



Business of the City Council
City of Ruston, WA

Subject: Ordinance #1574 – Update of Ruston Criminal Code

Dept. Origin: City Attorney’s Office

Prepared by: Jennifer Robertson, City Attorney’s Office

For Agenda of: October 3, 2023

Exhibits: Ordinance #1574

Initial & Date

Proposed Council Action:

This is on for Second Reading and Action.
Adopt Ordinance No. 1574.

Concurred by Mayor: _____

Approved by City Planner: _____

Approved as to form by City Atty: JSR/9-20-23

Approved by Finance Director: _____

Approved by Department Head: _____

INFORMATION / BACKGROUND

The Ruston criminal code has not been updated in many years and was in need of housekeeping amendments as well as a general update. State law¹ permits the City to adopt by reference sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes.

In 1989 and 1990, the City Council adopted Ordinance Nos. 835 and 848 (codified as Chapter 9.20 RMC) which adopted by reference many different sections of Washington state statutes which constitute misdemeanor and gross misdemeanor crimes. In addition, some portions of the code are dated prior to those years. These were adopted under RCW 35.21.180 which was applicable to Towns. Since the adoption of the City’s criminal code, the Washington State Legislature has crafted new crimes, renumbered RCW sections, and repealed some statutes. Therefore, in order for Ruston to continue to prosecute all misdemeanor and gross misdemeanor crimes occurring within the city limits, the City must readopt Chapter 9.20 RMC to capture new state-created misdemeanor and gross misdemeanor criminal offenses added since the criminal code was adopted over 30 years ago. In June of 2023 the State passed new legislation known as SB 5536 (also known as the “Blake Fix”) which occupied the full field of regulation of drug paraphernalia and therefore, the City’s drug paraphernalia code needs to be repealed. Finally, the City does not have anti-camping regulations. This ordinance includes such regulations which are consistent with recent controlling federal case law.

This Ordinance has been reviewed by the Police Department and the Department is supportive of this update.

FISCAL CONSIDERATION

¹ RCW 35A.12.140 and RCW 35.21.180.

None.

RECOMMENDATION / MOTION

This is on for Second Reading and Action.

MOTION: I move to adopt Ordinance No. 1574 repealing Chapters 9.20 and 9.21 of the Ruston Municipal Code (RMC); adopting a new Chapter 9.20 RMC as the City's new criminal code, establishing certain activities as crimes or infractions in Ruston, including incorporating by reference Washington State criminal statutes; providing for severability and corrections; and establishing an effective date.

ORDINANCE NO. 1574

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REPEALING CHAPTERS 9.20 AND 9.21 OF THE RUSTON MUNICIPAL CODE (RMC); ADOPTING A NEW CHAPTER 9.20 RMC AS THE CITY'S NEW CRIMINAL CODE, ESTABLISHING CERTAIN ACTIVITIES AS CRIMES OR INFRACTIONS IN RUSTON, INCLUDING INCORPORATING BY REFERENCE WASHINGTON STATE CRIMINAL STATUTES; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Ruston's criminal code has not been updated in many years and is in need of housekeeping amendments and a general update; and

WHEREAS, RCW 35A.12.140 and RCW 35.21.180 permits the City to adopt by reference sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes; and

WHEREAS, pursuant to RCW 35.21.180, the City adopted Ordinance Nos. 835 and 848 adopting by reference in Chapter 9.20 RMC sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes; and

WHEREAS, when adopting such state statutes, the City Council declared in RMC 9.20.030 that the "amendment, addition or repeal by the Washington State Legislature of any section of any of the adopted statutes shall be deemed to amend the ordinance codified in this chapter and the statutes contained herein which are adopted by reference, in conformity with such amendment, addition or repeal, and it shall not be necessary for the Council to take any action with respect to such addition, amendment or repeal as provided by RCW 35.21.180"; and

WHEREAS, Ruston prosecutes misdemeanor and gross misdemeanor crimes which have been adopted by reference in the RMC that occur within the City of Ruston via a contract for court and prosecutions services with the City of Fircrest; and

WHEREAS, since the adoption of Ordinance Nos. 835 and 848, the Washington State Legislature has crafted new crimes; and

WHEREAS, in order for Ruston to continue to prosecute all misdemeanor and gross misdemeanor crimes occurring within the city limits, the City must readopt Chapter 9.20 RMC to capture new state-created misdemeanor and gross misdemeanor criminal offenses added since the adoption of Ordinance No. 835 in 1989 and Ordinance No. 848 and 1990; and

WHEREAS, in June of 2023 the State passed new legislation known as SB 5536 (also known as the “Blake Fix”) which occupied the full field of regulation of drug paraphernalia and therefore, the City’s drug paraphernalia code needs to be repealed; and

WHEREAS, this Ordinance will protect the health, safety, and welfare of the people in Ruston; and

WHEREAS, on September 19, 2023, the City Council held the first reading of this Ordinance; and

WHEREAS, on October 3, 2023, the City Council adopted this Ordinance at Second Reading during its regular meeting; **NOW, THEREFORE**,

THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS FOLLOWS:

Section 1. Repeal. Chapters 9.20 and 9.21 of the Ruston Municipal Code are hereby repealed.

Section 2. Adoption. A new Chapter 9.20 entitled “Ruston Criminal Code” is hereby added to the Ruston Municipal Code to read as follows:

RUSTON CRIMINAL CODE

Sections:

9.20.010 Preliminary article.

- 9.20.020 Jurisdiction
- 9.20.030 Adoption of RCW sections not specifically set forth.

I. ADOPTION OF SPECIFIC RCWs.

- 9.20.040 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.
- 9.20.050 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.
- 9.20.060 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.
- 9.20.070 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.
- 9.20.080 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.
- 9.20.090 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.
- 9.20.100 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.
- 9.20.110 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.
- 9.20.120 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.
- 9.20.130 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.
- 9.20.140 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.
- 9.20.150 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.
- 9.20.160 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.
- 9.20.170 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.

II. OFFENSES AGAINST PUBLIC MORALS

- 9.20.180 Definitions
- 9.20.190 Lewd act.
- 9.20.200 Limitations.

9.20.210 Urinating in public.

III. MISCELLANEOUS OFFENSES.

9.20.220 Aggressive Begging.

9.20.230 Disorderly conduct.

9.20.240 Obstruction of extinguishment of fire.

9.20.250 Drug traffic loitering.

9.20.260 Police dogs – Tormenting.

9.20.270 Private alarm systems.

9.20.280 Prohibition of the conduct of social card games as a commercial stimulant to business.

9.20.290 Provoking assault.

9.20.300 State massage practitioner license required – Violation is misdemeanor – Inspections – Definitions.

9.20.310 Leaving child unattended in vehicle.

9.20.320 Unlawful public camping.

9.20.330 Unlawful sewage disposal.

9.20.010 Preliminary article.

A. This title shall be known and may be cited as the “Ruston Criminal Code.”

B. As used in this title, “RCW” shall mean the Revised Code of Washington.

C. As used in this title, “RMC” shall mean the Ruston Municipal Code.

D. If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.

E. By adopting Washington State statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Ruston. Whenever the word “state” shall appear in any statute adopted by reference in this title, the word “city” shall be substituted therefor; provided, however, the term “city” shall not be substituted for the term “state” in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

F. Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.

G. Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.

H. When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.

I. Title, chapter, section, and subsection captions are for organizational purposes only and shall not be construed as part of this title.

J. The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted. The provisions of this title shall apply to any offense committed on or after its effective date unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.

K. As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and neutral genders; and the singular includes the plural and vice versa.

L. The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

M. Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

1. *Gross Misdemeanor*. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 364 days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine.

2. *Misdemeanor*. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine.

9.20.020 Jurisdiction

The following persons are subject to punishment:

A. A person who commits in the city any crime as defined by ordinance, in whole or part;

B. A person who commits out of the city any act which, if committed within it, would be theft and is afterward found in the city with any of the stolen property;

C. A person who being out of the city, counsels, causes, procures, aids, or abets another to commit a crime in the city;

D. A person who commits an act without the city which affects persons or property within the city which, if committed within the city, would be a crime.

9.20.030 Adoption of RCW sections not specifically set forth.

A. With the exception of the RCW section set forth in subsection C of this section, and notwithstanding the RCW sections that are specifically adopted by reference in this title, all state statutes that create misdemeanors and gross misdemeanors and the state statutes necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

B. All class C felony crimes set forth in state statutes are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in Chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection A of this section.

C. The following RCW section is not adopted by the City of Ruston:

RCW 9A.16.110 Defending against violent crime – Reimbursement.

I. Adoption of Specific RCW Sections.

9.20.040 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 2.48.180 Definitions – Unlawful practice a crime – Cause for discipline – Unprofessional conduct – Defense – Injunction – Remedies – Costs – Attorneys’ fees – Time limit for action.

9.20.050 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 7.21.010 Definitions.
- RCW 7.21.020 Sanctions – Who may impose.
- RCW 7.21.030 Remedial sanctions – Payment for losses.
- RCW 7.21.040 Punitive sanctions – Fines.
- RCW 7.21.050 Sanctions – Summary imposition – Procedure.
- RCW 7.21.070 Appellate review.
- RCW 7.21.080 Juvenile detention as remedy.

9.20.060 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.

For purposes of offenses under this title only, the following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 7.80.120 Monetary penalties – Restitution.

9.20.070 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 9.01.055 Citizen immunity if aiding officer, scope – When.
- RCW 9.01.110 Omission, when not punishable.
- RCW 9.01.130 Sending letter, when complete.
- RCW 9.02.050 Concealing birth.
- RCW 9.03.010 Abandoning, discarding refrigeration equipment.
- RCW 9.03.020 Permitting unused equipment to remain on premises.
- RCW 9.03.040 Keeping or storing equipment for sale.

- RCW 9.04.010 False advertising.
- RCW 9.04.090 Advertising fuel prices by service stations.
- RCW 9.08.030 False certificate of registration of animals – False representation as to breed.
- RCW 9.08.065 Definitions.
- RCW 9.08.070 Pet animals – Taking, concealing, injuring, killing, etc. – Penalty.
- RCW 9.08.072 Transferring stolen pet animal to research institution – Penalty.
- RCW 9.12.010 Barratry.
- RCW 9.12.020 Buying, demanding, or promising reward by district judge or deputy.
- RCW 9.16.005 Definitions.
- RCW 9.16.010 Removing lawful brands.
- RCW 9.16.020 Imitating lawful brand.
- RCW 9.16.030 Counterfeit mark – Intellectual property.
- RCW 9.16.035 Counterfeiting – Penalties.
- RCW 9.16.041 Counterfeit items – Seizure and forfeiture.
- RCW 9.16.050 When deemed affixed.
- RCW 9.16.060 Fraudulent registration of trademark.
- RCW 9.16.070 Form and similitude defined.
- RCW 9.16.080 Petroleum products improperly labeled or graded – Penalty.
- RCW 9.16.100 Use of the words “sterling silver,” etc.
- RCW 9.16.110 Use of words “coin silver,” etc.
- RCW 9.16.120 Use of the word “sterling” on mounting.

- RCW 9.16.130 Use of the words “coin silver” on mounting.
- RCW 9.16.140 Unlawfully marking article made of gold.
- RCW 9.16.150 “Marked, stamped or branded” defined.
- RCW 9.18.080 Offender a competent witness.
- RCW 9.18.120 Suppression of competitive bidding.
- RCW 9.18.130 Collusion to prevent competitive bidding – Penalty.
- RCW 9.18.150 Agreements outside state.
- RCW 9.24.010 Fraud in stock subscription.
- RCW 9.24.040 Corporation doing business without license.
- RCW 9.26A.090 Telephone company credit cards – Prohibited acts.
- RCW 9.26A.100 Definitions.
- RCW 9.26A.110 Fraud in obtaining telecommunications service – Penalty.
- RCW 9.26A.120 Fraud in operating coin-box telephone or other receptacle.
- RCW 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin.
- RCW 9.26A.140 Unauthorized sale or procurement of telephone records—Penalties—Definitions.
- RCW 9.27.015 Interference, obstruction of any court, building, or residence – Violations.
- RCW 9.35.005 Definitions.
- RCW 9.35.030 Soliciting undesired mail.
- RCW 9.38.010 False representation concerning credit.
- RCW 9.38.015 False statement by deposit account applicant.
- RCW 9.38.020 False representation concerning title.

- RCW 9.40.040 Operating engine or boiler without spark arrester.
- RCW 9.40.100 Tampering with fire alarm or fire fighting equipment – False alarm – Penalties.
- RCW 9.41.010 Definitions.
- RCW 9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons – Restoration of right to possess – Penalties.
- RCW 9.41.042 Children—Permissible firearm possession.
- RCW 9.41.045 Offenders under supervision of the department— Possession prohibited—Penalties.
- RCW 9.41.047 Persons found not guilty by reason of insanity and others—Possession rights.
- RCW 9.41.049 Persons who present likelihood of serious harm— Possession rights.
- RCW 9.41.050 Carrying firearms.
- RCW 9.41.060 Exceptions to restrictions on carrying firearms.
- RCW 9.41.090 Dealer deliveries regulated – Hold on delivery.
- RCW 9.41.098 Forfeiture of firearms – Disposition – Confiscation.
- RCW 9.41.100 Dealer licensing and registration required.
- RCW 9.41.110 Dealer’s licenses, by whom granted, conditions, fees – Employees, fingerprinting and background checks – Wholesale sales excepted – Permits prohibited.
- RCW 9.41.111 Firearm frames or receivers—Background check—Penalty.
- RCW 9.41.113 Firearm sales or transfers—Background checks—Requirements—Exceptions.
- RCW 9.41.115 Penalties—Violations of RCW 9.41.113.
- RCW 9.41.140 Alteration of identifying marks – Exceptions.

- RCW 9.41.173 Alien possession of firearms—Alien firearm license—Political subdivisions may not modify requirements—Penalty for false statement.
- RCW 9.41.220 Unlawful firearms and parts contraband.
- RCW 9.41.230 Aiming or discharging firearms, dangerous weapons.
- RCW 9.41.240 Possession of pistol by person from 18 to 21.
- RCW 9.41.250 Dangerous weapons – Penalty.
- RCW 9.41.260 Dangerous exhibitions.
- RCW 9.41.270 Weapons apparently capable of producing bodily harm – Unlawful carrying or handling – Penalty – Exceptions.
- RCW 9.41.280 Possessing dangerous weapons on school facilities – Penalty – Exceptions.
- RCW 9.41.282 Possessing dangerous weapons on child care premises—Penalty—Exceptions.
- RCW 9.41.284 Possessing dangerous weapons at voting facilities—Penalty—Exceptions.
- RCW 9.41.300 Weapons prohibited in certain places – Local laws and ordinances – Exceptions – Penalty.
- RCW 9.41.305 Open carry of weapons prohibited on state capitol grounds and municipal buildings.
- RCW 9.41.325 Undetectable or untraceable firearms—Penalties.
- RCW 9.41.326 Untraceable firearms—Exceptions—Penalties.
- RCW 9.41.327 Unfinished frames or receivers—Exceptions—Penalties.
- RCW 9.41.335 Failure to register as felony firearm offender.
- RCW 9.41.350 Voluntary waiver of firearm rights—Procedure—Penalty—Exemption from public disclosure.
- RCW 9.41.360 Unsafe storage of a firearm.

RCW 9.41.800 Surrender of weapons or licenses – Prohibition on future possession or licensing.

RCW 9.41.810 Penalty.

RCW 9.44.080 Misconduct in signing a petition.

RCW 9.45.060 Encumbered, leased, or rented personal property – Construction.

RCW 9.45.070 Mock auctions.

RCW 9.45.080 Fraudulent removal of property.

RCW 9.45.090 Knowingly receiving fraudulent conveyance.

RCW 9.45.100 Fraud in assignment for benefit of creditors.

RCW 9.47A.010 Definition.

RCW 9.47A.020 Unlawful inhalation – Exception.

RCW 9.47A.030 Possession of certain substances prohibited, when.

RCW 9.47A.040 Sale of certain substances prohibited, when.

RCW 9.47A.050 Penalty.

RCW 9.51.010 Misconduct of officer drawing jury.

RCW 9.51.020 Soliciting jury duty.

RCW 9.51.030 Misconduct of officer in charge of jury.

RCW 9.61.230 Telephone harassment.

RCW 9.61.240 Telephone harassment – Permitting telephone to be used.

RCW 9.61.250 Telephone harassment – Offense, where deemed committed.

RCW 9.62.010 Malicious prosecution.

RCW 9.62.020 Instituting suit in name of another.

- RCW 9.68.015 Obscene literature, shows, etc. – Exemptions.
- RCW 9.68.030 Indecent articles, etc.
- RCW 9.68.050 “Erotic material” – Definitions.
- RCW 9.68.060 “Erotic material” – Determination by court – Labeling – Penalties.
- RCW 9.68.070 Prosecution for violation of RCW 9.68.060 – Defense.
- RCW 9.68.080 Unlawful acts.
- RCW 9.68.100 Exceptions to RCW 9.68.050 through 9.68.120.
- RCW 9.68.110 Motion picture operator or projectionist exempt, when.
- RCW 9.68.130 “Sexually explicit material” – Defined – Unlawful display.
- RCW 9.68A.011 Definitions.
- RCW 9.68A.053 Sexually explicit images—Crimes by minors—Penalties.
- RCW 9.68A.055 Sexually explicit images—Forfeiture by minors.
- RCW 9.68A.080 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.
- RCW 9.68A.090 Communication with minor for immoral purposes – Penalties.
- RCW 9.68A.110 Certain defenses barred, permitted.
- RCW 9.68A.120 Seizure and forfeiture of property.
- RCW 9.68A.150 Allowing minor on premises of live erotic performance – Definitions – Penalty.
- RCW 9.69.100 Duty of witness of offense against child or any violent offense – Penalty.
- RCW 9.73.010 Divulging telegram.
- RCW 9.73.020 Opening sealed letter.

RCW 9.73.030 Intercepting, recording or divulging private communication – Consent required – Exceptions.

RCW 9.73.050 Admissibility of intercepted communication in evidence.

RCW 9.73.070 Persons and activities excepted from chapter.

RCW 9.73.080 Penalties.

RCW 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080 – Standards – Court authorizations – Admissibility.

RCW 9.73.100 Recordings available to defense counsel.

RCW 9.73.110 Intercepting, recording, or disclosing private communications – Not unlawful for building owner – Conditions.

RCW 9.91.010 Denial of civil rights – Terms defined.

RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.

RCW 9.91.025 Unlawful transit conduct.

RCW 9.91.060 Leaving children unattended in a parked automobile.

RCW 9.91.130 Disposal of trash in charity donation receptacle.

RCW 9.91.140 Food stamps – Unlawful sale.

RCW 9.91.142 Food stamps—Trafficking.

RCW 9.91.160 Personal protection spray devices.

RCW 9.91.170 Interfering with dog guide or service animal.

RCW 9.91.175 Interfering with search and rescue dog.

9.20.080 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9A.04.020 Purposes – Principles of construction.

RCW 9A.04.040 Classes of crimes.

RCW 9A.04.050 People capable of committing crimes – Capability of children.

RCW 9A.04.060 Common law to supplement statute.

RCW 9A.04.070 Who amenable to criminal statutes.

RCW 9A.04.080 Limitation of actions.

RCW 9A.04.090 Application of general provisions of the code.

RCW 9A.04.100 Proof beyond a reasonable doubt.

RCW 9A.04.110 Definitions.

RCW 9A.08.010 General requirements of culpability.

RCW 9A.08.020 Liability for conduct of another – Complicity.

RCW 9A.08.030 Entity and personal liability.

RCW 9A.08.040 Diminished capacity—Victim identity.

RCW 9A.12.010 Insanity.

RCW 9A.16.010 Definitions.

RCW 9A.16.020 Use of force – When lawful.

RCW 9A.16.025 Use of force—When unjustified—Victim identity.

RCW 9A.16.060 Duress.

RCW 9A.16.070 Entrapment.

RCW 9A.16.080 Action for being detained on mercantile establishment premises for investigation – “Reasonable grounds” as defense.

RCW 9A.16.090 Intoxication.

RCW 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable.

RCW 9A.28.020 Criminal attempt.

RCW 9A.28.030 Criminal solicitation.

RCW 9A.28.040 Criminal conspiracy.

RCW 9A.36.041 Assault in the fourth degree.

RCW 9A.36.050 Reckless endangerment.

RCW 9A.36.070 Coercion.

RCW 9A.36.150 Interfering with the reporting of domestic violence.

RCW 9A.36.160 Failing to summon assistance.

RCW 9A.36.161 Failing to summon assistance—Penalty.

RCW 9A.40.010 Definitions.

RCW 9A.40.070 Custodial interference in the second degree.

RCW 9A.40.080 Custodial interference – Assessment of costs – Defense – Consent defense, restricted.

RCW 9A.42.010 Definitions.

RCW 9A.42.035 Criminal mistreatment in the third degree.

RCW 9A.42.037 Criminal mistreatment in the fourth degree.

RCW 9A.42.040 Withdrawal of life support systems.

RCW 9A.42.045 Palliative care.

RCW 9A.42.050 Defense of financial inability.

RCW 9A.42.080 Abandonment of a dependent person in the third degree.

RCW 9A.42.090 Abandonment of a dependent person – Defense.

RCW 9A.42.110 Leaving a child in the care of a sex offender.

RCW 9A.44.010 Definitions.

RCW 9A.44.030 Defenses to prosecution under this chapter.

RCW 9A.44.096 Sexual misconduct with a minor in the second degree.

RCW 9A.44.115 Voyeurism.

RCW 9A.44.128 Definitions applicable to RCW 9A.44.130 through 9A.44.145, 10.01.200, 43.43.540, 70.48.470, and 72.09.330.

RCW 9A.44.130 Registration of sex offenders and kidnapping offenders – Procedures – Definition – Penalties.

RCW 9A.44.132 Failure to register as sex offender or kidnapping offender.

RCW 9A.44.170 Custodial sexual misconduct in the second degree.

RCW 9A.44.180 Custodial sexual misconduct – Defense.

RCW 9A.46.010 Legislative finding.

RCW 9A.46.020 Definition – Penalties.

RCW 9A.46.030 Place where committed.

RCW 9A.46.040 Court-ordered requirements upon person charged with crime – Violation.

RCW 9A.46.050 Arraignment – No-contact order.

RCW 9A.46.060 Crimes included in harassment.

RCW 9A.46.080 Order restricting contact – Violation.

RCW 9A.46.090 Nonliability of peace officer.

RCW 9A.46.100 “Convicted,” time when.

RCW 9A.46.110 Stalking.

RCW 9A.48.010 Definitions.

RCW 9A.48.050 Reckless burning in the second degree.

RCW 9A.48.060 Reckless burning – Defense.

RCW 9A.48.090 Malicious mischief in the third degree.

RCW 9A.48.100 Malicious mischief – “Physical damage” defined.

RCW 9A.48.105 Criminal street gang tagging and graffiti.

RCW 9A.48.110 Defacing a state monument.

RCW 9A.49.001 Findings.

RCW 9A.49.010 Definitions.

RCW 9A.49.030 Unlawful discharge of a laser in the second degree.

RCW 9A.49.050 Exclusions.

RCW 9A.50.010 Definitions.

RCW 9A.50.020 Interference with health care facility.

RCW 9A.50.030 Penalty.

RCW 9A.52.010 Definitions.

RCW 9A.52.050 Other crime in committing burglary punishable.

RCW 9A.52.060 Making or having burglar tools.

RCW 9A.52.070 Criminal trespass in the first degree.

RCW 9A.52.080 Criminal trespass in the second degree.

RCW 9A.52.090 Criminal trespass – Defenses.

RCW 9A.52.100 Vehicle prowling in the second degree.

RCW 9A.52.105 Removal of unauthorized persons—Declaration—
Liability—Rights.

RCW 9A.52.115 Removal of unauthorized persons—Declaration form—
Penalty for false swearing.

RCW 9A.56.010 Definitions.

RCW 9A.56.020 Theft – Definition, defense.

RCW 9A.56.050 Theft in the third degree.

RCW 9A.56.060 Unlawful issuance of checks or drafts.

RCW 9A.56.063 Making or possessing motor vehicle theft tools.

RCW 9A.56.096 Theft of rental, leased, or lease-purchased property.

RCW 9A.56.100 Theft and larceny equated.

RCW 9A.56.140 Possessing stolen property – Definition – Presumption.

RCW 9A.56.170 Possessing stolen property in the third degree.

RCW 9A.56.180 Obscuring the identity of a machine.

RCW 9A.56.220 Theft of subscription television services.

RCW 9A.56.240 Forfeiture and disposal of device used to commit violation.

RCW 9A.56.260 Connection of channel converter.

RCW 9A.56.270 Shopping cart theft.

RCW 9A.56.330 Possession of another’s identification.

RCW 9A.56.410 Metal property deception.

RCW 9A.60.010 Definitions.

RCW 9A.60.045 Criminal impersonation in the second degree.

RCW 9A.60.050 False certification.

RCW 9A.61.010 Definitions.

RCW 9A.61.020 Defrauding a public utility.

RCW 9A.61.050 Defrauding a public utility in the third degree.

RCW 9A.61.060 Restitution and costs.

RCW 9A.72.010 Definitions.

RCW 9A.72.040 False swearing.

RCW 9A.72.050 Perjury and false swearing – Inconsistent statements – Degree of crime.

RCW 9A.72.060 Perjury and false swearing – Retraction.

RCW 9A.72.070 Perjury and false swearing – Irregularities no defense.

RCW 9A.72.080 Statement of what one does not know to be true.

RCW 9A.72.085 Unsworn statements, certification.

RCW 9A.72.140 Jury tampering.

RCW 9A.72.150 Tampering with physical evidence.

RCW 9A.76.010 Definitions.

RCW 9A.76.020 Obstructing a law enforcement officer.

RCW 9A.76.025 Disarming a law enforcement or corrections officer— Commission of another crime.

RCW 9A.76.027 Law enforcement or corrections officer engaged in criminal conduct.

RCW 9A.76.030 Refusing to summon aid for a peace officer.

RCW 9A.76.040 Resisting arrest.

RCW 9A.76.050 Rendering criminal assistance – Definition of term.

RCW 9A.76.060 Relative defined.

RCW 9A.76.070 Rendering criminal assistance in the first degree.

RCW 9A.76.080 Rendering criminal assistance in the second degree.

RCW 9A.76.090 Rendering criminal assistance in the third degree.

RCW 9A.76.100 Compounding.

RCW 9A.76.130 Escape in the third degree.

RCW 9A.76.160 Introducing contraband in the third degree.

RCW 9A.76.170 Bail jumping.

RCW 9A.76.175 Making a false or misleading statement to a public servant.

RCW 9A.80.010 Official misconduct.

RCW 9A.84.010 Criminal mischief.

RCW 9A.84.020 Failure to disperse.

RCW 9A.84.030 Disorderly conduct.

RCW 9A.84.040 False reporting.

RCW 9A.88.030 Prostitution.

RCW 9A.88.040 Prosecution for prostitution under RCW 9A.88.030—
Affirmative defense.

RCW 9A.88.050 Prostitution – Sex of parties immaterial – No defense.

RCW 9A.88.090 Permitting prostitution.

RCW 9A.88.110 Patronizing a prostitute.

RCW 9A.88.120 Additional fee assessments.

RCW 9A.88.130 Additional requirements.

RCW 9A.88.140 Vehicle impoundment

RCW 9A.90.030 Definitions.

RCW 9A.90.050 Computer trespass in the second degree.

RCW 9A.90.070 Spoofing.

RCW 9A.90.090 Electronic data tampering in the second degree.

RCW 9A.90.110 Commission of other crime.

RCW 9A.90.120 Cyber harassment.

RCW 9A.90.130 Cyberstalking.

9.20.090 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 10.99.010 Purpose – Intent.

RCW 10.99.020 Definitions.

RCW 10.99.035 Law enforcement agencies—Domestic violence records.

RCW 10.99.040 Duties of court – No-contact order.

RCW 10.99.045 Appearances by defendant—Defendant's history—No-contact order.

RCW 10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures – Notice of change.

RCW 10.99.055 Enforcement of orders.

RCW 10.99.070 Liability of peace officers.

RCW 10.99.080 Penalty assessment.

RCW 10.99.100 Sentencing—Factors—Defendant's criminal history.

RCW 10.99.901 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

9.20.100 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 13.32A.080 Unlawful harboring of a minor – Penalty – Defense – Prosecution of adult for involving child in commission of offense.

9.20.110 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 26.09.300 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.

RCW 26.26B.040 Restraining order – Knowing violation – Penalty – Law enforcement immunity.

RCW 26.28.080 Selling or giving tobacco to minor – Belief of representative capacity, no defense – Penalty.

RCW 26.28.085 Applying tattoo to a minor – Penalty.

RCW 26.44.020 Definitions.

RCW 26.44.030 Reports – Duty and authority to make – Duty of receiving agency – Duty to notify – Case planning and consultation – Penalty for unauthorized exchange of information – Filing dependency petitions – Interviews of children – Records – Risk assessment process.

RCW 26.44.040 Reports – Oral, written – Contents.

RCW 26.44.060 Immunity from civil or criminal liability – Confidential communications not violated – Actions against state not affected – False report, penalty.

RCW 26.44.063 Temporary restraining order or preliminary injunction – Enforcement – Notice of modification or termination of restraining order.

RCW 26.44.067 Temporary restraining order or preliminary injunction – Contents – Notice – Noncompliance – Defense – Penalty.

RCW 26.44.080 Violation – Penalty.

RCW 26.44.150 Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child – Penalty for violating court order.

RCW 26.50.110 Violation of order – Penalties.

RCW 26.50.140 Peace officers – Immunity.

RCW 26.52.010 Definitions.

RCW 26.52.050 Peace officer immunity.

RCW 26.52.070 Violation of foreign orders – Penalties.

9.20.120 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty.

RCW 28A.635.030 Disturbing school, school activities or meetings – Penalty.

RCW 28A.635.090 Interference by force or violence – Penalty.

RCW 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful.

RCW 28A.635.110 Violations under
RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception.

9.20.130 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

46.80.005 Legislative declaration.

46.80.010 Definitions.

46.80.020 License required—Penalty.

46.80.030 Application for license—Contents.

46.80.040 Issuance of license—Fee.

46.80.050 Expiration, renewal—Fee.

46.80.060 License plates, indicator tabs—Fee—Display.

46.80.070 Bond.

46.80.080 Records—Penalty.

46.80.090 Reports to department—Evidence of ownership.

46.80.100 Cancellation of bond.

- 46.80.110 License penalties, civil fines, criminal penalties.
- 46.80.121 False or unqualified applications.
- 46.80.130 All storage at place of business—Screening required—Penalty.
- 46.80.140 Rules.
- 46.80.150 Inspection of licensed premises and records.
- 46.80.160 Municipal compliance.
- 46.80.170 Violations—Penalties.
- 46.80.180 Cease and desist orders—Fines.
- 46.80.190 Subpoenas.
- 46.80.200 Wholesale motor vehicle auction dealers.
- 46.80.210 Metal property transactions.
- 46.80.900 Liberal construction.

9.20.140 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 66.04.010 Definitions.

RCW 66.20.200 Unlawful acts relating to card of identification and certification card – Penalties.

RCW 66.28.200 Keg registration – Special endorsement for grocery store licensee – Requirements of seller.

RCW 66.28.210 Keg registration – Requirements of purchaser.

RCW 66.28.220 Keg registration – Identification of containers – Rules – Fees – Sale in violation of rules unlawful.

RCW 66.28.230 Keg registration – Furnishing to minors – Penalties.

RCW 66.44.010 Local officers to enforce law – Authority of board – Liquor enforcement officers.

RCW 66.44.040 Sufficiency of description of offenses in complaints, information, process, etc.

- RCW 66.44.060 Proof of unlawful sale establishes prima facie intent.
- RCW 66.44.070 Certified analysis is prima facie evidence of alcoholic content.
- RCW 66.44.080 Service of process on corporation.
- RCW 66.44.090 Acting without license.
- RCW 66.44.100 Opening or consuming liquor in a public place – Penalty.
- RCW 66.44.120 Unlawful use of seal.
- RCW 66.44.130 Sales of liquor by drink or bottle.
- RCW 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal – Unlawful operation, possession of still or mash.
- RCW 66.44.150 Buying liquor illegally.
- RCW 66.44.160 Illegal possession, transportation of alcoholic beverages.
- RCW 66.44.170 Illegal possession of liquor with intent to sell – Prima facie evidence, what is.
- RCW 66.44.175 Violations of law.
- RCW 66.44.180 General penalties – Jurisdiction for violations.
- RCW 66.44.200 Sales to persons apparently under the influence of liquor – Purchases or consumption by persons apparently under the influence of liquor on licensed premises – Penalty – Notice – Separation of actions.
- RCW 66.44.210 Obtaining liquor for ineligible person.
- RCW 66.44.240 Drinking in public conveyance – Penalty against carrier – Exception.
- RCW 66.44.250 Drinking in public conveyance – Penalty against individual – Restricted application.
- RCW 66.44.270 Furnishing liquor to minors – Possession, use – Exhibition of effects – Exceptions.
- RCW 66.44.280 Minor applying for permit.

- RCW 66.44.290 Minor purchasing or attempting to purchase liquor.
- RCW 66.44.292 Sales to minors by licensee or employee—Board notification to prosecuting attorney to formulate charges against minors.
- RCW 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.
- RCW 66.44.310 Minors frequenting off-limits area – Misrepresentation of age – Penalty – Classification of licensees.
- RCW 66.44.316 Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
- RCW 66.44.318 Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.
- RCW 66.44.325 Unlawful transfer to a minor of an identification of age.
- RCW 66.44.328 Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card – Penalty.
- RCW 66.44.340 Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.
- RCW 66.44.350 Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.
- RCW 66.44.370 Resisting or opposing officers in enforcement of title.
- RCW 66.44.380 Powdered alcohol.

9.20.150 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 69.41.010 Definitions.
- RCW 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions.
- RCW 69.41.050 Labeling requirements – Penalty.
- RCW 69.41.300 Definitions.

RCW 69.41.320 Practitioners – Restricted use – Medical records.

RCW 69.41.350 Penalties.

RCW 69.43.010 Report to state board of pharmacy – List of substances – Modification of list – Identification of purchasers – Report of transactions – Penalties.

RCW 69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – Record of transaction—Exceptions—Penalty.

RCW 69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine – Possession of more than 15 grams – Penalty – Exceptions.

RCW 69.43.130 Exemptions – Pediatric products – Products exempted by the pharmacy quality assurance commission.

RCW 69.43.135 Iodine, methylsulfonylmethane—Sales restrictions—Recording of transactions—Penalties.

RCW 69.50.101 Definitions.

RCW 69.50.102 Drug paraphernalia – Definitions.

RCW 69.50.202 Nomenclature.

RCW 69.50.4014 Possession of 40 grams or less of marihuana – Penalty.

RCW 69.50.4016 Provisions not applicable to offenses under RCW 69.50.410.

RCW 69.50.404 Penalties under other laws.

RCW 69.50.407 Conspiracy.

RCW 69.50.4011 Counterfeit substances—Penalties.

RCW 69.50.4013 Possession of controlled substance—Penalty— Possession of useable cannabis, cannabis concentrates, or cannabis-infused products—Delivery.

RCW 69.50.4014 Possession of forty grams or less of cannabis—Penalty.

RCW 69.50.412 Prohibited acts: E – Penalties.

RCW 69.50.4121 Drug paraphernalia – Selling or giving – Penalty.

9.20.160 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 70.74.010 Definitions.

RCW 70.74.160 Unlawful access to explosives.

RCW 70.74.295 Abandonment of explosives.

RCW 70.74.300 Explosive containers to be marked – Penalty.

RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.

RCW 70.74.400 Seizure and forfeiture.

RCW 70.155.010 Definitions.

RCW 70.155.050 Sampling prohibited—Penalty.

RCW 70.155.080 Purchasing, possessing, or obtaining tobacco by persons under the age of 18 – Civil infraction – Courts of jurisdiction.

9.20.170 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 74.34.020 Definitions.

RCW 74.34.053 Failure to report – False reports – Penalties.

II. OFFENSES AGAINST PUBLIC MORALS

9.20.180 Definitions.

For the purpose of this chapter:

A. “Lewd act” means public:

1. Exposure of any portion of the human anus or genitals, including display of the male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. Exposure of the female breast lower than the upper edge of the areola; or

3. Touching, caressing, or fondling of the male or female genitals or female breast, whether clothed or naked; or

4. Simulated acts of human sex, including intercourse, or copulation, sodomy, or masturbation of oneself or of one person by another.

B. "Public" or "public display" means easily visible from a public thoroughfare or from property of others, or in a public place in a manner so obtrusive as to make it difficult for an unwilling person to avoid exposure.

C. "Sexual conduct" means sexual intercourse or sexual contact.

D. "Sexual intercourse" means:

1. Its ordinary meaning, occurring upon any penetration, however slight; or

2. Any penetration of the vagina or anus, however slight, by an object, when committed by one person on another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or

3. Any 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.

E. "Sexual contact" means:

1. Any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

2. Masturbation, manual or instrumental, of oneself in the presence of another, or of one person by another

9.20.190 Lewd act. Every person who intentionally performs any lewd act in a public place knowing that such conduct is likely to cause reasonable affront and alarm is guilty of a misdemeanor.

9.20.200 Limitations.

A. This chapter shall not be construed to prohibit:

1. Plays, operas, musicals, or other dramatic works which are not obscene;

2. Classes, seminars, and lectures held for serious scientific or educational purposes.

B. Whether or not the conduct is obscene shall be judged by consideration of the following factors:

Whether the average person, applying the contemporary community standards, would find:

1. That the activity appeals to a prurient interest in sex; and

2. The conduct depicts or describes in a patently offensive way conduct as defined in RMC 9.20.180(A); and

3. The conduct taken as a whole lacks serious literary, artistic, political or scientific value.

9.20.210 Urinating in public.

A person is guilty of urinating in public if he or she intentionally urinates or defecates in a public place, other than a washroom or toilet room, or at a place and under circumstances where such act could be observed by any member of the public. Every person who violates this section shall be guilty of a misdemeanor.

III. MISCELLANEOUS OFFENSES.

9.20.220 Aggressive Begging.

A. It is a crime for any person to engage in aggressive begging in any public place in the city, as those terms are defined by this section.

B. *Definitions.* As used in this section:

1. “Aggressive begging” means to beg with intent to intimidate another person into giving money or goods.

2. “Beg” means to ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.

3. “Intimidate” means to coerce or frighten into submission or obedience.

4. “Public place” means any road, alley, lane, parking area, sidewalk or any place, private or otherwise, adopted to and fitted for vehicular or pedestrian travel, that is in common use by the public with the consent, expressed or implied, of the owner or owners, and further, any public playgrounds, school grounds, recreation grounds, parks, parkways, park drives, park paths and wharves, station grounds and rights-of-way open to the use of the public.

C. A person who violates this section shall be guilty of a misdemeanor.

9.20.230 Disorderly conduct. A person is guilty of disorderly conduct if he or she:

A. Intentionally engages in any conduct which tends to or does disturb the public peace, provoke disorder or endanger the safety of others; or

B. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

C. Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

Any person who violates this section shall be guilty of a misdemeanor.

9.20.240 Obstruction of extinguishment of fire. It is unlawful for any person:

- A. To cut, injure, destroy, or obstruct any engine, hose, or other fire extinguishing apparatus; or
- B. To disobey the lawful orders of a public officer at the scene of a fire; or
- C. To otherwise prevent or obstruct the extinguishment of any fire.

Any person who violates this section shall be guilty of a misdemeanor.

9.20.250 Drug traffic loitering.

A. As used in this section:

1. “Conviction” means an adjudication of guilt pursuant to RCW Title 10 or 13, or the equivalent provisions of any federal statute, state statute or ordinance of any political subdivision of this state, and includes a verdict of guilty, a finding of guilty and an acceptance of a plea of guilty.

2. “Drug paraphernalia” means drug paraphernalia as the term is defined in the Uniform Controlled Substance Act, RCW 69.50.102, excluding, however, items obtained from or exchanged at any needle exchange program sponsored by the Tacoma-Pierce County health department or other governmental agencies, and hypodermic syringes or needles in the possession of a confirmed diabetic or a person directed by his or her physician to use such items.

3. “Illegal drug activity” means unlawful conduct contrary to any provision of Chapter 69.41, 69.50, or 69.52 RCW, or the equivalent federal statute, state statute, or ordinance of any political subdivision of this state.

4. “Known drug trafficker” means a person who has, within the knowledge of the arresting officer, been convicted within the last two years in any court of any felony illegal drug activity.

5. “Public place” is an area generally visible to public view and includes, but is not limited to, streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters and tunnels, automobiles visible to public view (whether moving or not), and buildings, including those which serve food or drink, or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

B. A person is guilty of drug traffic loitering if he or she remains in a public place and intentionally solicits, induces, entices, or procures another to engage in unlawful conduct contrary to Chapter 69.50, 69.41, or 69.52 RCW.

C. The following circumstances do not by themselves constitute the crime of drug traffic loitering. Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he or she:

1. Is seen by the officer to be in possession of drug paraphernalia; or
2. Is a known drug trafficker (provided, however, that being a known drug trafficker by itself does not constitute the crime of drug traffic loitering); or
3. Repeatedly beckons to, stops, or attempts to stop passersby, or engages passersby in conversation; or
4. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waiving of arms or any other bodily gesture; or
5. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or attempts to stop pedestrians; or
6. Is the subject of any court order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation or parole or other supervision or any court order, in a criminal or civil case involving illegal drug activity; or
7. Has been evicted as the result of his or her illegal drug activity and ordered to stay out of a specified area affected by drug-related activity.

D. No person may be arrested for drug traffic loitering unless probable cause exists to believe that he or she has remained in a public place and has intentionally solicited, induced, enticed, or procured another to engage in unlawful conduct contrary to Chapter 69.50, 69.41, or 69.52 RCW.

E. Any person who violates the provisions of this section is guilty of a gross misdemeanor and, upon conviction, may be imprisoned for up to one year and be subject to a fine of not more than \$5,000.

9.20.260 Police dogs – Tormenting.

It is unlawful for any person to willfully or maliciously torture, torment, harass, beat, kick, or strike any dog used by any police officer in discharging or attempting to discharge any legal duty or power of his office.

9.20.270 Private alarm systems.

It is unlawful for a person having or conducting a privately owned police signal system or private alarm system to establish or maintain direct electrical or mechanical or other physical connection with any facilities of the Ruston police department, except that

any central station monitoring system or electronic security system or any other private alarm system or signal system may be connected by telephone with the headquarters office of the Ruston police department by any telephone means compatible with telephone facilities of the Ruston police department, as approved by the police chief.

9.20.280 Prohibition of the conduct of social card games as a commercial stimulant to business.

Any license issued under the authority of the state to engage in any gambling activities shall be legal authority to engage in the gambling activities for which the license was issued throughout the city, except that such a license is not legal authority to engage in the conduct of social card games, as defined in RCW 9.46.0282, as now or hereafter amended, as a commercial stimulant to business which, under the authority given the city by RCW 9.46.295, is prohibited within the city.

9.20.290 Provoking assault.

Every person who shall, by word, sign, or gesture, willfully provoke or attempt to provoke another person to commit an assault, as defined by RCW 9A.36.041, shall be guilty of a misdemeanor.

9.20.300 State massage practitioner license required – Violation is misdemeanor – Inspections – Definitions.

It shall be unlawful for any person to practice or represent himself or herself as a massage practitioner in the City of Ruston without first applying for and receiving a license to practice from the State Department of Licensing pursuant to RCW 18.108.030. Failure to have a license as required by this section shall be a misdemeanor.

To the extent authorized by RCW 18.108.190, city law enforcement personnel shall have the authority to inspect the premises of any business where massages are given.

For purposes of this section, “massage” and “massage practitioner” shall have the meanings set forth in RCW 18.108.010.

9.20.320 Leaving child unattended in vehicle.

It is unlawful for any person, while in charge of a vehicle, to park or willfully allow such vehicle to stand upon a public highway or in a public place leaving a child under the age of eight years unattended therein; except where another responsible person over 12 years of age has immediate control over such children and is physically present in the vehicle.

9.20.330 Unlawful public camping.

A. A person is guilty of unlawful public camping if he or she uses nonresidential

public property, as defined in this section, as a temporary or permanent place of dwelling, lodging, residence, or living accommodation, at any time between sunset and sunrise, except at places set aside and posted for such purposes by the mayor or his or her designee, or by permit issued by the mayor or his or her designee.

B. For the purposes of this section, “nonresidential public property” means any street, sidewalk, city park, public park, or any other open area where the city or other governmental agency has a property interest, to include easements. “Nonresidential public property” does not include houses, apartments, or other fixed residential living quarters owned or leased by the city.

C. Indicia of camping include, but are not limited to: tents or other temporary shelters, bedding, storage of personal belongings, and use or storage of cooking equipment.

D. Unlawful public camping is a civil infraction with the first citation being a class 4 civil infraction. If the same person is cited again within 30 days, then such citation shall be a class 3 civil infraction.

E. A person shall not be cited for unlawful public camping if, at the time the person is on public property, there is no available overnight shelter. “Available overnight shelter” means a public or private shelter with available overnight space, open to individuals experiencing homelessness, at no charge. Such shelter is not considered “available” if it requires religious action on the part of any person accessing or utilizing such shelter. If the person is unable to utilize an available overnight shelter due to voluntary actions such as intoxication, drug use, unruly or assaultive behavior, or violation of shelter rules, the overnight shelter space shall still be considered available for the purposes of this section.

F. No person shall be permitted to have outdoor fires, generators, or temporary structures apart from tents anywhere on public property unless specifically permitted by a permit approval by the mayor or designee. Violation of this section shall be a class 3 civil infraction.

G. The fines associated with the civil infractions described in this section may be modified by the court based on ability to pay by the person cited.

9.20.340 Unlawful sewage disposal.

A. A person is guilty of unlawful sewage disposal if he or she recklessly dumps, throws, drains or otherwise discharges, or causes or permits to be dumped, drained or discharged, either directly or indirectly, any sewage, cesspool or septic tank effluent, or accumulation of human excreta, in any of the following locations:

1. Any public street or right-of-way;
2. Any city or public park;
3. The storm and surface water system or receiving water within or contiguous to city of Ruston municipal limits, to include storm drains.

B. Unlawful sewage disposal is a misdemeanor.

Section 3. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 5. Corrections. Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

Section 6. Implementation. The Mayor is authorized to implement this Ordinance, including preparing documents and procedures for administration and approval of grant funds.

Section 7. Effective Date. This Ordinance shall be effective five days after publication as provided by law. The rates adopted herein shall be effective as stated in Section 1 of this Ordinance.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this ___ day of October, 2023.

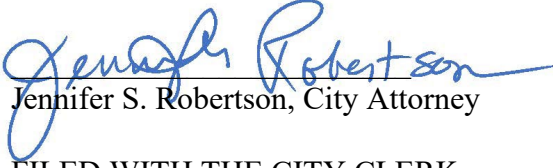
APPROVED by the Mayor this ___ day of October, 2023.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams, City Clerk

APPROVED AS TO FORM:


Jennifer S. Robertson, City Attorney

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO: 1574