are necessary to comply with this chapter. The forms, processes and procedures shall be adopted in compliance with K.C.C. chapter 2.98. (Ord. 15399 § 73, 2006: Ord. 8625 § 9, 1988).

12.22.095 Code compliance.

A. If a complaint has been filed under this chapter, the office of civil rights shall initiate an investigation under the provisions of this chapter.

B. If the office of civil rights determines that a violation of this chapter or any rules and regulations adopted under this chapter occurred, the office shall issue an order under this chapter. For violations of this chapter, if a conflict exists between this chapter and K.C.C. Title 23, this chapter controls over K.C.C. Title 23. (Ord. 15399 § 74, 2006: Ord. 13263 § 54, 1998).

12.22.100 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 15399 § 75, 2006: Ord. 8625 § 10, 1988).

Chapter 12.28
ROADSIDE STANDS

Sections:

12.28.010 Unlawful to erect structures along roads.
12.28.020 Required distance from right-of-way.
12.28.030 Nuisance declared - Authority of engineer.
12.28.040 Violation - Misdemeanor.

12.28.010 Unlawful to erect certain structures along roads. It is unlawful for any person to build, erect, establish, operate, maintain or conduct, along and upon the right of way of any county road or highway, any platform, box, stand or any other temporary or permanent device or structure used, or to be used, for the purpose of receiving, vending or delivering any milk, milk cans, vegetables, fruits, merchandise, produce, or any other thing or commodity of any nature, provided that the encroachment upon said county road or highway for business purposes shall not exceed two feet from the right-of-way line thereof. (Res. 10928 § 1, 1948).

12.28.020 Required distance from right-of-way. It is unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or customers of property adjoining such structure or establishment, unless such structure or establishment be so located at a distance from the right-of-way of any county road or highway that none of the right-of-way thereof is required for the use of the patrons or customers of any such establishment except that portion thereof permitted under Section 12.28.010 of this chapter. (Res. 10928 § 2, 1948).

12.28.030 Nuisance declared - Authority of engineer. Whenever there shall exist upon the right-of-way of any county road or highway, or off the right-of-way thereof in sufficiently close proximity thereto, any structure, device or natural or artificial thing, which threatens or endangers the use of such county road or highway or portion thereof, or which tends to endanger persons traveling thereon, or tends to obstruct or constitutes a hazard to vehicles or persons traveling thereon, such structure, device or natural or artificial thing is hereby declared to be a public nuisance and the county road engineer is empowered to take such action as may be necessary to effect the abatement of the same. Any such structure, device or natural or artificial thing considered by the county road engineer to be immediately or eminently dangerous to travel upon a county road or highway may be forthwith removed, and such removal shall in no event constitute a breach of the peace or trespass. (Res. 10928 § 3, 1948).

12.28.040 Violation - Misdemeanor. Any violation of this chapter shall constitute a misdemeanor and be punished accordingly. (Res. 10928 part, 1948).

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Chapter 12.32
ELECTRONIC SECURITY DEVICES

Sections:

12.32.005 Purpose.
12.32.010 Prohibited - Exception.
12.32.020 False alarm - Definition.
12.32.030 Requirements.
12.32.040 Civil penalties for excessive or improper false alarms.
12.32.050 False alarm - Civil penalty.
12.32.055 No response to excessive false alarms.
12.32.060 False alarm - Responsibility - Issuance of notice of violation, collection of civil penalty.
12.32.070 Right to hearing.
12.32.080 Severability.

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12.32.005 Purpose.

A. The purpose of this chapter is to encourage alarm users and alarm businesses to assume increased responsibility for the mechanical/electrical reliability and proper use of alarm systems and to prevent unnecessary police emergency response to false alarms, thereby to protect the emergency response capability of the county from misuse.

B. The obligation of complying with this chapter and liability for failing to do so is placed on the parties responsible for owning, operating, monitoring or maintaining alarm systems. (Ord. 13577 § 1, 1999).

12.32.010 Prohibited - Exception. The installation or use of any electric, electronic or mechanical security device which gives automatic notice to the communications center of the sheriff's office, is prohibited, except by federal, state or local government agencies acting with the permission of the sheriff. This provision specifically includes devices utilizing the public telephone system. (Ord. 13577 § 2, 1999: Ord. 1952 § 1, 1974).

12.32.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Alarm business" means the business by an individual, partnership, corporation or other entity of selling, leasing, maintaining, monitoring, servicing, repairing, altering, replacing, moving or installing an alarm system or causing to be sold, leased, maintained, monitored, serviced, repaired, altered, replaced, moved or installed an alarm system in or on any building, structure or facility.

B. "Alarm dispatch request" means a notification to the sheriff's office by an alarm business or another party that an alarm, either manual or automatic, has been activated at a particular alarm site.

C. "Alarm monitoring company" means an individual, partnership, corporation or other form of association that engages in the business of monitoring property, burglary, robbery or panic alarms and reporting activation of the alarm system to a law enforcement agency.

D. "Alarm site" means a single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex, is a separate alarm site.

E. "Alarm system" means a system, device or mechanism that, when activated, transmits a telephone message to a private alarm monitoring company or some other number, emits an audible or visible signal that can be heard or seen by persons outside the protected premises or transmits a signal beyond the premises in some other fashion, to report a crime in-progress or other crisis situation requiring a police response. "Alarm system" does not include a fire alarm system, medical alert system or an alarm installed on a motor vehicle.

F. "Alarm system user" means a person, firm, partnership, association, corporation, company or organization of any kind that uses an alarm system at its alarm site.

G. "False alarm" means the activation of any combination of burglary, robbery, panic or yard alarm when no crime is being committed or attempted on the premises. An alarm is presumed false if the sheriff's deputies responding do not locate evidence of an intrusion or commission of an unlawful act or emergency on the premises that might have caused the alarm to sound. However, "false alarm" does not include an alarm caused by extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user. An alarm dispatch request that is canceled by the alarm system monitoring company or the alarm system user before arrival of the responding officer to the alarm site is not a false alarm for the purposes of fine assessment or no-response status designation.

H. "Monitoring" means the process by which an alarm business receives signals from the alarm system and relays an alarm dispatch request to the proper jurisdiction for the purpose of summoning police response to the alarm site.

I. "No response" means that sheriff's deputies may not be dispatched to investigate a report of an automatic burglary or property alarm system activation at an alarm site that has a record of four false alarms within a continuous six-month period, if the alarm is the only basis for making the dispatch.

J. "Premises" means an area or a portion of an area protected by an alarm system.

K. "Sheriff" means the sheriff of King County.

L. "Verification" means an attempt to avoid an unnecessary alarm dispatch request by the alarm business, or its representative, by contacting the alarm site by telephonic or other electronic means, with or without actual contact with a system user or representative, before requesting a police dispatch. (Ord. 13577 § 3, 1999: Ord. 5655 § 1, 1981: Ord. 5164 § 1, 1980: Ord. 1952 (part), 1974).

12.32.030 Requirements.

A. 1. An alarm system may not have an alarm signal audible on the exterior of an alarm site that sounds longer than ten minutes after being activated.

2. An alarm system may not automatically dial the sheriff's office directly and deliver a prerecorded message unless specifically authorized by the sheriff.

B. An alarm user:

1. Shall submit a contact card to be on file in the sheriff's office communications center, a notice of the telephone numbers at which the person or persons authorized to enter the premises can be reached to respond;

2. Shall maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms;

3. Shall make every reasonable effort to respond or cause a representative to respond to the alarm site within one hour when notified by the sheriff's office to deactivate a malfunctioning alarm system, to provide access to the premises or to provide security for the premises; and

4. May not manually activate an alarm for any reason other than an occurrence of an event for which the alarm system was intended to report.

C. An alarm monitoring company shall:

1. Attempt to verify whether an actual crime is being committed at the alarm site and report the results of its verification attempt to the sheriff's office;

2. Request cancellation of an alarm dispatch request upon verifying no event has occurred that the alarm system was intended to report; and

3. Describe in plain language, other than a zone number, the specific location on the premises of the point of entry or unauthorized access. (Ord. 13577 § 4, 1999: Ord. 5655 § 2, 1981).

12.32.040 Civil penalties for excessive or improper false alarms. For a response to premises at which no other false alarm has occurred within any consecutive six-month period, a fee may not be charged, but the person having or maintaining the burglary or robbery alarm shall within three working days notice to do so make a written report to the sheriff on forms prescribed by the sheriff setting forth the cause of the false alarm, the corrective action taken and such other information as the sheriff may require to determine the cause of the false alarm and corrective action necessary. (Ord. 13577 § 5, 1999: Ord. 12904 § 3, 1997: Ord. 5655 § 3, 1981).

12.32.050 False alarm - Civil penalty.

A. Any person or business, through error, omission or mechanical/electrical failure that causes two or more false alarms in any consecutive six-month period commits an infraction punishable by a civil penalty. The penalty for the second false alarm is seventy-five dollars. The penalty for the third and successive false alarms is one hundred dollars. Any succeeding false alarms as a result of failure to take the necessary corrective action or any nonpayment of any false alarm charges, or both, may result in the sheriff ordering the disconnection of the alarm until either the corrective action is taken or any outstanding charges are paid, or both, or ordering no response to future alarms. However, a disconnection may not be ordered as to any premises required by law to have an alarm system in operation.

B. Any alarm system business or monitoring company, through error, omission or mechanical/electrical failure, that violates K.C.C. 12.32.030 commits an infraction punishable by a civil penalty. The penalty shall be one hundred dollars. (Ord. 13577 § 6, 1999: Ord. 12904 § 4, 1997: Ord. 5655 § 4, 1981: Ord. 5164 § 2, 1980: Ord. 1952 (part), 1974).

12.32.055 No response to excessive false alarms.

A. After the third false alarm in a six-month consecutive period, the sheriff shall send a notification to the alarm user and the alarm monitoring company, if any, by regular mail, that contains the following information:

1. That the third false alarm has occurred; and

2. That if another false alarm occurs within the six-month period, the sheriff's office will not respond to any subsequent alarm activations without the approval of the sheriff or a visual verification.

B.1. After the fourth false alarm within a consecutive sixth-month period, the police may not respond to subsequent alarms without approval of the sheriff. If police response is suspended, the sheriff shall send a notification of no-response status to:

a. The sheriff's office communication center;

b. The alarm user, by first class mail; and

c. The alarm user's alarm monitoring company, if any, by first class mail.

2. The notice must include explanation that the approval of the sheriff for reinstatement may only by obtained by applying in writing for the reinstatement. The sheriff may reinstate the alarm user upon a finding that reasonable effort has been made to correct the false alarms, including documentation from an alarm business, stating that the alarm system is operating properly and that the alarm user's agents are properly trained in the alarm system's operation. The county and sheriff are not responsible for costs incurred by the alarm system user to qualify for reinstatement.

C. The suspension of police response must begin twenty days after the notice of suspension or notice of no-response status was sent by first class mail to the alarm user unless a written request for an appeal hearing has been filed in the required time period under this chapter. (Ord. 13577 § 7, 1999).

12.32.060 False alarm - Responsibility - Issuance of notice of violation, collection of civil penalty. The sheriff's office shall issue notice of infraction to a person following a violation of this chapter. The sheriff's office shall notify the King County office of finance of the charges, fees and penalties that are to be collected. The King County office of finance shall collect charges, fees and penalties not properly canceled and discharged. (Ord. 13577 § 8, 1999: Ord. 5655 § 5, 1981: Ord. 5164 § 3, 1980: Ord. 1952 (part), 1974).

12.32.070 Right to hearing. Any person or business cited has a right to a hearing to contest the validity of either the notice of infraction or the amount of the civil penalty or both. The hearing shall be held in the division of the district court where the notice of violation was issued.

A. Such a person or business shall make a written request for a hearing on a form provided by the sheriff.

B. A request for a hearing must be filed with the district court within ten days after the date when the citation was issued.

C. The district court at least ten days after the request for a hearing shall notify the person requesting the hearing, in writing: 1. of the hearing date and time; 2. that if the person or business desires to have the officer responsible for the issuance of the civil infraction, a written request on a document provided by the district court must be returned to the district court no later than ten days before the hearing date; and 3. that in the absence of such a request, the officer's notice of violation must be received in evidence.

D. A person or business has until ten days after the date of the request for a hearing to cancel the hearing by making payment to the district court in the amount of the civil infraction. If a hearing is canceled more than ten days after its request, then a ten dollar cancellation fee must be paid to the district court in addition to the amount of the civil infraction.

E. At the hearing, the sheriff's office shall produce any relevant evidence to show that the issuance of the notice of violation was proper.

F. At the hearing, the person or business having requested the hearing may produce any relevant evidence to show that the issuance of the notice of violation was not proper.

G. At the conclusion of the hearing, the district court shall determine whether the imposition of the civil penalty was proper and provide both parties with a copy of its decision setting forth in writing the reasons for the determination reached. Should the district court determine that the amount of the penalty was not proper, then the court shall determine the proper amount and provide a copy of its decision to the person or business requesting the hearing and the sheriff's office.

H. If the civil penalty is found proper, then the civil penalty together with court costs and the expenses of the hearing shall be assessed as a civil penalty against the owner of the premises.

I. If the civil penalty is not found to be proper, then the owner of the premises shall bear no costs.

J. Nothing in this chapter shall be construed to prevent a court exercising discretion in assessing penalties, costs or arranging time payments if justice so requires. (Ord. 13577 § 9, 1999: Ord. 5655 § 6, 1981).

12.32.080 Severability. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances shall not be affected. (Ord. 5655 § 7, 1981).

Chapter 12.36
DUMPING OF TRASH IN WATERWAYS

Sections:

12.36.010 Dumping trash in waterways prohibited.

12.36.010 Dumping trash in waterways prohibited. The dumping, depositing, placing or leaving of any garbage, ashes, debris, gravel, earth, rock, stone or other material upon the banks, channels, beds or bars of any navigable water in King County, or the felling of any tree or trees, so that the same shall in whole or in part project within the high water bank of any navigable water-course, or the casting, placing, depositing or leaving of any logs, roots, snags, stumps or brush upon the banks or in the bed or channel of any navigable water-course is prohibited. (Res. 1542 part, 1924).

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Chapter 12.44
BOATING REGULATIONS*

Sections:

12.44.010 Authorization.
12.44.020 Definitions.
12.44.030 Interpretation and application of regulations.
12.44.035 Operation of personal watercraft.
12.44.040 Negligent operation.
12.44.050 Reckless operation.
12.44.060 Required distance from power craft to swimmers and row boats.
12.44.070 Speed limit specified - Lakes - Exception.
12.44.080 Speed limit specified - Rivers - Exception.
12.44.090 Speed regulations within one hundred yards of shore on Lake Washington and Lake Sammamish.
12.44.100 Interference with navigation.
12.44.110 Sunken vessels.
12.44.120 Floating objects.
12.44.130 Intoxication.
12.44.140 Incapacity of operator.
12.44.150 Accidents.
12.44.160 Accident reports.
12.44.170 Accident reports confidential, inadmissible as evidence.
12.44.180 Overloading.
12.44.190 Testing courses.
12.44.200 Restricted areas.
12.44.210 Swimming.
12.44.220 Skin diving.
12.44.230 Water skiing.
12.44.240 Beaver Lake restrictions.
12.44.250 Lake Margaret restrictions.
12.44.260 Lake Sawyer restrictions.
12.44.270 Lake Meridian restrictions.
12.44.280 Steel Lake restrictions.
12.44.290 Star Lake restrictions.
12.44.300 Lake Leota restrictions.
12.44.310 North Lake restrictions.
12.44.320 Pipe Lake-Lake Lucerne restrictions.
12.44.330 Spring Lake restrictions.
12.44.340 Cottage Lake restrictions.
12.44.350 Whistles and lights.
12.44.360 Equipment and numbering.
12.44.370 Life preservers and running lights.
12.44.380 Races and testing.
12.44.390 Aircraft on the water.

***For statutory provisions regarding regulation of motor boats, see chapter 88.12 RCW.**

12.44.400 Rules of the road.
12.44.410 Propellers.
12.44.420 Unsafe piers.
12.44.430 Safety devices.
12.44.440 Pier barriers.
12.44.450 Roadway barriers.
12.44.460 Drifting debris.
12.44.470 Oil.
12.44.480 Nuisances.
12.44.490 Public health.
12.44.500 Boat rental records.
12.44.510 Liability for damages.
12.44.520 Exemption to authorized emergency vessels and watercraft.
12.44.530 Aiding and abetting violations.
12.44.540 Directing traffic, emergency powers.
12.44.550 Boating advisory commission.
12.44.560 Appeal of denial for license, permit or authority.
12.44.570 Penalty.
12.44.580 Preservation of actions.
12.44.590 Severability.
12.44.600 Lake Washington restrictions.
12.44.610 Shadow Lake restriction.
12.44.710 Authority of officers to board boats.
12.44.720 Interlocal cooperation.
12.44.730 Enforcement.
12.44.740 Lake Desire restriction.
12.44.750 Shady Lake restriction.
12.44.760 Lake Joy restriction.
12.44.770 Lake Walker restriction.
12.44.780 Ronald Bog restrictions.
12.44.790 Lake Dolloff restrictions.
12.44.800 Lake Killarney restrictions.
12.44.810 Lake Holm restrictions.
12.44.820 Lake Wilderness restrictions.
12.44.830 Lake Twelve restrictions.
12.44.840 Lake Langlois restriction.
12.44.850 Lake Alice restriction.
12.44.860 Ames Lake restrictions.
12.44.865 Lake Geneva restriction.
12.44.1000 Emergency rescues.

12.44.010 Authorization. The county of King, in the exercise of its police power, assumes control and jurisdiction over all lakes, rivers and all other waters within unincorporated areas inside its geographical boundaries. (Ord. 1235 § 1, 1972).

12.44.020 Definitions. For the purpose of this chapter, the following terms shall have the meaning ascribed in this section:

"Anchorage" means a designated position where vessels or watercraft may anchor or moor.

"Aquatic event" means any organized water event of limited duration which is duly sanctioned at least seven days in advance by duly constituted authority and which is conducted according to a prearranged schedule and in which general public interest is manifested.

"Authorized emergency vessel" means any authorized vessel or watercraft of the King County public safety department, municipal police departments, municipal fire departments, the United States government, and state of Washington authorized patrol vessels or watercraft.

"Boat dealer" means any person engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vessels. The term "boat dealer" shall not include:

A. Receivers, trustees, administrator, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court;

B. Employees of dealers who are engaged in the specific performance of their duties as such employees;

C. Any person engaged in an isolated sale of a vessel of which he is the owner.

"County" means the county of King.

"Diver's flag" means a red flag five units of measurement on the hoist by six units of measurement on the fly with a white stripe of one unit crossing the red diagonally (the flag to have a stiffener to make it stand out from the pole or mast). This flag shall only pertain to skin and SCUBA (self-contained underwater breathing apparatus) diving and shall supplement any nationally recognized diver's flag or marking. Unit of measurement shall not be less than two inches.

"Issuing authority" means a state that has a numbering system approved by the U.S. Coast Guard or the U.S. Coast Guard where a numbering system has not been approved.

"Master" means the captain, skipper, pilot or any person having charge of any vessel or watercraft.

"Obstruction" means any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation, or which cannot comply with the "Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico" (C.F. 236479).

"Oil" means any oil or liquid, whether of animal, vegetable or mineral origin, or a mixture, compound or distillation thereof.

"Operator" means a person who is in control or in charge of a vessel or watercraft while it is in use.

"Owner" means the person who has lawful possession of a vessel or watercraft or obstruction by virtue of legal title or equitable interest therein which entitles him to such possession.

"Person," when necessary, means and includes natural persons, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number, when necessary, means the plural, and the masculine pronoun includes the feminine.

"Pier" means any pier, wharf, dock, float, gridiron or other structure to promote the convenient loading or unloading or other discharge of vessels or watercraft, or the repair thereof.

"Reporting authority" means the same as "Issuing authority."

"Restricted area" means an area that has been marked in accordance with and as authorized by the law or regulations of the county to be used for, or closed to, certain designated purposes such as swimming, skindiving, ferry landings and aquatic events, the method of marking and designation of which shall have been made by the Department of Public Safety in accordance with the provisions of this chapter.

"Skin diving" means any free swimming person and/or any person who uses an artificial or mechanical means to replace his air, including self-contained underwater breathing apparatus, snorkel tube equipment and free diving gear, but shall not mean swimmers using patrolled public beaches designated as swimming areas.

"State" means a state of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"State of principal use" means the state on whose water a vessel is used or to be used a majority of a calendar year.

"Testing course" means a course or area on waters subject to the jurisdiction of King County, designated in accordance with this chapter or pursuant to other applicable laws and regulations, for use in industrial development and testing of experimental and production watercraft and vessels.

"Towboat" means any vessel or watercraft engaged in towing or pushing another vessel or watercraft or anything other than a vessel or watercraft.

"Undocumented watercraft" means a boat which does not have a valid marine document as a vessel of the United States.

"Vessel" means any contrivance one hundred ten feet or more in length overall, used or capable of being used as a means of transportation on water.

"Watercraft" means every description of watercraft twelve feet or greater but less than on hundred ten feet in length or equipped with motor propulsion machinery of more than five horsepower, other than a seaplane, used or capable of being used as a means of transportation on water, or required to be registered by the Boat Safety Act of 1971. PROVIDED, that this definition does not include vessels under four feet in beam which have no propulsion machinery of any type. PROVIDED FURTHER, that this definition shall not include vessels used exclusively for commercial purposes. Aircraft, cribs or piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or "vessel," but shall be included within the term "obstruction" when they shall be floating loose and not under control or when under control and obstructing any navigable channel.

"Water ski" means all forms, manners, means or contrivances of person or persons being towed behind a motor boat. (Ord. 6261 § 2, 1982: Res. 28232 § 2, 1964).

12.44.030 Interpretation and application of regulations. The provisions of this chapter shall be applicable to all vessels and watercraft. The provisions of this chapter shall be construed to supplement United States laws and state laws and regulations when not expressly inconsistent therewith. (Res. 28232 § 3, 1964).

12.44.035 Operation of personal watercraft. Personal watercraft as defined by RCW 88.12.010 shall for the purposes of K.C.C. 12.44 comply with all provisions of the law as watercraft and vessels defined under K.C.C. 12.44.020. (Ord. 11752 § 7, 1995).

12.44.040 Negligent operation. Any person who shall negligently operate any watercraft in a manner so as to endanger or be likely to endanger any person or property or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within the assured clear distance ahead, shall be guilty of negligent operation, which shall be classified as a misdemeanor. (Ord. 11752 § 2, 1995: Res. 28232 § 4, 1964).

12.44.050 Reckless operation. Any person who shall operate any watercraft or vessel in a reckless manner so as to endanger the life or limb, or damage the property of any person, shall be guilty of the crime of reckless operation, which shall be classified as a misdemeanor. (Ord. 11752 § 3, 1995: Res. 28232 § 5, 1964).

12.44.060 Required distance from power craft to swimmers and row boats.
It is unlawful for any motor powered craft to be operated while the propeller is engaged within fifty feet of any swimmer or any row boat, canoe, or other water conveyances on any non-navigable lake within King County. (Res. 12260 § 2, 1950).

12.44.070 Speed limit specified - Lakes - Exception. Except on lakes otherwise specifically provided for in this chapter, no motor powered watercraft shall be operated on any lake within King County at a speed in excess of eight miles per hour. (Ord. 1235 § 2, 1972).

12.44.080 Speed limit specified - Rivers - Exception. Except as otherwise specifically provided for in this chapter, no motor powered watercraft shall be operated on any river within King County at a speed in excess of five miles per hour; with the exception of the Skykomish River and the Snoqualmie River. Such exception shall not be construed to limit the effect of Section 12.44.040, dealing with negligent operation and Section 12.44.050, dealing with reckless operation. (Ord. 1379 § 1, 1972: Ord. 1235 § 3, 1972).

12.44.090 Speed regulations within one hundred yards of shore on Lake Washington and Lake Sammamish. Except as otherwise specifically provided for in this chapter it is unlawful for any person to operate any watercraft or vessel at a speed in excess of eight miles per hour within one hundred yards of any shoreline, pier, restricted area or shore installation on Lake Washington or Lake Sammamish. (Ord. 1235 § 4, 1972).

12.44.100 Interference with navigation. No person shall operate any watercraft or vessel in a manner which shall unreasonably or unnecessarily interfere with other watercraft or vessels or with the free and proper navigation of the waterways of the county. Anchoring or mooring under bridges or in heavily travelled channels shall constitute such interference if unreasonable under the prevailing circumstances. (Res. 28232 § 7, 1964).

12.44.110 Sunken vessels. When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, the sheriff may order the same immediately removed and if the owner, or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the sheriff may take immediate possession thereof and remove the same, using such methods as in his judgment will prevent unnecessary damage to such vessel or watercraft or obstruction, and the expense incurred by the sheriff in such removal shall be paid by such vessel or watercraft or obstruction, or the owner or other person in charge thereof; and in case of failure to pay the same, the county may maintain an action for the recovery thereof. (Res. 28232 § 8, 1964).

12.44.120 Floating objects. All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in county waters, may be taken in charge by the sheriff and shall be subject to reclamation by the owner thereof, on payment by him to the county of any expenses incurred by the county and in case of failure to reclaim may be sold or disposed of according to law. (Res. 28232 § 9, 1964).

12.44.130 Intoxication.

A. It is unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in actual physical control of any vessel or watercraft. A person is considered under the influence of intoxicating liquor or any drug if he or she is under the influence, affected, under the combined influence or has alcohol either by weight or by breath as specified in RCW 88.12.025, as it currently reads or is subsequently amended.

B. It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.

C. Whenever it appears reasonably certain to any police officer that any person under the influence of, or affected by the use of, intoxicating liquor or of any narcotic drug is about to operate a watercraft or vessel in violation of subdivision A. of this section, said officer may take reasonable measures to prevent any such person from so doing.

D. Any violation of or failure to comply with the provisions of this section shall constitute a misdemeanor. (Ord. 11752 § 4, 1995: Res. 28232 § 10, 1964).

12.44.140 Incapacity of operator. It is unlawful for the owner of any vessel or watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who by reason of physical or mental disability is incapable of operating such vessel or watercraft under the prevailing circumstances. (Res. 28232 § 11, 1964).

12.44.150 Accidents. The operator of any watercraft involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such watercraft at the scene of such accident and shall give his name, address, and the name and/or number of his watercraft, and the name and address of the owner, to the person struck or the operator or occupants of the vessel or watercraft collided with or property damaged, and shall render to any person injured in such accident reasonable assistance. (Res. 28232 § 12, 1964).

12.44.160 Accident reports. The master, owner or operator of any watercraft shall file a written report within forty-eight hours with the sheriff's department or Washington State Patrol of any accident involving death or personal injury requiring medical treatment or property damage in excess of two hundred dollars in which such watercraft shall have been involved on waters of King County. (Res. 28232 § 13, 1964).

12.44.170 Accident reports confidential, inadmissible as evidence. All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the sheriff's department, prosecuting attorney, or other peace and enforcement officer as provided herein, except that any such officer may disclose the identity of a person reported as involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the sheriff, solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law. (Res. 28232 § 14, 1964).

12.44.180 Overloading.

A. No watercraft shall be loaded with passengers or cargo beyond its safe carrying capacity nor carry passengers in an unsafe manner taking into consideration weather and other existing operating conditions.

B. Whenever it appears reasonably certain to any police officer that any person is operating a watercraft or vessel loaded beyond its safe capacity, said officer may take reasonable measures to prevent any such person from so operating the craft. (Res. 28232 § 15, 1964).

12.44.190 Testing courses.

A. The sheriff may establish and designate testing courses, and may prescribe reasonable rules and regulations governing their use, having due regard for the industrial and recreational use of King County.

B. Manufacturers of experimental and production watercraft and vessels may apply for reasonable locations, boundaries and conditions of use for testing courses. After approval has been granted by the King County sheriff, they may commence the use of such testing courses in conformity with the filed information and all applicable laws and regulations.

C. No unauthorized person shall operate a vessel or watercraft or swim or skin-dive within a testing course during permitted testing operations. (Res. 28232 § 16, 1964).

12.44.200 Restricted areas. In the interests of safe navigation, life safety and the protection of property, the sheriff shall designate restricted areas and the purpose for which same shall be used. No person shall operate a vessel or watercraft within a restricted area; provided, that this section shall not apply to vessels or watercraft engaged in or accompanying the activity to which the area is restricted, nor to patrol or rescue craft or in the case of an emergency. (Res. 28232 § 17, 1964).

12.44.210 Swimming. Swimming in the waters of King County shall be confined to:

A. Restricted swimming areas, or

B. To within a distance of fifty feet from the shore, or a pier unless the swimmer is accompanied by a watercraft. (Res. 28232 § 18, 1964).

12.44.220 Skin-diving. Skin-diving shall be prohibited in the waters of King County:

A. within three hundred feet of any ferry slip, public boat ramp, patrolled public beach designated as a swimming area, except pursuant to permit therefor issued by the sheriff and except for commercial diving, or

B. in any other area unless the diver shall be accompanied by a watercraft or the area in which he is diving shall be marked by an adequately displayed diver's flag. (Res. 28232 § 19, 1964).

12.44.230 Water skiing. Water skiing on King County lakes and rivers shall be regulated as follows:

A. No watercraft which has in tow a person on water skis, aquaplane, surfboard or similar contrivance shall be operated or propelled in the waters of King County unless such watercraft is occupied by at least two competent persons.

B. It is unlawful to water ski within one hundred yards of shore. Water skiers may start at and return to shore by means of the most expeditious route. For purposes of starting at and returning to shore, water skiers may temporarily exceed the speed limit of eight miles per hour.

C. No operator of a watercraft shall have in tow a person on water skis, aquaplane, surfboard or similar contrivance from sunset to sunrise.

D. All persons being towed by watercraft shall wear an adequate flotation device.

E. All watercraft having in tow or otherwise assisting a person on water skis, aquaplanes, surfboards or similar contrivance shall comply with K.C.C. 12.44.040, 12.44.050 and 12.44.060.

F. Regulations stated in subsections A and D of this section shall not apply to watercraft used in water ski tournaments, competitions, expositions, or trials therefor, which have been duly authorized by the King County department of public safety. (Ord. 7380, 1985: Ord. 1235 § 5, 1972).

12.44.240 Beaver Lake restrictions. It is unlawful to use or operate any internal combustion engines on Beaver Lake; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. (Ord. 1110 § 1, 1972).

12.44.250 Lake Margaret restrictions. It is unlawful to use or operate any internal combustion engines on Lake Margaret; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties.

The department of natural resources and parks shall have the responsibility of posting and maintenance of the signs. Sign shall read as follows: "INTERNAL COMBUSTION ENGINES PROHIBITED ON THIS LAKE, KING COUNTY CODE 12.44.250." (Ord. 14199 § 151, 2001: Ord. 1997 §§ 1, 2, 1974: Ord. 145 § 1, 1972: Ord. 1198 §§ 2, 3, 1973).

12.44.260 Lake Sawyer restrictions.

A. The following rules and regulations shall be adopted for use of motor-operated watercraft on Lake Sawyer:

1. It is unlawful to use or operate any watercraft powered by an internal combustion engine on Lake Sawyer, except that the following engines will be permitted:

a. Water-cooled outboard engines of stock manufacture or stock manufactured inboard engines with outboard drive units which vent all exhaust gases through the lower drive unit in conjunction with cooling water and/or vent at a point on the drive unit which is under water at all times;

b. Direct drive inboard engines equipped with a muffler or silencer of sufficient size and capacity to effectively muffle and reduce noise as referenced in K.C.C. 12.87.170, K.C.C. 12.91.020 and WAC 173-70-040, as amended;

c. Air-cooled outboard or inboard engines of stock manufacture rated by the manufacturer at ten horsepower or less and equipped with mufflers to suppress exhaust noises.

The operation of watercraft powered by engines which are worn, damaged or modified in such a manner as to permit the noise level of exhaust gases or air intake devices to be increased above seventy-four decibels on the db(A) scale is prohibited.

2. Except as otherwise specifically provided for in this chapter, it is unlawful for any person to operate a motor-powered watercraft on Lake Sawyer in excess of eight miles per hour.

3. Watercraft will be permitted to operate at speeds not to exceed thirty-six miles per hour during the hours of 2:00 p.m. to 7:00 p.m. on Mondays through Fridays and from 11:00 a.m. to 3:00 p.m. on Saturdays, Sundays and holidays; provided, watercraft operating in excess of eight miles per hour with or without skier in tow shall remain at least two hundred feet from any and all shorelines and one hundred feet from other watercraft and persons; provided further, watercraft operating in excess of eight miles per hour shall proceed around the lake in a counterclockwise direction.

B. Water skiing on Lake Sawyer shall be regulated as follows:

1. No watercraft which has in tow a person on water skis, aquaplane, surfboard or similar contrivance shall be operated or propelled unless such watercraft is occupied by at least two competent persons.

2. All water skiers shall take off and return to designated floats placed on the lake. Buoys shall be placed two hundred feet from shore around the lake.

3. No operator of a watercraft shall have in tow a person on water skis, aquaplane, surfboard or similar contrivance after sunset.

4. All persons being towed by watercraft shall wear personal flotation devices that are a type approved by the United States Coast Guard.

C. Any person who negligently operates any watercraft in a manner so as to endanger or be likely to endanger any person or property, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the watercraft to a stop within assured clear distance ahead, is guilty of negligent operation and a violation of this chapter.

D. Any person who operates any watercraft in a reckless manner so as to endanger the life or limb or damage the property of any person is guilty of the crime of reckless operation and a violation of this chapter.

E. It is unlawful for any person who is under the influence of intoxicating liquor or narcotic or habit-forming drugs to operate or be in physical control of any watercraft; further, it is unlawful for the owner of any watercraft or any person having such in charge or in control to authorize or knowingly permit the same to be operated by any person who is under the influence of intoxicating liquor, narcotic or habit-forming drugs.

F. Unless specifically provided for in this chapter, all provisions of the King County boating code as now exists, including operation of personal watercraft, or hereafter is amended will apply to all watercraft operating on Lake Sawyer.

G. Any violation of this chapter shall be administered in a manner consistent with K.C.C. 12.44.570, as it currently reads or is revised.

H. The director of the King County department of natural resources and parks shall cause to be posted at all public and commercial access areas to Lake Sawyer a complete copy or reproduction of this section. (Ord. 14199 § 153, 2001: Ord. 12952 § 1, 1997: Ord. 12648 § 1, 1997: Ord. 11752 § 5, 1995: Ord. 3304 § 1, 1977: Ord. 2803 § 1, 1976: Ord. 1239 §§ 2-9, 1972).

12.44.270 Lake Meridian restrictions. The following rules and regulations are adopted for the use of motor-operated watercraft on Lake Meridian:

A. It is unlawful to use or operate any watercraft powered by an internal combustion engine on Lake Meridian, except that the following engines will be permitted:

1. Water-cooled outboard engines of stock manufacture or stock manufactured inboard engines with outboard drive units which vent all exhaust gases through the lower drive unit in conjunction with cooling water and/or vent at a point on the drive unit which is under water at all times; or watercooled direct drive inboard engines equipped with a muffler or silencer of sufficient size and capacity, to effectively muffle and reduce noise as referenced in K.C.C. 12.87.170, 12.91.020 and WAC 173-70-040, as amended.

2. Air-cooled outboard or inboard engines of stock manufacture rated by the manufacturer at ten horsepower or less.

The operation of watercraft powered by engines which are worn, damaged or modified in such a manner as to permit the noise level of exhaust gases or air intake devices to be increased above seventy-four decibels on the dB(A) scale is prohibited. Waterskiers are prohibited from starting or stopping within 200 feet of the county-owned shoreline of Lake Meridian Park which includes the swimming beach and boat launching areas of the park.

B. Water skiing will be limited to the hours of nine a.m. to six p.m.

C. No watercraft shall operate in excess of eight miles per hour after six p.m. until the hour of nine a.m. and not in excess of thirty-five miles per hour from nine a.m. to six p.m.

D. Watercraft exceeding speeds of eight miles per hour shall remain at least two hundred feet from the shoreline and one hundred feet from other watercraft and swimmers and shall proceed around the lake in a counterclockwise direction.

E. Craft towing water skiers shall carry a competent observer in addition to the driver or operator.

F. All water skiers will wear a United States Coast Guard approved personal flotation device.

G. All boats operating on Lake Meridian shall carry a United States Coast Guard approved life preserver or throwable cushion in good condition for each person in the craft.

H. All persons in watercraft towing skiers will remain seated at all times.

I. Motor-operated watercraft operating after sundown shall be equipped and have lit proper running lights.

J. Reckless operation as specified in K.C.C. 12.44.050, as amended. All watercraft shall be operated in a proper manner and there shall be no stunting, burning doughnuts or squirreling allowed in order that the lives and property of others be protected.

K. Negligent operation as specified in K.C.C. 12.44.040 as amended.

L. The anchorage or moorage of unoccupied watercraft is prohibited except when tied to a pier with the permission of the pier owner.

M. No remote controlled watercraft powered by internal combustion engines shall operate before 9:00 a.m. or after 6:00 p.m.

Any violation of this section shall be administered in a manner consistent with K.C.C. 12.44.570, as it currently reads or is revised. (Ord. 11752 § 6, 1995: Ord. 10024 § 1, 1991: Ord. 4280 § 1, 1979: Ord. 2802 § 1, 1976: Res. 16588, 1956).

12.44.280 Steel Lake restrictions. It is unlawful to use or operate any internal combustion engines on Steel Lake; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties.

The department of natural resources and parks shall have the responsibility of posting and maintenance of the signs. Signs shall read as follows: "INTERNAL COMBUSTION ENGINES PROHIBITED ON THIS LAKE, KING COUNTY CODE 12.44.280." (Ord. 14199 § 153, 2001: Ord. 1998 §§ 1, 2, 1974: Ord. 1468 §§ 2, 3, 1972).

12.44.290 Star Lake restrictions. It is unlawful to use or operate any internal combustion engines on Star Lake; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. (Ord. 1747 § 1, 1973).

12.44.300 Lake Leota restrictions. It is unlawful to use or operate any watercraft powered by either internal combustion engines or electric engines on Lake Leota; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties.

The department of natural resources and parks is authorized to post and maintain the appropriate signs. (Ord. 14199 § 154, 2001: Ord. 2086 § 1, 1974).

12.44.310 North Lake restrictions. It is unlawful to use or operate any internal combustion engines on North Lake; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks is authorized to post and maintain the appropriate signs. (Ord. 14199 § 155, 2001: Ord. 2875 § 1, 1976).

12.44.320 Pipe Lake-Lake Lucerne restrictions. It is unlawful to use or operate any internal combustion engines on Pipe Lake-Lake Lucerne; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks is authorized to post and maintain the appropriate signs. (Ord. 14199 § 156, 2001: Ord. 3038, 1977).

12.44.330 Spring Lake restrictions. It is unlawful to use or operate any internal combustion engine on Spring Lake, legally defined as: all the water of Spring Lake located in Section 31, Township 23 N., Range 6 E., W.M., in King County, Washington; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 157, 2001: Ord. 4965 § 1, 1980).

12.44.340 Cottage Lake restrictions. It is unlawful to use or operate any internal combustion engines on Cottage Lake, legally defined as on Cottage Lake within Section 7, Township 26 N., Range 6 E., W.M., in King County, Washington; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 158, 2001: Ord. 4966 § 1, 1980).

12.44.350 Whistles and lights. It is unlawful for the master, owner or any other person in charge of any watercraft or vessel, while lying at any pier or while navigating in the waters of King County, unnecessarily to cause any whistle or siren to be blown or sounded, nor shall any person flash the rays of a searchlight or other blinding light onto the bridge or into the pilothouse of any vessel or watercraft under way for any purpose other than those authorized by law. (Res. 28232 § 22, 1964).

12.44.360 Equipment and numbering. All watercraft or vessels shall carry the equipment required by any applicable United States laws as now or hereafter amended, and shall be numbered or designated in accordance with any applicable United States laws as now or hereafter amended. (Res. 28232 § 23, 1964).

12.44.370 Life preservers and running lights. Federal regulations covering equipping of boats with life preservers for each passenger, and also use of running lights for night operation, shall be strictly complied with. (Res. 12260 § 4, 1950).

12.44.380 Races and testing. Nothing in the provisions of this chapter shall be construed to mean that the operator of a watercraft competing in a race or regatta, or trials therefor, which has been duly authorized by the King County Department of Public Safety, or an operator engaged in industrial development and testing of experimental and production watercraft and vessels, shall be prohibited from attempting to obtain high speeds on racing and testing courses, duly designated by the King County Department of Public Safety, nor while so engaged, shall such watercraft, vessels or operators be required to comply with Sections 12.44.350 and 12.44.370 and Sections 12.44.070, 12.44.080 and 12.44.090. (Ord. 1235 § 6, 1972).

12.44.390 Aircraft on the water. All vessels or watercraft shall keep clear of aircraft landing within any area now or hereafter set aside by law for such purpose. Aircraft on the water shall keep clear of all vessels and watercraft and avoid impeding their navigation. (Res. 28232 § 25, 1964).

12.44.400 Rules of the road. Except as herein otherwise specified, vessels or watercraft shall be subject to the "Rules to Prevent Collisions of Vessels and Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico" (C.F. 23679), promulgated by the United States Coast Guard, pursuant to act of Congress, as such rules are now or may hereafter from time to time be adopted; and be it further provided that sailing vessels or other watercraft, while engaged in a sanctioned or authorized race, predicted log race, regatta or similar event shall be subject to the applicable rules for such event including, but not limited to, differing right-of-way rules. (Res. 28232 § 26, 1964).

12.44.410 Propellers. No master, owner or other person in charge of any vessel or watercraft shall, while the same is lying in any slip or at any pier, either cause or allow the propeller or wheel of such vessel or watercraft to be worked in such a manner as to endanger any other vessel, watercraft or structure. (Res. 28232 § 27, 1964).

12.44.420 Unsafe piers. Whenever any pier or gangway devoted to passenger traffic is damaged or appears to the sheriff to become unsafe so as to render the same, or any portion thereof, unsafe for life or property, the sheriff shall report the matter to the county engineer, who shall inspect the same and shall order any unsafe portion thereof barricaded with proper fencing until such time as necessary repairs thereto shall be made, and if the owner, agent or lessee of such pier shall fail to comply with the orders of the county engineer immediately, the county engineer shall prohibit the use of the unsafe portion of such pier and may erect the necessary fencing or barricade and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the county, and it shall be unlawful for any person to allow any such pier or gangway to be used or open to use. (Res. 28232 § 28, 1964).

12.44.430 Safety devices. Every owner, agent or lessee having charge of any commercial pier shall furnish and keep for use on such pier at least one serviceable thirty-inch ring life buoy, and one serviceable thirty-inch ring life buoy for every three hundred lineal feet of berthing space to each of which shall be attached at least two hundred feet of suitable line, one end of which shall be fastened to the ring buoy. Each ring buoy and line attached thereto shall be kept in a suitable box on the pier for the use of the public in case of accident, which box shall be properly labeled and be at all times kept clear of obstructions, and it shall be unlawful to take away, molest, injure or destroy the same or either of them or to disturb the same, or either of them, except for use in saving life and property. (Res. 28232 § 29, 1964).

12.44.440 Pier barriers. Every owner, lessee or agent of any pier open to the public use to or from vessels or watercraft or for any other purpose, shall guard the frontage of any highway by substantial and adequate fences or other barriers and shall guard the sides and face thereof in a similar manner if used as a thoroughfare to or from any vessel or watercraft. All necessary openings or passages in such fences or barriers shall be provided with substantial gates which shall be closed and securely fastened when not in use. (Res. 28232 § 30, 1964).

12.44.450 Roadway barriers. Any person owning or operating or having control of any trestle, road or roadway or spur track over or upon the waters of King County which is open to the public as a way for travel, shall guard the same by adequate fences or barriers along the side or sides thereof, and at any or all other exposed or dangerous places where not open as a way for travel substantial and adequate fences or barriers shall be provided to prevent the use of the same by the public, and upon failure so to do, the sheriff shall order such facility closed, or may close the same until the same shall be made to conform to the requirements hereof, and any expense incurred in so doing shall be paid to, and recoverable by, the county of King from the person owning or operating the same. (Res. 28232 § 31, 1964).

12.44.460 Drifting debris. It is unlawful for the owner, agent or lessee in charge of any pier to allow the whole, or any part thereof, to fall into or remain adrift in county waters or to drift away. Fender piles, broken or loose, shall be removed by the owner, agent or lessee of any pier, and upon failure so to do, the same may be removed by the sheriff and the expense thereof shall be paid by and recoverable from the owner, agent or lessee of such pier to the county. (Res. 28232 § 32, 1964).

12.44.470 Oil. No owner, master or other person in charge of any vessel or watercraft, and no engineer, or other person in charge of any engine room or machinery of any vessel or watercraft, and no owner, lessee, agent, employee, or other person in charge of or employed in or about any pier, or other structure, and no person along or upon the shore of the waters of King County, shall spill, throw, pump or otherwise cause oil of any description to be or float upon the waters of King County. Any person causing oil to be upon the waters of King County as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the sheriff and the expense thereof shall be paid by and recoverable from the person causing said oil to be upon the water. The payment of such sum or the maintenance of an action therefor, shall not be deemed to exempt such person from prosecution for causing such oil spillage. (Res. 28232 § 33, 1964).

12.44.480 Nuisances. Sunken vessels or watercraft, refuse of all kinds, structures or pieces of any structure, dock sweepings, dead fish or parts thereof, dead animals or parts thereof, timber, logs, piles, boom sticks, lumber, boxes, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature, are hereby declared to be public nuisances and it is unlawful for any person to throw or place in, or cause or permit to be thrown or placed, any of the above named articles or substances in the waters of King County, or upon the shores thereof or in such position that same may or can be washed into said waters of King County, either by high tides, storms, floods or otherwise. Any person causing or permitting said nuisances to be placed as aforesaid shall remove the same and upon his failure so to do, the same may be removed by the sheriff or county engineer and the expense thereof shall be paid by and recoverable from the person creating said nuisance. In all cases such nuisances may be abated in the manner provided by law. The abatement of any such public nuisances shall not excuse the person responsible therefor from prosecution hereunder. (Res. 28232 § 34, 1964).

12.44.490 Public health. All watercraft and vessels entering or in the waters of King County shall comply with the applicable public health laws and regulations of the United States, the state of Washington and its political subdivisions. (Res. 28232 § 35, 1964).

12.44.500 Boat rental records. The owner or proprietor of a boat rental or charger operation shall cause to be kept a record of the name and address of the person or persons hiring any watercraft, the identification number of such watercraft, the departure date and the time and the date and the time of the return of such watercraft. Such record shall be preserved for not less than six months after the departure date of such watercraft and shall be kept available for inspection by any duly authorized agency or authority. Prior to departure from the premises of such boat rental or charter operation any such watercraft shall carry the equipment required by this chapter. (Res. 28232 § 36, 1964).

12.44.510 Liability for damages. Nothing in this chapter shall be construed so as to release any person owning or controlling any vessel, watercraft, pier, obstruction or other structure, from any liability for damages, and the safeguards to life and property required in this chapter shall not be construed as relieving any person from installing and maintaining all other safeguards that may be required by law. (Res. 28232 § 37, 1964).

12.44.520 Exemption to authorized emergency vessels and watercraft. The provisions of this chapter shall be applicable to the operation of any and all vessels or watercraft in the waters of King County except that they shall not apply in the following cases:

A. To any authorized emergency vessel or watercraft actually responding to an emergency call or in immediate pursuit of an actual or suspected violator of the law, within the purpose for which such emergency vessel or watercraft has been authorized; provided that the provisions of this section shall not relieve the operator of an authorized emergency vessel or watercraft of the duty to operate with due regard for the safety of all persons, nor shall it protect the operator of any such emergency vessel or watercraft from the consequences of a reckless disregard for the safety of others; provided further, the provisions of this section shall in no event extend any special privilege or immunity in operation of an authorized emergency vessel or watercraft for any purpose other than for which the same has been authorized. (Res. 28232 § 38, 1964).

12.44.530 Aiding and abetting violation. It is unlawful to counsel, aid or abet the violation of, or failure to comply with any of the provisions of this chapter. (Res. 28232 § 39, 1964).

12.44.540 Directing traffic, emergency powers. The sheriff and his deputies are hereby authorized to direct all waterborne traffic either in person or by means of visible or audible signal in conformance with the provisions of this chapter; provided, that where necessary to expedite waterborne traffic, or to prevent or eliminate congestion or to safeguard persons or property, such officers and other authorized officers of appropriate governmental agencies or authorities, may direct waterborne traffic as conditions may require, notwithstanding the provisions of this chapter. (Res. 28232 § 40, 1964).

12.44.550 Boating advisory commission.

A. There is hereby established a boating advisory commission composed of such members as may be selected by the county executive and approved by the county council.

B. The boating advisory commission shall recommend to the county council ways and means for improving boating conditions. The commission shall meet upon the call of the chairman.

C. The members shall select the chair of the commission from their membership. The sheriff shall furnish from his regular staff the necessary secretarial and support services and materials required by the commission. (Ord. 11718 § 1, 1995: Ord. 1008 § 1, 1971: Res. 28232 § 42, 1964).

12.44.560 Appeal of denial for license, permit or authority. If any license, permit or authority which may be granted under this chapter is denied, such denial may be appealed to the King County board of appeals by filing written notice of such appeal with the office of the clerk of the council within ten days of such denial. (Ord. 1235 § 7, 1972: Res. 28232 (part), 1964).

12.44.570 Penalty. Except where the violation is classified as a misdemeanor, violation of any provision of this chapter is an infraction consistent with chapter 7.84 RCW, as it currently reads or is revised. It is a misdemeanor for any person to commit a violation designated as an infraction under this chapter, if during a period of three hundred sixty-five days the person has previously committed two infractions for violating the same provision under this chapter and if the violation is also committed during such period and is of the same provision as the previous violations. (Ord. 11752 § 1, 1995: Res. 28232 § 41, 1964).

12.44.580 Preservation of actions. This resolution shall not affect pending actions or proceedings, civil or criminal, or defenses thereto, but the same may be prosecuted or defended with the same effect as though this chapter had not been passed. (Res. 28232 § 43, 1964).

12.44.590 Severability. In the event any section or provision of this resolution shall be held invalid or of no effect, such decision shall not affect the validity of any other section or provision thereof. (Res. 28232 § 44, 1964).

12.44.600 Lake Washington restrictions.

A. No motor powered water craft shall be operated in excess of five miles per hour on the following portion of Lake Washington:

Commencing at the intersection of the centerlines of 60th Avenue Northeast and Northeast 180th Street in King County; thence South to the shoreline of Lake Washington, which shall be the true point of beginning; thence due South from such point three thousand feet; thence in an Easterly, Northeasterly direction, more or less, to a point on the shoreline of Lake Washington located midway between the extensions of the centerlines of Northeast 170th Street and Northeast 165th Street, King County, Washington.

B. The provisions contained in Section A shall not apply to aircraft landing, taxiing, or ascending from Lake Washington. Each person operating an aircraft on the water, shall insofar as possible, keep clear of all vessels and avoid impeding their navigation.

C. Such off-site/on-site control devices as navigational buoys, speed limit signs, night lights, safety signs, and other devices as deemed appropriate, shall be installed, per the provisions contained in Motion 4482 and Ordinance 4933. (Ord. 5996 §§ 1-3, 1982).

12.44.610 Shadow Lake Restriction. It is unlawful to use or operate any internal combustion engine on Shadow Lake, legally defined as "All the water of Shadow Lake, previously known as Spoon Lake, located in SE 1/4 of Section 7, Township 22N., Range 6E., W.M., in King County, Washington"; PROVIDED THAT, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 6015, 1982).

12.44.710 Authority of Officers to Board Boats. Commissioned officers of the King County department of public safety are hereby given the authority to board any vessel or watercraft found underway in the waters of the county of King for the purpose of inspection and enforcement of this chapter.
(Ord. 6261 § 13, 1982).

12.44.720 Interlocal Cooperation. Nothing in this chapter shall preclude the county of King from entering into interlocal agreements with cities and towns within the county for the administration and enforcement of this chapter. (Ord. 6261 § 14, 1982).

12.44.730 Enforcement. It shall be the duty of the department of public safety to enforce all sections of this chapter. (Ord. 6261 § 3, 1982).

12.44.740 Lake Desire Restriction. It is unlawful to use or operate any internal combustion engine on Lake Desire, legally defined as "All the water of Lake Desire located in the SE 1/4 of Section 25 and East 1/2 of Section 36, Township 23N., Range 5 E, W.M., in King County, Washington"; PROVIDED THAT, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 160, 2001: Ord. 6355, 1983).

12.44.750 Shady Lake Restriction. It is unlawful to use or operate any internal combustion engine on Shady Lake, legally defined as "All the water of Shady Lake, also known as Mud Lake, located in the N. 1/2 of the N.E. 1/4 of Section 1, Township 22 North, Range 5 E., W.M., and in the S. 1/2 of the S.E. 1/4 of Section 36, Township 23 N., Range 5 E., W.M., in King County, Washington"; PROVIDED THAT, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 161, 2001: Ord. 6384, 1983).

12.44.760 Lake Joy Restriction. It is unlawful to use or operate any internal combustion engine on Lake Joy, legally defined as "All the waters of Lake Joy located in Section 26 and Section 35, Township 26 North, Range 7E, W.M., in King County, Washington;" PROVIDED THAT, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 162, 2001: Ord. 6889, 1984).

12.44.770 Lake Walker Restriction. It is unlawful to use or operate any internal combustion engine on Lake Walker, legally defined as "All the water of Lake Walker located in the Western half of Section 34, Township 21 North, Range 7E, W.M., in King County, Washington;" PROVIDED THAT, noting in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 163, 2001: Ord. 6909, 1984).

12.44.780 Ronald Bog restrictions. It is unlawful to use or operate any internal combustion engines or electric engines on Ronald Bog, legally defined as all the water of Ronald Bog located within Section 8, Township 26N, Range 4 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 164, 2001: Ord. 8847, 1989).

12.44.790 Lake Dolloff restrictions. It is unlawful to use or operate any internal combustion engine on Lake Dolloff, legally defined as all the water of Lake Dolloff located within Section 10, Township 21 North, Range 4 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 165, 2001: Ord. 9860, 1991).

12.44.800 Lake Killarney restrictions. It is unlawful to use or operate any internal combustion engine on Lake Killarney, legally defined as all the water of Lake Killarney located within Sections 21, 22, 27 and 28, Township 21 North, Range 4 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 166, 2001: Ord. 10311, 1992).

12.44.810 Lake Holm restrictions. It is unlawful to use or operate any internal combustion engine on Lake Holm, legally defined as all the water of Lake Holm (formerly Neilson Lake) located within the SE 1/4 of Section 14, Township 21 North, Range 5 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14199 § 167, 2001: Ord. 10758, 1993).

12.44.820 Lake Wilderness restrictions.

A. It is unlawful to use or operate any internal combustion engine on Lake Wilderness, legally defined as all the water of Lake Wilderness lying within the East half of Section 21, Township 22 North, Range 6 East, W.M., West half of Section 22, Township 22 North, Range 6 East, W.M., and the Northwest quarter of Section 27, Township 22 North, Range 6 East, W.M., in King County, Washington; provided that, nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties.

The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs.

B. Consistent with K.C.C. 12.44.070, no watercraft equipped with motor propulsion other than internal combustion shall be operated on Lake Wilderness at a speed in excess of eight miles per hour. (14199 § 168, 2001: Ord. 12433 § 1, 1996).

12.44.830 Lake Twelve restrictions.

A. It is unlawful to use or operate any internal combustion engine, including remote-controlled, gasoline-powered model boats, on Lake Twelve, defined as all the water of Lake Twelve lying within Section 12, Township 21, Range 6 as well as Section 7, Township 21, Range 7; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing their authorized duties.

B. The department of transportation shall have the responsibility of posting and maintaining appropriate signs. (Ord. 12767 § 2, 1997).

12.44.840 Lake Langlois restriction.

A. It is unlawful to use or operate any internal combustion engine, including remote-controlled, gasoline-powered model boats, on Lake Langlois, defined as all the water of Lake Langlois lying within Sections 22 and 23, Township 25, Range 7; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing their authorized duties. The department of transportation shall have the responsibility of posting and maintaining appropriate signs.

B. Consistent with K.C.C. 12.44.070, no watercraft equipped with motor propulsion other than internal combustion shall be operated on Lake Langlois at a speed in excess of eight miles per hour. (Ord. 13202 § 1, 1998).

12.44.850 Lake Alice restriction.

A. It is unlawful to use or operate any internal combustion engine on Lake Alice, defined as all the water of Lake Alice lying within Section 27, Township 24N, Range 7E provided, that nothing in this section shall be construed to prevent any public official or construction company from performing their authorized duties.

B. The department of transportation shall have the responsibility of posting and maintaining appropriate signs. (Ord. 14240 § 1, 2001).

12.44.860 Ames Lake restrictions. It is unlawful to use or operate any internal combustion engines on Ames Lake; provided, that nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. the department of natural resources and parks is authorized to post and maintain the appropriate signs. (Ord. 14478 § 1, 2002).

12.44.865 Lake Geneva restriction. It is unlawful to use or operate any internal combustion engine on Lake Geneva, legally defined as all the water of Lake Geneva located within Section 22, Township 21 North, Range 4 East, W.M., in King County, Washington, though nothing in this section shall be construed to prevent any public official or construction company from performing authorized duties. The department of natural resources and parks shall have the responsibility of posting and maintaining appropriate signs. (Ord. 15886 § 1, 2007).

12.44.1000 Emergency rescues. The restrictions in this chapter shall not preclude the use of boats powered by internal combustion engines for emergency rescues. (Ord. 13202 § 2, 1998).

Chapter 12.45
BOAT TAX

Sections:

12.45.010 Tax levied.
12.45.020 Rate.
12.45.030 Collection of tax.
12.45.040 Use of tax.
12.45.050 Interlocal agreements.
12.45.060 Compliance and penalty.
12.45.070 Effective date.
12.45.080 Definitions.
12.45.090 Washington State department of revenue access to tax information - authorization.

12.45.010 Tax levied. There is hereby levied a tax, as authorized by Laws of 1983, 2nd Ex. Sess., Chapter 3, § 49(1)*, upon the privilege of using vessels moored or stored in the County of King. The tax shall be collected from the owners of vessels subject to the Laws of 1983, Chapter 7, as amended by 2nd Ex. Sess., Chapter 3, and any succeeding amendments enacted by the Washington State Legislature. (Ord. 6595 § 1, 1983).

***Reviser's note: Chapter 3, Laws of Washington 1983, 2nd ex. sess., Section 49, was repealed by Chapter 244, Laws of Washington 1993, Section 41.**

12.45.020 Rate. The annual rate of the tax imposed by K.C.C. 12.45.010 shall be fifty cents ($.50) per lineal foot of the vessel moored or stored in the County of King. (Ord. 6734, 1984: Ord. 6595 § 2, 1983).

12.45.030 Collection of tax. The King County executive shall administer and collect the tax imposed by this chapter in accordance with the provisions of the Laws of 1983, 2nd Ex. Sess., Chapter 3, and any succeeding amendments enacted by the Washington State Legislature. (Ord. 6595 § 3, 1983).

12.45.040 Use of tax. Pursuant to laws of 1983, 2nd Ex. Sess., Chapter 3, monies collected under this chapter shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols. (Ord. 6595 § 4, 1983).

12.45.050 Interlocal agreements. The county executive is hereby authorized to enter into an interlocal agreement with any cities within the county pursuant to the Laws of 1983, Chapter 7, as amended by 2nd Ex. Sess., Chapter 3, and any succeeding amendments enacted by the Washington State Legislature. (Ord. 6595 § 5, 1983).

12.45.060 Compliance and penalty. A person liable for the tax imposed by K.C.C. 12.45.010 hereof who fails or refuses to pay the tax and display proper evidence of compliance with the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to fifty-five dollars ($55.00). A person, other than an owner, who operates a vessel, the use of which is subject to taxation under K.C.C. 12.45.010 hereof, who does not display proper evidence of compliance with the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of up to fifty-five dollars ($55.00). Any fines shall be in addition to the tax required. (Ord. 6595 § 6, 1983).

12.45.070 Effective date. This chapter shall take effect on January 1, 1984 or the effective date of an interlocal agreement under K.C.C. 12.45.050 between King County and the City of Seattle, whichever date is later. This chapter shall remain in effect as long as there is an effective interlocal agreement between King County and the City of Seattle. (Ord. 6595 § 7, 1983).

12.45.080 Definitions. For the purpose of this chapter, words used herein that are defined in the Laws of 1983, Chapter 7, as amended by 2nd Ex. Sess., Chapter 3, and any succeeding amendments enacted by the Washington State Legislature, shall take the defined meaning. (Ord. 6595 § 8, 1983).

12.45.090 Washington State department of revenue access to tax information-authorization. The department of revenue of the State of Washington is hereby authorized access to tax information set forth in RCW 82.32.330, and RCW 84.40.340 and any other provision of Title 82 or 84 RCW, upon substantially the same conditions as tax information is authorized to be disclosed by the department of revenue to King County taxing officials pursuant to RCW 82.32.330, 84.40.340, and 42.17.310, as each now exists or is hereafter amended. The county executive and the county assessor are authorized to execute agreements on behalf of the King County, consistent with the access herein granted. Tax information received by King County pursuant to such agreements is exempt from disclosure under the Public Disclosure Act and remains privileged and confidential pursuant to RCW 82.32.330. (Ord. 12274 § 3, 1996).

Chapter 12.46
MOORAGE AND ANCHORAGE REGULATIONS

Sections:

12.46.010 Purpose.
12.46.020 Definitions.
12.46.030 Applicability.
12.46.040 Unlawful acts.
12.46.050 Anchoring and mooring permit required.
12.46.060 Temporary anchorage or moorage.
12.46.070 Exemptions.
12.46.080 Application procedures.
12.46.090 Permit renewals and extensions.
12.46.100 Suspension and revocation.
12.46.110 Assignment of permit.
12.46.120 Lights and audible devices.
12.46.130 Declaration of nuisance.
12.46.140 Right of entry.
12.46.150 Impoundment.
12.46.160 Impoundment-in-place.
12.46.170 Abatement.
12.46.180 Violation - Penalty.
12.46.190 Appeals.
12.46.200 Rulemaking.
12.46.210 Severability.

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12.46.010 Purpose. The King County council finds that the unregulated anchoring and moorage of vessels, watercraft and obstructions in waters within unincorporated areas and inside the geographical boundaries of King County constitute a hazard to navigation and to the safety and health of citizens of King County. The purpose of this chapter is to provide a reasonable means of regulating such anchoring and moorage through a permit system, administered and enforced by the department of public safety, which will protect public safety, health and navigation while allowing for reasonable uses of the surface waters of the county. (Ord. 4257 § 1, 1979).

12.46.020 Definitions. As used in this chapter, the following words and terms shall have the meanings set forth herein:

A. "Anchorage" means a designated position where vessels or watercraft may anchor or moor.

B. "Anchor" means the act of making a vessel, watercraft or obstruction secure to the bed of any body of water through use of a direct connection between the vessel, watercraft or obstruction and the bed.

C. "Boat" means any contrivance up to sixty-five feet in length overall, used or capable of being used as a means of transportation on water.

D. "Director" means the sheriff of the King County department of public safety or his designee.

E. "Master" means the captain, skipper, pilot or any other person having charge of any vessel or watercraft and shall include any agent or employee of such person.

F. "Moor" means the act of securing a vessel, watercraft or obstruction either to a lawfully installed pier or to a lawfully installed anchored buoy or float.

G. "Obstruction" means any vessel or watercraft or any matter which may in any way blockade, interfere with or endanger any vessel or watercraft or impede navigation, or which cannot comply with the "Pilot Rules for Certain Inland Waters of the Atlantic and Pacific Coasts and of the Coast of the Gulf of Mexico" (C.F. 236479).

H. "Owner" means the person who has lawful possession of a vessel or watercraft or obstruction by virtue of legal title or equitable interest therein which entitles him to such possession, and includes any agent or employee of such person.

I. "Person" means and includes natural persons, associations, copartnerships and corporations, whether acting by themselves or by a servant, agent or employee; the singular number, when necessary, means the plural, and the masculine pronoun includes the feminine.

J. "Pier" means any pier, dock, wharf or other structure built in or over or floating upon the water, extending from the shoreline, which may be used as a landing place to promote the loading or unloading of vessels or watercraft for recreational or commercial purposes.

K. "Vessel" means any contrivance one hundred ten feet or more in length overall, used or capable of being used as a means of transportation on water.

L. "Watercraft" means any contrivance less than one hundred ten feet in length overall and at least sixty-five feet in length overall, used or capable of being used as a means of transportation on water. Aircraft, cribs or piles, shinglebolts, booms of logs, rafts of logs and rafts of lumber shall not be included within the terms "watercraft" or "vessel", but shall be included within the term "obstruction" when they are anchored or moored and obstructing any navigable channel. (Ord. 12904 § 5, 1997: Ord. 4257 § 2, 1979).

12.46.030 Applicability. This chapter shall apply to vessels, watercraft and obstructions located in lakes, rivers, streams, tidewaters and any other waters within unincorporated areas and inside the geographical boundaries of King County; provided, that any such vessels, watercraft or obstructions presently anchored or moored in such waters shall have sixty days from the effective date of the ordinance codified in this chapter, to achieve compliance therewith; provided, further, that this chapter shall not apply to boats. (Ord. 4257 § 3, 1979).

12.46.040 Unlawful acts. It is unlawful to anchor, moor, beach, ground or otherwise secure any vessel, watercraft or obstruction to the bed or shoreline of any waters or to any shoreline structure except under the following specific conditions:

A. Where anchored or moored in compliance with the temporary anchorage and moorage provisions contained in Section 12.46.060;

B. Where anchored or moored under authority of a valid and effective permit issued to the owner or master by the director in accordance with Sections 12.46.050 and 12.46.070;

C. Where authorized or directed in writing by the United States Army Corps of Engineers or the United States Coast Guard to anchor, moor or otherwise locate in a specific area so designated by the federal agency for that particular purpose;

D. Where moored to a private pier with the permission of the owner or lessee of the real property to which the pier is attached; provided, that the vessel, watercraft or obstruction so moored shall remain within the legal property waterline or the established boundaries as defined by the appropriate government agency;

E. Where moored to a public pier, buoy or float, specifically intended for public use, in a manner consistent with any posted regulations displayed on-site or any applicable laws, rules or regulations of the public agency with jurisdiction over use of such public property; or

F. Where the vessel, watercraft or obstruction is exempted from the permit requirements of this chapter by Section 12.46.070. (Ord. 4257 § 4, 1979).

12.46.050 Anchoring and mooring permit required. Any owner or master who desires to anchor or moor his vessel, watercraft or obstruction and who is not temporarily at anchor or moored in compliance with K.C.C. 12.46.060, shall apply for and obtain from the director a conditional permit prior to anchoring or mooring such craft. Issuance of such permit shall be subject to compliance with the following conditions, as determined by the director:

A. LESS THAN THIRTY DAYS DURATION.

1. The moorage or anchorage shall be compatible with the general public use of the requested area and with the existing land use and land use planning in the vicinity;

2. The moorage or anchorage shall not deprive or materially interfere with the reasonable water access of properties adjacent to or in the vicinity of the requested water area, nor shall the moorage or anchorage encroach on or over privately owned property without the consent of the property owner;

3. No public food sales or retail sales of any other kind, charged or donated admission, holding of animals or fowl, or storage of toxic chemicals or petroleum products (except for propulsion of the craft) shall be permitted without first having obtained all legally required inspections and permits, approvals or licenses from the public agencies with jurisdiction, including but not limited to the Seattle-King County department of public health; the King County departments of public safety, natural resources and parks, development and environmental services and executive services, and the appropriate fire district;

4. Moorage or anchorage for purpose of residential use shall not be permitted;

5. The applicant shall provide to the director and maintain during the period of the permit a bond, cash deposit or sight irrevocable letter of credit from a reputable lending institution approved by the director in an amount specified by the director, but not to exceed five hundred thousand dollars, sufficient to cover the potential cost of removal of the watercraft, vessel or obstruction in the event of sinking; and in the event of adjacent publicly owned structures, the cost of repair thereof in event of collision;

6. The applicant shall provide to the director written proof from the auditor or comptroller of the vessel's or watercraft's home port or principal place of business or use showing that all current taxes and assessments are paid; and

7. The applicant shall execute and deliver to the director upon a form supplied by the director an agreement in writing and acknowledged by the applicant to hold and save harmless the County of King from any and all claims, actions or damages of every kind and description which may accrue to, or be suffered by, any persons by reason of or related to the use and occupation of the waters by the permit holder.

B. THIRTY DAYS OR GREATER DURATION.

1. All conditions necessary for a permit of less than thirty days' duration must be met, except that the bond, cash deposit or sight irrevocable letter of credit from a reputable lending institution approved by the director shall not exceed one million dollars;

2. The applicant shall provide to the director a certificate of seaworthiness from a marine surveyor who is certified by the National Association of Marine Surveyors or from a person certified by a similar professional organization acceptable to the director, except this condition shall not apply to obstructions;

3. Maximum duration shall be three hundred sixty-five days, subject to renewal in accordance with K.C.C. 12.46.090.

C. DISCRETIONARY CONDITIONS. In addition to the mandatory conditions specified above, the director may, within his reasonable discretion, require that any one or combination of the following conditions be met:

1. That the applicant, prior to issuance of the permit, provide and maintain in full force and effect while the permit is in force, public liability insurance in an amount specified by the director sufficient to cover potential claims for bodily injury, death or disability and for property damage, which may arise from or be related to the applicant's use of the waters, naming the County of King as an additional insured;

2. That the vessel, watercraft or obstruction connect its plumbing system to the nearest available county sanitary sewers;

3. That the vessel, watercraft or obstruction permit the moorage of vessels or watercraft alongside and access thereto;

4. That the vessel, watercraft or obstruction be removed as soon as privately owned or controlled moorage space becomes available; or

5. Any other condition reasonably related to protecting the public safety, health or welfare. (Ord. 14199 § 169, 2001: Ord. 4257 § 6, 1979).

12.46.060 Temporary anchorage or moorage. Any vessel or watercraft may anchor or moor without being subject to the permit requirements of Sections 12.46.050 and 12.46.070; provided, that the vessel or watercraft does not remain within a one-mile radius of the original anchorage or moorage for a period longer than seventy-two hours out of any one hundred twenty-hour period. (Ord. 4257 § 5, 1979).

12.46.070 Exemptions. The following vessels, watercraft and obstructions are exempt from the permit requirements of this chapter:

A. Where owned, leased or under the control of licensed and bonded marine contractors at the site of and necessary for the completion of a construction project which has received all necessary federal, state and local permits, approvals and licenses; and

B. Where anchorage or moorage is necessary because of an emergency situation created by an immediate threat to life, the craft and/or the property of others. (Ord. 4257 § 7, 1979).

12.46.080 Application procedures.

A. Any person may apply for an anchoring and mooring permit by submitting to the director a written application stating the owner's and master's name, address and telephone number; the type, description and size of the vessel, watercraft or obstruction; the reason for the application; the area of proposed anchorage or moorage, readily identifiable on a current chart or map; a description of the means by which the vessel, watercraft or obstruction will be anchored or moored; and the length of time, including inclusive dates, for which the permit is desired.

B. The director may process the application in conjunction with review of an application for a United States Army Corps of Engineers permit, if such a permit is required.

C. The application shall be referred to the Department of Planning and Community Development for comment and recommendation thereon.

D. In the event that the director determines that granting the permit might deprive or materially interfere with reasonable water access of privately or publicly owned properties, the director shall notify such property owners and/or public agencies in writing and give them a reasonable time to comment on the application.

E. The director is authorized to impose on the applicant reasonable fees designed to reimburse the county for processing of the application and administration of the permit system, including any notice or publication required under this chapter. Fees shall be set by a schedule promulgated by the director through appropriate rules and regulations. Where anchorage is exclusively for the public benefit, such as the Sea Scouts, Maritime Schooling Vessels, or scientific research, such fees may be reduced or waived for a period of time not to exceed six months. (Ord. 4257 § 8, 1979).

12.46.090 Permit renewals and extensions.

A. Any permit may be renewed for the same or a different duration under the terms, conditions and procedures specified in this chapter for original applications; provided, that for renewal applications which, when considered together with the original permit or previous renewals, would create a continuous usage in excess of three hundred sixty-five days, the director shall take the following additional steps in processing the application:

1. Cause to be published in a county newspaper of general circulation a notice of the application soliciting public comment;
2. Post such notice in prominent places in the immediate vicinity of the moorage or anchorage; and
3. Notify and solicit comment from the State Commissioner of Public Lands.

B. The director may extend a permit past its expiration date if mechanical or structural failures or acts of nature have occurred which would make moving unsafe and a threat to life, the craft and/or property of others. The sole inability of a vessel, watercraft or obstruction to propel itself shall not, however, constitute grounds for an extension. (Ord. 4257 § 9, 1979).

12.46.100 Suspension and revocation. The director may upon written notice suspend or revoke permanently any permit previously granted under this chapter for any one or more of the following causes:

A. Failure of the holder to comply with any requirement of this chapter or rule or regulation adopted thereunder, or with any term or condition of the permit, or with any written notice from the director ordering corrective measures;

B. Failure of the holder to comply with any federal, state or local law, ordinance, rule or regulation pertaining to the subject craft or its use;

C. Discovery by the director that the permit was issued by mistake or on incorrect information or by the fraud of the applicant; or

D. Interference by the applicant, owner, master or any agent or employee thereof, with the director or any other county official or employee in the performance of his legal duties. (Ord. 4257 § 10, 1979).

12.46.110 Assignment of permit. The anchoring and mooring permit is personal to the grantee and shall not be assigned except with the written consent of the director. (Ord. 4257 § 11, 1979).

12.46.120 Lights and audible devices. All vessels, watercraft and obstructions which are anchored or moored must comply with federal, state and local laws, ordinances, rules and regulations pertaining to the display of lights, sounding of audible devices and obstruction of navigation. (Ord. 4257 § 12, 1979).

12.46.130 Declaration of nuisance. All violations of this chapter are determined to be detrimental to the public safety, health and welfare and are declared public nuisances subject to abatement. (Ord. 4257 § 13, 1979).

12.46.140 Right of entry. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of this chapter, or whenever the director or his duly authorized inspector has cause to believe that a violation of this chapter has been or is being committed, the inspector may board and enter any vessel, watercraft or obstruction at reasonable times to inspect the same, subject to the following conditions:

A. If such craft is occupied, the inspector shall present identification credentials, state the reason for the inspection, and demand entry;

B. If such craft is unoccupied, the inspector shall first make a reasonable effort to locate the owner, master or other persons having charge or control of the craft and demand entry. If the inspector is unable to locate the owner, master or such other persons, and he has reason to believe that conditions therein create an immediate and irreparable safety or health hazard, he shall make entry;

C. It is unlawful for any owner, master or any other person having charge, care or control of such craft to fail or neglect after proper demand has been given to permit prompt entry thereon where the inspector has reason to believe that conditions therein create an immediate and irreparable safety or health hazard;

D. Unless entry is consented to by the owner, master or person in control of the craft or conditions are believed to exist which create an immediate and irreparable safety or health hazard, the inspector, prior to entry, shall obtain a search warrant as authorized by the laws of the state of Washington. (Ord. 4257 § 14, 1979).

12.46.150 Impoundment.

A. GROUNDS. The director may take immediate possession of and impound any vessel, watercraft or obstruction under the following conditions:

1. The vessel, watercraft or obstruction is moored or anchored after expiration, suspension, revocation or violation of an anchoring and mooring permit or appears after reasonable investigation to be abandoned; or

2. The vessel, watercraft or obstruction is in violation of this chapter and remains at anchor or moored seventy-two hours after service on the owner or master, either personally or by registered or certified mail, of an order from the director to remove the same; or

3. The vessel, watercraft or obstruction appears after reasonable investigation to be unsafe or incapable of water transportation.

B. REMOVAL. The director may remove any vessel, watercraft or obstruction using such methods as in his judgment will prevent unnecessary damage to such vessel, watercraft or obstruction and/or assign the removal and impounding of such vessel, watercraft or obstruction to a private corporation.

C. EXPENSES. In the event possession is taken of any vessel, watercraft or obstruction the expenses incurred by the county in the removal, towing, impounding and moorage of the same shall be paid by such craft or the owner, master or other person in charge thereof. When a vessel, watercraft or obstruction is moored or impounded at a county facility, the director shall assess a reasonable moorage charge therefor, which shall be paid by such craft or the owner, master or other person in charge thereof. The director may decline to release possession of any vessel, watercraft or obstruction until all charges are paid.

D. SALE AT AUCTION. In the event a vessel, watercraft or obstruction shall remain impounded for ninety days and the charges of towing and impounding remain unpaid, the director may sell the same at public auction. The county may maintain an action against the owner, master or person in charge of the vessel, watercraft or obstruction for the recovery of the expenses of towing and impounding, or the remaining balance thereof, in the event of sale of the same.

E. LIABILITY. The director shall not be held personally responsible for damages incurred as a result of impound of a vessel, watercraft or obstruction so long as reasonable practices are employed in such operation. (Ord. 4257 § 15, 1979).

12.46.160 Impoundment-in-place. When taking possession of a vessel, watercraft or obstruction as authorized by Section 12.46.150, the director may impound the vessel, watercraft or obstruction in place by posting the same with one or more signs or notices in conspicuous places stating "POLICE IMPOUND - KEEP OFF" and notifying the owner, master or person in charge of the impounding. The director may in his discretion appoint as custodian the owner or master, or the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it shall be unlawful for any person:

A. To move, load or unload, rebuild, or enter upon such vessel, watercraft or obstruction without written permission from the director, other than for necessary maintenance and repair to prevent deterioration of the same or sinking;

B. To remove, mutilate, destroy or conceal any notice or sign posted by the director or any other county official or employee under authority of law. (Ord. 4257 § 16, 1979).

12.46.170 Abatement.

A. In addition to or as an alternative to any other judicial or administrative remedy provided in this chapter or by law or other ordinance, the director may order a condition in violation of this chapter to be abated. The director may order any person who creates or maintains such a violation to commence corrective work and to complete the work within such time as the director determines reasonable under the circumstances.

B. If the required corrective work is not commenced or completed within the time specified, the director may proceed to abate the violation and cause the necessary work to be accomplished. King County shall have a lien for the cost of the work accomplished pursuant to this ordinance, which shall be the joint and separate personal obligations of the person or persons responsible for the violation. The director shall cause a claim for lien to be recorded with the records and licensing services division, or its successor agency.

C. The lien created by this chapter shall be paramount to all other liens, except for federal, state and county taxes, with which it shall be on a parity. The prosecuting attorney on behalf of King County may collect the abatement work costs by use of all appropriate legal remedies, including foreclosure of the lien. (Ord. 15971 § 67, 2007: Ord. 14176 § 1, 2001: Ord. 4257 § 17, 1979).

12.46.180 Violation - Penalty. As an alternative to any other judicial or administrative remedy provided in this chapter or by law or other ordinance, any person who violates this chapter or any rule and regulation adopted thereunder, or any written order issued by the director pursuant to this chapter, or by each act of commission or omission procures, aids or abets such violation, is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed five hundred dollars and by imprisonment in the county jail for a term not to exceed ninety days. Each day such violation continues shall be considered an additional misdemeanor offense. (Ord. 4257 § 18, 1979).

12.46.190 Appeals. Any person aggrieved by the granting or denial of an anchoring and mooring permit authorized by Section 12.46.050 may appeal such action to the King County Board of Appeals by filing written notice of appeal with the office of the clerk of the King County Council within ten days of such granting or denial. The board shall conduct such hearing or hearings as are necessary, in accordance with Article 7 of the Charter and its rules of practice and procedure, to determine whether the county action is in compliance with the standard set forth in this chapter. (Ord. 4257 § 20, 1979).

12.46.200 Rulemaking. The director may promulgate appropriate rules and regulations, in accordance with KCC Chapter 2.98, to implement the standards and provisions of this chapter. (Ord. 4257 § 19, 1979).

12.46.210 Severability. Should any chapter, section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 4257 § 21, 1979).

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Chapter 12.47
RENTAL HOUSING SAFETY

Sections:

12.47.010 Definitions.
12.47.020 Landlord - duties - notice by sheriff - infraction.
12.47.030 Assistance - request - provision.
12.47.040 Violations - infraction - proceedings - appeals.

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12.47.010 Definitions.

A. "Criminal conduct" means reasonable and articulable suspicion by a sworn law enforcement officer that:

1. A "most serious offense" has occurred as defined in RCW 9.94A.030;
2. Drug-related activity pursuant to RCW 59.18.130 has occurred on the rental property; and
3. Furnishing liquor to persons under twenty-one years of age or furnishing to a premise of persons under twenty-one years of age to consume liquor pursuant to RCW 66.44.270(1) has occurred on the rental property.

B. "Landlord" means:

1. The owner, lessor or sublessor of the dwelling unit or the rental property of which it is a part and a person designated as a representative of the landlord;
2. A person or business entity such as a corporation, limited liability corporation, partnership, or agency that owns, operates or manages rental housing or rental property; and
3. A person, designated by the landlord, who has authority to sign a lease or rental agreement.

C. "Sheriff's office" means the King County sheriff's office or a law enforcement officer who has general authority, limited authority or specially commissioned Washington state peace officer, or any federal peace officer, as those terms are defined by chapter 10.93 RCW.

D. "Reasonable steps to reduce the likelihood that criminal conduct will recur on the property" means that the landlord reports criminal conduct that occurs on the property whenever the commission of criminal conduct on the rental property is known or suspected, and that the landlord takes steps to prevent the recurrence of crime, which may include, but are not limited to, one of the following:

1. The landlord and on-site managers of the rental property show proof of attendance in at least a three-hour landlord training class. Training may be provided by local police departments, rental housing associations, on-line training or any other training program approved by the sheriff's office. The training must be about rental property management, crime free properties, tenant screening or landlord-tenant law;
2. The landlord pursues eviction to judgment of the tenant who is the subject of a notice issued in accordance with section 4.B. of this ordinance, and begins the eviction process within thirty days after the third notice is issued; or
3. The landlord requests the county's assistance in accordance with section 5 of this ordinance.

E. "Rental agreement" or "lease" has the same meaning as "rental agreement" defined in RCW 59.18.0301.

F. "Rental housing" or "rental property" means a rental housing facility that is rented or intends to be rented, is located on a single parcel or lot and for which a postal address exists or may exist for each individual unit, and the common areas and appurtenances to the rental housing facility. "Rental housing" or "rental property" includes any mobile home park or manufactured housing community as those terms are defined by RCW 59.20.030. "Rental housing" or "rental property" does not include the following:

1. A retail, commercial or industrial rental;
2. A registered and licensed nursing home; or
3. A properly registered and licensed assisted living facility.

G. "Tenant" has the same meaning as "tenant" in RCW 59.18.030 and 59.20.030. (Ord. 16223 § 3, 2008).

12.47.020 Landlord - duties - notice by sheriff - infraction.

A. A landlord shall ensure that its rental property is not used for criminal conduct. If a landlord is notified by the sheriff's department that criminal conduct has occurred on the property, the landlord shall take reasonable steps to reduce the likelihood that criminal conduct will reoccur on the rental property. Repeated criminal conduct committed by tenants or guests on the rental property shall result in a civil infraction chargeable to the landlord.

B. Upon the occurrence of criminal conduct on the rental property, the sheriff's office may cause notice to be sent to the landlord setting forth the date of the occurrence, the location of the occurrence, the nature of the occurrence and the name of the person who engaged in the criminal conduct. Notice may be sent whenever the sheriff's office has probable cause to believe that criminal conduct has occurred on the rental property. Notice is deemed properly delivered when it is either served upon the landlord or a property manager of the rental property by certified mail to the last known address of the landlord. The issuance of the notice in this subsection is a prerequisite to the issuance of a notice of infraction under subsection C. of this section, and the issuance of the civil infraction under subsection C. of this section constitutes the notice of the fourth instance of criminal conduct.

C. If a landlord receives more than three notices under subsection B. of this section regarding instances of criminal conduct committed in the same dwelling unit or anywhere on the rental property by the same tenant or any guest of the tenant within any six-month period, the landlord is guilty of a civil infraction if they have not taken reasonable steps to reduce the likelihood that criminal conduct will reoccur on the rental property. If the criminal conduct is committed by guests of the tenant, the county need not establish that the criminal conduct was committed by the same guest. Each instance of criminal conduct committed in the same dwelling unit or anywhere on the rental property by the same tenant or any guest of the tenant in excess of three instances of criminal conduct in a six-month period is an additional civil infraction chargeable to the landlord. (Ord. 16223 § 4, 2008).

12.47.030 Assistance - request - provision.

A. A request for the assistance of the county in accordance with this section is considered a reasonable step to reduce the likelihood that criminal conduct will recur for the next single violation on the rental property, but only if:

1. The landlord cooperates with the county's assistance and takes reasonable measures to implement the suggested methods of the county to reduce the recurrence of criminal conduct on the rental property; and

2. A request for assistance does not relieve the landlord of the duty to comply with this chapter.

B. When criminal conduct occurs on rental property, or the occurrence of criminal conduct on the rental property is suspected by the landlord, the landlord may request the assistance of the sheriff's office in taking steps to reduce the likelihood that criminal conduct will recur on the rental property. The county shall assist landlords when such a request is made. The assistance may include, but is not limited to, the following:

1. Providing the landlord with disclosable information relating to the criminal conduct that occurred on the rental property;

2. Having a law enforcement officer communicate with the tenant suspected of engaging in the criminal conduct regarding the ramifications of continued criminal conduct; and

3. Providing the landlord with resources available to assist the landlord in pursuing eviction of the tenant.

C. The sheriff's office may work with other agencies providing advice to rental property owners or tenants in providing assistance under this section. (Ord. 16223 § 5, 2008).

12.47.040 Violations - infraction - proceedings - appeals.

A. A violation of this chapter is a class 2 civil infraction for the first offense and a class 1 civil infraction for each offense after punishable under chapter 7.80 RCW.

B. Except as set forth in this chapter and except as other rules apply, the Infraction Rules for Court of Limited Jurisdiction (IRLJ) and all local rules and policies as promulgated by King County district court shall govern infraction proceedings and appeals of infractions filed in accordance with K.C.C. 12.47.020. (Ord. 16223 § 6, 2008).

Chapter 12.48
PISTOL SALES

Sections:

12.48.010 Definitions.
12.48.020 Sale and registration.
12.48.030 Delivery following sheriff's report.
12.48.040 Purchase unlawful for certain persons.
12.48.050 Violation.

12.48.010 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

B. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

C. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

D. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses. (Res. 35592 § 1, 1968).

12.48.020 Sale and registration. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person affecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser, and a statement signed by the purchaser that he is not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the sheriff of King County who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer. (Res. 35592 § 2, 1968).

12.48.030 Delivery following sheriff's report. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the sheriff that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the sheriff as required by Section 12.48.020, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers. (Res. 35592 § 3, 1968).

12.48.040 Purchase unlawful for certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol. (Res. 35592 § 4, 1968).

12.48.050 Violation. Any person violating or failing to comply with any of the provisions of this chapter shall be guilty of a misdemeanor. (Res. 35592 § 5, 1968).

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Chapter 12.50
SMOKING

Sections:

12.50.010 Findings.
12.50.020 Definitions.
12.50.030 Smoking prohibited - exemptions.
12.50.040 Smoking cessation classes.
12.50.050 Compliance.

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12.50.010 Findings. The King County council hereby makes the following legislative findings:

A. Authoritative experts including the U.S. Surgeon General and the National Academy of Sciences have concluded that nonsmokers may incur considerable health risk from the inhalation of cigarette smoke. According to the National Academy of Sciences, "public policy should clearly articulate that involuntary exposure to tobacco smoke has adverse health effects and ought to be minimized or avoided wherever possible.

B. Tobacco smoke coming off the burning end of a cigarette (side stream smoke) contains various substances which are irritants notably ammonia formaldehyde and acrolein, toxic gases such as carbon monoxide and hydrogen cyanide as well as numerous carcinogenic and mutagenic compounds. Side stream smoke is produced 94% of the total smoking time. Studies have shown some association between passive smoking and a broad variety of health problems, some of which may be disabling. Breathing smoke in the workplace can cause irritations of the eyes and nasal passages, headaches, coughing and respiratory problems of affected individuals. Studies have demonstrated long term exposure to indoor tobacco smoke at work produced small airway dysfunctions in nonsmokers equivalent to that found in individuals who had smoked up to ten cigarettes a day. A number of studies indicate that passive smoking is also associated with the increased risk of lung cancer.

C. For employees with preexisting health conditions, passive smoking can critically impair their ability to work. Recent court decisions have held employers responsible to employees to provide smoke free work environments or be held liable for documented discomfort, pain and illness caused to the employee by smoke in the workplace.

D. Since 1984, the county has by executive order and council motion prohibited smoking in public areas and limited employee smoking to designated areas, but the council finds such efforts to control smoking in county facilities have not eliminated the problems. A pattern of complaints has continued.

E. The county's air ventilation systems often simply remove the smoke from areas and recirculate it through the building; physical barriers separating smoking from non-smoking areas have proven inadequate. It has proven impossible to treat the conditions of each work area separately in isolation from its effects on other workers.

F. Based on an extensive review of the problems and alternatives, the King County Smoking Control Policy Committee has recommended a comprehensive and uniform ban to overcome the past problems.

G. Additional scientific studies regarding the comprehensive health problems from passive smoke in the work place are still necessary, however, based on available data it would be unwise and imprudent for the county to continue to allow chronic exposure to tobacco smoke in county facilities.

H. The council finds the provisions of this chapter are a responsible and necessary action to protect the public health and the health of its employees from risk. (Ord. 7884 § 1, 1986).

12.50.020 Definitions.

A. "Smoking" shall mean and include inhaling, exhaling, or carrying any burning tobacco or other plant matter, including but not limited to cigarettes, cigars, or pipes.

B. "Enclosed Work Area" shall mean that area closed in by a roof and walls with at least one opening for ingress and egress, with the intended use primarily for and by officers and employees of King County while conducting county business in facilities which are owned, leased or rented by King County.

C. "Common Areas" shall mean that area enclosed by a roof and walls in facilities which are owned, lease or rented by the county, including but not limited to employees lounges, lunchrooms, stairways, elevators and restrooms. (Ord. 7884 § 2, 1986).

12.50.030 Smoking prohibited - exemptions. Smoking is prohibited in all county enclosed work and common areas, whether in enclosed individual or shared office spaces, and shall include all county vehicles, and shall apply to all persons who visit enclosed work and common areas, including all officers, employees, contractors, or visitors during all hours and all days of the year. This prohibition shall become effective on July 1, 1987.

A. Exemptions. The provisions of this section shall not apply to the King County correctional facility, nor the Cedar Hills Alcoholism Treatment Center, until a plan for implementation has been developed for those facilities by a committee designated by the county executive. The implementation plans shall be completed by July 1, 1987. Implementation shall occur by January 4, 1988.

B. As part of the implementation plan, the county executive may issue and promulgate Executive Orders which will allow smoking in the county's correctional facility and the Cedar Hills Treatment Center in certain designated areas within these facilities.

C. Other exceptions.

1. Smoking may be allowed in areas of the Kingdome* that are leased to Executive Suite tenants under separate agreements, provided that appropriate measures are taken to ensure that smoke from the Executive Suites is not circulated into the general seating areas.

2. Smoking may be permitted in certain designated areas, such as in the "Top of the Dome" and in designated areas during events produced by tenants of the Kingdome*. The designated smoking areas shall be identified by the director of stadium administration, or his designee, in consultation with the major tenants. The director of stadium administration, or his designee, shall reserve the option not to allow smoking anywhere in the Kingdome* during certain events. Unless otherwise stipulated, smoking is allowed only on the exterior rampways of the Kingdome*. Smoking shall not be allowed on the Kingdome* arena floor, nor in the general seating areas.

D. Further Exceptions.

1. Should members of a collective bargaining unit determine that the smoking policy creates a situation with impacts peculiar to their particular bargaining unit, and impacts can be strictly limited to only members of their bargaining unit, an exception request may be submitted to the county's personnel manager, who will bargain in good faith with the collective bargaining representative regarding application of the county smoking policy. Provided that no exceptions will be authorized that result in exposing employees to unwelcome tobacco smoke in common or enclosed work areas.

2. Nonrepresented officers and employees who determine that the smoking policy creates a unique situation with an adverse impact on the employee while in his/her place of work and the impacts can be strictly limited to that individual, may submit an exception request to his/her department director, who shall submit the request, along with the director's recommendation, to the county's personnel manager. The personnel manager shall determine the feasibility of allowing an exception to the policy. Provided that no exceptions will be authorized that result in exposing employees to unwelcome tobacco smoke in common or enclosed work areas. (Ord. 8312, 1987: Ord. 7884 § 3, 1986).

***Reviser's note: The Kingdome was demolished March 26, 2000.**

12.50.040 Smoking cessation classes. For all county officers and employees who wish to quit smoking, the county will sponsor smoking cessation classes. It is intended that such classes would be available by January 1, 1987 or as soon thereafter as is possible. The county shall establish the cost per person of providing the county-sponsored smoking cessation classes. Officers and employees may also choose to use an alternative to the county-sponsored smoking cessation classes. The county will reimburse officers and employees participating in and completing any alternative smoking cessation program in an amount equal to the county's per employee cost for the program it sponsors. (Ord. 7884 § 4, 1986).

12.50.050 Compliance. Enforcement shall be the responsibility of the elected county officials ultimately responsible for the conduct of county employees, within the respective executive, legislative and judicial branches of King County government. However, under no circumstances shall a violation of this chapter constitute grounds for dismissal or suspension, if said violation is the sole basis for taking action against the employee. The primary objective of discipline with regard to the county's policy governing smoking in the work environment shall be to correct behavior in violation of said policy, not to punish or penalize employees who smoke. (Ord. 7884 § 5, 1986).

Chapter 12.51
TOBACCO ADVERTISING

Sections:

12.51.010 Findings.
12.51.020 Definitions.
12.51.030 Advertising prohibited in county facilities.
12.51.040 Severability.

12.51.010 Findings. The King County council hereby makes the following findings:

A. The United States Surgeon General has determined that smoking tobacco causes lung cancer and has found cigarette smoking to be as addictive as cocaine and heroin. The National Institute on Drug Abuse and the United States Public Health Service have concluded that the nicotine in tobacco is a powerful, habit-forming drug and described nicotine addiction as the most widespread example of drug dependence in our country. In addition, the American Medical Association has concluded cigarette smoking is the chief avoidable cause of death in our society.

B. The Journal of Health Politics, Policy and Law reports the tobacco industry spends more than $2 billion annually to advertise its products, equaling more than $35 for each of the nation's 56 million smokers.

C. Studies published in the Journal of the American Medical Association and the Health Education Journal establish a link between advertising and children's recognition and acceptance of tobacco products. It was found that children's favorable attitudes toward advertising and smoking precede actual tobacco use and correlate with the child's intention to smoke.

D. Tobacco advertising at publicly owned sports facilities where sporting events are broadcast on television is routinely visible during those telecasts and circumvents federal law prohibiting tobacco product advertising on television. (Ord. 10615 § 1, 1992).

12.51.020 Definitions:

A. "Advertise" shall mean to display any poster, sign, or other written or visual material which is intended to communicate commercial information or images to the public.

B. "County facility" shall mean any structure, facility, or fixture owned by or leased to King County.

C. "Tobacco product" shall mean any product containing tobacco, the prepared leaves of plants of the Nicotiniana family, including but not limited to cigarettes, loose tobacco, cigars, snuff, chewing tobacco, or any other preparation of tobacco. (Ord. 10615 § 2, 1992).

12.51.030 Advertising prohibited in county facilities. Tobacco product advertising prohibited in county facilities. No contract, or amendment, or renewal or extension thereof, relating to use of county facilities or to advertising in county facilities shall allow any advertising of any tobacco product in a county facility; provided, that this shall not apply to:

Advertising contained in a program, leaflet, newspaper, magazine, or other written material lawfully sold within a county facility. (Ord. 10615 § 3, 1992).

12.51.040 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected. (Ord. 10615 § 4, 1992).

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Chapter 12.52
EMERGENCY POWERS

Sections:

12.52.010 Definitions.
12.52.020 Emergency powers conferred upon executive - Mutual aid - Compensation for emergency workers.
12.52.030 Powers delineated.

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12.52.010 Definitions. The following definitions shall apply in the interpretation and implementation of this chapter:

A. "Emergency" or "disaster" means an event or set of circumstances such as fire, flood, explosion, storm, earthquake, epidemic, riot or insurrection, that demands the immediate preservation of order or of public health or the restoration to a condition of usefulness of any public property, the usefulness of which has been destroyed or where delay will result in financial loss to the county or for the relief of a stricken community overtaken by such occurrences or which reaches such a dimension or degree of destructiveness as to warrant the executive proclaiming a state of emergency pursuant to K.C.C. 12.52.030. "Emergency" or "disaster" also includes the potential for flooding arising out of the diminished capacity of the Howard Hanson dam.

B. "Emergency management" means the preparation for and carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to mitigate, prepare for, respond to and recover from emergencies and disasters and to aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or human-made, and to provide support for search and rescue operations for persons and property in distress pursuant to the provisions of chapter 38.52 RCW.

C. "Emergency worker" means any person, including but not limited to an architect registered under chapter 18.08 RCW or a professional engineer registered under chapter 18.43 RCW, who is registered with the county or state of Washington and/or holds an identification card issued by the county or the state of Washington for the purpose of engaging in authorized emergency management activities or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform emergency management activities.

D. "Injury" means and includes accidental injuries and/or occupational diseases arising out of emergency management activities.

E. "Search and rescue" means the acts of searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural or human-made disaster, including instances involving searches for downed aircraft when ground personnel are used. (Ord. 16639 § 2, 2009: Ord. 12163 § 3, 1996).

12.52.020 Emergency powers conferred upon executive - Mutual aid - Compensation for emergency workers.

A. Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness, and in order to ensure that preparations of King County will be adequate to deal with such disasters, and further to ensure adequate support for search and rescue operations, to manage recovery from such disasters to generally protect the public peace, health, and safety, and to preserve the lives and property of the people of King County, it is hereby found and declared to be necessary:

1. To confer upon the executive the emergency powers provided herein pursuant to K.C.C. 2.56;

2. To provide for the rendering of mutual aid among the political subdivisions of King County and with other counties and to cooperate with state governments, the provinces of the Dominion of Canada and the federal government with respect to the carrying out of emergency management functions pursuant to K.C.C 2.56 and chapter 38.52 RCW; and

3. To provide a means of compensating emergency workers who may suffer any injury as defined by chapter 38.52 RCW as a result of participation in emergency management service.

B. All emergency management functions of the county shall be coordinated to the maximum extent with the comparable functions of state governments, the federal government, and private agencies of every type, so that the most effective preparation and use may be made of county resources and facilities for addressing any disaster that may occur. (Ord. 12163 § 4, 1996: Ord. 1058 § 2, 1971).

12.52.030 Powers delineated. The executive shall see that the Washington State laws and ordinances of King County are enforced, and shall direct and control all subordinate officers of the county, except insofar as such enforcement, direction and control is by King County Charter reposed in some other officer or board, and shall maintain the peace and order in King County.

A. Whenever an emergency or disaster occurs in King County and results in the death or injury of persons or the destruction of property, or involves the potential for flowing [flooding] arising out of the diminished capacity of the Howard Hanson dam, to such an extent as to require, in the judgment of the executive, extraordinary measures to protect the public peace, safety and welfare, the executive may forthwith proclaim in writing the existence of such an emergency.

B. Upon the proclamation of an emergency by the executive, and during the existence of such emergency, the executive may make and proclaim any or all of the following orders:

1. An order recalling King County employees from vacation, canceling days off, authorizing overtime, or recalling selected retired employees;

2. An order waiving the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18.095 with reference to any contract relating to the county's lease or purchase of supplies, equipment, personal services or public works as defined by RCW 39.04.010, or to any contract for the selection and award of professional and/or technical consultant contracts. Provided, however, that an emergency waiver of the requirements under K.C.C. 4.18, 12.16 and 12.18 shall not amend the annual utilization goals unless the emergency makes it impossible to achieve the annual utilization goals.

3. An order directing evacuation and/or clearing of debris and wreckage caused by an emergency or disaster from publicly and privately owned lands and waters;

4. An order imposing a general curfew applicable to King County as a whole, or to such geographical area or areas of King County and during such hours, as the executive deems necessary, and from time to time to modify the hours such curfew will be in effect and the area or areas to which it will apply;

5. An order requiring any or all business establishments to close and remain closed until further order;

6. An order requiring discontinuance of the sale, distribution or giving away of alcoholic beverages in any or all parts of King County, and/or the closure of any and all bars, taverns, liquor stores, and other business establishments where alcoholic beverages are sold or otherwise dispensed; provided that with respect to those business establishments which are not primarily devoted to the sale of alcoholic beverages and in which such alcoholic beverages may be removed or made secure from possible seizure by the public, the portions thereof utilized for the sale of items other than alcoholic beverages may, in the discretion of the executive, be allowed to remain open;

7. An order requiring the discontinuance of the sale, distribution or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle;

8. An order closing to the public any or all public places including streets, alleys, public ways, schools, parks, beaches, amusement areas and public buildings;

9. An order prohibiting the carrying or possession of firearms or any instrument which is capable of producing bodily harm and which is carried or possessed with intent to use the same to cause such harm; provided that any such order shall not apply to peace officers or military personnel engaged in the performance of their official duties;

10. An order granting emergency postponement of King County permit procedures for public work projects, as defined by RCW 39.04.010, responding to conditions of the emergency and/or for restoration of public facilities damaged as a result of the emergency. Such postponements shall be temporary. All projects must comply with all applicable code requirements. A permit and inspection must be obtained as soon as possible after work has begun, but permit application shall be made no later than six months after the date of the emergency proclamation.

11. Such other orders as are imminently necessary for the protection of life and property.

C. Any executive order authorized by this section shall, be filed with the clerk of the council not later than 10:00 a.m. of the second business day after it is issued, except for orders waiving requirements of K.C.C. 4.04. 4.16, 4.18, 12.16 and 12.18. Executive orders issued under authority of this section shall continue in force and effect until terminated by order of the executive or action by the council by ordinance. Provided, however, that orders waiving the requirements of K.C.C. 4.04, 4.16, 4.18, 12.16 and 12.18 shall terminate as provided for in K.C.C. 4.16.050.

D. Any proclamation issued by the executive pursuant to the authority of this chapter shall be delivered to all news media within King County and shall utilize such other available means as shall be necessary, in the executive's judgment, to give notice of such proclamation to the public.

E. It shall be a misdemeanor for anyone to fail or refuse to obey any such order proclaimed by the executive. Anyone convicted of a violation of this section is punishable by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or both such fine and imprisonment. (Ord. 16639 § 3, 2009: Ord. 12163 § 5, 1996: Ord. 1058 § 3, 1971).

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OFFENSES AGAINST PUBLIC DECENCY*

Chapter 12.54
GAMBLING

Sections:

12.54.010 Tax - Levy.
12.54.020 Tax - Administration and collection.
12.54.030 Tax - Payment - Delinquency penalty.
12.54.040 Tax - Violation - Fine.
12.54.050 Tax - Within incorporated areas.
12.54.060 Comptroller's duties.
12.54.070 Enforcement contracts.
12.54.080 Organization records inspection.
12.54.090 Severability.
12.54.100 Social card games room tax.

***Obscene Materials Tie in Sales, see K.C.C. chapter 12.84.**

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12.54.010 Tax - Levy. In accordance with Chapter 218, Laws of Washington, 1973 First Extraordinary Session, as amended, there is levied upon all persons, associations and organizations who have been duly licensed to conduct or operate any bingo games and raffles a tax rate of ten percent of the gross receipts received therefrom less the amount awarded as cash or merchandise prizes; amusement games, a tax rate of two percent of the gross receipts received therefrom less the amount awarded as prizes; provided, that no tax shall be imposed under the authority of this chapter on bingo, raffles or amusement games when such activities or any combination thereof are conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.020(3) which organization has no paid operating or management personnel and has gross receipts from bingo, raffles or amusement games, or any combination thereof, not exceeding ten thousand dollars per year less the amount awarded as cash or merchandise prizes; and for the conduct or operation of any punch boards or pull tabs, a tax rate of five percent of the gross receipts from such punch boards or pull tabs; for bona fide charitable or nonprofit organizations as earlier defined in this section a tax rate of ten percent of the gross receipts from such punch boards or pull tabs less the amount awarded as cash or merchandise prizes; provided further, that the executive is authorized to implement appropriate fiscal reporting requirements to insure the effective administration of license holders exempt from the payment of taxes. (Ord. 12818 § 1, 1997: Ord. 8948, 1989: Ord. 3640 § 1, 1978: Ord. 2041 § 1, 1974).

12.54.020 Tax - Administration and collection. The administration and collection of the tax imposed by this chapter shall be by the department of executive services, finance and business operations division, and pursuant to rules and regulations as may be adopted by the Washington State Gambling Commission. (Ord. 14199 § 170, 2001: Ord. 2041 § 2, 1974).

12.54.030 Tax - Payment - Delinquency penalty. The tax imposed by this chapter shall be due and payable in quarterly installments, and remittance therefor shall accompany each return and be made on or before the first day of the second month succeeding the quarterly period in which the tax accrued.
For each payment due, if such payment is not made by the due date thereof, there shall be added a penalty as follows:

A. First to seventeen days' delinquency, ten percent with a minimum penalty of two dollars;

B. Eighteen to forty days' delinquency, fifteen percent with a minimum penalty of four dollars;

C. Forty-one or more days' delinquency is a violation of this section. (Ord. 2962 § 1, 1976: Ord. 2041 § 3, 1974).

12.54.040 Tax - Violation - Fine. Officers, directors and managers of any association or organization conducting gambling activities shall be jointly and severally liable for the payment of the tax required by this chapter and for any penalties imposed hereunder. Any person who fails or refuses to pay the tax required by this chapter, or who willfully disobeys any rule or regulation promulgated by the office of finance hereunder, is guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for not more than ninety days or by a fine of not more than two hundred fifty dollars or both. Any such fine shall be in addition to the tax required. (Ord. 6158, 1982: Ord. 2041 § 4, 1974).

12.54.050 Tax - Within incorporated areas. Incorporated areas within King County which adopt an ordinance levying the tax on gambling activities are entitled to all tax revenue from such gambling activities played or conducted within such incorporated areas. The incorporated area shall also be responsible for the administration and enforcement of the taxing provisions of such ordinance within their jurisdiction. (Ord. 2041 § 5, 1974).

12.54.060 Office of finance duties. The director of office of finance or his authorized representative shall:

A. Adopt, publish and enforce such rules and regulations not inconsistent with this chapter as are necessary to enable the collection of the tax imposed by this chapter in the unincorporated areas of King County;

B. Prescribe and issue the appropriate forms for determination and declaration of the amount of tax to be paid;

C. Have the power to enter into contracts with municipalities for the collection of the tax imposed on gambling activities conducted within such municipalities. (Ord. 2041 § 6, 1974).

12.54.070 Enforcement contracts. The director of the department of public safety shall have the power to enter into contracts with municipalities for the enforcement of state laws, state rules and regulations and city ordinances related to gambling activities. (Ord. 2041 § 7, 1974).

12.54.080 Organization records inspection. It shall be the responsibility of all officers, directors and managers of any organization conducting gambling activities to provide access to such financial records as the Comptroller, Director of Public Safety, his authorized representative, or law enforcement representatives of local municipalities may require in order to determine compliance with this chapter. (Ord. 2041 § 8, 1974).

12.54.090 Severability. Should any section, paragraph, sentence, clause or phrase of this chapter or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect minimum penalty of four dollars; or circumstances. (Ord. 2041 § 10, 1974).

12.54.100 Social card game room tax. There is levied upon all persons, associations, and organizations who have been duly licensed to operate social card games under the provision of RCW 9.46.030(1) and (4), a tax equal to eleven percent of the annual gross receipts exceeding ten thousand dollars:

PROVIDED THAT no tax shall be imposed when such activities are conducted by any bona fide charitable or nonprofit organization as defined in RCW 9.46.020(3) which organization has no paid operating or management personnel and has gross income from social card games not exceeding twelve hundred and fifty dollars per quarter; PROVIDED FURTHER THAT, the executive is authorized to implement appropriate fiscal reporting requirements to insure the effective administration of license holders exempt from the payment of taxes. (Ord. 6255, 1982: Ord. 3640 § 2, 1978: Ord. 2564 § 1, 1975).

Chapter 12.56
BODY STUDIOS

Sections:

12.56.010 Defined.
12.56.020 Operation prohibited.
12.56.030 Penalty.
12.56.040 Severability.

12.56.010 Defined. As used in this chapter, a "body studio" is any premises, other than a massage parlor or public bathhouse as defined in Chapter 6.40, and licensed as such, upon which is furnished for a fee or charge or other like consideration the opportunity to paint, massage, feel, handle or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity, and includes any such premises which is advertised or represented in any manner whatsoever as a "body painting studio," "model studio," "sensitivity awareness studio," "communication center" or any other expression or characterization which conveys the same or similar meaning and which leads to the reasonable belief that there will be furnished on such premises for a fee or charge or other like consideration the opportunity to paint, massage, feel, handle or touch the unclothed body or an unclothed portion of the body of another person, or to be so painted, massaged, felt, handled or touched by another person, or to observe, view or photograph any such activity. (Ord. 2605 § 1, 1976).

12.56.020 Operation prohibited. It is unlawful for any person to operate, conduct or maintain a body studio, or to knowingly conduct any business related thereto, or to knowingly be employed on such premises. (Ord. 2605 § 2, 1976).

12.56.030 Penalty. Every person, as principal, agent or otherwise, who violates or fails to comply with the provisions of this chapter is liable upon conviction thereof for the first offense to a fine of one hundred dollars and for any subsequent offense to a fine of two hundred fifty dollars or to imprisonment for ninety days in county jail, or both. (Ord. 2605 § 3, 1976).

12.56.040 Severability. Should any section, paragraph, sentence, clause or phrase of this chapter or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, such decisions shall not affect the validity of the remaining portions of this chapter or its application to other persons or circumstances. (Ord. 2605 § 4, 1976).

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Chapter 12.60
PLACES OF PUBLIC ENTERTAINMENT

Sections:

12.60.010 Prohibited forms of entertainment.
12.60.020 Lighting requirements.
12.60.040 Penalty for violation.

12.60.010 Prohibited forms of entertainment. It is unlawful and contrary to the public morals and good order in any place open to the public to:

A. Exhibit, display, produce or conduct any opera, drama, play, theatrical, stage or platform performance or entertainment, or any picture or public presentation of any kind or character of any obscene, indecent or immoral nature or character; or wherein any scene of violence is shown or presented in a gruesome or revolting manner, or in a manner which tends to corrupt morals or which is offensive to the moral sense, or to publish any advertisement thereof;

B. Conduct, permit or allow the singing of an obscene song or conversation or discourse in obscene language, or dancing in an obscene or immoral manner;

C. Permit or allow any phonograph or recording or similar device to be used for the reproduction of any obscene song, conversation or discourse;

D. Conduct, permit or allow any lecture, or moving or motion picture or slide to be shown, discussing or depicting venereal diseases or concerning sex subjects; or to sell or offer for sale any sex literature in connection therewith. (Res. 11211 Items 1 - 4, 1949).

12.60.020 Lighting requirements. Every person, firm or corporation conducting or maintaining any theater, penny arcade, entertainment or exhibition of any kind or character, at which moving pictures are displayed or to be exhibited, during the hours when such entertainment or exhibition is open to the public, shall install and maintain light, sufficient in quantity, so that the features of any person in such place may be distinguished from a distance of at least ten feet. (Res. 11211 Item 5, 1949).

12.60.040 Penalty for violation. Any person, firm or corporation violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined any sum not exceeding three hundred dollars or imprisoned in the county jail for a term not exceeding ninety days, or by both such fine and imprisonment. (Res. 11211 Item 6, January 17, 1949).

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Chapter 12.61
STAY-OUT-OF-DRUG AREAS

Sections:

12.61.010 Stay-out-of-drug-areas designated (expires December 31, 2014).
12.61.020 Violations - procedures - penalties (expires December 31, 2014).

12.61.010 Stay-out-of-drug areas designated (expires December 31, 2014). The following described areas of King County are designated to be stay-out-of-drug areas, which are as emphasis areas where there has been a history of identified illegal drug sales and penalties shall be applied in event of conviction of acts in violation of the Uniform Code for Substance Abuse, within the areas, in accordance with this, to assure elimination of all illegal drug possession, use and sales-related activity within these areas:

A. Des Moines Memorial Drive S. from South 96th Street to South 108th Street and a block on either side; and

B. Southwest Roxbury from 4th Avenue SW to 17th Avenue SW and from SW Roxbury Street to SW 107th Street on 14th Avenue SW and 15th Avenue SW and 16th Avenue SW and 17th Avenue SW. (Ord. 17007 § 2, 2010: Ord. 15057 § 2, 2004).

12.61.020 Violations - procedures - penalties (expires December 31, 2014). The presence of any person within a stay-out-of-drug-area emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount set by the court of not more than one thousand dollars, or by both such an imprisonment and fine. (Ord. 15057 § 3, 2004).

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Chapter 12.62
GLUE SNIFFING*

Sections:

12.62.010 Unlawful.
12.62.020 Penalty for violation.

12.62.010 Unlawful. It is unlawful for any person to smell or inhale, for the purpose of becoming intoxicated, inebriated, excited, or stupefied, the fumes from any glue, cement, or any other adhesive containing one or more of the following chemical compounds; acetone, acetate, benzine, butyl alcohol, ethyl alcohol, ethylene, dichloride, isopropyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether or toluene. This section shall not be construed to prohibit the inhalation of any anesthetic for medical or dental purposes. (Res. 35389 § 1, 1968).

12.62.020 Penalty for violation. Any person convicted of violating this chapter shall be punished by a fine not to exceed five hundred dollars, or confinement in the county jail for a term not to exceed six months or by both fine and imprisonment. (Res. 35389 § 2, 1968).

***For statutory provisions regarding glue sniffing, see chapter 9.47A RCW.**

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Chapter 12.63
PROSTITUTION

See also K.C.C. chapter 12.63A, Antiprostitution Emphasis Areas

Sections:

12.63.010 Unlawful acts.
12.63.020 Known prostitute, panderer defined.
12.63.030 Prostitution defined - Sexual activity defined.
12.63.035 Actor defined.
12.63.040 Filing complaint.
12.63.050 Penalty for violation.
12.63.060 Severability.
12.63.065 Savings -- Application.
12.63.070 Public nuisance.
12.63.080 Evidence.
12.63.090 Additional evidence.
12.63.100 Penalties.

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12.63.010 Unlawful acts. It is unlawful for anyone:

A. To commit or offer or agree to commit an act of prostitution; or

B. To secure or offer to secure another for the purpose of committing an act of prostitution; or

C. To knowingly transport a person into or within the county with purpose to promote that person's engaging in prostitution, or procuring or paying for transportation with that purpose; or

D. To knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, or to knowingly permit another to remain there for any such purpose; or

E. To direct another to any place for the purpose of committing an act of prostitution; or

F. To knowingly in any way aid, abet or participate in an act of prostitution; or

G. To remain in or near any street, sidewalk, alleyway or other place open to the public with the intent of committing, or inducing, enticing, soliciting or procuring another to commit, an act of prostitution. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are:

1. that the actor is a known prostitute or panderer; or

2. the actor repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation, or repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or

3. the actor circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or

4. the actor inquires whether a potential patron, procurer or prostitute is a police officer, searches for articles that would identify a police officer, or requests the touching or exposing of genitals or female breasts to prove that the person is not a police officer. (Ord. 9113 § 1, 1989: Ord. 1248 § 1, 1972).

12.63.020 Known prostitute, panderer defined. For the purpose of this chapter, a "known prostitute or panderer" is a person who, within one year previous to the date of arrest for violation of this section, has within the knowledge of the arresting officer been convicted of violating any ordinance or law of any jurisdiction within the state of Washington defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution. (Ord. 1248 § 2, 1972).

12.63.030 Prostitution defined - Sexual activity defined. For the purpose of this chapter, "prostitution" means engaging for hire in sexual activity, and "sexual activity" means:

A. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; and

B. Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and

C. Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex; and

D. Also means masturbation, manual or instrumental, of one person by another. (Ord. 3702 § 1, 1978: Ord. 1248 § 3, 1972).

12.63.035 Actor defined. For the purposes of this chapter, an "actor" is a person who engages in conduct in violation of this chapter. (Ord. 9113 § 2, 1989).

12.63.040 Filing complaint. If the department of public safety has knowledge that any person has participated in an act of prostitution, or aided or abetted an act of prostitution in violation of the provisions herein, or communicated with a known prostitute for the purpose of participating in an act of prostitution, then the department of public safety shall file a complaint against such person with the office of the prosecuting attorney. (Ord. 1248 § 4, 1972).

12.63.050 Penalty for violation. The violation of or failure to comply with any provisions of this chapter shall be punishable by imprisonment in the King County jail for not to exceed one hundred eighty days, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment. (Ord. 1248 § 5, 1972).

12.63.060 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter, or its application to a specific person or set of circumstances be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter, or its application to any other person or set of circumstances. (Ord. 9113 § 3, 1989: Ord. 7186 § 5, 1985: Ord. 1248 § 6, 1972).

12.63.065 Savings - Application. This chapter shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which is already in existence on the effective date of this chapter and shall apply only to violations committed on or after the effective date of this chapter. (Ord. 9113 § 4, 1989).

12.63.070 Public nuisance. Any building, structure or place used for the purpose of prostitution as defined in K.C.C. 12.63.030 or RCW 9A.88.030 is declared to be a public nuisance. (Ord. 7186 § 1, 1985).

12.63.080 Evidence.

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

B. Evidence of cooperation by owners, agents or managers of a building or place with police investigations or operations to control prostitution may be used to rebut the presumptions created in this section. (Ord. 7186 § 2, 1985).

12.63.090 Additional evidence. Any conviction of any owner, manager, operator, agent or employee for promoting prostitution (as defined in RCW 9A.88.060) or permitting prostitution (as defined in RCW 9A.88.090) when such offense was related to any business or commercial enterprise, shall be prima facie evidence that the building, structure or place upon or in which business or commercial enterprise is or was conducted, was used for prostitution. (Ord. 7186 § 3, 1985).

12.63.100 Penalties. Maintenance of a public nuisance as declared in Section 12.63.070 of this chapter, in addition to any other civil or criminal penalties, shall result in:

A. A civil penalty not to exceed five hundred dollars for a first conviction under Section 12.63.090 of this chapter.

B. Abatement by closure of such business or commercial enterprise for from five to thirty days for each subsequent conviction under Section 12.63.090 within twenty-four months of any previous conviction. (Ord. 7186 § 4, 1985).

Chapter 12.63A
ANTIPROSTITUTION EMPHASIS AREAS

See also K.C.C. chapter 12.63, Prostitution

Sections:

12.63A.010 Antiprostitution emphasis areas designated (expires December 31, 2014).
12.63A.020 Violations - Procedures - penalties (expires December 31, 2014).

12.63A.010 Antiprostitution emphasis areas designated (expires December 31, 2014). The following described areas of King County are designated to be antiprostitution emphasis areas and penalties shall be applied in event of conviction of unlawful acts of prostitution, prostitution loitering, permitting prostitution or pandering, or patronizing a prostitute, within the areas, in accordance with this ordinance, to ensure elimination of all prostitution and prostitution-related activity within these areas:

A. Des Moines Memorial Drive S. from South 96th Street to South 108th Street and a block on either side; and

B. Southwest Roxbury from 4th Avenue SW to 17th Avenue SW and from SW Roxbury Street to SW 107th Street on 14th Avenue SW and 15th Avenue SW and 16th Avenue SW and 17th Avenue SW. (Ord. 17006 § 2, 2010: Ord. 15056 § 2, 2004).

12.63A.020 Violations - procedures - penalties (expires December 31, 2014). The presence of any person within an antiprostitution emphasis area in violation of court-imposed conditions of release or conditions of suspension or deferral of any sentence shall constitute a separate crime hereby designated a misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order. Upon conviction, any person so violating the conditions of release or conditions of suspension or deferral shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount set by the court of not more than one thousand dollars, or by both such an imprisonment and fine. (Ord. 15056 § 3, 2004).

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OFFENSES AGAINST THE PUBLIC PEACE

Chapter 12.64
LOITERING*

Sections:

12.64.010 Unlawful - Determination.
12.64.020 Alarm or suspicion of unlawful purpose.
12.64.030 Conviction for violation.

12.64.010 Unlawful - Determination. It is unlawful for any person to loiter or prowl in a place, at a time, or in a manner, and under circumstances that manifest an unlawful purpose or warrant alarm for the safety of persons or property in the vicinity. Circumstances which may be considered in determining whether such unlawful purpose in manifested or such alarm is warranted include, but are not limited to, the following: flight by the actor upon appearance of a law enforcement officer, refusal to identify himself, or manifestly endeavoring to conceal himself or any object. (Res. 35042 § 1, 1968).

12.64.020 Alarm or suspicion of unlawful purpose. No arrest shall be made under this chapter nor shall any person be convicted of violating this chapter unless such person is first afforded, if practical under the circumstances, an opportunity to dispel any alarm or suspicion of unlawful purpose which would otherwise be warranted, by identifying himself and explaining his presence and conduct. (Res. 35042 § 2, 1968).

1**2.64.030 Conviction for violation.** No person shall be convicted of violating this chapter if it appears at trial that the explanation given by him of his presence and conduct was true and, if believed by the arresting officer at the time, would have dispelled the alarm or suspicion of unlawful purpose.
Any violation of this chapter constitutes a misdemeanor. (Res. 35042 § 3, 1968).

***For statutory provisions regarding vagrancy, see chapter 9.87 RCW.**

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OFFENSES AGAINST PROPERTY

Chapter 12.68
NO SHOOTING AREAS

Sections:

12.68.010 Petitions to create or dissolve no-shooting areas.
12.68.020 Violations - Misdemeanor - Penalty - Arrest.
12.68.030 Unincorporated King County where not designated as a "no shooting" area.
12.68.040 Citizens may petition to use firearms in "no shooting" areas at certain times.
12.68.050 Statutory references for general information.
12.68.070 Violation of Sections 12.68.030 through 12.68.050.
12.68.080 Near Lake Sawyer.
12.68.090 Near Lake Killarney.
12.68.100 Five-mile game preserve area.
12.68.110 Near Lake Burien.
12.68.120 Near Lake Haller.
12.68.130 In township twenty-one.
12.68.140 Area bounded by Renton and Puget Sound.
12.68.150 Near Bitter Lake.
12.68.160 Sections 7, 8, 16, 17, 18, 20 and 21, township 21.
12.68.170 Near Angle Lake.
12.68.180 Area lying northeast of intersection of East 145th Street and 15th Avenue Northeast.
12.68.190 Near Steel Lake.
12.68.200 Near Cottage Lake.
12.68.210 Near Hill Top Community.
12.68.220 Lake Sammamish Area.
12.68.230 Area southwest of Renton and near Lake Boren.
12.68.240 Near Lake Dolloff.
12.68.250 Near Star Lake.
12.68.260 Area south of Maple Valley and north of Kent-Kangley Road.
12.68.270 Near Spring Lake.
12.68.280 Near Pine Lake.
12.68.290 Area just east of Lake Washington.
12.68.300 Near Five Mile Lake.
12.68.310 Near Lake McDonald.
12.68.320 Near Duwamish River.
12.68.330 Area lying south of 16th Street Southeast, north of 24th Street Southeast, and extending west from 168th Avenue Southeast.
12.68.340 Area in sections 7 and 17, township 24.
12.68.350 Near Lake Desire.
12.68.360 Area in sections 23, 24, 25 and 26, township 24.
12.68.370 Near Lake Meridian.
12.68.380 East of Issaquah - Redmond Road - Overdale Park.
12.68.390 Sections 12 and 13, township 5 and sections 7 and 18, township 23.
12.68.400 Near Redondo Beach.
12.68.410 Sections 4, township 23.
12.68.420 Around Panther Lake.
12.68.430 Lake 12.
12.68.440 Lot "A" of Ames Lake.
12.68.450 Issaquah vicinity.
12.68.460 Bridle Trails vicinity.
12.68.470 Summit View Estates.

12.68.480 Middle Fork of Snoqualmie River.
12.68.490 Area in sections 29 and 32, township 22, and sections 1, 5 and 6, township 21.
12.68.500 Near Cedar River.
12.68.510 Bordering Eastridge Park.
12.68.520 Near Lake Sammamish State Park.
12.68.530 Lake Sammamish No. 4.
12.68.540 Bordering Bothell Way and 73rd Avenue Northeast.
12.68.550 Sunny Hills area near Beaver Lake.
12.68.560 Grass Lake vicinity.
12.68.570 Lake Retreat.
12.68.580 Lake Joy.
12.68.590 Sections 27, 33 and 34, township 22.
12.68.600 Coalfield area.
12.68.610 Twin Lakes precinct.
12.68.620 Beaver Lake.
12.68.630 Cherry Garden Division No. 2.
12.68.640 Lake Youngs Reservation.
12.68.650 Shadow Lake.
12.68.660 Adair precinct.
12.68.670 Cottage Lake, Millikin and Mink Road precincts.
12.68.680 Cumberland precinct.
12.68.690 Stillwater precinct.
12.68.700 Four Lakes precinct.
12.68.710 Clay precinct.
12.68.720 Gold Creek Area.
12.68.730 Woodinville - Redmond area.
12.68.740 Portion of Stacy precinct.
12.68.750 Jovita Heights - Spider Lake.
12.68.760 Norway Hill.
12.68.770 Maple Valley.
12.68.780 Cumberland - Fish Lake - Green River.
12.68.790 Issaquah - Fall City Road Area.
12.68.800 Boulevard Lane Park Area.
12.68.810 Tiger Mountain Area.
12.68.820 Ravensdale Area.
12.68.825 Ravensdale voting precinct.
12.68.826 Ravensdale voting precinct - Section 35, Township 22 North, Range 6 East, W.M.
12.68.830 High Valley Area.
12.68.840 Mathew and Tiger Mountain.
12.68.850 Bear Creek, Union Hill and Vincent precincts.
12.68.860 Cumberland vicinity.
12.68.870 Old Red Brick Road and Johnson Park vicinity.
12.68.880 Greenwater River vicinity.
12.68.890 Stossel Creek Road vicinity.
12.68.900 Soos Creek Valley vicinity.
12.68.910 Palmer vicinity.
12.68.920 Carnation vicinity.
12.68.930 North Bend vicinity.
12.68.940 Hill precinct.
12.68.950 Ramona voting precinct.
12.68.960 Vincent voting precinct.
12.68.961 Alpine voting precinct.
12.68.962 Merganser voting precinct.
12.68.963 Crow voting precinct.

12.68.010 Petitions to create or dissolve no shooting areas.

A. Petitions requesting the council to create a no shooting area or dissolve an existing no shooting area shall be filed with the clerk of the council. Petitions shall contain the signatures of at least ten elector-residents of each voting precinct in the area under consideration. A map and legal description of the area shall be included with the petitions.

B. After petition signatures have been verified by the elections division, the council shall set a date of hearing. Legal notice of the hearing shall be published once in the official county newspaper and once in a newspaper of general circulation within the proposed area, at least ten days prior to the hearing.

C. If the council finds the formation or dissolution of the petitioned area to be beneficial to the public health, safety and general welfare, it shall establish such a no shooting area by ordinance. The council shall consider, but is not limited to, the location, terrain and surrounding land use of the petitioned area.

D. It is the intent of the council that the geographic description of no shooting areas as defined in this chapter remain in effect even after voter precinct boundaries change. (Ord. 16286 § 1, 2008: Ord. 15971 § 68, 2007: Ord. 1454 §§ 1 - 3, 1972).

12.68.020 Violations - Misdemeanor - Penalty - Arrest.

A. Any person carrying a firearm in a "No Shooting Area," under circumstances which manifest intent to discharge or which indicates that such firearm has been discharged in a "No Shooting Area," is guilty of a misdemeanor. Among those circumstances which may be considered in determining such intent are the following:

1. Type of firearm;
2. Manner in which firearm is being carried;
3. Whether or not the firearm is capable of discharge;
4 Information concerning the discharge of a firearm within the prior two hours.

B. The first offense for violation of this chapter constitutes a civil penalty not to exceed one hundred dollars. Consecutive offenses are punishable, upon conviction, by a fine not exceeding two hundred fifty dollars or by confinement in the county jail for a period of not more than ninety days.

C. Any police officer having information to support a reasonable belief that a person has committed a violation of this chapter, involving physical harm or threats of harm to any person or property and by a firearm, has the authority to arrest the person. (Ord. 1498 §§ 1 - 3, 1973).

12.68.030 Unincorporated King county where not designated as a "no shooting" area. In all areas of King County not designated by ordinance as "no shooting" areas, except when a person is on his own property or has written permission from the owner, and the discharge of such weapons and the trajectory of any projectile is restricted to said property, it is unlawful to discharge a firearm within five hundred feet of any building capable of being occupied by people or domestic animals or used for storage of flammable or combustible materials or trails used for hiking, biking, or horseback riding, and designated as such in the county comprehensive plan; provided, that the above-referenced distance shall not be less than two hundred fifty feet when the firearm being discharged is a shotgun. (Ord. 4691 § 1, 1980).

12.68.040 Citizens may petition to use firearms in "no shooting" areas at certain times. In areas designated "no shooting" by ordinances, citizens may petition (according to the provisions of Section 12.68.010) to allow the use of firearms during lawful open hunting seasons, during stated periods of time as established by the Washington State Game Commission. (Ord. 4691 § 2, 1980).

12.68.050 Statutory references for general information. The provisions of RCW 9A.48.070, RCW 9A.48.080, RCW 9A.48.090, RCW 9.41.230, RCW 9.41.240, RCW 9.41.260, RCW 9.41.270, RCW 77.16.260, WAC 232-12-047 to 051, and WAC 232-12-244 to 247 as amended, all of which regulate the discharge of weapons, are referenced for general information purposes. (Ord. 4691 § 3, 1980).

12.68.070 Violation of Sections 12.68.030 through 12.68.050. Any violation of Sections 12.68.030 through 12.68.050 is a misdemeanor, and the punishment shall be provided by the laws of the state of Washington. (Ord. 4691 § 4, 1980).

12.68.080 Near Lake Sawyer. The discharge of all firearms within one thousand yards of the shoreline of Lake Sawyer in King County is prohibited, with the following exceptions:

A. The protection of persons and property;

B. The discharge of firearms on the waters and within fifteen hundred feet of the shoreline of Lake Sawyer for hunting purposes shall be illegal for the twelve months of the year:

C. For the herding and scaring of waterfowl, out of season, by the discharge of shotguns by persons holding proper permits from the United States Fish and Wildlife Service to do so.

No firearms shall be discharged toward any residential dwelling within two hundred yards thereof.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 36257 (part), 1968: Res. 18931 (part)).

12.68.090 Near Lake Kilarney. A "no shooting" area is established, comprising the following described area:

Sections 21, 22, 27 and 28, Twp. 21 N., R. 4 E., W.M., a radius of approximately one mile from Lake Kilarney. (Res. 9774 (part), 1945).

12.68.100 Five-mile game preserve area. A "no shooting" area is established, comprising the following described property:

All of that area formerly set aside by the Washington State Department of Game as the "Five Mile Game Preserve" and including a portion of the Lake Kilarney "no shooting" area as established by Section 12.68.020, being further described as follows: commencing at the intersection of the Milton Road and the King-Pierce County line in the southwest quarter of Section 32, Twp. 21 N., R. 4 E., W.M., thence northerly along the Milton Road to an intersection with the Beede Road, thence east along the centerline of Sections 21 and 22, Twp. 21 N., R. 4 E., W.M., which is the Beede Road, to an intersection with the Old Military Road, thence southerly along the Old Military Road to an intersection with 12th Street in Sec. 27, Twp. 21 N., R. 4 E., W.M., thence east along 12th Street to an intersection with Grandview Avenue, Sec. 26, Twp. 21 N., R. 4 E., W.M., thence south along Grandview Avenue to an intersection with 10th Street, thence west along 10th Street to an intersection with Kansas Avenue, thence south along Kansas Avenue to the King-Pierce County line, thence west along the King-Pierce County line to the point of beginning. (Res. 9791 (part), 1945).

12.68.110 Near Lake Burien. Lake Burien and the land immediately adjoining thereto is closed to the firing of all firearms at all times. (Res. 9332, 1944).

12.68.120 Near Lake Haller. Haller Lake and the land immediately adjoining thereto is hereby declared closed to the firing of all firearms at all times. (Res. 9386, 1944).

12.68.130 In township twenty-one. A "no shooting" area is hereby established comprising the following described property:

All of the W1/2 of Sec. 15, the E1/2 of Sec. 16, the NE1/4 of the NE1/4 of Sec. 21, the NW1/4 of the NW1/4 of Sec. 22, Twp. 21 N., R. 4 E. W.M. (Res. 9408, 1944).

12.68.140 Area bounded by Renton and Puget Sound. A "no shooting" area is hereby established, commencing at the intersection of the north line of Section 3, Twp. 23 N., R. 3 E., W.M., and the shore line of Puget Sound; thence running easterly along the north line of Section 3, 2 and 1, Twp. 23 N., R. 3 E., W.M., and Sections 6, 5 and 4, Twp. 23 N., R. 4 E., W.M., to the northeast corner of Section 4, Twp. 23 N., R. 4 E., W.M., thence south one-half mile; thence east along the centerline of Section 3, Twp. 23 N., R. 4 E., W.M., approximately two-thirds mile to an intersection with State Road #2 (Dunlap Canyon); thence southeasterly along the centerline of State Road #2 to an intersection with the west margin of Shattuck Street (Renton city limits); thence south approximately twenty-eight hundred feet along the west margin of Shattuck Street and Shattuck Street produced to an intersection with the westerly production of the south margin of 8th Avenue (Renton city limits); thence easterly along the south margin of 8th Avenue produced and 8th Avenue to an intersection with the centerline of State Road 5-C (Benson Road); thence south along State Road 5-C to an intersection with the east and west centerline of Section 8, Twp. 22 N., R. 5 E., W.M.; thence west along the centerlines of Sections 8 and 7, Twp. 22 N., R. 5 E., W.M., and Sections 12, 11, 10, 9, 8, 7, Twp. 22 N., R. 4 E., W.M., to an intersection with the shore line of Puget Sound in said Section 7, Twp. 22 N., R. 4 E., W.M.; thence northerly along the shore of Puget Sound to the point of beginning; provided, however, that the discharging of shotguns for hunting purposes shall be permitted in any area not less than two hundred yards from any house, building or county right of way. (Res. 9409, 1949).

12.68.150 Near Bitter Lake. A "no shooting" area is hereby established comprising the following described property:

An area bounded by Greenwood Avenue on the west, Aurora Avenue on the east, North 132nd Street on the south and 138th Street on the north, which includes the small body of non-navigable water known as Bitter Lake. (Res. 9436, 1944).

12.68.160 Sections 7, 8, 16, 17, 18, 20 and 21, Township 21. A "no shooting" area is hereby established, comprising the following described property: Secs. 7, 8, 16, 17, 18, 20 and 21, Twp. 21 N., R. 5 E., W.M. (Res. 9598, 1945).

12.68.170 Near Angle Lake. A "no shooting" area is hereby established, comprising the following described property:

Between South 188th Street on the most northerly boundary, South 200th Street on the most southerly boundary, Pacific Highway on the west, and the Military Road to the east, including the waters of Angle Lake.

Except, however, nothing in this section shall prohibit the shooting of rodents by owners on their property to prevent damage to property. (Res. 9626, 1945).

12.68.180 Area lying northeast of intersection of east 145th street and 15th avenue northeast. A "no shooting" area is hereby established, comprising the following described property:

Commencing at the southwest corner of Section 16, Township 26 North, Range 4 East, W.M., which is the intersection of East 145th Street and 15th Avenue Northeast; thence north on 15th Avenue Northeast to East 175th Street; thence east on East 175th Street to Ballinger Way (State Road No. 28); thence southeasterly along Ballinger Way to Bothell Way (State Road No. 2); thence southwesterly along Bothell Way to East 145th Street; thence west along East 145th Street to the point of beginning. (Res. 9832, 1945).

12.68.190 Near Steel Lake. A "no shooting" area is hereby established, comprising the following described property:

All territory within a radius of one mile of Steel Lake, situated in Sec. 9, Twp. 21 N., R. 4 E., W.M. (Res. 10814, 1948).

12.68.200 Near Cottage Lake. The shooting of firearms is hereby prohibited and a "no shooting" area is established comprising the following described area:

On Cottage lake and for a distance back therefrom of one hundred yards in any direction from the shoreline.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 12228, 1950).

12.68.210 Near Hill Top Community. The shooting of firearms is hereby prohibited and a "no shooting" area is established, comprising the following described area:

Hill Top Community in Secs. 22 and 23, Twp. 24 N., R. 5 E., W.M., King County, Washington.

A plat is recorded in Volume 47, Pages 28 and 29, in the Records Section of King County.

The community is slightly southwest of Lake Sammamish and is approximately half way between Issaquah and Seattle, situated on a hilltop about two miles south of the Bellevue Airport. The access road to the community is one and three-tenths miles long, and begins at the county highway (Old Sunset Highway or Issaquah Road).

Further description is as follows:

Beginning at the quarter-section corner common to Sections 22 and 23; thence N. 88o 16' 54" W. for 1329.52 feet to the S.W. corner of the SE1/4 of the NE1/4 of said Sec. 22; thence N. 1o 16' 23" E. for 626.34 feet along the west boundary of the SE1/4 of the NE1/4 of said Section 22; thence east for 465.00 feet; thence N. 1o 16' 23" E. for 840.21 feet; thence N. 67o 23' 00" E. for 390.00 feet; thence east for 270.00 feet; thence S. 69o 00' 00" E. for 240.00 feet; thence S. 49o 26' 00" E. for 16.19 feet to a point on the section line between Secs. 22 and 23 which is N. 1o 17' 13" E. 1559.89 feet from the quarter section corner common to Sections 22 and 23; thence continuing S. 49o 26' 00" E. for 558.81 feet; thence S. 79o 37' 00" for 272.00 feet; thence south for 1347.01 feet; thence west for 731.58 feet to a point on the section line between said Sections 22 and 23; thence N. 1o 17' 13" E. along said section line for 200.00 feet to the point of beginning.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 12271, 1950).

12.68.220 Lake Sammamish Area. The shooting of firearms is prohibited and a no-shooting area is established in and around the Lake Sammamish area lying within unincorporated King County and comprising the following legally described area:

All the waters of Lake Sammamish and the area surrounding the lake for a distance of five hundred feet; except the no-shooting area specifically described in Resolution 19638, K.C.C. 12.68.340, and except those areas within city limits and controlled by city no-shooting ordinances, and except those areas within the boundaries of Marymoor Park and Lake Sammamish State Park. (Ord. 6819, 1984).

12.68.230 Area southwest of Renton and near Lake Boren. A "no shooting area" is hereby established comprising the following described area:

All that portion of Sections 27, 28, 33 and 34, Twp. 24 N., R. 5 E., W.M., contained within the following described area:

Commencing at the intersection of George Sparling Road #869 and Chas. S. Custer Road #89 in the southeast quarter of Section 28; thence southerly along the centerline of said Custer Road to its end; thence southeasterly, easterly and northeasterly two hundred sixty feet south of and parallel to the south edge of Lake Boren to the centerline of the Renton-Newcastle Road #1019; thence northerly along said Renton-Newcastle Road to the said George Sparling road; thence westerly along said Sparling Road to the point of beginning.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 12914, 1951).

12.68.240 Near Lake Dolloff. A "no shooting area" is hereby established comprising the following described area:

All that portion of Secs. 3, 4, 9 and 10, Twp. 21 N., R. 4 E., W.M., lying within a line 600 feet distant from the shore line of Lake Dolloff.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 12939, 1951).

12.68.250 Near Star Lake. A "no shooting area" is hereby established comprising the following described area:

The waters of Star Lake and the area immediately surrounding said lake, bounded by Military Road, South 272nd, 42nd South and Star Lake Road.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 13086, 1952).

12.68.260 Area south of Maple valley and north of Kent-Kangley road. A "no shooting area" is hereby established comprising the following described area:

All that area lying within a tract bounded on the east by State Road No. 5 (Maple Valley-Black Diamond), on the west by the Wax Road, on the south by State Road No. 5-A (Kent-Kangley Road), and on the north by Wax Road and Kent-Maple Valley Road: Except those portions of Sections 19, 20 and 30, Township 22 North, Range 6 East, W.M., and Sec. 25, Twp. 22 N., R. 5 E., W.M.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 13256, 1952).

12.68.270 Near Spring Lake. A "no shooting" area is hereby established comprising the following described area:

Extending 1500 yards in any direction from the shore line of Spring Lake.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 14883, 1954).

12.68.280 Near Pine Lake. A "no shooting" area is hereby established comprising the following described area:

All of the waters of Pine Lake and adjacent lands bounded by the inner margin of county roads surrounding Pine Lake, designated as 212th Ave. S.E., S.E. 20th St., 228th Ave. S.E., 216th Ave. S.E., S.E. 32nd St. and 226th Ave. S.E., all in Sections 4 and 9, Twp. 24 N., R. 6 E., W.M., King County, Washington.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 15193, 1954).

12.68.290 Area just east of Lake Washington. A "no shooting" area is hereby established comprising the following described area:

North boundary: Coal Creek;

South boundary: May Creek (the same being Seattle-Skagit River);

East boundary: Transmission line;

West boundary: Lake Washington,

the same being located in portions of Secs. 16, 17, 20, 21, 28, 32 and 33, Twp. 24 N., R. 5 E., W.M., and containing approximately 3.25 square miles.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 15194, 1954).

12.68.300 Near Five Mile Lake. A "no shooting" area is hereby established comprising the following described area:

100 yards in any direction from the shore line of Five Mile Lake.

A person who violates the provisions of this section is guilty of a misdemeanor. (Res. 15913, 1955).

12.68.310 Near Lake McDonald. A "no shooting" area is hereby established comprising the following described area:

That portion of the southwest quarter of the northwest quarter of Sec. 20, Twp. 23 N., R. 6 E., W.M., (being known as Lake McDonald Water Front Tracts, according to the unrecorded plat thereof).

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 18617, 1958).

1**2.68.320 Near Duwamish River**. A "no shooting" area is hereby established comprising the following described area:

That portion of Sec. 32 and 33, Twp. 24 N., R. 4 E., W.M., lying within an area bounded on the easterly and westerly sides by lines parallel and 300 feet distant from the banks of the Duwamish River, except all portions thereof lying within the corporate limits of Seattle.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 18200, 1958).

12.68.330 Area lying south of 16th street southeast, north of 24th street southeast, and extending west from 168th avenue southeast. A "no shooting" area is hereby established comprising the following described area:

All those portions of Sec. 1 and 2, Twp. 24 N., R. 5 E., W.M., lying southerly of S.E. 16th St., Phantom Way, and S.E. 14th St.; and lying westerly of 168th Ave. S.E.; and lying northerly of S.E. 24th St.; and lying easterly of the north and south centerline of said Sec. 2 (being also the centerline of proposed 156th Ave. S. E.).

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 19168, 1958).

12.68.340 Area in sections 7 and 17, township 24. The shooting of firearms is hereby prohibited, except for the use of shotguns during legal hunting season in the state of Washington, in the territory hereinafter described:

All of Secs. 7 and 17, Twp. 24 N., R. 6 E., W.M., and shorelands adjoining, and all of Sec. 8 except the S. 1/2 of the NE1/4 and the W. 1/2 of the SE 1/4 of Sec. 8, Twp. 24 N., R. 6 E., W.M., and shorelands adjoining, except that portion previously designated as a "no shooting" district by Section 12.68.140.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 19638, 1959).

12.68.350 Near Lake Desire. The shooting of firearms is hereby prohibited in the territory hereinafter described:

On the waters of Lake Desire and 100 yards from the shoreline of Lake Desire in any direction.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 20392, 1959).

12.68.360 Area in sections 23, 24, 25 and 26, township 24. The shooting of firearms is hereby prohibited, except during the legally designated dates set for hunting by the State Game Commission, in the territory hereinafter described:

Secs. 23 and 24 and the north half of Secs. 25 and 26, Twp. 24 N., R. 5 E., W.M.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 20638, 1959).

12.68.370 Near Lake Meridian. A "no shooting area" is established comprising the following described area:

The waters of Lake Meridian and the area surrounding the lake for a distance of five hundred feet.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 13223, 1952).

12.68.380 East of Issaquah - Redmond Road - Overdale Park. A "no shooting" area is established comprising the following described area:

All of the south half of the northeast quarter of Sec. 21, Twp. 24 N., R. 6 E., W.M., lying east of Issaquah-Redmond Road, and the north half of the northeast quarter of the southeast quarter of Sec. 21, Twp. 24 N., R. 6 E., W.M.; and all of Overlake Park in Sec. 22, Twp. 24 N., R. 6 E., W.M.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 21934, 1960).

12.68.390 Sections 12 and 13, township 5 and sections 7 and 18, township 23. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following described area:

Sections 12 and 13, Twp. 23 N., R. 5 E., W.M., and Sections 7 and 18, Twp. 23 N., R. 6 E., W.M.

The shooting of firearms is prohibited in the above mentioned territory for the entire season.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 32679, 1966; Res. 23115, 1961).

12.68.400 Near Redondo Beach. The shooting of firearms is prohibited and a "no shooting" area is established, comprising the following described area, and the use of all firearms is banned at any time:

Redondo Beach Road and First Avenue South to S.W. 296th and 8th Avenue South, Federal Way.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 23644, 1962).

12.68.410 Section 4 township 23. The shooting of firearms is prohibited and a "no shooting" area is established, comprising the following described area:

Section 4 Twp. 23 N., R. 6 E., Willamette Meridian.

The provisions of this section shall not apply to the discharge of shotguns during regular hunting seasons as set by the Washington State Department of Game.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 7076, 1985: Res. 23951, 1962).

12.68.420 Around Panther Lake. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following described area:

The north boundary S.E. 196th Street, the east boundary S.E. 124th Avenue, the south boundary 208th S.E. and the west boundary the Benson Highway, or 108th Avenue S.E.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 24087, 1962).

12.68.430 Lake 12. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following described area:

To the waters of Lake 12 and extending to the nearest margin of any perimeter road of the lake or one hundred yards from the lake edge where no road exists.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 25321, 1963).

12.68.440 Lot "A" of Ames Lake. The shooting of firearms is prohibited and a "no shooting" area is established in the following described area:

The south half of the south half of Section 18, Twp. 25 N., R. 7 E., W.M.; and also all of Section 19, Twp. 25 N., R. 7 E., W.M. Except the south half of the south half thereof.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 26754, 1963).

12.68.450 Issaquah vicinity. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following described area:

Section 34, Twp. 24 N., R. 5 E., W.M., and Sections 3 and 10 of Twp. 23 N., R. 6 E., W.M.

Except from the above described area any portion thereof lying within the corporate limits of the city of Issaquah.

And also except any portion of the above described area owned or leased by the Issaquah Gun Club.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 28537, 1964).

12.68.460 Bridle Trails vicinity. The shooting of firearms is prohibited and a "no shooting" area is established, comprising the following described area:

The southeast quarter of Section 9, Twp. 25 N., R. 5 E., W.M.; the west half of the southwest quarter of Section 10, Twp. 25 N., R. 5 E., W.M.; the west half of Section 15, Twp. 25 N., R. 5 E., W.M., and Section 16, Twp. 25 N., R. 5 E., W.M., except the north half of the northwest quarter of the southwest quarter thereof.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 28574, 1964).

12.68.470 Summit View Estates. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following described area:

Summit View Estates (recorded plat, Section 19, Twp. 24, R. 7 E., W.M.)

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 28743, 1964).

12.68.480 Middle Fork of Snoqualmie River. The shooting of firearms be and is prohibited and a "no shooting" area is established comprising the following described area:

That portion of the Middle Fork of the Snoqualmie River which flows north from S.E. 112th Street to S.E. 100th Street. All of which lies in Section 3, Twp. 23 N., R. 8 E., during the months of June, July, August, and September.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Res. 31841, 1966).

12.68.490 Area in sections 29 and 32, township 22 and sections 1, 5 and 6, township 21. It is unlawful for any person, except a law enforcement officer, to discharge a firearm at any time within the following described territory in King County, which is hereby designated a "no shooting" area:

That portion of Sections 29 and 32 of Twp. 22 N., R. 4E., W.M.; and Sections 5 and 6 of Twp. 21 N., R. 4E., W.M.; and Section 1 of Twp. 21 N., R. 3E., W.M. described as follows:

Beginning at the intersection of the north line of Government Lot No. 2 of said Section 29 with the north-south centerline of said Section 29;

Thence southerly along the north-south centerlines of said Sections 29, 32, and 5 to the center of said Section 5;

Thence westerly along the east-west centerline of said Sections 5, 6, and 1 to an intersection with the low tide line of Puget Sound;

Thence easterly and northerly along said low tide line to an intersection with the north line of Government Lot No. 2 of said Section 29;

Thence easterly along said north line of Government Lot No. 2 to the point of beginning.

Any person violating this section is guilty of a misdemeanor. (Ord. 262 §§ 1, 2, 1969).

12.68.500 Near Cedar River. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following described area:

Within one-half mile of the Cedar River and within one-half mile of the Renton-Maple Valley Road between the city of Renton and the Cedar Mountain Bridge.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 474 §§ 1, 2, 1970).

12.68.510 Bordering Eastridge Park. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following described area:

All that portion of the Plat of Eastridge Park as recorded in Volume 87 of Plats, pages 25 and 26, Records of King County, Washington, lying within Section 11, Twp. 21 N., R. 5 E., W.M.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 475 §§ 1, 2, 1970).

12.68.520 Near Lake Sammamish State Park. The shooting of firearms is prohibited in the area comprising the following described territory:

All that portion of the southeast quarter of Section 21, Twp. 24 N., R. 6 E., W.M., lying westerly of the westerly R/W margin of East Lake Sammamish Road; Except any portion lying within a parcel of land annexed to the city of Issaquah by Ordinance No. 731.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 568 §§ 1, 2, 1970).

12.68.530 Lake Sammamish No. 4. The shooting of firearms is prohibited in the following area:

That portion of southwest 1/4 of Section 21 Township 24 North, Range 6 East, W.M., lying north of P.S.H. No. 2 (I-90). Also, that portion of the north 1/2 of said Section 21 lying west of Northern Pacific Railway R/W less any portion within Lake Sammamish State Park. (Ord. 1684 § 1, 1973).

12.68.540 Bordering Bothell Way and 73rd Avenue Northeast. Hunting and shooting of firearms is prohibited and a "no shooting" area is established comprising the following described area:

All of that portion of land lying between 73rd Avenue N. E. on the west, N.E. 192nd Street on the north, 80th Avenue N.E. on the east, and Bothell Way on the south, all in King County, Washington.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 885 §§ 1, 2, 1971).

12.68.550 Sunny Hills area near Beaver Lake. The shooting of firearms is prohibited in the area comprising the following described territory:

Sections 10 and 11, Township 24 N., Range 6 East, W.M.; LESS that portion lying within 500 feet of Beaver Lake as described in King County "No Shooting" Resolution No. 16688.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 1146 §§ 1 and 2, 1972).

12.68.560 Grass Lake vicinity. The shooting of firearms is prohibited in the area comprising the following described territory:

All that portion of Section 6, Township 21 North, Range 6 East, W.M., lying westerly of 196th Avenue S.E., easterly of 188thAvenue S.E., northerly of S.E. 304th Street and southerly of S.E. 290th Street.

Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 1146 §§ 1 and 2, 1972).

12.68.570 Lake Retreat.

A. The shooting of firearms is prohibited in the following area:

The waters of Lake Retreat and that portion of land lying between the shoreline of Lake Retreat and a line two hundred yards (as measured in an upland direction) from and parallel to S.E. 276th Street, S.E. 280th Street (S.E. Lake Retreat Road) and Lake Retreat-Kanaskat Road.

B. The prohibition described in A. herein shall not apply in cases involving the protection of persons and property.

C. Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 1408 § 1, 1972; Ord. 1347 § 1, 1972).

12.68.580 Lake Joy. The shooting of firearms is prohibited in the following area:

The waters of Lake Joy and the portion of land lying between the shoreline of Lake Joy and a line five hundred yards from and parallel to that portion of the Lake Joy road surrounding the lake. (Ord. 1554 § 1, 1973).

12.68.590 Sections 27, 33 and 34, township 22. The shooting of firearms is prohibited in the following area:

That portion of Sections 27, 33 and 34, Township 22 North, Range 6 East, W.M., lying south of Kent-Kangley Road (SR 516); north of S.E. 288th Street; west of Renton-Enumclaw Highway (SR 169); and east of the west section line of Section 33 which is approximately one-fourth mile west of 216th Avenue S.E., less portion described in Resolution No. 36257 and Resolution No. 18931 (Section 12.68.010). (Ord. 1670 § 1, 1973).

12.68.600 Coalfield area. The shooting of firearms is prohibited in the Coalfield area, described as:

All that area lying easterly of 136th Avenue S.E.; southwesterly of 144th Place S.E. and County Road No. 72; and northerly of S.E. Coalfield Road. (Ord. 1779 § 1, 1973).

12.68.610 Twin Lakes precinct. The shooting of firearms is prohibited in the Twin Lakes Precinct, described as:

Beginning at the intersection of the centerline of 47th Ave. S.W. also known as F.B. Hoyt Road S.W. and the centerline of S.W. 320th St.; thence easterly along the centerline of S.W. 320th St. to the centerline intersection of 36th Ave. S.W.; thence southerly to the northeast corner of Lot 171 of Twin Lakes No. 2 as recorded in Vol. 79 of Plats, pages 32 to 37, Records of King County, Washington; thence south along the east line of said Lot 171 and its southerly extension to the centerline of S.W. 325th St.; thence westerly along said centerline and continuing southwesterly along the centerline of 39th Place S.W. and the centerline of 40th Ave. S.W. to the centerline of S.W. 328th St.; thence west along the centerline of S.W. 328th St. a distance of 128 feet to a point on the west line of the plat of Twin Lakes No. 3 (Vol. 82, pages 42 to 44); thence south along said west line to the centerline of Section 14, Twp. 21 N., Range 3 E., W.M.; thence west along said centerline to the centerline of 47th Ave. S.W.; thence northerly along the centerline of 47th Ave. S.W. to the centerline of S.W. 320th St. and the point of beginning. (Ord. 1844 § 1, 1973).

12.68.620 Beaver Lake. The shooting of firearms is prohibited and a "No Shooting" area is established comprising the following described area:

All of the waters of the chain of three Beaver Lakes and adjacent lands for a distance of 500 feet from the shores of any point on the lakes, all in Section 1, 2 and 11, Township 24 North, R 6, EWM, King County, Washington. (Res. 16688 (part), 1956).

12.68.630 Cherry Garden Division No. 2. The shooting of firearms is prohibited, except by licensed sportsmen during regular hunting season, in parts of Cherry Garden Division No. 2 described as;

Lots 65 through 66 and Lots 80 through 86, Section 9, Township 26 North, Range 7 East, W.M. (1937 § 1, 1974).

12.68.640 Lake Youngs Reservation. The shooting of firearms is prohibited in the Lake Youngs Reservation described as:

The south half of Section 35; the west half of the southwest quarter and the west half of the southeast quarter, of the southwest quarter, of Section 36, all in Twp. 23 N., R. 5 E., W.M.

Section 1 except Government Lots 1 and 2 and except the east half of the southeast quarter of the northeast quarter and except any of the remainder of said section lying northeasterly of Petrovitsky Road S.E.; Section 2; Section 11 except the southwest quarter and except the southwest quarter of the southeast quarter; Section 12 except the southeast quarter and except the south half of the northeast quarter and except the southeast quarter of the southwest quarter; all in Twp. 22N., R. 5 E., W.M.

Portion of Government Lot 6 lying southwesterly of Petrovitsky Road S.E. and all of Government Lot 7, Section 6; Government Lot 1, Section 7; all in Twp. 22 N., R. 6 E., W.M. (Ord. 2022 § 1, 1974).

12.68.650 Shadow Lake. The shooting of firearms on and around Shadow Lake is prohibited. The area to be closed is described as:

All of the southeast quarter of Section 7, Twp. 22 N., R. 6 E., W.M. lying west of 196th Avenue S.E. (Ord. 2039 § 1, 1974).

12.68.660 Adair precinct. The shooting of firearms is prohibited in and around a portion of the Adair precinct described as:

All that portion of Section 22, Twp. 26 N., R. 5 E., W.M., lying westerly of the Burlington Northern Railway right-of-way. (Ord. 2353 § 1, 1975).

12.68.670 Cottage Lake, Millikin and Mink Road precincts. The shooting of firearms is prohibited in and around a portion of Cottage Lake, Millikin, and Mink Road precincts described as:

All the following area: the northeast quarter of Section 13, Twp. 26 N., Range 5 E., W.M.; the north half of Section 18, Twp. 26 N., Range 6 E., W.M.; that portion of the northwest quarter of Section 17, Twp. 26 N., Range 6 E., W.M., lying westerly of Mink Road N.E.; and the southeast quarter of Section 7, Twp. 26 N., Range 6 E., W.M., a portion of which lies within the area where shooting of firearms is prohibited by Section 12.68.130. (Ord. 2604 § 1, 1976).

12.68.680 Cumberland precinct. The shooting of firearms is prohibited in and around a portion of Cumberland precinct described as:

Bound on the west by the west margin of the Bonneville Transmission Line Easement; bound on the south by the south margin of S.E. 353rd Street and its easterly and westerly extension; bound on the east by the northerly and southerly extension of the west boundary line of the Puget Sound Power and Light Company substation located northwesterly of the intersection of Veazie-Cumberland Road and S.E. 352nd Street; bound on the north one-fourth mile north of S.E. 352nd Street. (Ord. 2700 § 1, 1976).

12.68.690 Stillwater precinct. The shooting of firearms is prohibited in and around a portion of Stillwater precinct described as:

The west three-quarters of Section 33 lying east of Fay Road N.E. and the south one-half of Section 28 lying south of Fay Road N.E. and N.E. Big Rock Road, except the southeast one-quarter of the southeast one-quarter of said Section 28, Township 26 N., Range 7 E., W.M. (Ord. 3196 § 1, 1977).

12.68.700 Four Lakes precinct. The shooting of firearms is prohibited in and around a portion of Four lakes precinct described as:

That portion of Section 27, 28, and 33, Township 23 north, Range 6 east, W.M. with a description as follows:

All that area within 1,500 feet of Cedar Grove Road Southeast, also known as J. W. Carr Co. Road No. 877, lying northeasterly of the Cedar Grove Road Southeast and Southeast Lake Francis Road intersection and Southwesterly of the Bonneville transmission line. (Ord. 3587 § 1, 1978).

12.68.710 Clay precinct. The shooting of firearms is prohibited in and around a portion of Clay precinct described as:

That portion of Government Lots 1 and 2 Section 2, Township 21 North, Range 5 East, in King County, Washington, lying northwesterly of the Northern Pacific Railroad right-of-way and northeasterly of the Soo's Creek Berrydale Road, except the north 165 feet of the west 264 feet of said lot 2. (Ord. 3630 § 1, 1978).

12.68.720 Gold Creek area. The shooting of firearms is prohibited in and around the Gold Creek area, the Gold Creek Athletic Center, described as follows:

That portion of Section 15, Township 26 North, Range 5 East, W.M., lying East of the East Channel of the Sammamish Waterway also known as Drainage Ditch No. 3 and West of the West right of way margin of Morris Road also known as 140th Place Northeast and South of the North line of the sixty-foot strip of land which is north of, continuous and parallel to the north line of the South 65/160th of the northeast quarter of said Sections. (Ord. 4133 § 1, 1979).

12.68.730 Woodinville-Redmond area. The shooting of firearms is prohibited in and around the Woodinville-Redmond area, described as:

All the area of King County bounded on the north by the centerline of Woodinville-Duvall Road; bounded on the east by the centerline of West Snoqualmie Valley Road; bounded on the south by Novelty Hill Road and bounded on the west by Avondale Road; except those portions incorporated into the City of Redmond and except that portion previously established as a "No Shooting Area" by Section 12.68.620. (Ord. 4335 § 1, 1979).

12.68.740 Portion of Stacy precinct. The shooting of firearms, in accordance with general law, is allowed in and around a portion of Stacy precinct defined as follows:

All that portion of unincorporated King County, Washington, lying within Sections 23 and 26 and the Southeast quarter of Section 27, Township 22 North, Range 4 East, W.M.

Also that portion of the north half of Section 35, said Township and Range lying easterly and northerly of the centerline of South 272nd Way and South 277th Street.

Except any portion thereof lying within 500 feet of the bank of the Green River. (Ord. 4508 § 1, 1979).

12.68.750 Jovita Heights-Spider Lake. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following legally described area:

All that portion of Section 26 and Section 27, Township 21 N., Range 4 E., W.M. lying westerly of the corporate city limits of Algona and Pacific; except that portion previously designated "no shooting" by King County Resolution No. 9791;

Provided, that property owners or their designated representative may discharge weapons using blank round ammunition as part of the process of training hunting dogs. (Ord. 4761 § 1, 1980).

12.68.760 Norway Hill. The shooting of firearms is prohibited and a no shooting area is established comprising the following legally described area:

Beginning at the City limit of Bothell where it meets the centerline of NE 145th Street at 100th Avenue NE; thence easterly along the centerline of NE 145th Street to the centerline intersection of 105th Avenue NE; thence northerly along the centerline of 105th Avenue NE to the intersection of the quarter section line between the Northwest and Southwest quarters of Section 17, Township 26 North, Range 5 East, W.M.; thence easterly along said quarter section line to the quarter section corner at the center of said Section 17; thence northerly along the quarter section line between the Northwest and Northeast quarters of said section to its intersection with the northerly boundary of the Tolt River Pipeline right-of-way; thence approximately northeasterly in a straight line to the centerline intersection of 108th Avenue NE and NE 164th Place (at the hairpin turn); thence easterly along the centerline of NE 164th Place to the centerline intersection of 112th Avenue NE; thence northerly along the centerline of 112th Avenue NE and its extension 112th Place NE to the City limit of Bothell; thence generally westerly and southerly along the City limit of Bothell to the point of beginning. (Ord. 5592 § 1, 1981).

12.68.770 Maple Valley. The shooting of firearms is prohibited and a no shooting area is established comprising the following legally described area:

The South 1/2 of the East 3/4 of Section 4, Township 22 N., Range 6 E., W.M., lying Westerly of the center of the Cedar River; TOGETHER with and including the following Lots of Maple Valley Farms (Volume 27 of Plats, page 39): Lots 15, 16, 17 and 18 ALSO Lots 19 through 28 of said Maple Valley Farms and their extension to the center of the Cedar River.

The department of natural resources and parks is hereby instructed to install No Shooting Area signs on the perimeter of this area immediately. (Ord. 14199 § 171, 2001: Ord. 5991 § 2, 1982).

12.68.780 Cumberland - Fish Lake - Green River. The shooting of firearms is prohibited and a no shooting area is established comprising the following legally described area:

All that portion of Section 30, Township 21 North, Range 7 East, W.M., lying easterly of the east right-of-way margin of the Enumclaw-Franklin Road.

Together with the north 1/2 of Section 31, Township 21 North, Range 7 East, W.M.; EXCEPT that portion lying northwesterly of the southeasterly right-of-way margin of said Enumclaw-Franklin Road (aka County Road #1017), all situated in King County, Washington. (Ord. 6693, 1984).

12.68.790 Issaquah-Fall City Road Area. The shooting of firearms is prohibited and a no-shooting area is established within Sunny Hills and Gilman precincts in and around the vicinity of the western half of the Issaquah-Fall City Road lying within unincorporated King County and comprising the following legally described area:

All of the following area of TWp. 24 N., Range 6 E., W.M.:

The south half of Section 12; all of Sections 13, 14 and 15; all of Section 22 except that part previously established as a "no-shooting area" by Section 12.68.330; all of Section 23; all of Sections 26 and 27 that lie north of interstate highway No. 90, except that portion of incorporated into the City of Issaquah. (Ord. 6736, 1984).

12.68.800 Boulevard Lane Park Area. The shooting of firearms is prohibited and a no-shooting area is established within Fuller, Wanda and Griffith precincts, and a portion of Iowa precinct in and around the Boulevard Lane Park area lying within unincorporated King County and comprising the following legally described area:

All the area within those portions of Sections 27, 28, 33 and 34, Township 23 N., Range 5 E., W.M., King County, Washington, lying easterly of 116th Avenue S.E., southerly of S.E. Petrovitsky Road, westerly of 140th Avenue S.E. and northerly of S.E. 192nd Street. (Ord. 6810, 1984).

12.68.810 Tiger Mountain Area. The shooting of firearms is prohibited and a no-shooting area is established with Gilman, Tiger Mountain, Mirrormont, Haas, Hutchinson, and Preston precincts in and around the vicinity of the Tiger Mountain Area, lying within unincorporated King County and comprising the following legally described area:

Those portions of Townships 23 and 24, Range 6 East, W.M. TOGETHER with those portions of Townships 23 and 24, Range 7 East, W.M., King County, Washington described as follows:

Beginning at the intersection of the South region of SR 90 and West margin of SR 18, said point being located in Township 23, Range 7 East; thence generally Southwesterly along said West margin of SR 18 to its intersection with the Northeasterly margin of the Issaquah-Hobart Road, said point being located in Sec. 36, Township 23, Range 6 East; thence generally Northerly along said margin of Issaquah Hobart Road to its intersection with the City Limits of Issaquah as established by city ordinance 855; thence Easterly, Northerly, Easterly, Northerly and Northwesterly along said city limits to the East line of that area annexed to the City of Issaquah by city ordinance 725; thence North and West along said city limits to the West margin of Northern Pacific Railroad (abandoned); thence Northerly along said margin to its intersection with the South margin of SR 90; thence Easterly along said South margin to the West margin of SR 18 and point of beginning. Except as follows:

A. All portions already provided for by King County Resolution 28537 and exceptions thereto;

B. All portions thereof lying within Tiger Mountain State Forest. (Ord. 6998, 1984).

12.68.820 Ravensdale Area. The shooting of firearms is prohibited and no-shooting area is established within Ravensdale voting precinct comprising the following legally described area:

All of sections 30 and 31, Township 22 North, Range 7 East, W.M., together with all of section 36, Township 22 North, Range 6 East, W.M., together with the West 1/2 section of section 29, Township 22 North, Range 7 East, W.M., together with that portion of section 32, Township 22 North, Range 7 East, W.M., lying westerly of the southeast margin of the Kent-Kangley Road and the easterly margin of the Retreat-Kanaskat Rd.

Except for any portion thereof described in King County Ordinance No. 1408 and presently recognized as a "No-Shooting Area".

And except any portion owned or leased by the Cascade Rifle and Pistol Club and the Georgetown Rod and Gun Club which may be located within the above described area. (Ord. 7074, 1985).

12.68.825 Ravensdale voting precinct. The shooting of firearms is prohibited and a no shooting area is established within the Ravensdale voting precinct, comprising the following area:

All of the area bounded by the intersection of the north margin of the Kent-Kangley Road (SR 516) and the western margin of the Retreat-Kanaskat Road; thence, southeasterly along the Retreat-Kanaskat Road to the intersection of the southern margin of the Retreat-Kanaskat Road and the southern margin of the Kanaskat-Kangley Road; thence northeasterly to the intersection of the northern margin of the Kanaskat-Kangley Road and the eastern margin of the Kent-Kangley Road (SR 516); thence, westerly along the Kent-Kangley Road (SR 516) to the Point of Beginning. (Ord. 14891 § 1, 2004).

12.68.826 Ravensdale voting precinct - Section 35, Township 22 North, Range 6 East, W.M.

A. The shooting of firearms is prohibited and a no shooting area is established within the Ravensdale voting precinct.

B. The area is all of Section 35, Township 22 North, Range 6 East, W.M. The area is bounded by SE 272 ST on the north, 244 Avenue on the west, SE 288 Street on the south and 260 Avenue SE on the east. (Ord. 15510 § 1, 2006).

12.68.830 High Valley Area. The shooting of firearms is prohibited and a no-shooting area is established within High Valley voting precinct comprising the following legally described area:

That portion of Sections 6, 7, 8, 9, 16 and 17, Township 23 North, Range 6 East, W.M. King County, Washington described as follows:

Beginning at the intersection of the North margin of SE May Valley Road and the Southeast margin of SR 900 (Renton Issaquah Road SE); thence Northeasterly along said margin of SR 900 to the East line of said Section 6; thence South along the East line of Section 6 to the Southeast corner thereof; thence East along the North line of Section 8 and 9 to the Northeast corner of Section 9; thence South along the East line of said Section 9 and Section 16 to its intersection with the north margin of said SE May Valley Road; thence generally Northwesterly along said North margin to the Point of Beginning. (Ord. 7075, 1985).

12.68.840 Mathew and Tiger Mountain. The shooting of firearms is prohibited and a no-shooting area is established within portions of Mathew and Tiger Mountain precincts lying within unincorporated King County and comprising the following legally described area:

Beginning at the intersection of the south margin of S.E. May Valley Road and the west margin of Issaquah-Hobart Road S.E., then southerly along Issaquah-Hobart Road S.E. to the intersection of Issaquah-Hobart Road S.E. and the north margin of Cedar Grove Road S.E., then southwesterly along Cedar Grove Road S.E. to the intersection of Cedar Grove Road S.E. and the east margin of 228th Avenue S.E., then northerly along 228th Avenue S.E. to the entrance to the King County solid waste division's Cedar Hills Landfill, then northerly along the fenced boundary of the Cedar Hills Landfill to the northeast corner of the landfill boundary fence, then west along the Cedar Hills Landfill boundary fence to the intersection of the Cedar Hills Landfill boundary fence and the east right of way margin of Puget Sound Power and Light Company's Sammamish-Maple Valley transmission line (formerly called Bonneville Power Administration Covington-Chief Joseph Number One Transmission Line), then northerly along the Sammamish-Maple Valley Transmission Line to the point where the Sammamish-Maple Valley Transmission Line crosses the south margin of S.E. May Valley Road, then northeasterly along S.E. May Valley Road to the intersection of S.E. May Valley Road and Issaquah-Hobart Road S.E., the point of beginning. All being located in Sections 15, 16, 21, 22, 27 and 28, TWP 23 North, RGE 6 East, W.M., King County, Washington. (Ord. 7940, 1987).

12.68.850 Bear Creek, Union Hill and Vincent precincts. The shooting of firearms is prohibited and a no-shooting area is established within portions of the Bear Creek, Union Hill and Vincent voting precincts lying within unincorporated King County and comprising the following legally described area:

Beginning at the intersection of the East margin of 208th Avenue NE with the North margin of NE Union Hill Road, said point being located in Section 8, Township 25 North, Range 6 East, W.M. King County Washington, then North along said East margin of 208th Avenue NE to the South margin of NE Novelty Hill Road, then Northeasterly along the southerly margin of NE Novelty Hill Road to the Southwesterly margin of West Snoqualmie Valley Road NE, then Southeasterly along the Southwesterly margin of West Snoqualmie Valley Road NE to its intersection with the West margin of Ames Lake Carnation Road NE, then Southerly along said West margin of Ames Lake Carnation Road NE to the North margin of the NE Union Hill Road, then Northwesterly along the North margin of the NE Union Hill Road to the East margin of 208th Avenue NE and point of beginning. Less any portion already designated as a no-shooting area as identified in Resolution 26754 and known as the Ames Lake District. (Ord. 8550, 1988).

12.68.860 Cumberland vicinity. The shooting of firearms is prohibited and a "no shooting" area is established comprising the following described property: Beginning at the NW corner of Section 22, Township 21 North, Range 7 East; thence east to the NE corner of Section 22, Township 21 North, Range 7 East; thence south to the Weyerhaeuser White River Main Line Haul Road; thence, southwesterly to the south boundary of Section 34, Township 21 North, Range 7 East; thence, west to the intersection of SE 384th and the Kanaskat-Cumberland Road to the true point of beginning. (Ord. 10318, 1992).

12.68.870 Old Red Brick Road and Johnson Park vicinity. The shooting of firearms is prohibited and a no-shooting area is established in an area, known as the Old Red Brick Road - Johnson Park area, within the Bear Creek and Mabel voting precincts, contained by the following boundaries:

Novelty Hill Road on the north; 204th Place Northeast and 208th Avenue Northeast on the east; Redmond-Fall City Road on the South; and the Redmond city limits on the west. (Ord. 11384 § 1, 1994).

12.68.880 Greenwater River vicinity. The shooting of firearms is prohibited and a no-shooting area of approximately 220 acres is established within township 19 north, range 9 east, in portions of sections 2, 3, 4, 10, and 11, within the Chinook voting precinct, comprising the following described property:

Beginning at the intersection of State Route 410 and Weyerhaeuser Road 6400 (Forest Service Road 7125) northerly and easterly along Weyerhaeuser Road 6400 to the intersection of Weyerhaeuser Road 6401 (Forest Service Road 7130). Then easterly along Weyerhaeuser Road 6401 to the west line of Section 2. Then to Weyerhaeuser Road 8012-3B and continuing easterly to the center of the stream bed intersecting Road 8012-3B at the North-South 1/16 section line of the NW 1/4 of Section 11. Then south along said stream bed to the King-Pierce County Boundary, which is the center of the Greenwater River, then westerly along the center of the Greenwater River and the White River to a point in line with the intersection of SR 410 and Road 6400, which is the point of beginning. (Ord. 11385 § 1, 1994).

12.68.890 Stossel Creek Road vicinity. The shooting of firearms is prohibited and a no-shooting area is established on and near Stossel Creek Road, within the Stossel Creek and Stillwater voting precincts, comprising portions of Sections 13, 14, 15, 22, 23, 24, 25, 26 and 27, Township 26 North, Range 7 East W.M., King County, Washington described as follows:

A. Between 360th Avenue Northeast and its extended center line on the east, Northeast 130th and its extended line on the south, 2,000 feet west of Kelly Road on the west, Northeast 145th and its extended center line on the north.

B. Nothing in this section shall prohibit the shooting of rodents and coyotes by owners on their own property to prevent damage to their property or the killing of their livestock or pets. (Ord. 11434, 1994).

12.68.900 Soos Creek Valley vicinity. The shooting of firearms is prohibited and a no-shooting area is established near Soos Creek Valley within the Big Soos, Lake Youngs, Soos Creek and North Peak voting precincts and described as follows:

132nd Avenue Southeast, Southeast 208th Street, 148th Avenue Southeast, and Southeast 240th Street, in unincorporated King County, commonly called Kent, Washington. (Ord. 12692 § 1, 1997).

12.68.910 Palmer vicinity. The shooting of firearms is prohibited and a no-shooting area is established near Palmer within the Green River voting precinct and described as follows:

Beginning at the intersection of South 307th Street and Burlington Northern Railroad, then Northerly and following the Burlington Northern Railroad to Cumberland Kanaskat Road, then south along Cumberland Kanaskat Road to where it intersects with South 307th Street, then west and northwesterly along South 307th Street to the point of the beginning. (Ord. 12710 § 1, 1997).

12.68.920 Carnation vicinity. The shooting of firearms is prohibited and a no-shooting area is established near Carnation within the Vincent voting precinct and described as follows:

A. Bounded on the north by the north line of Section 20-25-7 (extension of N.E. 40 Street). On the east by the Snoqualmie River. On the south by Tolt Hill Road. On the west by the east boundary line for the Ames Lake No Shooting Area per K.C.C. 12.68.440. (Ord. 12880 § 1, 1997).

12.68.930 North Bend vicinity. The shooting of firearms is prohibited and a no-shooting area is established near North Bend within the Grizzly and River Bend voting precincts and described as follows:

A. The area bounded by Interstate 90 on the north, 468th Avenue Southeast on the east, SE 156th Place on the southeast, across the Snoqualmie River and along Camp Waskowitz's southern property line on the southwest, and Camp Waskowitz's western property line on the west, including the waters of the South Fork of the Snoqualmie River encompassed by these boundaries. (Ord. 12881 § 1, 1997).

12.68.940 Hill precinct. The shooting of firearms is prohibited and a no shooting area is established within the Hill voting precinct between Woodinville and Duvall and described as follows:

Bounded on the north by the King County line, on the east by 224th Avenue NE, on the south by the Woodinville-Duvall Road, 226th Place NE and NE 180th Street and on the west by the Paradise Lake Road. (Ord. 13013 § 1, 1998).

12.68.950 Ramona voting precinct. The shooting of firearms is prohibited and a no shooting area is established within the Ramona voting precinct, comprising the following area:

All of Sections 21, 22, 27, and 28 of Township 23, Range 8 of King County. (Ord. 14923 § 1, 2004).

12.68.960 Vincent voting precinct. The shooting of firearms is prohibited and a no shooting area is established within the Vincent voting precinct. The area is in Township 25 North, Range 7 East, W.M. and is comprised of sections 17 and 18 and the south 1/3 of sections 7 and 8. (Ord. 14892 § 1, 2004.)

12.68.961 Alpine voting precinct. The shooting of firearms is prohibited and a no shooting area is established within the Alpine voting precinct. The area is in Township 23, Range 8, Section NE and NW 14, and Sections SE and SW 11. (Ord. 15296 § 1, 2005).

12.68.962 Merganser voting precinct. The shooting of firearms is prohibited and a no shooting area is established within the Merganser voting precinct and is described as follows: The area is in all that portion of Section 15, Township 21 north, Range 6 east, W.M. lying westerly of the corporate city limits of Black Diamond. (Ord. 15297 § 1, 2005).

12.68.963 Crow voting precinct.

A. The shooting of firearms is prohibited and a no shooting area is established within the Crow voting precinct.

B. The area is in those portions of Sections 2 & 3, Township 21 North, Range 6 East, W.M. that are bounded by SE 288th Street (south line of Section 35) on the north, Maple Valley-Black Diamond Rd on the west, SE 305 Street (Black Diamond corporate limits) on the south and Black Diamond-Ravensdale Rd on the east. (Ord. 15510 § 2, 2006).

Chapter 12.72
SIGN DESTRUCTION

Sections:

12.72.010 Destruction of signs.

12.72.010 Destruction of signs. Anyone giving information which will lead to the arrest and conviction of anyone who has defaced, destroyed or removed any sign placed or erected by any officer or agent of King County shall be rewarded in the amount of fifty dollars. (Res. 13264 (part), 1952).

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Chapter 12.74
POLITICAL SIGNS AND POSTERS

Sections:

12.74.010 Political signs allowed on private property.
12.74.020 Removal of signs following election.
12.74.030 Political signs not allowed on public property.
12.74.040 Public notices unaffected by chapter.
12.74.050 Penalty for violations.

12.74.010 Political signs allowed on private property. Signs, posters or bills promoting or publicizing candidates for public office or issues that are to be voted upon in an election may be displayed on private property with the written consent of the property owner. (Ord. 915 § 1, 1971).

12.74.020 Removal of signs following election. Any such sign, poster or bill shall be removed within ten days following election. It shall be the responsibility of the property owner to have the signs, posters or bills removed. (Ord. 915 § 2, 1971).

12.74.030 Political signs not allowed on public property. It is unlawful for any person to paste, paint, affix or fasten on any utility pole or on the sidewalk, roadway, or on any public building or structure any such sign, poster, bill or other advertising device when such facilities are located on public property or within public easements. (Ord. 915 § 3, 1971).

12.74.040 Public notices unaffected by chapter. Nothing in this chapter shall be construed to prohibit the placement of public notices required by law. (Ord. 915 § 4, 1971).

12.74.050 Penalty for violation. Violation, or failure to comply with the provisions of this chapter, shall subject the offender, upon conviction thereof, to a fine of not to exceed two hundred fifty dollars, or to imprisonment for a period not exceeding ninety days, or both, and each day that such violation or failure to comply exists shall constitute a separate offense. The prosecutor may as an alternative to criminal action seek legal or equitable relief to enjoin or abate any violation. (Ord. 915 § 5, 1971).

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CONSUMER PROTECTION

(Reserved)

CROSS REFERENCE:
Meat advertisements and displays, see K.C.C. 8.44.660, 8.44.670, 8.44.680, 8.44.690, 8.44.700, 8.44.710, 8.44.720, 8.44.730 and 8.44.740

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OFFENSES BY OR AGAINST MINORS

Chapter 12.78
FIREARMS*

Sections:

12.78.010 Person defined - Singular words - Masculine words.
12.78.020 Supplying firearms or ammunition to minor unlawful.
12.78.030 Written consent required to supply airgun or slingshot to minor.
12.78.040 Written consent to be kept as evidence.
12.78.050 Violation - Misdemeanor.

12.78.010 Person defined - Singular words - Masculine words. "Person" wherever used in this chapter means and includes natural persons, of either sex, firms, copartnerships and corporations, whether acting by themselves, by servant, agent or employee. The singular number includes the plural and the masculine pronoun includes the feminine. (Res. 1439 § 1, 1953).

12.78.020 Supplying firearms or ammunition to minor unlawful. It is unlawful for any person in King County, state of Washington, outside the boundaries of incorporated cities and towns within King County, to sell, barter, hire, loan or give, or permit to be sold, bartered, hired, loaned or given to any minor under the age of twenty-one years, any revolver, pistol or similar firearms or any ammunition for the same. (Res. 33741 (part), 1967: Res. 1439 § 2, 1953).

12.78.030 Written consent required to supply airgun or slingshot to minor. It is unlawful for any person outside the boundaries of incorporated cities and towns within King County, Washington, to sell, barter, hire, loan or give or permit to be sold, bartered, hired, loaned or given to any minor under the age of eighteen years, or knowingly to permit such minor to use or have in possession any spring gun, air gun, or any ammunition for such a gun, or any sling or slingshot, without having first obtained the written consent or permission of the parent or guardian having the custody or control of the minor. (Res. 14349 § 3, 1953).

12.78.040 Written consent to be kept as evidence. Any person required by the provisions of Section 12.78.030 hereof to secure the written consent or permission therein required, shall keep the writing evidencing the consent or permission in his possession for a period of one year. His failure or refusal within that time to permit any peace officer, upon demand to inspect said writing shall be prima facie evidence of his violation of the provisions of said Section 12.78.030. (Res. 14349 § 4, 1953).

12.78.050 Violation - Misdemeanor. Any person violating or failing to comply with any provisions of this chapter shall be deemed guilty of a misdemeanor as defined by the laws of the state of Washington and upon conviction thereof shall be subject to such punishment as is provided by the laws of the state of Washington upon conviction for a misdemeanor. (Res. 14349 § 5, 1953).

***Statutory provisions: Generally - chapters 9.41 and 9.45 RCW; Minors - chapter 26.28 RCW and RCW 77.32.155.**

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Chapter 12.80
FURNISHING LIQUOR TO MINORS*

Sections:

12.80.010 Possession of liquor unlawful for minor.
12.80.020 Supplying liquor to minor unlawful.
12.80.030 Penalty for violation.

12.80.010 Possession of liquor unlawful for minor. It is unlawful for any person under the age of twenty-one years to acquire in any manner, consume, or have in his possession any intoxicating liquor as defined by RCW 66.04.200; provided, that the foregoing shall not apply in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for medicinal purposes, or administered to him by his physician or dentist for medicinal purposes. (Res. 13839 § 1, 1953).

12.80.020 Supplying liquor to minor unlawful. It is unlawful for any person to give, or otherwise supply, intoxicating liquor to any person under the age of twenty-one years or permit any person under that age to consume intoxicating liquor on his premises or on any premises under his control, except as provided in Section 12.80.010. (Res. 13839 § 2, 1953).

12.80.030 Penalty for violation. Any person violating any of the provisions of Sections 12.80.010 and 12.80.020 of this chapter shall be guilty of a misdemeanor as defined under the laws of the state of Washington, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for not more than thirty days. (Res. 13839 § 3, 1953).

***Statutory provisions - See chapter 66.44 RCW. Driving under the influence of intoxicating liquor or drugs - See K.C.C. chapter 20.18.**

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Chapter 12.81
CONTROLLED SUBSTANCES

Sections:

12.81.010 Responsibility of persons in charge of sale or display rooms containing paraphernalia evincing intent to violate Chapter 69.50 RCW.
12.81.020 Minors prohibited unless with guardian in places selling or displaying for sale certain paraphernalia.
12.81.030 Sale and display room requirements.
12.81.040 Violation - Penalty.
12.81.050 Severability.

12.81.010 Responsibility of persons in charge of sale or display rooms containing paraphernalia evincing intent to violate Chapter 69.50 RCW. With respect to any owners, manager, proprietor, or other person in charge of any room or enclosure in any place of business selling, or displaying for the purpose of sale, any device, contrivance, instrument or paraphernalia for the smoking, ingestion, injection, or consumption of marijuana, hashish, PCP, or any controlled substance, as defined in Chapter 69.50 RCW (Uniform Controlled Substances Act), other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed or commonly used for the smoking of the foregoing, no such person, under circumstances evincing his or her intent that any such item or items so sold or displayed be used or employed by another in the commission of a criminal violation of Chapter 69.50 RCW, shall allow or permit any person under the age of eighteen years to be, remain in, enter, or visit such room or enclosure unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian. (Ord. 4785 § 1(a), 1980).

12.81.020 Minors prohibited unless with guardian in places selling or displaying for sale certain paraphernalia. No person under the age of eighteen years shall be, remain in, enter or visit any room or enclosure in any place used for the sale, or displaying for sale, of any device, contrivance, instrument or paraphernalia for the smoking, ingestion, injection, or consumption of marijuana, hashish, PCP, or any controlled substance, as defined in Chapter 69.50 RCW (Uniform Controlled Substances Act), other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed or commonly used for smoking the foregoing, under circumstances evincing the intent of the person in charge of such room or enclosure that any such item or items so sold or displayed be used or employed by another in the commission of a criminal violation of Chapter 69.50 RCW, unless such person under the age of eighteen years is accompanied by one of his or her parents, or by his or her legal guardian. (Ord. 4785 § 1(b), 1980).

12.81.030 Sale and display room requirements. No person shall maintain in any place of business to which the public is invited the display for sale, or the offering to sell, of any device, contrivance, instrument or paraphernalia for the smoking, ingestion, injection, or consumption of marijuana, hashish, PCP, or any controlled substance, as defined in Chapter 69.50 RCW (Uniform Controlled Substances Act), other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed or commonly used for smoking the foregoing, under circumstances evincing his or her intent that any such item or items so sold or displayed be used or employed by another in the commission of criminal violation of Chapter 69.50 RCW, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. At each entrance to such a room or enclosure shall be a sign posted in reasonably visible and legible words to the effect that minors unless accompanied by a parent or legal guardian are excluded. (Ord. 4785 § 1(c), 1980).

12.81.040 Violation - Penalty. Any violation of this chapter is a misdemeanor, and the punishment shall be as provided by the laws of the state of Washington. (Ord. 4785 § 2, 1980).

12.81.050 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter. (Ord. 4785 § 3, 1980).

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Chapter 12.82
LOCATION OF DRUG-FREE ZONES

Sections:

12.82.010 Maps to be filed with clerk of the council.
12.82.020 Preparation of parks maps by county.
12.82.030 Request by school districts and private schools for preparation of maps and posting of signs by King County.
12.82.040 Clerk to send notice and file maps.
12.82.050 Severability.
12.82.060 Highline School District.
12.82.070 Catholic Archdiocese.
12.82.080 Federal Way School District.
12.82.090 Lake Washington School District.
12.82.100 Kent School District.
12.82.110 Renton School District.
12.82.120 Issaquah School District.
12.82.130 Snoqualmie Valley School District.
12.82.140 Enumclaw School District.
12.82.150 Shoreline School District.
12.82.160 Tahoma School District.
12.82.180 Riverview School District.
12.82.190 Vashon School District.
12.82.200 Snoqualmie Valley Christian School.
12.82.400 King County parks.

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12.82.010 Maps to be filed with clerk of council. Pursuant to RCW 69.50.435, for the purpose of providing a public record of the location and boundaries of certain areas within which enhanced penalties shall be imposed upon conviction of unlawful transactions in controlled substances, any map depicting the location and boundaries of public parks and of the area on or within one thousand feet of any property used for schools which is produced or reproduced by the county executive or the engineer of any municipality or school district and approved by the governing body of such public agency may be filed with the clerk of the county council. (Ord. 10154 § 1, 1991).

12.82.020 Preparation of parks maps by county. The county executive is directed to prepare and submit to the council for approval by ordinance, maps showing the boundaries and locations, including municipal boundaries, of all lands in unincorporated King County which are operated as parks by the state or by local government and of all county parks whether in incorporated or unincorporated areas of King County. The executive is directed to send a copy of this ordinance to each city and town in King County and to the Washington State Parks and Recreation Commission and to send a copy of each approved map to the commission and to each city or town within whose boundaries a park is depicted. (Ord. 10154 § 2, 1991).

12.82.030 Request by school districts and private schools for preparation of maps and posting of signs by King County. The county executive is directed to send a copy of this ordinance to each school district and each private school approved under RCW 28A.195.010 within King County. Upon receipt by the executive of a resolution of the board of directors of the school district or of the governing body of a private school requesting that its school or schools be declared "drug-free zones" and mapped pursuant to RCW 69.50.435, together with information specifying the location of school grounds, the executive shall cause to be prepared maps depicting the location and boundaries of the area on or within one thousand feet of any property used for schools by such district or private school and depicting municipal boundaries, if any, within such area. Each such map or maps shall be transmitted by the executive to the council for its approval by ordinance. Following approval by ordinance, the executive shall cause to be posted within unincorporated areas signs delineating the boundaries of the 1000 feet "drug-free zone" surrounding each school in unincorporated King County whose location and boundaries have been mapped pursuant to this chapter. (Ord. 10154 § 3, 1991).

12.82.040 Clerk to send notice and file maps. The clerk of the council shall send notice of adoption of each ordinance approving a map pursuant to K.C.C. 12.82.020 or K.C.C. 12.82.030 of this chapter to the clerks of the district and superior courts, the office of the prosecuting attorney, the department of transportation, the department of public safety, the department of natural resources and parks, the police department of each jurisdiction within which each mapped school or park is located and the records and licensing services division as the custodian of official county records. (Ord. 15971 § 69, 2007: Ord. 14199 § 172, 2001: Ord. 10508 § 2, 1992: Ord. 10154 § 4, 1991).

12.82.050 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter, or its application to any person or circumstance be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remainder of this chapter or its applicability to other persons or circumstances. (Ord. 10154 § 5, 1991).

12.82.060 Highline School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - W located in the Highline School District are hereby adopted. The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding the following schools within the Highline School District, as supported by the Highline School District 401 have been filed with the clerk of the council. Exhibits A - W are:

A. Beverly Park Elementary at 3rd Avenue South (boundary established in Ordinance 10249; school closed; property disposition undetermined at this time.)

B. Mount View Elementary.

C. North Shorewood Elementary.

D. Salmon Creek Elementary.

E. Shore Elementary.

F. Southern Heights Elementary.

G. White Center Heights Elementary.

H. Cascade Middle School.

I. Evergreen High School.

J. Mount Rainier High School.

K. Sylvester Middle School.

L. Cedarhurst Elementary School.

M. Gregory Heights Elementary School.

N. Hazel Valley Elementary School.

O. Hilltop Elementary School.

P. North Hill Elementary School.

Q. Seahurst Elementary School.

R. Sunnydale Elementary School.

S. Olympic School.

T. Highline High School.

U. Satellite Alternative School.

V. Sea-Tac Occupational Skills Center.

W. Beverly Park Elementary School at Glendale Way South.

(Ord. 10706, 1993: Ord. 10443 § 1, 1992: Ord. 10353, 1992: Ord. 10249, 1992).

12.82.070 Catholic Archdiocese. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - F located within the Catholic Archdiocese are hereby adopted for:

A. John F. Kennedy Memorial High School;

B. St. Francis of Assisi Elementary School;

C. St. Bernadette Elementary School;

D. Eastside Catholic High School;

E. St. Luke School; and

F. Holy Family School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Catholic Archdiocese, as supported by Archdiocese endorsement, have been filed with the clerk of the council and are on file with the King County department of transportation, road services division and the King County department of executive services, records and licensing services division. (Ord. 15971 § 70, 2007: Ord. 14199 § 173, 2001: Ord. 11312 § 1, 1994: Ord. 10510 § 1, 1992: Ord. 10393 § 1, 1992).

12.82.080 Federal Way School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - H located within the Federal Way School District are hereby adopted:

A. Camelot Elementary School;
B. Lake Dolloff Elementary and Kilo Junior High Schools;
C. Lakeland Elementary School;
D. North Lake Elementary School;
E. Rainier View Elementary School;
F. Valhalla Elementary School;
G. Woodmont Elementary School; and
H. Thomas Jefferson High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Federal Way School District, as supported by the Federal Way School District, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 71, 2007: Ord. 14199 § 174, 2001: Ord. 10508 § 1, 1992).

12.82.090 Lake Washington School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - N-2 located within the Lake Washington School District are hereby adopted:

A. Louisa May Alcott Elementary School;
B-1 and B-2. Emily Dickinson Elementary and Evergreen Junior High Schools;
C. Robert Frost Elementary School;
D. Christa McAuliffe Elementary School;
E. Margaret Mead Elementary School;
F. John Muir Elementary School;
G. Carl Sandburg Elementary School;
H-1 and H-2. Samantha Smith Elementary School;
I. Henry David Thoreau Elementary School;
J-1 and J-2. Laura Ingalls Wilder Elementary School;
K. Finn Hill Junior High School;
L-1, L-2 and L-3. Inglewood Junior High School;
M. Kamiakin Junior High School; and
N-1 and N-2. Site 86.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Lake Washington School District, as supported by the Lake Washington School District, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 72, 2007: Ord. 14199 § 175, 2001: Ord. 10509 § 1, 1992).

12.82.100 Kent School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - Y located within the Kent School District No. 415 are hereby adopted:

A. Carriage Elementary School;
B. Cedar Valley Hill Elementary;
C. Covington Elementary School;
D. Crestwood Elementary School;
E. Fairwood Elementary School;
F. Grass Lake Elementary School;
G. Horizon Elementary School;
H. Jenkins Creek Elementary School;
I. Lake Youngs Elementary School;
J. Martin Sortun Elementary School;
K. Meridian Elementary School;
L. Panther Lake Elementary School;
M. Park Orchard Elementary School;
N. Pine Tree Elementary School;
O. Ridgewood Elementary School;
P. Soos Creek Elementary School;
Q. Springbrook Elementary School;
R. Sunrise Elementary School;
S. Administration Center;
T. Mattson Junior High School;
U. Meeker Junior High School;
V. Meridian Junior High School;
W. Junior High Site No. 6;
X. Kentridge Senior High School; and
Y. Kentwood Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Kent School District No. 415, as supported by Kent School District No. 415, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 73, 2007: Ord. 14199 § 176, 2001: Ord. 10689 § 1, 1992).

12.82.110 Renton School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - M located within the Renton School District No. 403 are hereby adopted:

A. Benson Hill Elementary School;
B. Campbell Hill Elementary School;
C. Cascade Elementary School;
D. Hazelwood Elementary School;
E. Lakeridge Elementary School;
F. Maplewood Heights Elementary School;
G. Renton Park Elementary School;
H. Sierra Heights Elementary School;
I. A. W. Dimmitt Middle School;
J. Lindbergh High School;
K. Renton Alternative School;
L. John A. Thompson School; and
M. Bryn Mawr Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Renton School District No. 403, as supported by Renton School District No. 403, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 74, 2007: Ord. 14199 § 177, 2001: Ord. 10690 § 1, 1992).

12.82.120 Issaquah School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - K located within the Issaquah School District No. 411 are hereby adopted:

A. Apollo Elementary School;
B. Briarwood Elementary School;
C. Cougar Ridge Elementary School;
D. Challenger Elementary School;
E. Discovery Elementary School;
F. Maple Hills Elementary School;
G. Sunny Hills Elementary School;
H. Sunset Elementary School;
I. Maywood Middle School;
J. Pine Lake Middle School; and
K. Liberty Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Issaquah School District No. 411, as supported by the Issaquah School District No. 411, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 75, 2007: Ord. 14199 § 178, 2001: Ord. 10723 § 1, 1993).

12.82.130 Snoqualmie Valley School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits A - F located within the Snoqualmie Valley School District No. 410 are hereby adopted:

A. Fall City Elementary School;
B. North Bend Elementary School;
C. Opstad Elementary School;
D. Chief Kanim Middle School;
E. Snoqualmie Elementary School, Snoqualmie Middle School and Mt. Si Athletic Fields; and
F. Mt. Si. Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Snoqualmie Valley School District No. 410, as supported by the Snoqualmie Valley School District No. 410, are on file with the department of transportation, road services division and the department of executive services and licensing services division. (Ord. 15971 § 76, 2007: Ord. 14199 § 179, 2001: Ord. 10724 § 1, 1993).

12.82.140 Enumclaw School District. The boundaries of drug-free zones surrounding the school as listed in Exhibit "A" located within the Enumclaw School District No. 216 are hereby adopted:

A. Westwood Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding this school within the Enumclaw School District 216, as supported by the Enumclaw School District 216, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 77, 2007: Ord. 14199 § 180, 2001: Ord. 10793 § 1, 1993).

12.82.150 Shoreline School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "Q" located within the Shoreline School District are hereby adopted:

A. Briarcrest Elementary School and Shorecrest High School;
B. Brookside Elementary School;
C. Cedarbrook Elementary School;
D. Echo Lake Elementary School;
E. Highland Terrace Elementary School;
F. Park Elementary School;
G. Meridian Park Elementary School;
H. North City Elementary School;
I. Parkwood Elementary School;
J. Ridgecrest Elementary School;
K. Sunset Elementary School;
L. Syre Elementary School;
M. Einstein Middle School;
N. Kellogg Middle School;
O. Shorewood High School;
P. Shoreline Center; and
Q. Aldercrest Annex.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Shoreline School District, as supported by the Shoreline School District, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 78, 2007: Ord. 14199 § 181, 2001: Ord. 11006 § 1, 1993).

12.82.160 Tahoma School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "G" located within the Tahoma School District No. 409 are hereby adopted:

A. Cedar River Elementary School and Shadow Lake Elementary School;
B. Glacier Park Elementary School;
C. Lake Wilderness Elementary School;
D. Rock Creek Elementary School and Central Services Center;
E. Maple Valley High School and Maintenance and Transportation Center;
F. Tahoma Junior High School; and
G. Tahoma Senior High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Tahoma School District No. 409, as supported by the Tahoma School District No. 409, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 79, 2007: Ord. 14199 § 182, 2001: Ord. 11040 § 1, 1993).

12.82.180 Riverview School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "E" located within the Riverview School District No. 407 are hereby adopted:

A. Carnation Elementary School;
B. Cherry Valley Elementary School;
C. Stillwater Elementary School;
D. Tolt Middle School; and
E. Cedarcrest High School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Riverview School District No. 407, as supported by the Riverview School District, are on file with the department of transportation, road services division and the department of executive services, records and licensing services division. (Ord. 15971 § 80, 2007: Ord. 14199 § 183, 2001: Ord. 11080 § 1, 1993).

12.82.190 Vashon School District. The boundaries of drug-free zones surrounding the following schools as listed in Exhibits "A" through "C" located within the Vashon School District No. 402 are hereby adopted:

A. Burton Elementary School;
B. Vashon School District No. 402 - Central Campus; and
C. Vashon Elementary School.

The maps produced by the county engineer of the location and boundaries of the drug-free zones surrounding these schools within the Vashon School District No. 402, as supported by the Vashon School District No. 402, are on file with the department of public works, roads and engineering division and the department of executive administration, records and licensing services division. (Ord. 15971 § 81, 2007: Ord. 14199 § 184, 2001: Ord. 11979 § 1, 1995).

12.82.200 Snoqualmie Valley Christian School. The boundaries of a drug-free zone surrounding the Snoqualmie Valley Christian School as shown in Exhibit "A" is hereby adopted.

The map produced by the county engineer of the location and boundaries of the drug-free zone surrounding this school, as supported by the board of directors of the Snoqualmie Valley Christian School, is on file with the department of transportation, road services division and the King County department of executive services, records and licensing services division. (Ord. 15971 § 82, 2007: Ord. 14199 § 185, 2001: Ord. 11991 § 1, 1995).

12.82.400 King County parks. The boundaries of drug-free zones surrounding the following parks as listed in Exhibits "A" through "U" located within King County are hereby adopted:

A. Hamlin Park;
B. Richmond Beach Park;
C. Big Finn Hill Park;
D. White Center Park;
E. Lakewood Park;
F. Salmon Creek Park;
G. Puget Sound Junior High Park;
H. Skyway Park;
I. Lake Geneva Park;
J. Lake Meridian Park;
K. Springwood Park;
L. Lake Wilderness;
M. O.O. Denny;
N. Juanita Beach;
O. Pine Lake;
P. Beaver Lake;
Q. Fort Dent;
R. Tracy Owen Station;
S. Petrovitsky;
T. Richmond Highlands; and
U. Si View.

Copies of the county assessor's maps reproduced by the parks and recreation division which depict the location and boundaries of the drug-free zones surrounding these parks within King County, are on file with the parks and recreation division, and the department of executive services, records and licensing services division. (Ord. 15971 § 83, 2007: Ord. 14199 § 186, 2001: Ord. 11703 § 1, 1995: Ord. 11071 § 1, 1993).

Chapter 12.84
OBSCENE MATERIALS

Sections:

12.84.010 Definitions.
12.84.020 Dissemination of indecent materials to minors unlawful.
12.84.030 Dissemination of indecent materials to minors defined.
12.84.040 Presumptions.
12.84.050 Defenses.
12.84.060 Tie-in sales prohibited.
12.84.070 Violation a misdemeanor.

1**2.84.010 Definitions.** As used herein, the following definitions shall apply:

A. "Harmful to minors" means that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it:

1. Predominantly appeals to the prurient, shameful or morbid interest of minors; and

2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

3. Is utterly without redeeming social importance for minors.

B. "Minor" means any person less than eighteen years of age.

C. "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 discernible turgid state.

D. "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.

E. "Sexual excitement" means the condition of human male or female genitals in a state of sexual stimulation or arousal.

F. "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. (Res. 35704 § 1, 1968).

12.84.020 Dissemination of indecent materials to minors unlawful. It is unlawful for any person to disseminate indecent materials to minors as provided herein. (Res. 35704 § 2, 1968).

12.84.030 Dissemination of indecent materials to minors defined. Any person shall be deemed disseminating indecent material to a minor if he:

A. With knowledge of its character and content, sells or loans to a minor for monetary consideration:

1. 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

2. Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in paragraph 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

B. 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:

1. Exhibits such motion picture, show or other presentation to a minor for a monetary consideration; or

2. 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

3. Admits a minor for a monetary consideration to premises whereon there is exhibited or to be exhibited such motion picture, show or other presentation. (Res. 35704 § 3, 1968).

12.84.040 Presumptions. Any person who engages in the conduct prescribed herein is presumed to do so with knowledge of the character and content of the materials sold or loaned, or the motion picture, show or presentation exhibited or to be exhibited. (Res. 35704 § 4, 1968).

12.84.050 Defenses. In any prosecution for disseminating indecent material to minors, it is an affirmative defense that:

A. The defendant had reasonable cause to believe that the minor involved was eighteen years old or more; and

B. 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 eighteen years old or more. (Res. 35704 § 5, 1968).

12.84.060 Tie-in sales prohibited. No printer, publisher, distributor or wholesaler shall, as a condition to a sale or delivery for resale of any book, pamphlet, or printed matter, require that the purchaser or consignee, whether a wholesaler, distributor, or retailer, receive for sale or resale any publication deemed in good faith by said wholesaler, distributor, or retailer to be in violation of this chapter. (Res. 35821, 1968: Res. 35704 § 6, 1968).

12.84.070 Violation a misdemeanor. Any person violating the terms of this chapter shall be guilty of a misdemeanor. (Res. 35821, 1968: Res. 35704 § 8, 1968).

Chapter 12.86
DECLARATION OF POLICY AND FINDING OF SPECIAL CONDITIONS

Sections:

12.86.010 Declaration of policy.
12.86.020 Findings of special conditions.

12.86.010 Declaration of policy. It is the policy of King County 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 council to control the level of noise in a manner which promotes commerce; the use, value and enjoyment of property; sleep and repose; and the quality of the environment. (Ord. 3139 § 101, 1977).

12.86.020 Findings of special conditions. The problem of noise in King County has been studied since 1969 by two appointed citizen committees and since 1974 by the councils of King County and the city of Seattle. On the basis of this experience and knowledge of conditions within King County, the King County council hereby finds that special conditions exist within the county which make necessary any and all differences between Chapters 12.86 through 12.100 and the regulations adopted by the Department of Ecology. (Ord. 3139 § 102, 1977).

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Chapter 12.87
DEFINITIONS

Sections:

12.87.010 Definitions generally.
12.87.020 Administrative code.
12.87.030 Administrator.
12.87.040 Commercial agriculture.
12.87.050 Construction.
12.87.060 dB(A).
12.87.070 District.
12.87.080 EDNA.
12.87.090 Emergency work.
12.87.100 Equipment.
12.87.110 Gross combination weight rating (GCWR).
12.87.120 Gross vehicle weight rating (GVWR).
12.87.130 Impulsive sound.
12.87.133 Leq.
12.87.137 Loud and raucous.
12.87.140 Motor vehicle.
12.87.150 Motor vehicle racing event.
12.87.160 Motorcycle.
12.87.170 Muffler.
12.87.180 New motor vehicle.
12.87.190 Noise.
12.87.200 Off-highway vehicle.
12.87.210 Periodic sound.
12.87.220 Person.
12.87.230 Property boundary.
12.87.240 Public highway.
12.87.250 Public nuisance noise.
12.87.260 Pure tone component.
12.87.270 Real property.
12.87.280 Receiving property.
12.87.285 Sheriff.
12.87.290 Shoreline.
12.87.300 Sound level.
12.87.310 Sound level meter.
12.87.320 Special construction vehicle.
12.87.330 Use.
12.87.340 Warning device.
12.87.350 Watercraft.
12.87.360 Weekday.
12.87.370 Weekend.

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12.87.010 Definitions generally. All technical terminology used in K.C.C. chapters 12.86 through 12.100, not defined in this chapter, shall be interpreted in conformance with American National Standards Institute Specifications, Section 1.1-1994 and Section 1.4-1983. Words used in the masculine gender include the feminine and words used in the feminine gender include the masculine. For the purposes of K.C.C. chapters 12.86 through 12.100, the words and phrases have the meanings set forth in this chapter. (Ord. 14114 § 1, 2001: Ord. 3139 § 2(part), 1977).

12.87.020 Administrative code. "Administrative code" means King County Ordinance No. 2165, codified in Chapter 2.98. (Ord. 3139 § 201, 1977).

12.87.030 Administrator. "Administrator" means the director of the Seattle-King County Department of Public Health or his authorized representative. (Ord. 3139 § 202, 1977).

12.87.040 Commercial agriculture. "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. (Ord. 3139 § 203, 1977).

12.87.050 Construction. "Construction" means any site preparation, assembly, erection, demolition, substantial repair, alteration or similar action for or of public or private rights-of-way, structures, utilities or similar property. (Ord. 3139 § 204, 1977).

12.87.060 dB(A). "dB(A)" means the sound level measured in decibels, using the "A" weighting network. (Ord. 3139 § 205, 1977).

12.87.070 District. "District" means the land use zones to which the provisions of Chapters 12.86 through 12.100 are applied. For the purposes of Chapters 12.86 through 12.100:

A. "Rural district" includes zones designated in the King County zoning code as A, F, and RA greater than thirty-five thousand square feet;

B. "Residential district" includes zones designated in the King County zoning code as UR and R-1 through R-48 less than thirty-five thousand square feet as well as zones designated as RS, RW, RD, RM, RMH, RM-MD, RMV, and BN in the comprehensive zoning ordinance of the city of Seattle;

C. "Commercial district" includes zones designated in the King County zoning code as O, NB, CB and RB as well as zones designated as BI, BC, BM, CM, CMT, and CG in the comprehensive zoning ordinance of the city of Seattle; and

D. "Industrial district" includes zones designated in the King County zoning code as I and M and special uses as well as zones designated as M, IG, and IH in the comprehensive zoning ordinance of the city of Seattle. (Ord. 11792 § 10, 1995: Ord. 3139 § 206, 1977).

12.87.080 EDNA. "EDNA" means the environmental designation for noise abatement, as defined and described by the State Department of Ecology Regulations on Environmental Noise Levels, WAC Chapter 173-60. (Ord. 3139 § 207, 1977).

12.87.090 Emergency work. "Emergency work" means work required to restore property to a safe condition following a public calamity, work required to protect persons or property from an imminent exposure to danger, or work by private or public utilities for providing or restoring immediately necessary utility service. (Ord. 3139 § 208, 1977).

12.87.100 Equipment. "Equipment" means any stationary or portable device or any part thereof capable of generating sound. (Ord. 3139 § 209, 1977).

12.87.110 Gross combination weight rating (GCWR). "Gross combination weight rating (GCWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a combination vehicle. (Ord. 3139 § 210, 1977).

12.87.120 Gross vehicle weight rating (GVWR). "Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the recommended maximum loaded weight of a single vehicle. (Ord. 3139 § 211, 1977).

12.87.130 Impulsive sound. "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 rapid; and the peak value exceeds the ambient level by more than 10 dB(A). (Ord. 3139 § 212, 1977).

12.87.133 Leq. “Leq” means the constant sound level that, in a given situation and time period conveys the same sound energy as the actual time-varying sound. The applicable time period must be specified. (Ord. 14114 § 2, 2001).

12.87.137 Loud and raucous. “Loud and raucous” means any sound or combination of sounds that is above the background sound level and is indiscriminate, disagreeably harsh, clamorous, blaring or discordant. (Ord. 14114 § 3, 2001).

12.87.140 Motor vehicle. "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 herein. (Ord. 3139 § 213, 1977).

12.87.150 Motor vehicle racing event. "Motor vehicle racing event" means any competition between motor vehicles and/or off-highway vehicles under the auspices of a sanctioning body recognized by the administrator in accordance with the administrative code. (Ord. 3139 § 214, 1977).

12.87.160 Motorcycle. "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 shall not be included. (Ord. 3139 § 215, 1977).

1**2.87.170 Muffler.** "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 resulting therefrom. (Ord. 5096 § 1, 1980: Ord. 3139 § 216, 1977).

12.87.180 New motor vehicle. "New motor vehicle" means a motor vehicle manufactured after December 31, 1975, the equitable or legal title of which has never been transferred to a person who, in good faith, purchases the new motor vehicle for purposes other than resale. (Ord. 3139 § 217, 1977).

12.87.190 Noise. "Noise" means the intensity, duration and character of sounds from any and all sources. (Ord. 3139 § 218, 1977).

12.87.200 Off-highway vehicle. "Off-highway 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-highway vehicle" shall not include special construction vehicles. (Ord. 3139 § 219, 1977).

12.87.210 Periodic sound. "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. (Ord. 3139 § 220, 1977).

12.87.220 Person. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private. (Ord. 3139 § 221, 1977).

12.87.230 Property boundary. "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. (Ord. 3139 § 222, 1977).

12.87.240 Public highway. "Public highway" means the entire width between the boundary lines of every way publicly maintained by the Department of Highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right. (Ord. 3139 § 223, 1977).

12.87.250 Public nuisance noise. "Public nuisance noise" means any sound which unreasonably either annoys, injures, interferes with, or endangers the comfort, repose, health or safety of any entire community or neighborhood, although the extent of damage may be unequal. (Ord. 3139 § 224, 1977).

12.87.260 Pure tone component. "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. (Ord. 3139 § 225, 1977).

12.87.270 Real property. "Real property" means an interest or aggregate of rights in land which is guaranteed and protected by law; for purposes of Chapters 12.86 through 12.100, "real property" includes a leasehold interest. (Ord. 3139 § 226, 1977).

12.87.280 Receiving property. "Receiving property" means real property within which sound originating from outside the property is received. (Ord. 3139 § 227, 1977).

12.87.285 Sheriff. “Sheriff” means the sheriff of King County or his authorized representative. (Ord. 14114 § 4, 2001).

12.87.290 Shoreline. "Shoreline" means the existing intersection of water with the ground surface or with any permanent, shore-connected facility. (Ord. 5096 § 3, 1980).

12.87.300 Sound level. "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. The sound pressure level of a sound expressed in decibels is twenty times the logarithm to the base ten of the ratio of the pressure of the sound to the reference sound pressure of twenty micropascals. In the absence of any specific modifier, the level is understood to be that of a root-mean-square pressure. (Ord. 14114 § 5, 2001: Ord. 3139 § 228, 1977).

12.87.310 Sound level meter. "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. (Ord. 14114 § 6, 2001: Ord. 3139 § 229, 1977).

12.87.320 Special construction vehicle. "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. (Ord. 3139 § 230, 1977).

12.87.330 Use. "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. (Ord. 3139 § 231, 1977).

12.87.340 Warning device. "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. (Ord. 3139 § 232, 1977).

12.87.350 Watercraft. "Watercraft" means any contrivance, including aircraft taxiing, but excluding aircraft in the act of actual landing or takeoff, used or capable of being used as a means of transportation or recreation on water, powered by an internal or external combustion engine. (Ord. 5096 § 2, 1980: Ord. 3139 § 233, 1977).

12.87.360 Weekday. "Weekday" means any day Monday through Friday which is not a legal holiday. (Ord. 3139 § 234, 1977).

12.87.370 Weekend. "Weekend" means Saturday and Sunday or any legal holiday. (Ord. 3139 § 235, 1977).

Chapter 12.88
ENVIRONMENTAL SOUND LEVELS

Sections:

12.88.010 Unlawful sounds.
12.88.020 Maximum permissible sound levels.
12.88.030 Modifications to maximum permissible sound levels.
12.88.040 Construction and equipment operation.

12.88.010 Unlawful sounds. It is unlawful for any person to cause sound, or for any person in possession of property to permit sound originating from such property, to intrude into the real property of another person whenever such sound exceeds the maximum permissible sound levels established by this chapter. (Ord. 3139 § 301, 1977).

12.88.020 Maximum permissible sound levels.

A. For sound sources located within King County or the city of Seattle, the maximum permissible sound levels are as follows:

District of Sound Source			**District of Receiving Property Within King County**	
	Rural	Residential	Commercial	Industrial
Rural	49 dB(A)	52 dB(A)	55 dB(A)	57 dB(A)
Residential	52 dB(A)	55 dB(A)	57 dB(A)	60 dB(A)
Commercial	55 dB(A)	57 dB(A)	60 dB(A)	65 dB(A)
Industrial	57 dB(A)	60 dB(A)	65 dB(A)	70 dB(A)

B. For sound sources located outside King County and the city of Seattle, the maximum permissible sound levels are as follows:

EDNA of Sound Source			**District of Receiving Property Within King County**	
	Rural	Residential	Commercial	Industrial
Class A	52 dB(A)	55 dB(A)	57 dB(A)	60 dB(A)
Class B	55 dB(A)	57 dB(A)	60 dB(A)	65 dB(A)
Class C	57 dB(A)	60 dB(A)	65 dB(A)	70 dB(A)

(Ord. 3139 § 302, 1977).

12.88.030 Modifications to maximum permissible sound levels. The maximum permissible sound levels established by this chapter shall be reduced or increased by the sum of the following:

A. Between ten p.m. and seven a.m. during weekdays, and between ten p.m. and nine a.m. on weekends, the levels established by K.C.C. 12.88.020 are reduced by 10 dB(A) where the receiving property lies within a rural or residential district of King County. The following sounds are exempt from this subsection:

1. Sounds created by existing stationary equipment used in the conveyance of water by a utility; and
2. Sounds created by electrical substations.

B. For any source of sound that is periodic, that has a pure tone component or that is impulsive and is not measured with an impulse sound level meter, the levels established by this chapter shall be reduced by 5 dB(A).

C. For any source of sound that is of short duration, the levels established by this chapter are increased by:

1. 5 dB(A) for a total of fifteen minutes in any one-hour period; or
2. 10 dB(A) for a total of five minutes in any one-hour period; or
3. 15 dB(A) for a total of one and one-half minutes in any one-hour period. (Ord. 14114 § 7, 2001: Ord. 3139 § 303, 1977).

12.88.040 Construction and equipment operation.

A. For the equipment and activities described in this subsection, the maximum permissible sound levels specified in K.C.C. 12.88.020A and 12.88.030 may be exceeded as measured at the real property of another person or fifty feet from the equipment, whichever is greater, between seven a.m. and ten p.m. on weekdays and between nine a.m. and ten p.m. on weekends, by no more than:

1. Twenty-five dB(A) for equipment used on construction sites, including crawlers, tractors, bulldozers, rotary drills and augers, loaders, power shovels, cranes, derricks, graders, off-highway trucks, ditchers, trenchers, compactors, compressors and pneumatic-powered equipment;

2. Twenty dB(A) for portable powered equipment used in temporary locations in support of construction activities or used in the maintenance of public facilities, including chainsaws, log chippers, lawn and garden maintenance equipment and powered hand tools; or

3. Fifteen dB(A) for powered equipment used in temporary or periodic maintenance or repair of the grounds or appurtenances of any property, including lawnmowers, powered hand tools, snow-removal equipment and composters.

B. 1. Sounds created by impact types of construction equipment, including pavement breakers, pile drivers, jackhammers, sandblasting tools or other types of equipment or devices that create impulse noise or impact noise or are used as impact equipment, as measured at the property line or fifty feet from the equipment, whichever is greater, may exceed the maximum permissible sound levels established in subsection A of this section in any one period between eight a.m. and five p.m. on weekdays and between nine a.m. and ten p.m. on weekends, but not to exceed the following:

a. Leq ninety dB(A) continuously;

b. Leq ninety-three dB(A) for thirty minutes;

c. Leq ninety-six dB(A) for fifteen minutes; or

d. Leq ninety-nine dB(A) for seven and one-half minutes, but sound levels in excess of Leq ninety-nine dB(A) are prohibited unless authorized by variance obtained from the administrator. Also, sources producing sound levels less than ninety dB(A) shall comply with subsection A of this section during those hours not covered by this subsection B.

2. For purposes of this subsection B, the standard of measurement shall be a one-hour Leq. Leqs may be measured for times of at least one minute to project an hourly Leq. Reference to one hour is for measurement definition purposes only and does not limit construction to a one-hour period.

C. Construction activity that exceeds the maximum permissible sound levels established in K.C.C. 12.88.020, when measured from the interior of buildings within a commercial or industrial district, is prohibited between eight a.m. and five p.m. For purposes of this subsection, interior sound levels may be measured only after every reasonable effort, including closing windows and ~~doors, is taken to reduce the impact of the exterior construction noise.~~ (Ord. 14114 § 8, 2001).

Chapter 12.90
MOTOR VEHICLE SOUND LEVELS

Sections:

12.90.010 Sounds created by operation of motor vehicles.
12.90.020 Mufflers.
12.90.030 Modification to motor vehicles.
12.90.040 Tire noise.
12.90.050 Sale of new motor vehicles which exceed limits.
12.90.060 Motor vehicle exemptions.

12.90.010 Sounds created by operation of motor vehicles. It is unlawful 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 following maximum permissible sound levels for the category of vehicle, as measured at a distance of fifty feet from the center of the lane of travel within the speed limits specified, by measurement procedures established by the State Commission on Equipment.

Vehicle Category	**35 mph or less**	**over 35 mph**
Motorcycles	80 dB(A)	84 dB(A)
Motor vehicles over 10,000 pounds GVWR or GCWR	86 dB(A)	90 dB(A)
All other motor vehicles	76 dB(A)	80 dB(A)

(Ord. 3139 § 401, 1977).

12.90.020 Mufflers. It is unlawful for any person to operate, or for any owner to permit any person to operate, any motor vehicle upon the public highways which is not equipped with a muffler in good working order and in constant operation. (Ord. 3139 § 402, 1977).

12.90.030 Modification to motor vehicles. It is unlawful for any person to modify or change any part of a motor vehicle or install any device thereon in any manner that permits sound to be emitted by the motor vehicle in excess of the limits prescribed by this chapter. It is unlawful for any person to remove or render inoperative, or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair, or replacement, any muffler or sound-dissipative device on a motor vehicle. (Ord. 3139 § 403, 1977).

12.90.040 Tire noise. It is unlawful for any person to operate a motor vehicle in such a manner as to cause, or allow to be emitted, squealing, screeching, or other such sound, from the tires in contact with the ground because of rapid acceleration or excessive speed around corners or other such reason; provided, that sound resulting from emergency braking to avoid imminent danger shall be exempt from this section. (Ord. 3139 § 404, 1977).

12.90.050 Sale of new motor vehicles which exceed limits. It is unlawful for any person to sell or offer for sale a new motor vehicle, except an off-highway vehicle, which produces a maximum sound level exceeding the following maximum permissible sound levels at a distance of fifty feet, by acceleration test procedures established by the State Commission on Equipment.

Vehicle Category	
Motorcycles manufactured after 1975	83 dB(A)
Any motor vehicle over 10,000 lbs. GVWR manufactured after 1975 and prior to 1978	86 dB(A)
Any motor vehicle over 10,000 lbs. GVWR manufactured after 1978	83 dB(A)
All other motor vehicles	80 dB(A)

(Ord. 3139 § 405, 1977).

12.90.060 Motor vehicle exemptions. Sounds created by motor vehicles are exempt from the maximum permissible sound levels of Chapter 12.88; except that sounds created by any motor vehicle operated off public highways shall be subject to the sound levels of Chapter 12.88 when such sounds are received in rural or residential districts of King County. (Ord. 3139 § 406, 1977).

Chapter 12.91
WATERCRAFT SOUND LEVELS

Sections:

12.91.010 Operation exceeding maximum noise limits prohibited.
12.91.020 Mufflers.
12.91.030 Exemptions.

12.91.010 Operation exceeding maximum noise limits prohibited. It is unlawful for any person to operate any watercraft on the water of King County in such a manner as to exceed the following maximum noise limits when measured within fifty feet of the shoreline or anywhere within a receiving property:

A. At any hour of the day or night, the limit for any receiving property shall be 74 dB(A); except that

B. Between sunset and sunrise, the limit for sounds received within a rural or residential district shall be 64 dB(A). For the purpose of administering and enforcing this section, sunset will be interpreted as ten p.m. and sunrise will be interpreted as seven a.m. (Ord. 5096 § 5, 1980).

12.91.020 Mufflers.

A. It is unlawful for any person to operate any watercraft, except aircraft, on the waters of King County which is not equipped with a functioning underwater exhaust or a properly installed and adequately maintained muffler. Any of the following defects in the muffling system shall constitute a violation of this section:

1. The absence of a muffler;
2. The presence of a muffler cut-out, bypass, or similar device which is not standard or normal equipment for the exhaust system being inspected;
3. Defects in the exhaust system including, but not limited to, pinched outlets, holes, or rusted-through areas of the muffler or pipes;
4. The presence of equipment which will produce excessive or unusual noise from the exhaust system.

B. Dry stacks or water-injected stacks not containing a series of chambers or mechanical designs effective in reducing sound shall not be considered as adequately maintained mufflers. (Ord. 5096 § 6, 1980).

12.91.030 Exemptions. The following exemptions shall apply to the operation of watercraft in the waters of King County:

A. Subject to the provisions of subsection D 5 of this section, sounds created by watercraft are exempt from the maximum permissible sound levels of K.C.C. Chapter 12.88;

B. Normal docking and undocking operations of all watercraft shall be exempt from the provisions of Section 12.91.010;

C. Watercraft picking up or dropping off waterskiers shall be exempt from the provisions of Section 12.91.010 while operating within the temporary speed limit exemption authorized in K.C.C. 12.44.230(2);

D. The following sounds shall be exempt from the provisions of Sections 12.91.010 and 12.91.020:

1. Sounds created by the operation of commercial, nonrecreational watercraft;
2. Sounds created by safety and protective devices where noise suppression would defeat the intent of the device;
3. Sounds created by a warning device not operating continuously for more than thirty minutes;
4. Sounds created by emergency equipment for emergency work necessary in the interests of law enforcement or for the health, safety, and welfare of the community;
5. Sounds created by auxiliary equipment operated on watercraft for the purposes of dredging, pile driving, operation of a marina, and clam and oyster harvesting, except that such sounds are not exempt from the maximum permissible sound levels of K.C.C. Chapter 12.88;
6. Sounds created by motorboats competing in a regatta or boat race held under a permit issued by the department of public safety and sounds created while on trial runs or while on official trials for speed records during the time and in the designated area authorized by such permit. (Ord. 5096 § 7, 1980).

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Chapter 12.92
PUBLIC NUISANCE AND DISTURBANCE NOISES

Sections:

12.92.010 Public nuisance noises.
12.92.020 Public disturbance noises.
12.92.030 Exempted sources.

12.92.010 Public nuisance noises. 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 nuisance noise. Pursuant to the notice and order procedure incorporated by Chapter 12.99, the administrator may determine that a sound constitutes a public nuisance noise as defined in Section 12.87.220. 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 has been determined a public nuisance noise. (Ord. 14114 § 9, 2001: Ord. 3139 § 501, 1977).

12.92.020 Public disturbance noises. 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. The following sounds are determined to be public disturbance noises:

A. 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;

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

C. The use of a sound amplifier or other device capable of producing or reproducing amplified sound upon public streets for the purpose of commercial advertising or sales or for attracting the attention of the public to any vehicle, structure, or property or the contents therein, except as permitted by law, and except that vendors whose sole method of selling is from a moving vehicle shall be exempt from this subsection;

D. The making of any loud and raucous sound within one thousand feet of any school, hospital, sanitarium, nursing or convalescent facility;

E. The creation by use of a musical instrument, whistle, sound amplifier, or other device, capable of producing or reproducing sound, of loud and raucous sounds that emanate frequently, repetitively or continuously from any building, structure or property located within a rural or residential district, such as sounds originating from a band session or social gathering;

F. Loud, raucous, frequent, repetitive or continuous sound created by: the use of any device capable of producing an impulsive sound such as when being struck by an object; by a whistle; by a sound amplifier; or by any audio equipment such as a radio, tape player, disc player or any other audio device capable of producing, reproducing or amplifying sound that can be clearly heard or felt at seventy five feet or more from the source of sound whether stationary, portable or in a motor vehicle when the sound is received in a residential or rural district; and

G. Any sound out of doors that interferes with normal conversation at a distance of seventy five feet or more from the source of the sound when the sound is received in a residential or rural district. (Ord. 14114 § 10, 2001: Ord. 10192 § 1, 1991: Ord. 9341, 1990: Ord. 3139 § 502, 1977).

12.92.030 Exempted sources. No sound source specifically exempted from a maximum permissible sound level by Chapters 12.86 through 12.100 shall be a public nuisance noise or public disturbance noise, insofar as the particular source is exempted. (Ord. 3139 § 503, 1977).

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Chapter 12.94
EXEMPTIONS

Sections:

12.94.010 Sounds exempt at all times.
12.94.020 Sounds exempt during daytime hours.
12.94.040 Sounds exempt during daytime hours - Aircraft testing and maintenance.

12.94.010 Sounds exempt at all times. The following sounds are exempt from K.C.C. chapters 12.86 through 12.100:

A. Sounds originating from aircraft in flight and sounds that originate at airports and are directly related to flight operations;

B. Sounds created by safety and protective devices, such as relief valves, if noise suppression would defeat the safety release intent of the device;

C. Sounds created by fire alarms;

D. Sounds created by emergency equipment and emergency work necessary in the interests of law enforcement or of the health, safety or welfare of the community;

E. Sounds created by the discharge of firearms in the course of lawful hunting activities;

F. Sounds caused by natural phenomena and unamplified human voices;

G. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture if the receiving property is located in a rural, commercial or industrial district of King County;

H. Sounds created by auxiliary equipment on motor vehicles used for highway maintenance;

I. Sounds created by off-highway vehicles while being used in officially designated all-terrain vehicle parks, except when the sound is received off the park site in a rural or residential district of King County and the sound measurably increases the ambient level; and

J. Sounds created by warning devices not operated continuously for more than thirty minutes per incident.

K. Sounds created by the legal discharge of fireworks as defined in K.C.C. 6.26.060 and K.C.C. 6.26.080.

L. Sounds created by lawful pickets, marches, parades, rallies and other public events in rural districts. (Ord. 14114 § 11, 2001: Ord. 5096 § 4, 1980: Ord. 3139 § 601, 1977).

12.94.020 Sounds exempt during daytime hours. The following sounds are exempt from the K.C.C. chapters 12.86 through 12.100 between seven a.m. and ten p.m. on weekdays and between nine a.m. and ten p.m. on weekends, unless other hours are specified:

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

B. Sounds originating from officially sanctioned parades and other public events;

C. Sounds created by the discharge of firearms on legally established shooting ranges;

D. Sounds created by blasting;

E. Sounds originating from forest harvesting and silviculture activity and from commercial agriculture if the receiving property is located in a residential district of King County. The administrator is authorized to promulgate regulations which extend the hours during which this exemption is in effect to conform with operating hours designated by the Washington state Department of Natural Resources in directing an official fire closure; and

F. Sounds created by motor vehicle racing events at existing, authorized facilities between 9 a.m. and, provided that such sounds shall be exempt until eleven p.m. on Fridays and Saturdays;

G. Sounds originating from lawful pickets, marches, parades, rallies and other public events in residential districts. (Ord. 14114 § 12, 2001: Ord. 4449 § 1, 1979: Ord. 3139 § 602, 1977).

12.94.040 Sounds exempt during daytime hours - Aircraft testing and maintenance. Subject to the conditions of subsections A. through B. of this section, sounds created by the testing and maintenance of aircraft, or components of aircraft, are exempt from the maximum permissible sound levels of Chapter 12.88 between the hours of seven a.m. and ten p.m. daily; provided, that aircraft which are regularly scheduled to depart between the hours of seven a.m. and eight-thirty a.m. shall, subject to the same conditions, be exempt between the hours of six a.m. and ten p.m.

A. Testing and maintenance shall be performed at an airport designated as such by the Federal Aviation Administration prior to the effective date of this section, or by the administrator.

B. The aircraft or component shall be oriented parallel to the direction of any operational runway of the airport, or within ten degrees of parallel to any operational runway of the airport, provided that this shall apply only to Seattle-Tacoma International Airport.

C. If the testing or maintenance is performed at the Seattle-Tacoma International Airport, the aircraft or component shall be entirely within the airport building restriction line boundary as defined on the map entitled "Seattle-Tacoma International Airport - Airport Plan" (prepared July 18, 1973, revised June 30, 1977) and at areas designated by the airport proprietor. It is intended that this map be the reference map regardless of any future changes, provided that the administrator may grant exceptions to this part for good cause shown. A copy of this map is on file in the county clerk's office and at the Planning and Research Department of the Port of Seattle.

D. If the testing or maintenance is performed at the Boeing Field/King County International Airport, the aircraft or component shall be entirely within the ultimate airport property line as shown on the map entitled "Boeing Field/King County International Airport - Airport Layout Plan" (prepared December 1, 1976, revised October 10, 1978), at areas designated by the airport manager. It is intended that this map be the reference map regardless of any future changes, provided that the administrator may grant exceptions to this subsection for good cause shown. A copy of the Boeing Field/King County International Airport layout plan map is on file in the Seattle city clerk's office, at the office of the airport manager of the Boeing Field/King County International Airport, and at the Planning and Research Department of the Port of Seattle. (Ord. 4449 § 2, 1979).

Chapter 12.96
VARIANCES

Sections:

12.96.010 Variance procedure.
12.96.020 Types of variances.
12.96.030 Plan review fee.

12.96.010 Variance procedure.

A. Any person who owns or is in possession of any property or use, or any process or equipment, may apply to the administrator for relief from the requirements of Chapters 12.86 through 12.100 or rules or regulations promulgated hereunder governing the quality, nature, duration or extent of discharge of noise. In a proper case, the variance may apply to all sources of a particular class or type. The application shall be accompanied by such information and data as the administrator may require. In accordance with the administrative code, the administrator shall promulgate rules and regulations governing the application for and granting of such variances, including hearings and notice.

B. Application for a variance or renewal of a variance shall be accompanied by payment of a nonrefundable base fee as follows:

1. Temporary variance $200.00;
2. Technical or economic variance, source in rural or residential district $200.00;
3. Technical or economic variance, source in commercial or industrial district $500.00.

C. In addition to the base fee the review fee for technical or economic variance shall be the actual costs associated with application review over and above the base fee.

D. A variance or its renewal shall not be a right of the applicant or holder thereof, but shall be at the reasonable discretion of the administrator.

E. No variance shall be granted pursuant to this section until the administrator has considered the relative interests of the applicant, other owners or possessors of property likely to be affected by the noise, and the general public. A technical or economic variance may be granted only after a public hearing on due notice. The administrator may grant a variance, if he finds that:

1. The noise occurring or proposed to occur does not endanger public health or safety; and
2. The applicant demonstrates the criteria required for temporary, technical or economic variance under Section 12.96.020.

F. Variances, except temporary variances, granted pursuant to Chapters 12.86 through 12.100 may be renewed on terms and conditions and for periods which would be appropriate on the initial granting of a variance. No renewal shall be granted except on application made at least sixty days prior to the expiration of the variance.

G. Any person aggrieved by the denial, grant, or the terms and conditions on the grant of an application for a variance by the administrator may appeal such decision under procedures incorporated by Chapter 12.99.

H. Any person or source granted a variance pursuant to the procedures of this section or an appeal shall be exempt from the maximum permissible sound levels established by Chapters 12.86 through 12.100, to the extent provided in the variance. (Ord. 12920 § 1, 1997: Ord. 9224 § 1, 1989: Ord. 7415 § 1, 1985: Ord. 4181 § 1, 1979: Ord. 3139 § 701, 1977).

12.96.020 Types of variances.

A. Temporary variance. The administrator may grant a temporary variance, not to exceed fourteen days of operation, for any activity, use, process or equipment that the administrator determines, in accordance with rules and regulations, does not annoy a substantial number of the people and does not endanger public health or safety.

B. Technical variance. A technical variance may be granted by the administrator on the grounds that there is no practical means known or available for the adequate prevention, abatement or control of the noise involved. Any technical variance shall be subject to the holder's taking of any alternative measures that the administrator may prescribe. The duration of each technical variance shall be until such practical means for prevention, abatement or control become known or available. The holder of a technical variance, as required by the administrator, shall make reports to 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 variance. An economic variance may be granted by the administrator on the ground that compliance with the particular requirement or requirements from which the variance is sought will require the taking of measures that, because of their extent or cost, must be spread over a period of time. The duration of an economic variance 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 variance shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to the timetable. (Ord. 14114 § 14, 2001: Ord. 3139 § 702, 1977).

12.96.030 Plan review fee. Whenever any project is submitted to the administrator for review, relating to any special noise studies and mitigating measures, proposed as part of a mitigated declaration of non-significance or environmental impact statement under any of the following:

A. Chapter 43.21C of the Revised Code of Washington, the state environmental policy act;

B. Chapter 197-11 of the Washington Administrative Code, the state environmental policy act rules;

C. Chapter 20.44 of the King County Code, the county environmental procedures;

D. The environmental review ordinance of any other city or town or other municipal corporation;

The request for review shall be accompanied by a plan review fee of fifty dollars ($50.00). This fee shall be nonrefundable, and shall accompany each request for comment by the administrator, including each request for comment on a declaration of non-significance with mitigation, a declaration of significance, or an environmental impact statement. (Ord. 9224 § 2, 1989).

Chapter 12.98
ADMINISTRATION AND NOISE MEASUREMENT

Sections:

12.98.010 Authority of administrator and sheriff.
12.98.020 Duties of administrator.
12.98.030 Measurement of sound.
12.98.040 Technical corrections.
12.98.050 Receiving properties within more than one district.

12.98.010 Authority of administrator and sheriff. The administrator and sheriff are authorized to administer and enforce K.C.C. chapters 12.86 through 12.100 of this code; provided, that the sheriff is authorized to [provided, that the director of the department of public safety is directed to]***** enforce K.C.C. chapter 12.90 and 12.91 and K.C.C. 12.87.180, 12.87.290, 12.87.350, 12.92.020 and 12.94.010. Upon request by the administrator or the sheriff, all other county departments and divisions may assist them in enforcing K.C.C. chapters 12.86 through 12.100. (Ord. 14114 § 15, 2001: Ord. 5096 § 8, 1980: Ord. 3139 § 801, 1977).

Reviser's note:
***Not deleted in accordance with K.C.C. 1.24.075 in Ordinance 14114, Section 15.**

12.98.020 Duties of administrator. The duties of the administrator shall include, but are not limited to:

A. Obtaining assistance from other appropriate county departments and divisions;

B. Training field inspectors;

C. Purchasing measuring instruments and training inspectors in their calibration and use;

D. Promulgating and publishing rules and procedures, in accordance with the administrative code, to establish techniques for measuring or reducing noise and to provide for clarification, interpretation, and implementation of Chapters 12.86 through 12.100;

E. Investigating citizens' noise complaints;

F. Issuing orders for the reduction or elimination of noise in accordance with Chapter 12.99;

G. Assisting citizens and other county departments in evaluating and reducing the noise impact of their activities;

H. Assisting county planning officials in evaluating the noise component in planning and zoning actions;

I. Instituting a public education program on noise; and

J. Reviewing at least every three years the provisions of Chapters 12.86 through 12.100 and recommending revisions consistent with technology to reduce noise. (Ord. 3139 § 802, 1977).

12.98.030 Measurement of sound. If the measurements of sound are made with a sound level meter, it shall be an instrument in good operating condition and shall meet the requirements for a Type I or Type II instrument, as described in American National Standards Institute Specifications, Section 1.4-1971. If the measurements are made with other instruments, or assemblages of instruments, the procedure must be carried out in such manner that the overall accuracy shall be at least that called for in Section 1.4-1971 for Type II instruments. (Ord. 3139 § 803, 1977).

12.98.040 Technical corrections. When the location, distance or technique prescribed in Chapters 12.86 through 12.100 for measurement of sound is impractical or would yield misleading or inaccurate results, measurements shall be taken at other locations or distances using appropriate correction factors, as specified in the rules promulgated by the administrator. (Ord. 3139 § 804, 1977).

12.98.050 Receiving properties within more than one district. Where a receiving property lies within more than one district, the maximum permissible sound level shall be determined by the district within which the measurement is made. (Ord. 3139 § 805, 1977).

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Chapter 12.99
ENFORCEMENT AND APPEALS

Sections:

12.99.010 Enforcement.
12.99.015 Penalties – civil infraction.
12.99.020 Appeals.

12.99.010 Enforcement. The administrator and the sheriff may enforce K.C.C. chapters 12.86 through 12.100 and any rules and regulations promulgated under those chapters and in accordance with K.C.C. Title 23. If the administrator or sheriff has reason to believe that a violation of K.C.C. chapters 12.86 through 12.100 has occurred, the administrator or sheriff may initiate an administrative notice and order proceeding or other appropriate legal action in accordance with K.C.C. Title 23. (Ord. 14114 § 16, 2001: Ord. 3139 § 901, 1977).

12.99.015 Penalties – civil infraction. A violation of K.C.C. chapters 12.86 through 12.100 is a class 2 civil infraction punishable under chapter 7.80 RCW. (Ord. 14114 § 18, 2001).

12.99.020 Appeals. Any person aggrieved by an order of the administrator or sheriff, including a final variance decision, may appeal to the King County hearing examiner in accordance with K.C.C. Title 23. (Ord. 14114 § 17, 2001: Ord. 3139 § 902, 1977).

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Chapter 12.100
MISCELLANEOUS

Sections:

12.100.010 Ordinance additional to other law.
12.100.020 Severability.

12.100.010 Ordinance additional to other law. The provisions of Chapters 12.86 through 12.100 shall be cumulative and nonexclusive and shall not affect any other claim, cause of action or remedy; nor shall proof of a violation of Chapters 12.86 through 12.100 constitute prima facie proof of any private cause of action. Unless specifically provided, Chapters 12.86 through 12.100 shall not be deemed to repeal, amend or modify any law, ordinance or regulation relating to noise, but shall be deemed additional to existing legislation and common law on noise. (Ord. 3139 § 1001, 1977).

12.100.020 Severability. If any provision of K.C.C. chapters 12.86 through 12.100 or its application to any person or circumstance is held invalid, the remainder of K.C.C. chapters 12.86 through 12.100 or the application of the provision to other persons or circumstances is not affected. (Ord. 14114 § 19, 2001: Ord. 3139 § 1002, 1977).

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CONVICTED OFFENDER DATA

Chapter 12.130
REGISTRATION OF FELONS

Sections:

12.130.010 Time limit and information required for report to sheriff -Photograph and fingerprints.
12.130.020 Sheriff to be notified of change.
12.130.030 Disclosure of information unlawful.
12.130.040 Unlawful to fail to furnish or to falsify information.
12.130.050 Persons immune to code requirements.
12.130.060 Violation - Misdemeanor - Each day as separate.

12.130.010 Time limit and information required for report to sheriff - Photograph and fingerprints. Anyone convicted of a felony, or of any crime constituting a felony under the laws of this state, who shall be within the limits of King County or in transit, temporarily or otherwise, must within forty-eight hours after arrival therein, report to and furnish the sheriff with a written statement signed by him, containing his true name and each other name or alias by which he is or has been known, a full and complete personal description, the name of each crime above enumerated of which he has been convicted, the place where committed, the name under which he was convicted, the date of each such conviction, and the name and location of each prison, reformatory or other penal institution, if any, in which he was confined as punishment therefor, the location or address of each of his actual or intended residence, stopping place or living quarters in the county of King, together with a description of each such place, whether hotel, apartment house, dwelling house or otherwise, giving the street number thereof, if any, or such description of the location as will identify the same, and the length of time which he expects or intends to reside within the county. At the time of furnishing such statement said person shall be photographed and fingerprinted by the sheriff. (Res. 17335 § 1, 1957).

12.130.020 Sheriff to be notified of change of address. Any such person changing his place of residence, stopping place or living quarters, shall within forty-eight hours thereafter notify said sheriff in a written and signed statement of such change of address and shall furnish in the statement such new address. (Res. 17335 § 2, 1957).

12.130.030 Disclosure of information unlawful. All reports, records, photographs and fingerprints taken pursuant to this chapter shall be private records of the sheriff, open to the inspection only by deputies or police officers or persons having official duties to perform in connection therewith; and it shall be unlawful for anyone having access to such records to disclose to anyone else, other than in the regular discharge of his duties, any information contained therein. (Res. 17335 § 3, 1957).

12.130.040 Unlawful to fail to furnish or to falsify information. It shall be unlawful to fail to furnish any statement, report, information, photograph or fingerprint required by this chapter within the time required hereby or to furnish any such statement, information, photograph or fingerprints, which are (is) false or misleading. (Res. 17335 § 4, 1957).

12.130.050 Persons immune to code requirements. The requirements of this chapter shall not apply to any person five years after a full pardon or a final release or discharge from a reformatory, penitentiary, or other penal institution has been granted such person. (Res. 17335 § 5, 1957).

12.130.060 Violation - Misdemeanor - Each day as separate. Any violation of or failure to comply with any provision of this chapter shall constitute a misdemeanor and be punishable as such. Each separate day or portion thereof during which any violation of this chapter occurs or continues shall be deemed to constitute a separate violation thereof and a separate offense hereunder. (Res. 17335 § 6, 1957).

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Chapter 12.140
DNA IDENTIFICATION DATA

Sections:

12.140.010 Legislative history.
12.140.040 Collection program.
12.140.050 Date of implementation.
12.140.060 Safeguard provisions.
12.140.070 Cooperation with other enforcement agencies.

12.140.010 Legislative history. The King County council after extensive examination of the scientific, forensic and criminal investigation fields makes the following findings:

Recent developments in molecular biology and genetics have established scientific principles that have extraordinarily important applications for forensic science. It has been scientifically established that there is a unique pattern to the chemical structure of each individual's deoxyribonucleic acid (DNA) which is contained in each cell. Means of identifying that pattern through a process called "DNA fingerprinting" have been developed. The processes use enzyme probes to break down the DNA structure and identify the exact location of certain markers. The technology has the potential to revolutionize forensic biology. The accuracy of identification is far beyond any previous means of blood analysis. The DNA techniques are far more powerful than existing ones because of the range of age, purity and quantity of evidentiary samples that may be analyzed.

The King County council recognizes the importance of these scientific breakthroughs to provide a powerful and accurate investigatory tool for the solution of crimes, especially sex offenses. The council believes that it is necessary to pursue vigorous and urgent development of a fair, balanced, reasonable means for collection, analysis, storage and use of DNA identification data in order to aid the administration of justice in King County. Building a library of identification data on individuals convicted of sexual offenses offers an additional means that past and future crimes may be solved and the actual offenders be brought to justice. The availability of this data should provide for greater protection of the public, better use of limited law enforcement resources, and careful protection of individual rights. (Ord. 8453 § 1, 1988).

12.140.040 Collection program. The executive is requested through the department of adult detention to set up a program for administering a collection of blood samples in accordance with Section 12.140.050. This program shall include requirements that the blood samples be taken under sanitary conditions in a medically approved manner and conducted by a physician, registered nurse, or physician's assistant, licensed to practice in this state. The executive is requested to submit a proposed budget for operation of the collection program by July 1, 1988. (Ord. 8453 § 4, 1988).

12.140.050 Date of implementation. After October 1, 1988 and adoption of safeguards required in Section 12.140.060.B, every individual convicted in King County Superior Court of a felony defined as a sex offense in Chapter 9.94A.030(23)(a) of the Revised Code of Washington or any felony assault with intent to commit such a sexual offense shall have a blood sample obtained for purposes of DNA identification analysis prior to release or prior to transfer to a state institution. (Ord. 8453 § 5, 1988).

12.140.060 Safeguard provisions.

A. Any blood sample taken pursuant to this chapter shall be used for the sole purpose of providing DNA or other blood typing tests for identification analysis and for no other purposes.

B. Safeguard provisions to implement these limitations shall be adopted by ordinance prior to blood samples being taken pursuant to Section 12.140.050. (Ord. 8453 § 6, 1988).

12.140.070 Cooperation with other enforcement agencies. In developing a DNA system the county desires to cooperate with the State of Washington and other interested local and national law enforcement and forensic evidence agencies to assure that the resulting system shall be compatible with and integrated into potential state and federal systems to the greatest extent possible. (Ord. 8453 § 7, 1988).

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Chapter 12.150
VIOLATION OF COURT ORDERED PROBATION

Sections:

12.150.010 Definitions.
12.150.020 Arrest without warrant.

12.150.010 Definitions. As used in this chapter "probationer" means any person who after conviction of violation of an ordinance of the county or a law of the state, has been placed on probation in connection with the suspension or deferral of sentence by either a District Court of this county or the King County Superior Court. (Ord. 8890 § 1, 1989).

12.150.020 Arrest without warrant. Whenever a police officer shall have probable cause to believe that a probationer, prior to the termination of the period of his/her probation, is, in such officer's presence, violating or failing to comply with any requirement or restriction imposed by the court as a condition of such probation, such officer may cause the probationer to be brought before the court wherein sentence was deferred or suspended, and for such purpose such police officer may arrest such probationer without warrant or other process. (Ord. 8890 § 2, 1989).

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