

Langley Municipal Code

**Title 9**

**Public Peace, Morals and Welfare**

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- 9.05 Fireworks**

**Chapter 9.04**

**Criminal Code**

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**Section 9.04.010 Abandoned refrigerators.**

A. It is unlawful for any person, firm or corporation to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight door, or lock which may not be released for opening from the inside of the icebox, refrigerator or container.

B. It is unlawful for any person, firm or corporation to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, or any other container of any kind which has an airtight snap-lock or other device thereon without first removing the snap-lock or doors from the icebox, refrigerator or container.

C. Each day such violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as provided for in this chapter.

(Ord. 121, 1960)

**Section 9.04.020 BB guns, slingshots and pellet guns.**

A. The use of BB guns, slingshots, pellet guns or any like appliances or

apparatus is prohibited in the city. Use or discharge of any such instrument either on public streets or property or on private property is prohibited, provided that it shall not be unlawful to use or discharge the apparatus on any range or field designated by the city for the use or discharge of these instruments.

B. Violation of any provision of this section is a misdemeanor.

(Ord. 460, 1985, Ord. 121, 1960)

**Section 9.04.030 Disorderly persons.**

The following persons enumerated in the following subsections are declared to be disorderly persons:

A. All persons fighting or quarrelling within the city limits;

B. All persons who shall resist any peace officer or policeman, or who shall refuse, when called upon, to assist him in the discharge of his duty, or who shall aid or assist any person in the lawful custody of such police officer or policeman to escape or attempt to escape from such custody;

C. All persons who shall, by noisy, riotous or tumultuous conduct, disturb the quiet and peace of the city, or of any lawful meeting or assemblage therein;

D. All persons who shall willfully give a false alarm of fire;

E. All persons trespassing upon or injuring any park, parking strip or grass plot;

F. All persons who shall willfully break, mar, injure or deface any building, fence, awning, window, sign, signboards, tree, flowers, grass, shrubbery or other thing of value, being the property of another in the city;

G. All persons (except police or other officers whose duty it is to make arrests) who shall carry on their persons any concealed weapon consisting of a revolver, pistol, or other firearms, or any knife other than an ordinary pocketknife, or any dirk or dagger, slingshot or metal knuckles, or any other instrument used as a weapon;

H. All persons (except peace officers as aforesaid) who shall draw, exhibit or attempt to use any deadly weapon upon, to or against another person in the city with the intent to do bodily injury to such person, or to intimidate such person, except in lawful defense of person or property;

I. All persons (except peace officers as aforesaid, engaged in the lawful discharge of their duty, and persons practicing at target shooting in shooting gallery or other shooting range which has been approved by the city council) who shall, within the city, fire off or discharge any bomb, gun, pistol or firearms of any kind, except in lawful defense of person or property;

J. Any person who, for the purpose of annoyance or mischief, shall place in any doorway or on any sidewalk, street or alley in the town, any box, barrel, cask or other thing, or who shall remove, interfere with, carry away or destroy the property of another, or who shall tear down, destroy or mutilate any notice or handbill lawfully posted in the town;

K. Any person in the town who shall lewdly and viciously cohabit with another, not the husband or wife of such person, and any person who shall be guilty of open or gross lewdness, or who shall make any open or indecent or obscene exposure of his or her person, or the person of another;

L. "Window-peepers," and for the purposes of this chapter, "window-peeper" means a person who goes upon premises within the city, tenanted or occupied by any person other than himself or herself and looks through any window or windows in the outside of any building on the premises after dusk and before daylight without permission of the tenant or occupant or lawful authority to do so;

M. It is unlawful for any person to use any language or indulge in any conduct toward another person, tending to produce a disturbance of the peace, or to challenge another person to fight;

N. It is unlawful for any person to break, injure, mar, deface, or in any manner interfere with any fire alarm, police patrol alarm, signal box, fire hydrant, or other apparatus or appliance of the fire or police department;

O. It is unlawful for any person to tie anything to, or obstruct, injure, connect with, or open, any fire hydrant in the town;

P. Any person convicted of being a disorderly person, or convicted of violating any of the provisions of this section, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than one hundred dollars, or imprisonment for a term not exceeding thirty days, or both such fine and imprisonment. (Ord. 121, 1960)

**Section 9.04.040 Expectoration.**

No person in the city shall expectorate upon any sidewalk, street, floor in public building or upon any other public place. (Ord. 121, 1960)

**Section 9.04.050 Carrying firearms where intoxicating liquor is served.**

A. It is unlawful for any person, other than peace officers, including any who possess a valid concealed weapons permit, to carry upon his person any firearm, revolver or pistol within a place of public accommodation where intoxicating liquor or beverages are served.

B. Violation of this section is a misdemeanor.

(Ord. 460, 1985; Ord. 121, 1960)

**Section 9.04.060 Discharging weapon.**

A. Firing or discharging any bomb, gun, pistol or firearm of any kind is prohibited within the city except when done by peace officers, in a target range approved for that purpose by the city council, or in lawful defense of person or property.

B. Violation of this section is a misdemeanor.

(Ord. 460, 1985)

**Section 9.04.070 Bonfires.**

No person shall make, or assist in making, any bonfire in or upon any public street or place within the city without the permission of the chief of police.

(Ord. 121, 1960)

**Section 9.04.080 Littering.**

No person shall throw or permit to be deposited or scattered upon any sidewalk, alley, street, bridge or public passageway, or upon any private property, any waste or other material of any kind.

(Ord. 121, 1960)

**Section 9.04.090 Advertising materials- Authorization required.**

No person shall locate in any way, any showcard, poster or other advertising device on public or private property in the City unless legally authorized to do so.

(Ord. 121, 1960, Ord. 705, 1995)

**Section 9.04.100 Cruelty to animals.**

A. No person shall overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel or inhuman manner, any animal, or cause any of these acts to be done.

B. No person shall fail to provide any animal in his custody with its necessary sustenance, drink, and protection from the elements, or cause any of these acts to be done.

C. No person shall abandon any animal, or cause such acts to be done.

D. No person shall poison any dogs or dog, or distribute any poison in any manner whatsoever, with the intent or purpose of poisoning any dog or dogs.

E. No person shall frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any song bird or insectivorous bird, or in any manner molest or injure the nest, egg or young of any such bird, or have in possession the nest, egg, young or body of such bird.

F. No person shall exhibit any stud horse or bull or other animal indecently, nor shall any person let any male animal to any female animal unless the same be done in some place fully enclosed and out of public view.

(Ord. 121, 1960)

**Section 9.04.110 Endangering or neglecting minors.**

No person having the care, custody, control or confidence of or influence over any child shall willfully cause or permit the life of such child to be endangered, or the health of such child to be injured, or the morals of such child to be impaired; or shall willfully cause or permit such child to be placed in such a situation, business or occupation that its life, health or morals shall be endangered; or to willfully abandon such child; or shall torture, torment, cruelly punish, or willfully or negligently deprive of necessary food, clothing or shelter, or in any manner injure such child unnecessarily; or shall neglect or leave such child in any place without proper supervision.

(Ord. 121, 1960)

**Section 9.04.120 False alarm prohibited.**

A. It is unlawful for any person to use the telephone to transmit a fire alarm when he knows there is no fire or to summon police or an ambulance on the pretext that an emergency exists if he knows that there is no such emergency.

B. It is unlawful for any person to refuse to yield or surrender the use of a party telephone line to another person for the purpose of permitting such other person to report a fire or to summon police, medical or other aid in case of an emergency.

C. It is unlawful for any person to ask for or request the use of a party telephone line on the pretext that an emergency exists, knowing that no emergency in fact exists. (Ord. 121, 1960)

Any person violating any of the provisions of this chapter shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment.

(Ord. 121, 1960)

**Section 9.04.130 Conspiracy.**

A. Whenever two or more persons shall conspire to do any of the following, every such person shall be guilty of a misdemeanor:

1. Commit a crime; or
2. Falsely and maliciously procure another to be arrested or proceeded against for a crime; or
3. Falsely institute or maintain any action or proceeding; or
4. Cheat or defraud another out of any property by unlawful or fraudulent means; or
5. Prevent another from exercising any lawful trade or calling or from doing any other lawful act, by force, threat or intimidation, or by interfering or threatening to interfere with any tool, implement or property belonging to or used by another, or with the use or employment thereof; or
6. Commit any act injurious to the public health, public morals, trade or commerce, or for the perversion or corruption of public justice or the due administration of the law; or
7. Accomplish any criminal or unlawful purpose or accomplish a purpose not in itself criminal or unlawful, by criminal or unlawful means.

B. In any proceeding for violation of this section, it shall not be necessary to prove that any overt act was done in pursuance of such unlawful conspiracy or combination. (Ord. 121, 1960)

**Section 9.04.140 Violation-Penalty.**

**Chapter 9.05**

**Fireworks**

**Sections:**

- 9.05.010 Findings.**
- 9.05.020 Purpose and intent.**
- 9.05.030 Definitions.**
- 9.05.040 Permit-Requirements.**
- 9.05.050 Safety provisions.**
- 9.05.060 Sale-Hours of sale and discharge.**
- 9.05.070 Other violations.**
- 9.05.080 Liability.**

**Section 9.05.010 Findings.**

A. The State of Washington has experienced an unusually dry winter and all indications are that the summer will be hot.

B. Last October (1991) there was a major disaster in the Spokane area resulting in hundreds of acres and homes burned by fires.

C. Much of the state is experiencing a water shortage and forest and building fires require a tremendous amount of resources to control and extinguish. We need to save these vital resources rather than waste them fighting fires that could be prevented. One way to help protect against fires is to limit the time of discharge of fireworks.

D. The city of Langley declares an emergency due to the severe water shortage and extreme fire danger.  
(Ord. 624, 1992)

**Section 9.05.020 Purpose and intent.**

A. It is the express purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

B. It is the specific intent of this chapter that no provision nor any term used in this chapter be interpreted to impose any duty whatsoever upon the city or any of its

officers or employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

C. Ordinance No.542 and the Langley Municipal Code, Chapter 15.04.040 (3) adopting the Uniform Fire Code (UFC), are amended by this chapter which changes in part, and supersedes the UFC, in part, in the respects outlined by the rest of this chapter.  
(Ord. 624, 1992)

**Section 9.05.030 Definitions.**

"Agriculture and wildlife fireworks" means fireworks designed or used to prevent damage to crops or unwanted occupancy of areas by animals or birds through the employment of sound or light, or both whenever such fireworks are so classified by the State Fire Marshal and/or distributed through a wildlife management program administered by the United States Department of the Interior.

"Common fireworks" means any fireworks not designated as "special fireworks."

"External packaging" means any materials that are not an integral part of the operative unit of the fireworks.

"Fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or

detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, firecrackers, torpedoes, skyrockets, Roman candles, Day-Glo bombs, sparklers, or other devices of like construction and any devices containing any explosives or flammable compound, or any tablet or other device containing an explosive substance, except that the term "fireworks" shall not include auto flares, paper caps of 25/100 of a grain of explosive content per cap, and toy pistols, toy canes, toy guns, or other devices which use such caps, the sale and use of which shall be permitted at all times.

"Special fireworks" includes any of the following:

1. Pyrotechnics or fireworks containing phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate or potash and sulfur, or chlorate of potash and sugar;

2. Firecrackers, salutes, and other explosive articles of a similar nature;

3. Blank cartridges;

4. Skyrockets, rockets, including all similar devices employing any combustible or explosive material and which rise in the air during discharge;

5. Chasers, including all devices which dart or travel about the surface of the ground during discharge;

6. Snakes, boa constrictors, and snake nests containing bichloride of mercury;

7. All articles for pyrotechnic display which contain gunpowder;

8. Articles commonly known as son-of-a-gun, devil-on-the-rock, crack-it sticks, and automatic torpedoes which contain arsenic;

9. Explosives known as devil-on-the-walk, any other article of similar character which explodes through means of friction, and all other similar fireworks, unless otherwise designated;

10. Toy torpedoes of all kinds;

11. Fire balloons or balloons of any type which have a burning material of any kind attached thereto; and

12. Such other fireworks as may be designated dangerous or unlawful by the

State Fire Marshal or Department of Community Development or which in the opinion of the city fire chief, pose a health and/or safety hazard to persons and/or property.

"Retailer" means any person who at a fixed location or place of business, sells, transfers, or gives common fireworks to a consumer or user.

"Wholesaler" means any person who sells common fireworks to a retailer or any other person for resale and any person who sells special fireworks to public display licensees/Permittees.

(Ord. 624, 1992)

#### **Section 9.05.040 Permit-Requirements.**

A. When Required. A permit shall be applied for in writing, accompanied by the appropriate permit fee, to the city's fire chief or designee by any person over eighteen years of age, desiring to:

1. Manufacture, import, possess or sell any fireworks at wholesale or retail for any use; or

2. Transport fireworks, except as a public carrier delivering to a licensee; or

3. Discharge fireworks in a public display.

B. Public Display Permit. Any person desiring to put on a public display of fireworks under RCW 70.77.255(1)(b) shall apply in writing to the city's fire chief or designee for a permit. Application shall be made at least thirty days in advance of the proposed display. Such public display shall be supervised by a pyrotechnic operator licensed by the State Fire Marshal.

C. Public Display Permit-Application-Investigation. The city's fire chief or designee, upon receiving an application for a public display permit shall investigate the application and submit a report of findings and recommendation for or against the issuance of the permit, together with reasons to the city council. The investigation shall determine whether the character and location of the display as proposed would be hazardous to property or dangerous to any person. Based on the investigation, the city council may grant or deny the application

and may place reasonable conditions on any permit it issues.

D. General License Certificate. An individual who has received a general license from the State Fire Marshal for public display of fireworks shall file a certificate from the State Fire Marshal evidencing the license with any application for a city permit for the public display of fireworks. Such permit, if granted, shall not be transferable.

E. Bond Requirements. The applicant for a permit for public display of fireworks shall include with the application evidence of a bond issued by an authorized surety company. The bond shall be conditioned upon the applicant's payment of all damages to persons or property resulting from or caused by such public display of fireworks, or any negligence on the part of the applicant or its agents, servants, employees or subcontractors in presentation of the display. Instead of a bond, the applicant may include a certificate of insurance evidencing the carrying of appropriate public liability insurance for the benefit of the named insured, as evidence of ability to respond in damage. The city attorney shall approve the bond or insurance if it meets the requirements of this section.

F. Discharge of Special Fireworks. No person may discharge special fireworks at any place except as authorized by state license and local permit for the public display of fireworks; provided that common fireworks, firecrackers, salutes and chasers may be purchased and used by religious or private organizations or persons, if purchased from a licensed manufacturer, importer, or wholesaler for use on prescribed dates and locations, for religious or other specific purposes, upon obtaining a permit therefore from the city fire chief.

G. Permit-Not Required. A permit is not required for the possession or use of common fireworks lawfully purchased at retail.

H. Permit Fee. The original and annual permit fee for any act requiring a permit under this chapter shall be twenty-five dollars. The permit fee shall be for the

period beginning June 28th and ending July 6th.

I. Permit-Issuance.

1. Common Fireworks Permit. The fire chief may issue, on an annual basis, for a fee, permits for the sale of common fireworks to persons, corporations, or organizations, after investigation and the fire chiefs determination that the location where the fireworks are to be sold is not hazardous to property or endangers any person, and that the persons in charge of selling the fireworks are competent and trained to handle such fireworks. No person under the age of eighteen years shall be employed by the permittee in connection with such sale. All permits may be issued with or without conditions, including the condition that such permits may be revoked, by the fire chief or his designee, upon demand due to reasons of safety.

2. Special Fireworks Permit The fire chief will issue the permit after the procedures and requirements in subsection B through H of this section, governing public display permits, have been followed, if applicable. Such permits will be issued on a special event basis only.

3. Appeal. if the fire chief refuses to issue a common or special fireworks permit, the applicant shall have the right of appeal to the Langley city council. Such appeal must be filed with the city clerk/treasurer within three days after such permit is denied or the right will be deemed waived. All costs of the appeal must be paid for by the appellant

J. Manufacture and Import Permit. An application for fireworks manufacturing and import permits shall be submitted to the city fire chief. Such applications will be issued by the Langley city council, on a case by case basis, after a public hearing and council directed investigation. No manufacturing of or importing of fireworks shall be allowed in the city of Langley unless the permit has been issued. (Ord. 624, 1992)

#### **Section 9.05.050 Safety provisions.**

A. Signs-Required. Approved no-smoking signs shall be posted at

conspicuous locations on all four sides of the fireworks stand or structure and such other places as may be designated by the city fire chief. Each sign shall have the words "NO SMOKING BY ORDER OF THE STATE FIRE MARSHAL" in red letters not less than two inches in height on a white background. All signs shall be maintained in a legible condition.

B. Smoking and Discharge of Fireworks. Smoking and the discharge of fireworks shall be prohibited within twenty-five feet of any building or stand in which fireworks are sold at retail or stored after hours.

C. Safety Equipment. Each retail fireworks location shall have not less than two water-type extinguishers of not less than two-and-one-half gallon capacity.

D. Temporary Structures. Temporary structures used for the retail sale of common fireworks shall be removed from the premises within one week after July sixth of each year. Any such stand or structure remaining beyond one week may be removed by the regulating authority at the expense of the permittee or owner.

E. Posting List of Saleable Fireworks. Retailers required to obtain a permit under this chapter shall post prominently, at each retail outlet, a list of the fireworks that may be sold to the public in this state pursuant to RCW Chapter 70.77. The posted list shall be in a form approved by the Department of Community Development.  
(Ord. 624, 1992)

#### **Section 9.05.060 Sale-Hours of sale and discharge.**

A. Hours of Sale. No common fireworks shall be sold within this city except from twelve noon on the twenty-eighth of June to twelve noon on the sixth of July of each year, or as provided in RCW 70.77.311 and other relevant parts of this chapter. No common fireworks may be sold between the hours of eleven p.m. and nine a.m..

B. Hours of Discharge. The city of Langley restricts the discharge of common fireworks to July 4th only of each year. The

times of discharge shall be from nine a.m. to twelve p.m.

C. Special Fireworks. It is unlawful for any person knowingly to sell, transfer, or agree to sell or transfer any special fireworks to any person who is not a fireworks licensee/permittee as provided for in this chapter and under state law. A violation of this chapter is a gross misdemeanor.

D. Sale or Transfer of Common Fireworks. It is unlawful for any person to knowingly sell or transfer any common fireworks to a consumer or user other than at a fixed place of business of a retailer for which a permit or license has been issued. A violation of this section is a gross misdemeanor.

E. Sale to Minors. Common fireworks shall not be sold or given to minor children under eight years of age, unless accompanied by a parent or other responsible adult.

(Ord. 649, 1993: Ord. 624, 1992)

#### **Section 9.05.070 Other violations.**

A. Reckless Discharge. It is unlawful for any person to discharge or use fireworks of any kind in a reckless manner which creates substantial risk of death or serious physical injury to another person or damage to the property of another. A violation of this section is a gross misdemeanor.

B. Unlawful Possession of Fireworks. It is unlawful to possess any class or kind of fireworks in violation of RCW 70.77 or this chapter. A violation of this section is:

1. A misdemeanor if involving less than one pound of fireworks, exclusive of external packaging; or

2. A gross misdemeanor if involving one pound or more of fireworks, exclusive of external packaging.

(Ord. 624, 1992)

#### **Section 9.05.080 Liability.**

Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting

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from the failure of a permittee to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or

enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents.  
(Ord. 624, 1992)