

ORDINANCE NO. 2025-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, REPEALING, ENACTING AND AMENDING VARIOUS PROVISIONS OF THE TOPPENISH MUNICIPAL CODE RELATING TO THE CITY'S CRIMINAL CODE.

WHEREAS, the Toppenish Municipal Code includes provisions addressing criminal violations and penalties for such; and

WHEREAS, related to the criminal codes, changes and updating thereto are periodically called for due to legislative action, court decisions and/or community needs; and

WHEREAS, in order to appropriately respond to such actions, decisions and needs, it is fitting that the City Council repeal, enact and amend various provisions of the Toppenish Municipal Code relating to the City's Criminal Code.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The code provisions and Ordinance provisions which are repealed or amended herein shall continue in full force and effect and be fully enforceable with regard to offenses which occurred before the effective date of this Ordinance.

Section 2. REPEALER. The following portions of the Toppenish Municipal Code are hereby repealed:

Toppenish Municipal Code Sections 9.05.010, 9.05.020, 9.05.030, 9.05.040, 9.05.050, 9.05.070, 9.05.080, and 9.05.100;
Toppenish Municipal Code Chapter 9.06;
Toppenish Municipal Code Sections 9.07.020, 9.07.030, 9.07.040, 9.07.070, 9.07.080, 9.07.090, and 9.07.100;
Toppenish Municipal Code Chapter 9.11;
Toppenish Municipal Code Sections 9.13.010, 9.13.020, 9.13.030, and 9.13.040;
Toppenish Municipal Code Sections 9.17.010, 9.17.020, 9.17.030, 9.17.040, 9.17.050, 9.17.060, 9.17.070, 9.17.190, 9.17.220, 9.17.260, 9.17.270, 9.17.300, 9.17.305, and 9.17.310;
Toppenish Municipal Code Chapter 9.25;
Toppenish Municipal Code Chapter 9.30;
Toppenish Municipal Code Chapter 9.94;
Toppenish Municipal Code Chapter 9.96;
Toppenish Municipal Code Section 9.100.025.

Section 3. Chapter 1.24 of the Toppenish Municipal Code is amended to read as follows:

Chapter 1.24
GENERAL PENALTY*(asterisk to be deleted)

Sections:

1.24.010 General penalty.

~~*For statutory provisions authorizing third class cities to provide penalties for the violation of ordinances by a fine not exceeding \$500.00 or imprisonment for a term not exceeding six months, or both, see RCW 35.24.290(12).~~

1.24.010 General penalty.

Any person violating any of the provisions of or failing to comply with any of the mandatory requirements of any ordinance of the city shall be guilty of an infraction, a misdemeanor or gross misdemeanor, as indicated herein. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor shall be punished by a fine not exceeding \$1,000 or by imprisonment for not more than 90 days, and any person convicted of a gross misdemeanor shall be punished by a fine not exceeding \$5,000 or by imprisonment for not more than one year~~364 days~~, or by both such fine and imprisonment, ~~but provided that~~ the maximum punishment ~~provided able to be imposed~~ for violation of any criminal ordinance shall be the same as the maximum punishment ~~provided in~~ able to be imposed under state law for the same crime. The provisions of this section shall take priority over any ordinance not consistent herewith, and those portions of all ordinances in conflict herewith are repealed.

Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provisions of the ordinances of the city is committed, continued or permitted by any such person, and shall be punished accordingly. (Ord. 94-10 § 1, 1994).

Section 4. A New Chapter 9.01 of the Toppenish Municipal Code (Preliminary Article) is hereby enacted to read as follows:

9.01
Preliminary Article

Sections

9.01.010 Preliminary article.
9.01.020 Jurisdiction.

9.01.010 Preliminary article.

A. This title shall be known and may be cited as the “Toppenish Criminal Code.”
B. As used in this title, “RCW” shall mean the Revised Code of Washington.
C. As used in this title, “TMC” shall mean the Toppenish 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 Toppenish. 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 three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, 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 ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

N. A person convicted of any violation of this title and intentionally committed the acts necessary for conviction because of such person’s perception of the race, color, religion, ancestry, national origin, group association, gender, sexual orientation, or mental, physical or sensory handicap of the victim or victims, or that the violation was part of a gang initiation or gang activity, the court shall impose a minimum fine of not less than \$500.00 and a minimum jail sentence of not less than 60 days for each such offense. Neither the mandatory minimum jail sentence nor the mandatory minimum fine shall be suspended or deferred, nor shall the jail sentence be served by alternate means. For purposes of this section, the terms “gang,” “gang

activity,” “gang initiation,” and “gang member” are defined as follows:

1. “Gang” means two or more people who form an allegiance for a common purpose and engage in unlawful activity;
2. “Gang activity” means the committing of unlawful activities by gang members or unlawful activities that involve gang behavior such as symbols, slogans, graffiti and other known indications of gang involvement;
3. “Gang initiation” means the engaging in unlawful activity for the purpose of being accepted as a member of a gang;
4. “Gang member” means a person who, by reason of admission or other competent evidence, is shown to be a member of a gang. Such evidence may include evidence of tattoos, club rosters, attendance lists, distinct and recognizable clothing or other competent evidence.

9.01.020 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.

Section 5. A New Chapter 9.02 of the Toppenish Municipal Code (Adoption of State Statutes) is hereby enacted to read as follows:

9.02

Adoption of State Statutes

Sections:

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|-----------------|--|
| 9.02.010 | Chapter 2.48 RCW, entitled “State Bar Act.” |
| 9.02.020 | Chapter 7.21 RCW, entitled “Contempt of Court.” |
| 9.02.030 | Chapter 7.80 RCW, entitled “Civil Infractions.” |
| 9.02.040 | Chapter 7.105 RCW, entitled “Civil Protection Orders.” |
| 9.02.050 | RCW Title 9, entitled “Crimes and Punishments.” |
| 9.02.060 | RCW Title 9A, entitled “Washington Criminal Code.” |
| 9.02.070 | RCW Title 10, entitled “Criminal Procedure.” |
| 9.02.080 | Chapter 13.32A RCW, entitled “Family Reconciliation Act.” |
| 9.02.090 | Chapter 16.52 RCW, entitled “Prevention of Cruelty To Animals.” |
| 9.02.100 | RCW Title 19, entitled “Business Regulations—Miscellaneous.” |
| 9.02.110 | RCW Title 26, entitled “Domestic Relations.” |
| 9.02.120 | RCW Title 27, entitled “Libraries, Museums, and Historical Activities.” |
| 9.02.130 | Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel.” |
| 9.02.140 | Chapter 46.80 RCW, entitled “Vehicle Wreckers.” |
| 9.02.150 | RCW Title 58, entitled “Boundaries and Plats.” |
| 9.02.160 | RCW Title 66, entitled “Alcoholic Beverage Control.” |
| 9.02.170 | RCW Title 68, entitled “Cemeteries, Morgues, And Human Remains.” |
| 9.02.180 | RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons.” |

- 9.02.190** **RCW Title 70, entitled “Public Health and Safety.”**
- 9.02.200** **RCW Title 70A, entitled “Environmental Health and Safety.”**
- 9.02.210** **Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults.”**

9.02.010 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.

9.02.020 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.
- 7.21.020 Sanctions—Who may impose.
- 7.21.030 Remedial sanctions—Payment for losses.
- 7.21.040 Punitive sanctions—Fines.
- 7.21.050 Sanctions—Summary imposition—Procedure.
- 7.21.070 Appellate review.

9.02.030 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, are 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.

9.02.040 Chapter 7.105 RCW, entitled “Civil Protection Orders”—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, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW

- 7.105.010 Definitions.
- 7.105.050 Jurisdiction—Domestic violence protection orders, sexual assault protection orders, stalking protection orders, and antiharassment protection orders.
- 7.105.065 Jurisdiction—Vulnerable adult protection orders.
- 7.105.070 Jurisdiction—Extreme risk protection orders.
- 7.105.075 Venue.
- 7.105.080 Personal jurisdiction over nonresidents.
- 7.105.085 Out-of-state child custody jurisdictional issues.
- 7.105.100 Filing—Types of petitions.
- 7.105.105 Filing—Provisions governing all petitions.

7.105.110	Filing—Provisions applicable to specified orders.
7.105.115	Forms, instructions, etc.—Duties of the administrative office of the courts—Recommendations for filing and data collection.
7.105.120	Filing—Court clerk duties.
7.105.150	Service—Methods of service.
7.105.155	Service—Completion by law enforcement officer.
7.105.160	Service—Materials.
7.105.165	Service—Timing.
7.105.175	Service—Development of best practices.
7.105.200	Hearings—Procedure.
7.105.205	Hearings—Remote hearings.
7.105.210	Realignment of parties—Domestic violence and antiharassment protection order proceedings.
7.105.215	Hearings—Extreme risk protection orders.
7.105.220	Hearings—Vulnerable adult protection orders.
7.105.225	Grant of order, denial of order, and improper grounds.
7.105.230	Judicial information system consultation.
7.105.235	Compliance hearings.
7.105.240	Appointment of counsel for petitioner.
7.105.245	Interpreters.
7.105.250	Protection order advocates and support persons.
7.105.255	Judicial officer training.
7.105.300	Application—RCW 7.105.305 through 7.105.325.
7.105.305	Ex parte temporary protection orders—Other than for extreme risk protection orders.
7.105.310	Relief for temporary and full protection orders—Other than for extreme risk protection orders.
7.105.315	Duration of full protection orders—Other than for extreme risk protection orders.
7.105.320	Law enforcement stand-by to recover possessions—Other than for extreme risk protection orders.
7.105.325	Entry of protection order data—Other than for extreme risk protection orders.
7.105.330	Temporary protection orders—Extreme risk protection orders.
7.105.335	Full orders—Extreme risk protection orders.
7.105.340	Surrender of firearms—Extreme risk protection orders.
7.105.345	Firearms return and disposal—Extreme risk protection orders.
7.105.350	Reporting of orders—Extreme risk protection orders.
7.105.355	Sealing of records—Extreme risk protection orders.
7.105.360	Certain findings and information in orders.
7.105.365	Errors in protection orders.
7.105.370	Sealing of records—Recommendations.
7.105.375	Dismissal or suspension of criminal prosecution in exchange for protection order.
7.105.400	Reissuance of temporary protection orders.
7.105.405	Renewal of protection orders—Other than extreme risk protection orders.
7.105.410	Renewal—Extreme risk protection orders.

7.105.450	Enforcement and penalties—Other than antiharassment protection orders and extreme risk protection orders.
7.105.455	Enforcement and penalties—Antiharassment protection orders.
7.105.460	Enforcement and penalties—Extreme risk protection orders—False petitions.
7.105.465	Enforcement and penalties—Knowledge of order.
7.105.470	Enforcement—Prosecutor assistance.
7.105.500	Modification or termination—Other than extreme risk protection orders and vulnerable adult protection orders.
7.105.505	Termination—Extreme risk protection orders.
7.105.510	Modification or termination—Vulnerable adult protection orders.
7.105.515	Reporting of modification or termination of order.
7.105.550	Orders under this and other chapters—Enforcement and consolidation—Validity and enforcement of orders under prior chapters.
7.105.555	Judicial information system—Database.
7.105.560	Title to real estate—Effect of chapter.
7.105.565	Proceedings additional—Filing of criminal charges not required.
7.105.570	Other authority retained.
7.105.575	Liability.
7.105.580	Protection order commissioners—Appointment authorized.
7.105.900	Findings—2021 c 215.
7.105.902	Recommendations on improving protection order proceedings.
7.105.903	Study on coercive control.

9.02.050 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.
9.01.110	Omission, when not punishable.
9.01.130	Sending letter, when complete.
9.02.050	Concealing birth.
9.03.010	Abandoning, discarding refrigeration equipment.
9.03.020	Permitting unused equipment to remain on premises.
9.03.040	Keeping or storing equipment for sale.
9.04.010	False advertising.
9.04.090	Advertising fuel prices by service stations.
9.08.030	False certificate of registration of animals—False representation as to breed.
9.08.065	Definitions.
9.08.070	Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.
9.08.072	Transferring stolen pet animal to a research institution—Penalty.
9.12.010	Barratry.
9.12.020	Buying, demanding, or promising reward by district judge or deputy.
9.16.005	Definitions.
9.16.010	Removing lawful brands.
9.16.020	Imitating lawful brand.
9.16.030	Counterfeit mark—Intellectual property.

9.16.035	Counterfeiting—Penalties.
9.16.041	Counterfeit items—Seizure and forfeiture.
9.16.050	When deemed affixed.
9.16.060	Fraudulent registration of trademark.
9.16.070	Form and similitude defined.
9.16.080	Petroleum products improperly labeled or graded.
9.16.100	Use of the words “sterling silver,” etc.
9.16.110	Use of words “coin silver,” etc.
9.16.120	Use of the word “sterling” on mounting.
9.16.130	Use of the words “coin silver” on mounting.
9.16.140	Unlawfully marking article made of gold.
9.16.150	“Marked, stamped or branded” defined.
9.18.080	Offender a competent witness.
9.18.120	Suppression of competitive bidding.
9.18.130	Collusion to prevent competitive bidding.
9.18.150	Agreements outside state.
9.24.010	Fraud in stock subscription.
9.24.040	Corporation doing business without license.
9.26A.090	Telephone company credit cards—Prohibited acts.
9.26A.100	Definitions.
9.26A.110	Fraud in obtaining telecommunications service—Penalty.
9.26A.120	Fraud in operating coin-box telephone or other receptacle.
9.26A.130	Penalty for manufacture or sale of slugs to be used for coin.
9.26A.140	Unauthorized sale or procurement of telephone records—Penalties— Definitions.
9.27.015	Interference, obstruction of any court, building, or residence—Violations.
9.31.090	Escaped prisoner recaptured.
9.35.005	Definitions.
9.35.030	Soliciting undesired mail.
9.38.010	False representation concerning credit.
9.38.015	False statement by deposit account applicant.
9.38.020	False representation concerning title.
9.40.040	Operating engine or boiler without spark arrester.
9.40.100	Tampering with fire alarm or firefighting equipment—False alarm— Penalties.
9.41.010	Terms defined.
9.41.040	Unlawful possession of firearms—Ownership, possession by certain persons.
9.41.042	Children—Permissible firearm possession.
9.41.050	Carrying firearms.
9.41.060	Exceptions to restrictions on carrying firearms.
9.41.070	Concealed pistol license—Application—Fee—Renewal.
9.41.080	Delivery to ineligible persons.
9.41.090	Dealer deliveries regulated—Hold on delivery.
9.41.097	Supplying information on the eligibility of persons to possess firearms, purchase a pistol or semiautomatic assault rifle, or be issued a concealed pistol license.
9.41.098	Forfeiture of firearms—Disposition—Confiscation.

9.41.100	Dealer licensing and registration required.
9.41.110	Dealer's licenses, by whom granted, conditions, fees—Employees, fingerprinting and background checks—Wholesale sales excepted—Permits prohibited.
9.41.111	Firearm frames or receivers—Background check—Penalty.
9.41.120	Firearms as loan security.
9.41.140	Alteration of identifying marks—Exceptions.
9.41.173	Alien possession of firearms—Alien firearm license—Political subdivisions may not modify requirements—Penalty for false statement.
9.41.175	Alien possession of firearms—Possession without license—Conditions.
9.41.185	Coyote getters.
9.41.220	Unlawful firearms and parts contraband.
9.41.230	Aiming or discharging firearms, dangerous weapons.
9.41.240	Possession of pistol by person from 18 to 21.
9.41.250	Dangerous weapons—Penalty.
9.41.251	Dangerous weapons—Application of restrictions to law enforcement, firefighting, rescue, and military personnel.
9.41.260	Dangerous exhibitions.
9.41.270	Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty—Exceptions.
9.41.280	Possessing dangerous weapons on school facilities—Penalty—Exceptions.
9.41.282	Possessing dangerous weapons on child care premises—Penalty—Exceptions.
9.41.300	Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty.
9.41.305	Open carry of weapons prohibited on state capitol grounds.
9.41.325	Undetectable or untraceable firearms—Penalties.
9.41.326	Untraceable firearms—Exceptions—Penalties.
9.41.327	Unfinished frames or receivers—Exceptions—Penalties.
9.41.335	Failure to register as felony firearm offender.
9.41.360	Unsafe storage of a firearm.
9.41.800	Surrender of weapons or licenses—Prohibition on future possession or licensing.
9.41.810	Penalty.
9.44.080	Misconduct in signing a petition.
9.45.060	Encumbered, leased, or rented personal property—Construction.
9.45.070	Mock auctions.
9.45.080	Fraudulent removal of property.
9.45.090	Knowingly receiving fraudulent conveyance.
9.45.100	Fraud in assignment for benefit of creditors.
9.47A.010	Definition.
9.47A.020	Unlawful inhalation—Exception.
9.47A.030	Possession of certain substances prohibited, when.
9.47A.040	Sale of certain substances prohibited, when.
9.47A.050	Penalty.
9.51.010	Misconduct of officer drawing jury.
9.51.020	Soliciting jury duty.
9.51.030	Misconduct of officer in charge of jury.

9.61.230	Telephone harassment.
9.61.240	Telephone harassment—Permitting telephone to be used.
9.61.250	Telephone harassment—Offense, where deemed committed.
9.62.010	Malicious prosecution.
9.62.020	Instituting suit in name of another.
9.66.030	Maintaining or permitting nuisance.
9.66.040	Abatement of nuisance.
9.66.050	Deposit of unwholesome substance.
9.68.015	Obscene literature, shows, etc.—Exemptions.
9.68.030	Indecent articles, etc.
9.68.050	“Erotic material”—Definitions.
9.68.060	“Erotic material”—Determination by court—Labeling—Penalties.
9.68.070	Prosecution for violation of RCW 9.68.060—Defense.
9.68.080	Unlawful acts.
9.68.100	Exceptions to RCW 9.68.050 through 9.68.120.
9.68.110	Motion picture operator or projectionist exempt, when.
9.68.130	“Sexually explicit material”—Defined—Unlawful display.
9.68A.001	Legislative findings, intent.
9.68A.005	Chapter not applicable to lawful conduct between spouses.
9.68A.011	Definitions.
9.68A.053	Sexually explicit images—Crimes by minors—Penalties.
9.68A.080	Reporting of depictions of minor engaged in sexually explicit conduct— Civil immunity.
9.68A.090	Communication with minor for immoral purposes—Penalties.
9.68A.103	Permitting commercial sexual abuse of a minor—Penalty—Consent of minor does not constitute defense.
9.68A.105	Additional fee assessment.
9.68A.106	Additional fee assessment—Internet advertisement.
9.68A.110	Certain defenses barred, permitted.
9.68A.120	Seizure and forfeiture of property.
9.68A.150	Allowing minor on premises of live erotic performance—Definitions— Penalty.
9.68A.912	Construction—Chapter applicable to state registered domestic partnerships.
9.69.100	Duty of witness of offense against child or any violent offense—Penalty.
9.73.010	Divulging telegram.
9.73.020	Opening sealed letter.
9.73.030	Intercepting, recording or divulging private communication—Consent required—Exceptions.
9.73.050	Admissibility of intercepted communication in evidence.
9.73.070	Persons and activities excepted from chapter.
9.73.080	Penalties.
9.73.090	Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080—Standards—Court authorizations—Admissibility.
9.73.100	Recordings available to defense counsel.
9.73.110	Intercepting, recording, or disclosing private communications—Not unlawful for building owner—Conditions.
9.73.260	Pen registers, trap and trace devices, cell site simulator devices.
9.91.010	Denial of civil rights—Terms defined.

9.91.020	Operating railroad, steamboat, vehicle, etc., while intoxicated.
9.91.025	Unlawful transit conduct.
9.91.060	Leaving children unattended in a parked automobile.
9.91.110	Metal buyers—Records of purchases—Penalty.
9.91.130	Disposal of trash in charity donation receptacle.
9.91.140	Food stamps—Unlawful sale.
9.91.142	Food stamps—Trafficking.
9.91.150	Tree spiking.
9.91.160	Personal protection spray devices.
9.91.170	Interfering with dog guide or service animal.
9.91.175	Interfering with search and rescue dog.
9.91.180	Violent video or computer games.
9.92.130	City jail prisoners may be compelled to work

9.02.060 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.
9A.04.030	State criminal jurisdiction.
9A.04.040	Classes of crimes.
9A.04.050	People capable of committing crimes—Capability of children.
9A.04.060	Common law to supplement statute.
9A.04.070	Who amenable to criminal statutes.
9A.04.080	Limitation of actions.
9A.04.090	Application of general provisions of the code.
9A.04.100	Proof beyond a reasonable doubt.
9A.04.110	Definitions.
9A.08.010	General requirements of culpability.
9A.08.020	Liability for conduct of another—Complicity.
9A.08.030	Entity and personal liability.
9A.08.040	Diminished capacity—Victim identity.
9A.12.010	Insanity.
9A.16.010	Definitions.
9A.16.020	Use of force—When lawful.
9A.16.025	Use of force—When unjustified—Victim identity.
9A.16.060	Duress.
9A.16.070	Entrapment.
9A.16.080	Action for being detained on mercantile establishment premises for investigation—“Reasonable grounds” as defense.
9A.16.090	Intoxication.
9A.16.100	Use of force on children—Policy—Actions presumed unreasonable.
9A.16.900	Construction—Chapter applicable to state registered domestic partnerships.
9A.28.020	Criminal attempt.
9A.28.030	Criminal solicitation.
9A.28.040	Criminal conspiracy.
9A.36.041	Assault in the fourth degree.

9A.36.050	Reckless endangerment.
9A.36.070	Coercion.
9A.36.150	Interfering with the reporting of domestic violence.
9A.36.160	Failing to summon assistance
9A.36.161	Failing to summon assistance—Penalty.
9A.40.010	Definitions.
9A.40.070	Custodial interference in the second degree.
9A.40.080	Custodial interference—Assessment of costs—Defense—Consent defense, restricted.
9A.40.900	Construction—Chapter applicable to state registered domestic partnerships.
9A.42.005	Findings and intent—Christian Science treatment—Rules of evidence.
9A.42.010	Definitions.
9A.42.035	Criminal mistreatment in the third degree.
9A.42.037	Criminal mistreatment in the fourth degree.
9A.42.040	Withdrawal of life support systems.
9A.42.045	Palliative care.
9A.42.050	Defense of financial inability.
9A.42.080	Abandonment of a dependent person in the third degree.
9A.42.090	Abandonment of a dependent person—Defense.
9A.42.110	Leaving a child in the care of a sex offender.
9A.44.010	Definitions.
9A.44.020	Testimony—Evidence—Written motion—Admissibility.
9A.44.030	Defenses to prosecution under this chapter.
9A.44.096	Sexual misconduct with a minor in the second degree.
9A.44.115	Voyeurism.
9A.44.120	Admissibility of child's statement—Conditions.
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.
9A.44.130	Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties.
9A.44.132	Failure to register as sex offender or kidnapping offender.
9A.44.150	Testimony of child by closed-circuit television.
9A.44.170	Custodial sexual misconduct in the second degree.
9A.44.180	Custodial sexual misconduct—Defense.
9A.44.904	Construction—Chapter applicable to state registered domestic partnerships.
9A.46.010	Legislative finding.
9A.46.020	Definition—Penalties.
9A.46.030	Place where committed.
9A.46.040	Court-ordered requirements upon person charged with crime—Violation.
9A.46.050	Arraignment—No-contact order.
9A.46.055	Court-initiated stalking no-contact orders.
9A.46.060	Crimes included in harassment.
9A.46.070	Enforcement of orders restricting contact.
9A.46.080	Order restricting contact—Violation.
9A.46.090	Nonliability of peace officer.
9A.46.100	“Convicted,” time when.
9A.46.110	Stalking.
9A.46.900	Short title.

9A.48.010	Definitions.
9A.48.050	Reckless burning in the second degree.
9A.48.060	Reckless burning—Defense.
9A.48.090	Malicious mischief in the third degree.
9A.48.100	Malicious mischief—“Physical damage” defined.
9A.48.105	Criminal street gang tagging and graffiti.
9A.48.110	Defacing a state monument.
9A.49.001	Findings.
9A.49.010	Definitions.
9A.49.030	Unlawful discharge of a laser in the second degree.
9A.49.040	Civil infraction, when.
9A.49.050	Exclusions.
9A.50.005	Finding.
9A.50.010	Definitions.
9A.50.020	Interference with health care facility.
9A.50.030	Penalty.
9A.50.060	Informational picketing.
9A.50.070	Protection of health care patients and providers.
9A.52.010	Definitions.
9A.52.040	Inference of intent.
9A.52.050	Other crime in committing burglary punishable.
9A.52.060	Making or having burglar tools.
9A.52.070	Criminal trespass in the first degree.
9A.52.080	Criminal trespass in the second degree.
9A.52.090	Criminal trespass—Defenses.
9A.52.100	Vehicle prowling in the second degree.
9A.52.105	Removal of unauthorized persons—Declaration—Liability—Rights.
9A.52.115	Removal of unauthorized persons—Declaration form—Penalty for false swearing.
9A.56.010	Definitions.
9A.56.020	Theft—Definition, defense.
9A.56.050	Theft in the third degree.
9A.56.060	Unlawful issuance of checks or drafts.
9A.56.063	Making or possessing motor vehicle theft tools.
9A.56.096	Theft of rental, leased, or lease-purchased property.
9A.56.100	Theft and larceny equated.
9A.56.140	Possessing stolen property—Definition—Presumption.
9A.56.170	Possessing stolen property in the third degree.
9A.56.180	Obscuring the identity of a machine.
9A.56.220	Theft of subscription television services.
9A.56.240	Forfeiture and disposal of device used to commit violation.
9A.56.260	Connection of channel converter.
9A.56.270	Shopping cart theft.
9A.56.280	Credit, debit cards, checks, etc.—Definitions.
9A.56.330	Possession of another’s identification.
9A.60.010	Definitions.
9A.60.045	Criminal impersonation in the second degree.
9A.60.050	False certification.

9A.60.070	False academic credentials—Unlawful issuance or use—Definitions—Penalties.
9A.60.080	Impersonating a census taker.
9A.61.010	Definitions.
9A.61.020	Defrauding a public utility.
9A.61.050	Defrauding a public utility in the third degree.
9A.61.060	Restitution and costs.
9A.61.070	Damages not precluded.
9A.72.010	Definitions.
9A.72.040	False swearing.
9A.72.050	Perjury and false swearing—Inconsistent statements—Degree of crime.
9A.72.060	Perjury and false swearing—Retraction.
9A.72.070	Perjury and false swearing—Irregularities no defense.
9A.72.080	Statement of what one does not know to be true.
9A.72.140	Jury tampering.
9A.72.150	Tampering with physical evidence.
9A.76.010	Definitions.
9A.76.020	Obstructing a law enforcement officer.
9A.76.030	Refusing to summon aid for a peace officer.
9A.76.040	Resisting arrest.
9A.76.050	Rendering criminal assistance—Definition of term.
9A.76.060	Relative defined.
9A.76.070	Rendering criminal assistance in the first degree.
9A.76.080	Rendering criminal assistance in the second degree.
9A.76.090	Rendering criminal assistance in the third degree.
9A.76.100	Compounding.
9A.76.130	Escape in the third degree.
9A.76.160	Introducing contraband in the third degree.
9A.76.170	Bail jumping.
9A.76.175	Making a false or misleading statement to a public servant.
9A.76.190	Failure to appear or surrender—Affirmative defense—Penalty.
9A.76.900	Construction—Chapter applicable to state registered domestic partnerships.
9A.80.010	Official misconduct.
9A.84.010	Riot.
9A.84.020	Failure to disperse.
9A.84.030	Disorderly conduct.
9A.84.040	False reporting.
9A.86.010	Disclosing intimate images.
9A.86.020	Intimate images—Forfeiture by minors.
9A.88.010	Indecent exposure.
9A.88.030	Prostitution.
9A.88.040	Prosecution for prostitution under RCW 9A.88.030—Affirmative defense.
9A.88.050	Prostitution—Sex of parties immaterial—No defense.
9A.88.060	Promoting prostitution—Definitions.
9A.88.090	Permitting prostitution.
9A.88.110	Patronizing a prostitute.
9A.88.120	Additional fee assessments.
9A.88.130	Additional requirements.

9A.88.140	Vehicle impoundment.
9A.88.190	Enforcement of rules restricting contact.
9A.88.200	Emergency assistance—Criminal immunity.
9A.90.010	Findings—Intent—2016 c 164.
9A.90.020	Short title—2016 c 164.
9A.90.030	Definitions.
9A.90.050	Computer trespass in the second degree.
9A.90.070	Spoofing.
9A.90.090	Electronic data tampering in the second degree.
9A.90.110	Commission of other crime.
9A.90.120	Cyber harassment
9A.90.130	Cyberstalking

9.02.070 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	
10.31.100	Arrest without warrant.
10.99.010	Purpose—Intent.
10.99.020	Definitions.
10.99.030	Peace officers—Powers and duties .
10.99.033	Law enforcement officers—Training—Criminal justice training commission.
10.99.035	Law enforcement agencies—Domestic violence records.
10.99.040	Duties of court—No-contact order.
10.99.045	Appearances by defendant—Defendant's history—No-contact order.
10.99.050	Victim contact—Restriction, prohibition—Violation, penalties—Written order—Procedures—Notice of change.
10.99.055	Enforcement of orders.
10.99.060	Prosecutor's notice to victim—Description of available procedures.
10.99.070	Liability of peace officers.
10.99.080	Penalty assessment.
10.99.090	Policy adoption and implementation.
10.99.100	Sentencing—Factors—Defendant's criminal history.
10.99.901	Construction—Chapter applicable to state registered domestic partnerships.

9.02.080 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.030	Definitions—Regulating leave from semi-secure facility.
13.32A.080	Unlawful harboring of a minor—Penalty—Defense—Prosecution of adult for involving child in commission of offense.
13.32A.082	Providing shelter to minor—Requirement to notify parent, law enforcement, or department.

- 13.32A.084 Providing shelter to minor—Immunity from liability.
- 13.32A.085 Unlicensed youth shelter or unlicensed runaway and homeless youth program—Private right of action or claim.

9.02.090 Chapter 16.52 RCW, entitled “Prevention of Cruelty To Animals” —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

- 16.52.011 Definitions—Principles of liability.
- 16.52.015 Enforcement—Law enforcement agencies and animal care and control agencies.
- 16.52.020 Humane societies—Enforcement authority.
- 16.52.025 Humane societies—Animal control officers.
- 16.52.080 Transporting or confining in unsafe manner—Penalty.
- 16.52.085 Removal of animals for feeding and care—Examination—Notice—Euthanasia.
- 16.52.090 Docking horses—Misdemeanor.
- 16.52.095 Certain veterinary procedures—Misdemeanor.
- 16.52.100 Confinement without food and water—Intervention by others.
- 16.52.117 Animal fighting—Prohibited behavior—Penalty—Exceptions.
- 16.52.180 Limitations on application of chapter.
- 16.52.185 Exclusions from chapter.
- 16.52.190 Poisoning animals—Penalty.
- 16.52.193 Poisoning animals—Strychnine sales—Records—Report on suspected purchases.
- 16.52.200 Sentences—Forfeiture of animals—Liability for costs—Penalty—Education, counseling.
- 16.52.205 Animal cruelty in the first degree.
- 16.52.207 Animal cruelty in the second degree—Penalty.
- 16.52.210 Destruction of animal by law enforcement officer—Immunity from liability.
- 16.52.220 Transfers of mammals for research—Certification requirements—Pet animals.
- 16.52.225 Nonambulatory livestock—Transporting or accepting delivery—Gross misdemeanor—Definition.
- 16.52.230 Remedies not impaired.
- 16.52.300 Dogs or cats used as bait—Seizure—Limitation.
- 16.52.305 Unlawful use of hook—Gross misdemeanor.
- 16.52.310 Dog breeding—Limit on the number of dogs—Required conditions—Penalty—Limitation of section—Definitions.
- 16.52.320 Maliciously killing or causing substantial bodily harm to livestock belonging to another—Penalty.
- 16.52.330 Veterinarians—Animal cruelty—Liability immunity.
- 16.52.340 Leave or confine any animal in unattended motor vehicle or enclosed space—Class 2 civil infraction—Officers' authority to reasonably remove animal.

- 16.52.350 Dog tethering—Penalties.
- 16.52.360 Retail pet store—Sale of dog or cat.

9.02.100 RCW Title 19, entitled “Business Regulations—Miscellaneous” —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

- 19.48.010 Definitions.
- 19.48.020 Record of guests—Hotels and trailer camps.
- 19.48.030 Liability for loss of valuables when safe or vault furnished—Limitation.
- 19.48.070 Liability for loss of baggage and other property—Limitation—Storage—Disposal.
- 19.48.110 Obtaining hotel, restaurant, lodging house, ski area, etc., accommodations by fraud—Penalty.
- 19.290.010 Definitions.
- 19.290.070 Violations—Penalty.
- 19.290.100 Scrap metal license—Penalties.

9.02.110 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

- 26.04.110 Penalty for failure to deliver certificates.
- 26.04.140 Marriage license.
- 26.04.150 Application for license—May be secured by mail—Execution and acknowledgment.
- 26.04.160 Application for license—Contents—Oath.
- 26.04.165 Additional marriage certificate form.
- 26.04.170 Inspection of applications.
- 26.04.175 When disclosure of marriage applications and records prohibited.
- 26.04.180 License—Time limitations as to issuance and use—Notification.
- 26.04.190 Refusal of license—Appeal.
- 26.04.200 Penalty for violations—1939 c 204.
- 26.04.210 Affidavits required for issuance of license—Penalties.
- 26.04.200 Penalty for violations—1939 c 204.
- 26.04.250 Penalty for unlawful solemnization—1909 c 249.
- 26.09.300 Restraining orders—Notice—Refusal to comply—Arrest—Penalty—Defense—Peace officers, immunity.
- 26.20.035 Family nonsupport—Penalty—Exception.
- 26.23.120 Information and records—Confidentiality—Disclosure—Adjudicative proceeding—Rules—Penalties.
- 26.26A.300 Definitions—Genetic testing—RCW 26.26A.300 through 26.26A.355.
- 26.26A.355 Confidentiality of genetic testing—Penalty.
- 26.26B.050 Restraining order—Knowing violation—Penalty—Law enforcement immunity.

26.28.060	Child labor—Penalty.
26.28.070	Certain types of employment prohibited—Penalty.
26.28.080	Selling or giving tobacco to minor—Belief of representative capacity, no defense—Penalty.
26.28.085	Applying tattoo to a minor—Penalty.
26.28.900	Construction—Chapter applicable to state registered domestic partnerships.
26.34.010	Compact enacted—Provisions.
26.34.020	Financial responsibility.
26.34.030	"Appropriate public authorities" defined.
26.34.040	"Appropriate authority of the receiving state" defined.
26.34.050	Authority of state officers and agencies to enter into agreements—Approval.
26.34.060	Jurisdiction of courts.
26.34.070	"Executive head" defined—Compact administrator.
26.34.080	Violations—Penalty.
26.44.010	Declaration of purpose.
26.44.015	Limitations of chapter.
26.44.020	Definitions.
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—Reports to legislature.
26.44.032	Legal defense of public employee.
26.44.040	Reports—Oral, written—Contents.
26.44.050	Abuse or neglect of child—Duty of law enforcement agency or department of children, youth, and families—Taking child into custody without court order, when.
26.44.060	Immunity from civil or criminal liability—Confidential communications not violated—Actions against state not affected—False report, penalty.
26.44.063	Temporary restraining order or preliminary injunction—Enforcement—Notice of modification or termination of restraining order.
26.44.067	Temporary restraining order or preliminary injunction—Contents—Notice—Noncompliance—Defense—Penalty.
26.44.080	Violation—Penalty.
26.44.150	Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child—Penalty for violating court order.
26.50.110	Violation of order—Penalties.
26.44.130	Arrest without warrant.
26.52.010	Definitions.
26.52.050	Peace officer immunity.
26.52.070	Violation of foreign orders—Penalties.

9.02.120 RCW Title 27, entitled “Libraries, Museums, and Historical Activities”—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

9.02.130 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.635.010 Abusing or insulting teachers, liability for—Penalty.
- 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty.
- 28A.635.030 Disturbing school, school activities or meetings—Penalty.
- 28A.635.040 Examination questions—Disclosing—Penalty.
- 28A.635.050 Certain corrupt practices of school officials—Penalty.
- 28A.635.070 Property, failure of officials or employees to account for—Mutilation by—Penalties.
- 28A.635.090 Interference by force or violence—Penalty.
- 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful.
- 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100—Disciplinary authority exception.

9.02.140 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:

RCW

- 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—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.

9.02.150 RCW Title 58, entitled “Boundaries and Plats”—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

58.04.015 Disturbing a survey monument—Penalty—Cost.

9.02.160 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.
66.04.011 “Public place” not to include certain parks and picnic areas.
66.04.021 "Retailer," "spirits distributor," and "spirits importer."
66.20.200 Unlawful acts relating to card of identification and certification card—Penalties.
66.20.340 Alcohol servers—Violation of rules—Penalties.
66.28.200 Keg registration—Special endorsement for grocery store licensee—Requirements of seller.
66.28.210 Keg registration—Requirements of purchaser.
66.28.220 Keg registration—Identification of containers—Rules—Fees—Sale in violation of rules unlawful.
66.28.230 Keg registration—Furnishing to minors—Penalties.
66.44.010 Local officers to enforce law—Authority of board—Liquor enforcement officers.
66.44.040 Sufficiency of description of offenses in complaints, information, process, etc.
66.44.050 Description of offense in words of statutes—Proof required.
66.44.060 Proof of unlawful sale establishes prima facie intent.
66.44.070 Certified analysis is prima facie evidence of alcoholic content.
66.44.080 Service of process on corporation.
66.44.090 Acting without license.
66.44.120 Unlawful use of seal.
66.44.130 Sales of liquor by drink or bottle.
66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal—Unlawful operation, possession of still or mash.
66.44.150 Buying liquor illegally.
66.44.160 Illegal possession, transportation of alcoholic beverages.
66.44.170 Illegal possession of liquor with intent to sell—Prima facie evidence, what is.
66.44.175 Violations of law.
66.44.180 General penalties—Jurisdiction for violations.
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.
66.44.210 Obtaining liquor for ineligible person.
66.44.240 Drinking in public conveyance—Penalty against carrier—Exception.

66.44.250	Drinking in public conveyance—Penalty against individual—Restricted application.
66.44.265	Candidates giving or purchasing liquor on election day prohibited.
66.44.270	Furnishing liquor to minors—Possession, use—Exhibition of effects—Exceptions.
66.44.280	Minor applying for permit.
66.44.290	Minor purchasing or attempting to purchase liquor.
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.
66.44.310	Minors frequenting off-limits area—Misrepresentation of age—Penalty—Classification of licensees.
66.44.316	Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
66.44.318	Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.
66.44.325	Unlawful transfer to a minor of an identification of age.
66.44.328	Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card—Penalty.
66.44.340	Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.
66.44.350	Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.
66.44.370	Resisting or opposing officers in enforcement of title.
66.44.380	Powdered alcohol.

9.02.170 RCW Title 68, entitled “Cemeteries, Morgues, And Human Remains”—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

68.50.020	Notice to coroner or medical examiner—Penalty.
68.50.050	Removal or concealment of body—Penalty.
68.50.100	Dissection, when permitted—Autopsy of person under the age of three years.
68.50.108	Autopsies, postmortems—Consent to embalm, cremate body, or make final disposition—Time limitation.
68.50.120	Holding body for debt—Penalty.
68.50.130	Unlawful disposal of remains.
68.50.185	Individual final disposition—Exception—Penalty.
68.50.645	Skeletal human remains—Duty to notify—Ground disturbing activities—Coroner determination—Definitions.
68.56.010	Unlawful damage to graves, markers, shrubs, etc.—Interfering with funeral.
68.56.020	Unlawful damage to graves, markers, shrubs, etc.—Civil liability for damage.
68.56.030	Unlawful damage to graves, markers, shrubs, etc.—Exceptions.
68.56.040	Nonconforming cemetery a nuisance—Penalty.
68.56.050	Defendant liable for costs.

68.56.060 Police authority—Who may exercise.

9.02.180 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

- 69.40.055 Selling repackaged poison without labeling—Penalty.
- 69.41.010 Definitions.
- 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited—Exceptions.
- 69.41.050 Labeling requirements.
- 69.41.110 Definitions.
- 69.41.170 Coercion of pharmacist prohibited—Penalty.
- 69.41.300 Definitions.
- 69.41.320 Practitioners—Restricted use—Medical records.
- 69.41.350 Penalties.
- 69.43.010 Report to state board of pharmacy—List of substances—Modification of list—Identification of purchasers—Report of transactions—Penalties.
- 69.43.020 Receipt of substance from source outside state—Report—Penalty.
- 69.43.030 Exemptions.
- 69.43.035 Suspicious transactions—Report—Penalty.
- 69.43.043 Recordkeeping requirements—Penalty.
- 69.43.090 Permit to sell, transfer, furnish, or receive substance—Exemptions—Application for permit—Fee—Renewal—Penalty.
- 69.43.105 Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Record of transaction—Exceptions—Penalty.
- 69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Electronic sales tracking system—Penalty.
- 69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine—Possession of more than 15 grams—Penalty—Exceptions.
- 69.43.130 Exemptions—Pediatric products—Products exempted by the state board of pharmacy.
- 69.43.135 Iodine, methylsulfonylmethane—Sales restrictions—Recording of transactions—Penalties.
- 69.50.101 Definitions.
- 69.50.102 Drug paraphernalia—Definitions.
- 69.50.201 Enforcement of chapter—Authority to change schedules of controlled substances.
- 69.50.202 Nomenclature.
- 69.50.203 Schedule I tests.
- 69.50.204 Schedule I.
- 69.50.205 Schedule II tests.
- 69.50.206 Schedule II.
- 69.50.207 Schedule III tests.
- 69.50.208 Schedule III.
- 69.50.209 Schedule IV tests.

69.50.210	Schedule IV.
69.50.211	Schedule V tests.
69.50.212	Schedule V.
69.50.213	Republishing of schedules.
69.50.214	Controlled substance analog.
69.50.301	Rules—Fees.
69.50.302	Registration requirements.
69.50.303	Registration.
69.50.304	Revocation and suspension of registration—Seizure or placement under seal of controlled substances.
69.50.305	Procedure for denial, suspension, or revocation of registration.
69.50.306	Records of registrants.
69.50.308	Prescriptions.
69.50.309	Containers.
69.50.310	Sodium pentobarbital—Registration of humane societies and animal control agencies for use in animal control.
69.50.311	Triplicate prescription form program—Compliance by health care practitioners.
69.50.312	Electronic communication of prescription information—Exceptions—Waiver—Penalty—Commission may adopt rules.
69.50.315	Medical assistance—Drug-related overdose—Prosecution for possession.
69.50.317	Opioid drugs—Communication with patient.
69.50.320	Registration of department of fish and wildlife for use in chemical capture programs—Rules.
69.50.325	Cannabis producer's license, cannabis processor's license, cannabis retailer's license.
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69.50.602	Continuation of rules.
69.50.603	Uniformity of interpretation.
69.50.604	Short title.
69.50.612	State preemption—Drug paraphernalia.
69.50.700	Expedited rule making.
69.50.710	Federal law—"Marijuana" to refer to "cannabis."

9.02.190 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.
70.74.160	Unlawful access to explosives.
70.74.295	Abandonment of explosives.
70.74.300	Explosive containers to be marked—Penalty.
70.74.310	Gas bombs, explosives, stink bombs, etc.
70.74.400	Seizure and forfeiture.
70.123.078	Disclosure of information.
70.155.010	Definitions.
70.155.080	Purchasing, possessing, or obtaining tobacco by persons under the age of 18—Civil infraction—Courts of jurisdiction.

9.02.200 RCW Title 70A, entitled “Environmental 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

70A.200.030	Definitions.
70A.200.060	Littering

9.02.210 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:

74.34.020	Definitions.
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- 74.34.021 Vulnerable adult—Definition.
74.34.053 Failure to report—False reports—Penalties.

Section 6. A New Chapter 9.03 of the Toppenish Municipal Code (Felony Crimes) is hereby enacted to read as follows:

9.03 Felony Crimes

Sections:

9.03.010 Adoption of RCW sections not specifically set forth.

9.03.010 Adoption of RCW sections not specifically set forth.

A. Notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections 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 the RCW 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 and of this title.

Section 7. Toppenish Municipal Code Section 9.07.050 is hereby amended to read as follows:

9.07.050 Opening package — Possession of opened package — Consuming liquor in public place prohibited — Exception.

~~A.~~ Except as permitted by the Washington State Liquor Act, RCW Title 66, and as set forth in this section, no person, group or organization shall open a package containing liquor, or possess an opened package containing liquor, or consume liquor in a public place, nor in a park owned or operated by the city without complying in full with the following terms and conditions:

~~A1.~~ Permission to conduct an activity in a park owned and operated by the city involving the consumption of liquor shall first be obtained from the parks and recreation director for the city.

~~B2.~~ A banquet permit shall be obtained from the state liquor store prior to the activity, in compliance with RCW 66.20.010(3).

~~C3.~~ The consumption of liquor, as defined by RCW 66.04.010(15), shall be limited solely to beer and wine in the parks.

~~D4.~~ Entities eligible to conduct an activity in the parks involving the consumption of liquor shall be limited to responsible persons, groups or organizations as determined by the city.

~~E5.~~ Activities involving the consumption of liquor in parks shall be permitted only between the hours of 10:00 a.m. and dusk daily, from May 1st to September 30th of a given calendar year, except as otherwise specifically authorized by the city council.

~~F6.~~ The area of a park to be used by any entity shall be so designated by the parks and recreation director.

~~G7.~~ A damage and cleanup deposit, as established by the city manager on a case-by-case basis, shall be paid to and held by the city and used for repairs and cleanup following the activity

required beyond normal maintenance, with the deposit to be refunded in full to the sponsoring entity if no such repairs or cleanup are required by the city.

~~H8.~~ The sponsoring entity shall be bound by all state and local laws, rules and regulations applying to the consumption of liquor including, but not limited to, public drunkenness and consumption of liquor by minors.

~~I9.~~ Members and guests of the sponsoring entity shall not offend other park users.

~~J10.~~ Access to the liquor shall be limited exclusively to the entity and its invited guests.

~~K11.~~ The sponsoring entity shall itself monitor and police the activity to guarantee that all laws, rules, regulations and conditions are strictly being complied with and in force.

~~L12.~~ The sponsoring entity shall make any requests for additional tables, trash cans or other related items other than those normally located within the authorized area at least two weeks in advance of the scheduled activity.

B. Every person violating this section shall be guilty of a misdemeanor. (Ord. 2006-4 § 1, 2006).

Section 8. Toppenish Municipal Code Section 9.15.020 is hereby amended to read as follows:

9.15.020 Hurling missiles, and using bow and arrow ~~and flying kites~~ — Prohibited where.

No person shall shoot or use a bow and arrow, or ~~fly any kite, or~~ throw any stones, ~~snowballs~~ or other missiles upon any street of the city. (Ord. 2006-4 § 1, 2006).

Section 9. Toppenish Municipal Code Section 9.15.050 is hereby amended to read as follows:

9.15.050 Violation — ~~Penalty~~ — Forfeiture of instrumentality.

~~Every person convicted of a violation of this chapter shall be punished by a fine of not more than \$500.00 and in the discretion of the court, the~~The instrumentality used in violation ~~hereof of this chapter~~ may be ordered forfeited to the city. In the event that a person charged with a violation of this chapter forfeits bail, after the instrumentality of the violation has been taken into custody by a peace officer of the city, it shall be deemed that the court has ordered such instrumentality forfeited to the city. (Ord. 2006-4 § 1, 2006).

Section 10. Toppenish Municipal Code Section 9.17.200 is hereby amended to read as follows:

9.17.200 Traffic regulations; — Parks

A. No person in a park shall:

~~A1.~~ Fail to comply with all applicable provisions of the state motor vehicle traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other chapters;

~~B2.~~ Fail to obey all traffic officers and park employees, such persons being authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director;

~~C3.~~ Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property;

~~D4.~~ Ride or drive a vehicle at a rate of speed exceeding 15 miles per hour;
~~E5.~~ Drive any vehicle on any area except the paved park roads and parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the director.

B. Every person violating this section shall be guilty of a misdemeanor. (Ord. 2006-4 § 1, 2006).

Section 11. Toppenish Municipal Code Section 9.17.210 is hereby amended to read as follows:

9.17.210 Personal conduct — Certain activities restricted - Parks.

A. No person in a park shall:

A1. Protractedly sleep or lounge on the seats, or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace;

B2. Ride a horse except on the roadways or areas specifically designated and marked for use by horseback riding. Horses shall be restrained and ridden with due care. They shall not be allowed to go unattended, nor shall they be hitched to any rock, tree or shrub;

C3. Wash, polish, overhaul or repair any motor vehicles.

4. Play golf or hit golf balls.

B. Every person violating this section shall be guilty of a misdemeanor. (Ord. 2006-4 § 1, 2006).

Section 12. Toppenish Municipal Code Section 9.17.230 is hereby amended to read as follows:

9.17.230 Loud speakers — Use restrictions.

A. It is unlawful for any person or corporation to use or authorize the use of any loud speaker, including loud speakers in an automobile, public announcing equipment, or other electrical or mechanical device for magnifying sound outdoors within the limits of the city at any time except as specifically authorized by the city manager or his designee.

B. Every person violating this section shall be guilty of a misdemeanor. (Ord. 2006-4 § 1, 2006).

Section 13. Toppenish Municipal Code Section 9.98.030 is hereby amended to read as follows:

9.98.030 Public disturbance noises prohibited.

It is unlawful and a misdemeanor for any person to make, continue, or cause to be made or continued, or for any person in possession or control of property to permit or allow to originate from that property any public disturbance noise, or to refuse or intentionally fail to cease the public disturbance noise when ordered to do so by a police officer. Public disturbance noises and violations of this chapter shall include all noises which unreasonably disturb or interfere with the peace, comfort and repose of another, and shall include but are not limited to the following (exemptions are as noted specifically herein or as otherwise stated in TMC 9.98.040 or TMC 9.98.045):

A. The operation of a motor vehicle in such a manner as to cause or allow to be emitted squealing, screeching or other such noise from the tires in contact with the road surface because

of rapid acceleration or excessive speed around corners or other such reason, except that such noise emanating from emergency braking to avoid imminent danger shall be exempt from this provision.

B. ___ The operation of a motor vehicle with an unmuffled exhaust; or equipped with a dynamic braking device on the exhaust brakes, ~~or "jake exhaust brakes,"~~ engine brakes, or other device which performs the same function as this equipment, in such a manner as to create any loud, disturbing or unnecessary noise. It shall be an affirmative defense to prosecution under this subsection that compression brakes were applied in an emergency and were necessary for the protection of persons and/or property. Further, this subsection shall not apply to any emergency vehicle when responding to an emergency.

C. ___ The operation of a motor vehicle while permitting any audio system in or on that vehicle to make any sound audible outside the passenger compartment for more than 50 feet.

D. ___ The use, operation, or permitting to be used, operated or played of any audio equipment, including but not limited to radios, tape players, compact disc players, stereos, boom boxes, televisions, or other machines or devices for the producing or reproducing of sound in such a fashion as to be plainly audible beyond the boundary of the property upon which the source of the sound originates, or audible upon the property of another. The audibility of any such device at a distance of 50 feet from the property boundary of the place where such sound originates, or from the vehicle in which it originates, shall be sufficient proof of a violation of this section, barring sufficient evidence to the contrary.

E. ___ The generation of sounds created by musical instruments, bands, orchestras, or other devices or instruments or amplifying systems, which are audible beyond the boundary of the property upon which the source of the sound originates, or audible upon the property of another. The generation of such sounds in such a manner as to be plainly audible at a distance of 50 feet from the property boundary shall be sufficient proof of a violation of this section, barring sufficient evidence to the contrary.

F. ~~Yelling, shouting, hooting, whistling, or singing.~~ Frequent, repetitive or continuous dog barking between the between the hours of 10:00 p.m. and 7:00 a.m..

~~G. Frequent, repetitive or continuous dog barking.~~

~~H. The operation of any gas engine to power a model airplane.~~

~~I.G.~~ ___ The use, operation or permitting the use or operation of any mechanically powered lawn or garden tools such as lawn mowers, blowers, trimmers, edgers or similar devices; carpentry and wood working tools such as power saws, sanders, grinders, or similar devices; and hammering outdoors in residential areas between the hours of 9~~10~~:00 p.m. and 7:00 a.m.

~~The foregoing enumeration of specific acts and noises shall not be construed as excluding other acts and noises which are public disturbance noises prohibited by this section.~~ (Ord. 2012-10 § 2, 2012).

Section 14. A New Chapter 9.105 of the Toppenish Municipal Code (Stay Out of Drug Areas) is hereby enacted to read as follows:

9.105

Stay Out of Drug Areas

Sections

9.105.010 Definitions.

9.105.020	Orders – Conditions.
9.105.030	Person subject to court order defined.
9.105.040	Stay Out of Drug Areas orders – Issuance – Other court orders.
9.105.050	Prohibited areas – Designation – Modification and termination.
9.105.060	Drug loitering prohibited.
9.105.070	Chapter cumulative.
9.105.080	Penalties.
9.105.990	Severability.

9.105.010 Definitions.

A. “Controlled substances” means a drug, substance, or its immediate precursor, listed in Schedule I, II, III, or IV of the Uniform Controlled Substances Act, Chapter 69.50 RCW.

B. “Drug” means:

1. Substances recognized as drugs in the official U.S. pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or

2. Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases in humans or animals; or

3. Substances affecting or intended to affect the structure or any function of the body of humans or animals, except for food, and except for vitamins and minerals approved by the U.S. Food and Drug Administration for use as minerals and vitamins.

C. “Drug-related activity” means any of the following:

1. Administering drugs, controlled substances or imitation controlled substances, whether by injection, inhalation, ingestion, or any other means, to oneself or to another person; or

2. Delivering drugs, controlled substances or imitation controlled substances by the actual, constructive or attempted transfer of drugs, controlled substances or imitation controlled substances from one person to another; or

3. Distributing drugs, controlled substances or imitation controlled substances by transferring or arranging for their transfer other than by administering or delivering them; or

4. Exhibiting the effects of having consumed any drug. For purposes of this subsection, “exhibiting the effects of having consumed any drug” means that a person by speech, manner, appearance, behavior, lack of coordination, or otherwise exhibits that the person has injected, inhaled, ingested, or otherwise consumed any drug or that the person is under the influence of any drug.

D. “Prohibited area” means the portion of the city described by the Toppenish police department as having a high occurrence of drug-related activity which has been declared an area to be included in a Stay Out of Drug Area order.

E. “Imitation controlled substance” means a substance that is not a controlled substance, but which by appearance or representation would lead a reasonable person to believe that the substance is a controlled substance. Appearance includes, but is not limited to, color, shape, and size markings of the dosage unit. Representation includes, but is not limited to, representations or factors of the following nature:

1. Statements made by the person who owns or controls the substance regarding its nature, use or effect;

2. Statements made to the recipient that the substance can be resold for inordinate profit; or

3. Packing of the substance in a manner normally used for illicit controlled substances, such as but not limited to folded paper bundles, cellophane packages, aluminum foil balls or

squares, 35 mm film canisters, zip-lock plastic baggies, two-inch glass vials, rubber balloons, bindles, or condoms.

F. “Known unlawful drug user, possessor or seller” means a person who has, to the knowledge of the arresting officer, within one year prior to the date of the person’s arrest for violation of this chapter, been convicted of any infraction or crime involving the use, possession or sale of any drug, legend drug, controlled substance, or imitation controlled substance, either in any court in Washington State, or in the courts of any other state; or

1. Who is displaying the physical characteristics of use of any drug, legend drug, or controlled substance, such as poor coordination, slurred speech, needle marks on the body, constricted pupils or dilated pupils; or

2. Who is the subject of an order prohibiting the person’s presence in a prohibited area.

G. “Legend drug” means drugs which are required by Washington State statutes or administrative regulations, or regulations of the State Board of Pharmacy, to be dispensed on prescription only, or are restricted to use only by health care practitioners licensed by the state of Washington (including physicians under Chapter 18.71 RCW, osteopaths under Chapter 18.57 RCW, dentists under Chapter 18.32 RCW, podiatrists under Chapter 18.22 RCW, veterinarians under Chapter 18.92 RCW, registered nurses under Chapter 18.79 RCW, osteopaths’ assistants under Chapter 18.57A RCW, physicians’ assistants under Chapter 18.71A RCW, or pharmacists under Chapter 18.64 RCW, or pharmacies, hospitals or institutions licensed to distribute, dispense, conduct research with, or administer legend drugs to persons in the course of professional practice or research in the state).

H. “Loiter” means to stand about or to proceed with many stops.

9.105.020 Orders – Conditions.

Any judge or judge pro tempore of the Toppenish municipal court, or any court authorized and empowered to hear and adjudicate prosecution of criminal violations of the Toppenish Municipal Code, may issue written orders to criminal defendants describing conditions of their pretrial release or the post-conviction conditions of suspension or deferral of their sentences. Orders must be substantially in the form described in this chapter.

9.105.030 Person subject to court order defined.

As used in this chapter, “person subject to court order” means any person who is subject to an order issued under this chapter.

9.105.040 Stay Out of Drug Areas orders – Issuance – Other court orders.

A. Any order issued pursuant to this chapter that specifically orders as a condition of pretrial release and/or deferral or suspension of sentence that the defendant stay out of areas with a high level of illegal drug trafficking shall be hereinafter referred to as a “SODA” (“Stay Out of Drug Areas”) order.

B. SODA orders may be issued to anyone charged with or convicted of possession of drug paraphernalia, manufacture/delivery of drug paraphernalia, delivery of drug paraphernalia to a minor, selling/giving drug paraphernalia to another person, solicitation of a violation of the Uniform Controlled Substances Act, or any of the aforementioned crimes that occur within a drug-free zone or a prohibited area.

C. SODA orders may be issued to anyone charged with or convicted of any offense if the court finds that reasonable grounds exist to believe that any chemical dependency, substance abuse, or drug-related activity contributed to the offense.

D. Nothing within this section shall be construed as precluding the court from issuing an

order pursuant to this chapter that is not specifically a SODA order

9.105.050 Prohibited areas – Designation – Modification and termination.

A. Whenever an order is issued under this chapter, the subject of the order may be ordered to stay out of certain areas that are set forth within the written order. These areas will hereinafter be referred to as “prohibited areas.”

B. Prohibited areas that are set forth in SODA orders shall be established and terminated by a resolution of the city council. The police department shall provide information to the city council to support establishment and/or the elimination of prohibited areas in the form of one or more declarations and/or other sworn testimony. The declaration(s) and/or other sworn testimony shall:

1. Be by declarant(s) familiar with areas of the city that suffer a high incidence of drug trafficking activity;
2. Set forth the education, experience and other relevant qualifications of the declarant(s);
3. Set forth the basis for proposing prohibited areas, e.g., crime mapping data or other information;
4. Describe the proposed prohibited areas; and
5. Provide other information that supports the council’s review and determination of prohibited areas.

C. Prohibited areas that are set forth in orders issued under this chapter other than SODA orders may be set by court discretion and are not required to be set in accordance with subsection B of this section.

D. Upon request for modification or termination of any order issued under this chapter, the court shall consider the requested modification or termination by allowing for a process by which the subject of the order can provide relevant testimony or other evidence in support of the subject’s request.

E. Unless otherwise ordered by the court, an order issued under this chapter shall have as its termination date two years from the date of its issuance.

F. Whenever an order is issued, modified or terminated pursuant to this chapter, the clerk of the court shall forward a copy of the order on or before the next judicial day to the Toppenish police department. Upon receipt of the copy of the order, the Toppenish police department shall enter the order until the expiration date specified on the order into any computer-based criminal intelligence information system(s) available to Toppenish police officers. Upon receipt of notice that an order has been terminated, the Toppenish police department shall remove the order from the computer-based criminal intelligence information system(s).

G. Nothing in any provision of this chapter related to SODA orders shall be construed as prohibiting the subject of a SODA order from participating in a scheduled court hearing or from attending a scheduled meeting with the subject’s legal counsel within a prohibited area.

9.105.060 Drug loitering prohibited.

A. It is unlawful for any person to loiter in or near any prohibited area, thoroughfare, place open to the public, or any public or private place for the purpose of engaging in drug-related activity, which activity is in violation of Chapter 69.41 RCW (regarding legend drugs), Chapter 69.50 RCW (the Uniform Controlled Substances Act), or Chapter 69.52 RCW (regarding imitation controlled substances).

B. Among the circumstances which may be considered in determining whether the person’s manner or circumstance manifests an intent to engage in unlawful drug-related activities include:

1. The Place. The area where the person is loitering has been designated as a prohibited

area; or the premises involved have been reported, to the knowledge of law enforcement officers, to be a place suspected of illegal drug-related activity; and

2. The Vehicle Involved. Any motor vehicle involved is registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for arrest for a crime involving unlawful drug-related activity; and

3. The Person. The person loitering is:

a. A known unlawful drug user; or

b. The person is acting as a “lookout” by repeatedly leading, directing or responding to others for no obvious lawful purpose; or

c. The person repeatedly transfers objects or packages for currency in a furtive fashion other than in a retail transaction licensed under the business and occupation and sales tax ordinances of the city; or

d. The person manifestly endeavors to conceal himself or some object that reasonably could be involved in unlawful drug-related activity; or

e. The person is known by law enforcement officers to be a member of a “gang” or association that is known by law enforcement officers to be engaged in illegal drug activity; or

f. The person takes flight upon the appearance of a police officer; or

g. The person is currently subject to an order prohibiting the person’s presence in a high drug activity geographic area; or

h. The person displays physical characteristics of drug intoxication or usage, such as “needle tracks”.

9.105.070 Chapter cumulative.

The provisions of this chapter are intended to be cumulative and do not expressly or impliedly repeal any other ordinance involving the same subject matter.

9.105.080 Penalties

A Written orders issued under this chapter shall contain the court’s directives and shall bear the legend:

WARNING: Violation of this order subjects the violator to arrest under Chapter 9.105 of the Toppenish Municipal Code and shall constitute a separate criminal offense and may result in imposition of suspended or deferred jail time and/or fine.

B. Penalties. A person who knowingly and willfully disobeys a SODA (“Stay Out of Drug Areas”) order issued under this chapter is guilty of a gross misdemeanor. Any person who violates any other provisions of this chapter is guilty of a gross misdemeanor.

9.105.990 Severability.

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

Section 15. A New Chapter 9.110 of the Toppenish Municipal Code (Exclusion from City Parks) is hereby enacted to read as follows:

9.110
Exclusion from City Parks

Sections

- 9.110.010 Notification of Exclusion.**
- 9.110.020 Appeal Process.**
- 9.110.030 Penalties for Violation of Exclusion Order.**
- 9.110.990 Severability**

9.110.010 Notification of Exclusion.

A. In addition to other penalties imposed for violations of posted rules, regulations, or offenses within the City of Toppenish parks, Toppenish police officers and the parks and recreation manager, or their designee, are authorized to exclude from city parks any individual for whom there is probable cause to believe has committed a crime or infraction within a City of Toppenish Park.

B. The notice of exclusion shall be in writing and shall specify the reason for the exclusion, with a reference to a police report or incident number, the period of exclusion, and a warning that failure to comply with the exclusion order will result in criminal prosecution.

C. The exclusion notice shall be served by personal delivery or by mailing it via certified and regular U.S. mail to the individual's last known address. Exclusion shall take effect immediately upon actual or constructive receipt of the notice. Constructive receipt is presumed five days after mailing.

D. A person may not evade the effectiveness of a notice of exclusion by refusing to accept it. Failure to comply with the notice of exclusion may result in prosecution for criminal trespass.

9.110.020 Appeal Process.

A. An individual who has been excluded from city parks under this chapter may submit a written request for a review of the exclusion. The request must be postmarked or received by the city clerk within ten calendar days of the effective date of the exclusion.

B. Upon receipt of a timely request, a hearings examiner appointed by the city shall conduct a hearing where the city may present evidence supporting the exclusion, including proof that the exclusion procedures were followed, and that probable cause existed at the time of exclusion.

C. The excluded individual may present evidence challenging the exclusion or requesting a reduction in the period of exclusion. This hearing may be conducted in person or by telephone.

D. The hearings examiner shall issue a written decision within ten calendar days of the hearing, either affirming, modifying, or terminating the exclusion. The hearing examiner's decision is final.

9.110.030 Penalties for Violation of Exclusion Order.

A. An individual who knowingly and willfully violates an exclusion order issued under this chapter is guilty of criminal trespass in the second degree and shall be punished by a fine not exceeding one thousand dollars and by imprisonment for not more than ninety days. and may be prosecuted under applicable city, state, or federal law.

B. Violations of exclusion orders may result in penalties including fines, imprisonment, or other criminal sanctions, as determined by the court.

9.110.990 Severability.

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

Section 16. A New Chapter 9.115 of the Toppenish Municipal Code (Jaywalking) is hereby enacted to read as follows:

9.115 Jaywalking

Sections

9.115.010 Definitions.

9.115.020 Prohibitions.

9.115.010 Definitions.

A. "Enter" means to cross the vertical plane of the edge of a prohibited roadway. It includes crossing the vertical plane by any part of a person's body or any extension thereof.

B. "Prohibited roadway" means specific roadways within the City of Toppenish, including:

1. West 1st Avenue between Beech Street and Shearer Lane.
2. US Highway 22 between South Beech Street and Monroe Avenue.
3. Additional locations approved by the City Council may include:
 - a. Any state route, access point inside the city limits of Toppenish, WA.
 - b. Selected arterials and collector streets, and the first 100 feet of a road that intersects a state route, or principal arterial, as measured from the edge of the state route, or selected arterial or collector streets.
4. Prohibited roadways also include:
 - a. Any portion of a road traveled by vehicles up to the sidewalk or curb where there exists a sidewalk or curb.
 - b. Any portion of a road traveled by vehicle The first five feet beyond the edge of a paved shoulder where there is no sidewalk.
 - c. Medians, which may be denoted by a physical barrier or solid yellow pavement markings.
- iv. All sidewalks and curbs are excluded from the definition of prohibited roadways.

9.115.020 Prohibitions.

A. Except while riding a bicycle, no person shall enter a prohibited roadway or be physically present within a prohibited roadway when that roadway is open for vehicular travel, unless crossing in a designated crosswalk marked at an intersection.

B. Prohibited roadways, with the exception of roadways within 100 feet of a state route, selected arterials, and collector streets, are delineated upon the official map entitled "Prohibited Roadways as Defined by Toppenish Municipal Code," which is adopted as part of this code as if contained herein. The official map shall be filed in the city finance office. It shall be the duty of the city attorney to cause the official map to be updated and maintained by having changes entered that the city council may approve.

C. The provisions of this Chapter shall prevail over any inconsistent provision of the Uniform Traffic Code adopted by the city.

Section 17. SEVERABILITY. The provisions of this ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, or phrase of this ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional, the remainder of this ordinance shall not as a result of said section, sentence, clause, or phrase be held unconstitutional or invalid.

Section 18. EFFECTIVE DATE. This Ordinance shall be effective five (5) days after publication as required by law.

PASSED by the Toppenish City Council at its regular meeting held on the _____ day of July, 2025.

ELPIDIA SAAVEDRA, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney