

**ORDINANCE NO. O2023-001**

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, amending and replacing, Chapter 9.04, Adoption of Specific RCW Sections, of the criminal code for the City of Tumwater as more particularly set forth herein.

**WHEREAS**, the City’s criminal code has not been comprehensively updated since 2010; and

**WHEREAS**, many cities find that adopting the state criminal code as the city’s criminal code allows for changes in state law to be automatically incorporated; and

**WHEREAS**, adoption of state law by reference allows a police officer to use the state code number which provides clarity and consistency between jurisdictions for defendant, prosecutors and court; and

**WHEREAS**, some sections of the state criminal code have been amended or repealed since the adoption of the City’s criminal code in 2010; and

**WHEREAS**, the City Council finds that amending the City’s criminal code is in the best interests of the City and supports the health, safety and welfare of the citizens of Tumwater.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:**

**Section 1.** Tumwater Municipal Code, Chapter 9.04, “Adoption of Specific RCW Sections” is hereby amended to read as follows:

**Chapter 9.04**

**ADOPTION OF SPECIFIC RCW SECTIONS**

Sections:

- 9.04.010 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.
- 9.04.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.
- 9.04.030 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.
- 9.04.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.
- 9.04.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.

- 9.04.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.
- 9.04.070 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.
- 9.04.080 RCW Title 19, entitled “Business Regulations – Miscellaneous” – Adoption by reference.
- 9.04.090 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.
- 9.04.100 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.
- 9.04.110 RCW Title 46, entitled “Motor Vehicles” – Adoption by reference.
- 9.04.120 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.
- 9.04.130 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.
- 9.04.140 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.
- 9.04.150 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.

**9.04.010 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.

(Ord. O2010-022, Added, 12/21/2010)

**9.04.020 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.

(Ord. O2010-022, Added, 12/21/2010)

**9.04.030 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, 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.

(Ord. O2010-022, Added, 12/21/2010)

**9.04.040 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.
- 9.03.030 Violation of RCW 9.03.010 or 9.03.020.
- 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.
9.12.010	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 – Penalty.
- 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.
- 9.27.015 Interference, obstruction of any court, building, or residence –  
Violations.
- 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 – Restoration of right to possess – Penalty.
- 9.41.049 Persons who present likelihood of serious harm—Possession rights.
- 9.41.050 Carrying firearms.
- 9.41.060 Exceptions to restrictions on carrying firearms.
- 9.41.065 Correctional employees—Effect of exemption from firearms  
restrictions—Liability limited.
- 9.41.090 Dealer deliveries regulated – Hold on delivery.

- 9.41.092 Licensed dealer deliveries—Background checks.
- 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.
- 9.41.113 Firearm sales or transfers—Background checks—Requirements—Exceptions.
- 9.41.1135 Firearms sales or transfers—Use of state firearms background check system.
- 9.41.114 Firearm sales or transfers—Denial of application report—Dealer's duties.
- 9.41.115 Penalties—Violations of RCW 9.41.113.
- 9.41.137 Department of licensing, authority to adopt rules—Reporting of violations—Authority to revoke licenses.
- 9.41.139 Department of licensing—Eligibility to possess firearms.
- 9.41.140 Alteration of identifying marks – Exceptions.
- 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.
- 9.41.284 Possessing dangerous weapons at voting facilities – 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 and municipal buildings.
- 9.41.325 Undetectable or untraceable firearms—Penalties.
- 9.41.326 Untraceable firearms—Exceptions—Penalties.
- 9.41.327 Unfinished frames or receivers—Exceptions—Penalties.
- 9.41.328 Imprinting a firearm or unfinished frame or receiver.
- 9.41.330 Felony firearm offenders—Determination of registration.
- 9.41.333 Duty to register—Requirements.
- 9.41.335 Failure to register as felony firearm offender.
- 9.41.340 Return of privately owned firearm by law enforcement agency—Notification to family or household member—Exception—Exemption from public disclosure—Civil liability—Liability for request based on false information.
- 9.41.345 Return of privately owned firearm or concealed pistol license by law enforcement agency—Duties—Notice—Exception.
- 9.41.350 Voluntary waiver of firearm rights—Procedure—Penalty—Exemption from public disclosure.
- 9.41.352 Voluntary waiver of firearm rights—Form—Availability.
- 9.41.360 Unsafe storage of a firearm.
- 9.41.365 Firearm security and storage—Requirements for dealers.
- 9.41.370 Large capacity magazines—Exceptions—Penalty.
- 9.41.375 Large capacity magazines—Unfair method of competition.
- 9.41.380 Safe storage of firearms expansion encouraged—No special relationship created by dealer storage.

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

9.41.801 Surrender of weapons or licenses—Ensuring compliance.

9.41.802 Proof of surrender and receipt pattern form—Declaration of nonsurrender pattern form—Administrative office of the courts to develop.

9.41.804 Proof of surrender and receipt form, declaration of nonsurrender form—Requirement to file with clerk of the court.

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.



- 9.68.015      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.011      Definitions.
- 9.68A.053      Sexually explicit images—Crimes by minors—Penalties.
- 9.68A.055      Sexually explicit images—Forfeiture by minors.
- 9.68A.075      Viewing depictions of a minor engaged in sexually explicit conduct.
- 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.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.
- 9.69.100      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.
- 9.91.010 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.
- 9.91.140 Food stamps – Unlawful sale.
- 9.91.160 Personal protection spray devices.
- 9.91.170 Interfering with dog guide or service animal.
- 9.92.020 Punishment of gross misdemeanor when not fixed by statute.
- 9.92.030 Punishment of misdemeanor when not fixed by statute.

(Ord. O2016-002, Amended, 02/16/2016; Ord. O2010-022, Added, 12/21/2010)

**9.04.050 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.04.040 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 Corporate and personal liability.
- 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.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.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.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 – Exception.
- 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.44.030 Defenses to prosecution under this chapter.
- 9A.44.096 Sexual misconduct with a minor in the second degree.
- 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.44.138 Attendance, employment of registered sex offenders and kidnapping offenders at schools and institutions of higher education—Notice to designated recipients—Information exempt from disclosure.
- 9A.44.141 Investigation—End of duty to register—Removal from registry—Civil liability.
- 9A.44.142 Relief from duty to register—Petition—Exceptions.
- 9A.44.143 Relief from duty to register for sex offense or kidnapping offense committed when offender was a juvenile and who has not been determined to be a sexually violent predator—Petition—Exception.
- 9A.44.148 Application of RCW 9A.44.128 through 9A.44.145—Duty to register under law as it existed prior to July 28, 1991.
- 9A.44.170 Custodial sexual misconduct in the second degree.

9A.44.180 Custodial sexual misconduct – Defense.

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.46.080 Order restricting contact – Violation.

9A.46.085 Stalking no-contact orders—Appearance before magistrate required.

9A.46.090 Nonliability of peace officer.

9A.46.100 “Convicted,” time when.

9A.46.110 Stalking.

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.48.110 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.49.050 Exclusions.

9A.50.010 Definitions.

9A.50.020 Interference with health care facility.

- 9A.50.030 Penalty.
- 9A.52.010 Definitions.
- 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.52.120 Computer trespass in the second degree.~~
- ~~9A.52.130 Computer trespass—Commission of other crime.~~
- 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.56.096 Theft of rental, leased, or lease-purchased property.
- 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.56.330 Possession of another’s identification.

- 9A.60.010 Definitions.
- 9A.60.045 Criminal impersonation in the second degree.
- 9A.60.050 False certification.
- 9A.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.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.72.085 Unsworn statements, certification – Standards for subscribing to an unsworn statement.~~
- 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.80.010    Official misconduct.
- 9A.84.010    Criminal mischief.
- 9A.84.020    Failure to disperse.
- 9A.84.030    Disorderly conduct.
- 9A.84.040    False reporting.
- 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.88.090    Permitting prostitution.
- 9A.88.110    Patronizing a prostitute.
- 9A.88.120    Additional fee assessments.
- 9A.88.130    Additional requirements.
- 9A.88.140    Vehicle impoundment – Fees – Fines.
- 9A.88.150    Seizure and forfeiture.

(Ord. O2016-002, Amended, 02/16/2016; Ord. O2010-022, Added, 12/21/2010)

**9.04.060 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

10.01.160 Costs – What constitutes – Payment by defendant – Procedure – Remission – Medical or mental health treatment or services.

~~10.14.120 Disobedience of order – Penalties.~~

~~10.14.170 Criminal penalty.~~

10.31.030 Service – How – Warrant not in possession, procedure – Bail.

10.31.040 Officer may break and enter.

~~10.31.050 Officer may use force.~~

10.31.060 Arrest by telegraph or teletype.

10.31.100 Arrest without warrant.

10.31.110 Arrest – Individuals with mental disorders.

10.99.010 Purpose – Intent.

10.99.020 Definitions.

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.

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

10.99.070 Liability of peace officers.

10.99.080 Penalty assessment.

(Ord. O2010-022, Added, 12/21/2010)

### **9.04.070 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.

(Ord. O2010-022, Added, 12/21/2010)

### **9.04.080 RCW Title 19, entitled “Business Regulations – Miscellaneous” – 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

19.60.010 Definitions.

19.60.020 Duty to record information.

19.60.025 Duty to record information—Precious metal property.

19.60.040 Report to chief law enforcement officer.

19.60.042 Report to chief law enforcement officer—Precious metal dealers.

19.60.050 Retention of property by pawnbrokers – Inspection.

19.60.055 Retention of property by secondhand dealers – Inspection.

19.60.057 Retention of precious metal property—Inspection.

19.60.061 Pawnbrokers – Sale of pledged property limited – Written document required for transactions.

19.60.066 Prohibited acts – Penalty.

19.290.010 Definitions.

19.290.020 Private metal property or nonferrous metal property – Records required.

19.290.030 Metal property and metallic wire – Requirements for transactions.

19.290.040 Scrap metal businesses – Record of commercial accounts.

19.290.050 Reports to law enforcement – Records exempt from public disclosure – Private civil liability.

19.290.060 Stolen metal property – Preserving evidence.

~~19.290.070 Violations – Penalty.~~

19.290.080 Civil penalties.

19.290.090 Exemptions from chapter.

19.290.100 Scrap metal license – Penalties.

19.290.110 Scrap metal license – Application, renewal – Required information.

19.290.120 Scrap metal license application – Department of licensing to issue license – Display of certificate.

19.290.130 Scrap metal license – Surety bond – Action for recovery.

19.290.140 Scrap metal license – Renewal – Surrender of license.

19.290.150 License plates – Fee.

19.290.160 Uniform regulation of business and professions act.

19.290.170 Cancellation of scrap metal license – Refusal of issuance.

19.290.180 Director of licensing authorized to adopt rules and regulations, set license and renewal fees.

19.290.190 Inspection of licensed premises and records – Certificate of inspection.

19.290.200 State preemption.

19.290.210 Subpoenas.

19.290.220 Scrap theft alert system.

19.290.230 Seizure and forfeiture.

19.290.240 Chapter to be liberally construed.

19.290.250 No-buy list database program – Scrap metal business to determine if customer is listed.

~~19.290.900 Captions not law – 2007 c 377.~~

~~19.290.901 Severability – 2007 c 377.~~

(Ord. O2016-002, Amended, 02/16/2016; Ord. O2010-022, Added, 12/21/2010)

**9.04.090 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.

~~26.10.220 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.~~

~~26.26.138 Restraining order – Knowing violation – Penalty – Law enforcement immunity.~~

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.

26.44.020 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 – Investigations – Interviews of children – Records – Risk assessment process.

26.44.040 Reports – Oral, written – Contents.

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.~~

~~26.50.140 Peace officers Immunity.~~

26.52.010 Definitions.

26.52.050 Peace officer immunity.

26.52.070 Violation of foreign orders – Penalties.

(Ord. O2016-002, Amended, 02/16/2016; Ord. O2010-022, Added, 12/21/2010)

**9.04.100 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.

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

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 – Penalty.

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

(Ord. O2016-002, Amended, 02/16/2016; Ord. O2010-022, Added, 12/21/2010)

**9.04.110 RCW Title 46, entitled “Motor Vehicles” – 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**

46.55.035 Prohibited acts – Penalty.

46.80.010 Definitions.

46.80.080 Records – Penalty.

(Ord. O2010-022, Added, 12/21/2010)

**9.04.120 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.
- 66.20.200 Unlawful acts relating to card of identification and certification card – 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.
- 66.44.060 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.
- 66.44.100 Opening or consuming liquor in a public place – Penalty.
- 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.
- 66.44.270     Furnishing liquor to minors – Possession, use – Penalties – Exhibition of effects – Exceptions.
- 66.44.280     Minor applying for permit.
- 66.44.290     Minor purchasing or attempting to purchase liquor – Penalty.
- 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.

(Ord. O2016-002, Amended, 02/16/2016; Ord. O2010-022, Added, 12/21/2010)

**9.04.130 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.

69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions – Penalty.

69.41.041 Long-term care facilities and hospice programs—Legend drug prescriptions and chart orders.

69.41.050 Labeling requirements – 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.

69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – 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.

69.50.101 Definitions.

69.50.102 Drug paraphernalia – Definitions.

69.50.202 Nomenclature.



- 69.50.315 Medical assistance—Drug-related overdose—Prosecution for possession.
- 69.50.317 Opioid drugs—Communication with patient.
- 69.50.325 Cannabis producer's license, cannabis processor's license, cannabis retailer's license.
- 69.50.326 Cannabis producers, processors—Use of additives to enhance CBD concentration of authorized products—Rules.
- 69.50.327 Cannabis processors—Incorporation of characterizing flavor in vapor products.
- 69.50.328 Cannabis producers, processors—No direct or indirect financial interest in licensed cannabis retailers.
- 69.50.331 Application for license.
- 69.50.334 Denial of application—Opportunity for hearing.
- 69.50.335 Cannabis retailer licenses—Social equity applicants—Rules—Definitions.
- 69.50.336 Social equity in cannabis task force.
- 69.50.339 Transfer of license to produce, process, or sell cannabis—Reporting of proposed sales of outstanding or issued stock of a corporation.
- 69.50.342 State liquor and cannabis board—Rules.
- 69.50.345 State liquor and cannabis board—Rules—Procedures and criteria.
- 69.50.346 Labels on retail products.
- 69.50.348 Representative samples of cannabis, useable cannabis, or cannabis-infused products.
- 69.50.351 Board members and employees—Conflict of interest.
- 69.50.354 Retail outlet licenses.
- 69.50.357 Retail outlets—Rules.
- 69.50.360 Cannabis retailers, employees of retail outlets—Certain acts not criminal or civil offenses.
- 69.50.363 Cannabis processors, employees—Certain acts not criminal or civil offenses.

69.50.366 Cannabis producers, employees—Certain acts not criminal or civil offenses.

69.50.369 Cannabis producers, processors, researchers, retailers—Advertisements—Rules—Penalty.

69.50.372 Cannabis research license.

69.50.375 Cannabis retailers—Medical cannabis endorsement.

69.50.378 Cannabis retailer holding medical cannabis endorsement—THC concentration in products.

69.50.380 Cannabis producers, processors, retailers prohibited from making certain sales of cannabis, cannabis products.

69.50.382 Common carriers—Transportation or delivery of cannabis, useable cannabis, cannabis concentrates, immature plants or clones, cannabis seeds, and cannabis-infused products—Employees prohibited from carrying or using firearm during such services—Exceptions—Use of state ferry routes.

69.50.385 Common carriers—Licensing—State liquor and cannabis board to adopt rules.

69.50.390 Licensed retailers prohibited from operating vending machines, drive-through purchase facilities for the sale of cannabis products.

69.50.395 Licensed cannabis businesses, agreements—Disclosure to state liquor and cannabis board.

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

69.50.4016 Provisions not applicable to offenses under RCW 69.50.410.

69.50.404 Penalties under other laws.

69.50.407 Conspiracy.

69.50.412 Prohibited acts: E – Penalties.

69.50.4121 Drug paraphernalia – Selling or giving – Penalty.

~~69.50.425 Misdemeanor violations—Minimum imprisonment.~~

(Ord. O2016-002, Amended, 02/16/2016; Ord. O2010-022, Added, 12/21/2010)

**9.04.140 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.

70.155.010 Definitions.

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

~~70.155.105 Delivery sale of cigarettes – Requirements, unlawful practices – Penalties – Enforcement.~~

(Ord. O2010-022, Added, 12/21/2010)

**9.04.150 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.

~~74.34.021 Vulnerable adult – Definition.~~

74.34.053 Failure to report – False reports – Penalties.

~~74.34.145 Protection of vulnerable adults – Notice of criminal penalties for violation – Enforcement under RCW 26.50.110.~~

(Ord. O2010-022, Added, 12/21/2010)

**Section 2. Corrections.** The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 3. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 4. Severability.** The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

**Section 5. Effective Date.** This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF TUMWATER

\_\_\_\_\_  
Debbie Sullivan, Mayor

ATTEST:

\_\_\_\_\_  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Kirkpatrick, City Attorney

Published:\_\_\_\_\_

Effective Date:\_\_\_\_\_