

FILE COPY

ORDINANCE NO. 1519

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AMENDING TITLE 9 OF THE SUNNYSIDE MUNICIPAL CODE, RELATING TO PUBLIC PEACE, MORALS AND WELFARE

WHEREAS, the current language of Title 9 of the Sunnyside Municipal Code, relating to public peace, morals and welfare, provides the major provisions of the city's criminal code; and,

WHEREAS, many of the chapters and provisions of said Title 9 have not been revised for a number of years; and,

WHEREAS, many of the provisions of the city's criminal code were patterned, originally, after sections of the Revised Code of Washington; and,

WHEREAS, a number of the provisions of the city's criminal code were adopted by ordinance at different times, and were codified into different chapters, depending more on when the ordinance was passed, rather than subject matter similarities, to the effect that the existing language of Title 9 contains three chapters dealing with frauds and swindles, two chapters dealing with firearms, two chapters dealing with crimes relating to animals, as well as a number of other chapters of similar subject matter; and,

WHEREAS, it would be advantageous for the city officials and police officers to have the provisions of Title 9 grouped according to subject matter divisions; and,

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ENFORCEMENT, FINES AND COSTS

Sections:

- 9.02.010 Conviction--Judgment for fine and costs.
9.02.020 Intentional failure to comply.
9.02.030 Payment of costs of prosecution.
9.02.040 Statute of limitations.

9.02.010 Conviction--Judgment for fine and costs. Upon a judgment for fine and costs rendered on a conviction, execution may be issued against the property of a defendant and returned in the same manner as in civil actions.

9.02.020 Intentional failure to comply. A court may, in its discretion, treat any intentional failure to comply with a court order in respect to fines or costs, or both, upon conviction, as civil contempt.

9.02.030 Payment of costs of prosecution. Whenever anyone is convicted of any offense in the city, in addition to the fine imposed, he must pay the costs of prosecution. Costs of prosecution shall include any or all of the following: cost of docket, cost of issuing warrant, cost for mileage and processing the warrant, a fee for a personal recognizance bond, and costs for witness fees.

9.02.040 Statute of limitations. Prosecutions for offenses defined in this title may be commenced at any time within one year after their commission; provided, that any length of time during which the party charged was not usually and publicly resident within the state shall not be reckoned within the one-year period.

Chapter 9.04

GENERAL PROVISIONS

Sections:

- 9.04.010 Criminal attempt.
9.04.020 Criminal conspiracy
9.04.030 Contributing to delinquency
9.04.900 Statutes incorporated by reference.

1 9.04.010 Criminal attempt. A. A person is guilty of an attempt
2 to commit crime if, with intent to commit a specific crime, he does any
act which is a substantial step toward the commission of that crime.

3 B. If the conduct in which a person engages otherwise constitutes
4 an attempt to commit a crime, it is no defense to a prosecution of such
attempt that the crime charged to have been attempted was, under the
attendant circumstances, factually or legally impossible of commission.

5 C. An attempt to commit a crime is a misdemeanor when the crime
attempted is a gross misdemeanor or misdemeanor.

6 9.04.020 Criminal conspiracy. A. A person is guilty of criminal
7 conspiracy when, with intent that conduct constituting a crime be
performed, he agrees with one or more persons to engage in or cause the
8 performance of such conduct, and any one of them takes a substantial
step in pursuance of such agreement.

9 B. It shall not be a defense to criminal conspiracy that the
person or persons with whom the accused is alleged to have conspired:

- 10 1. Has not been prosecuted or convicted; or
11 2. Has been convicted of a different offense; or
12 3. Is not amenable to justice; or,
13 4. Has been acquitted; or
14 5. Lacked the capacity to commit an offense.

15 C. Criminal conspiracy is a misdemeanor when an object of the
16 conspiratorial agreement is a gross misdemeanor or misdemeanor.

17 9.04.030 Contributing to delinquency. In all cases where a person
18 under the age of eighteen years engages in conduct which is prohibited
19 by the ordinances of the city or the statutes of the State of
20 Washington, the parent or parents, legal guardians, or persons, who, by
21 any act or omission, encourages, causes or contributes to the commission
22 of such violations of ordinance or statute by such person under the age
23 of eighteen, shall be guilty of a misdemeanor.

24 9.04.900 Statutes incorporated by reference. The following
statute is incorporated in this chapter by reference:

- 25 RCW 9A.01.055 (Citizen immunity if aiding officer--Scope--When.)
 RCW 9A.04.050 (People capable of committing crimes--capability
 of children.)
 RCW 9A.04.068 (Common law to supplement statute.)
 RCW 9A.04.070 (Who amenable to criminal statutes.)
 RCW 9A.04.100 (Proof beyond a reasonable doubt.)
 RCW 9A.04.110 (Definitions)
 RCW 9A.08.010 (General requirements of culpability.)
 RCW 9A.08.030 (Criminal liability of corporations and persons
 acting or under a duty to act in their behalf.)
 RCW 9A.12.010 (Insanity)
 RCW 9A.28.030 (Criminal Solicitation)

1 Chapter 9.06

2 ABUSE OF OFFICE

3 Sections:

4 9.06.900 Statutes incorporated by reference.

5 9.06.900 Statutes incorporated by reference. The following
6 statutes are incorporated in this chapter by reference:
7 RCW 9A.80.010 (Official Misconduct)

8 Chapter 9.08

9 CRIMES RELATING TO ANIMALS

10 Sections:

11 9.08.020 Animals taken or withheld--Dognapping.

12 9.08.900 Statutes adopted by reference.

13 9.08.020 Animals taken or withheld--Dognapping. Any person who,
14 with intent to deprive or defraud the owner thereof, does any of the
15 following, shall be guilty of a misdemeanor:

16 A. Takes, leads away, confines, secrets or converts any dog or
17 other animal; or,

18 B. Conceals the identity of any dog or other animal or its owner
19 by obscuring or removing from the dog or other animal any collar, tag,
20 license, tattoo or other identification device or mark; or,

21 C. Willfully kills or injures any dog or other animal, unless
22 excused by law.

23 9.08.900 Statutes adopted by reference. The following statute is
24 incorporated in this chapter by reference:

25 RCW 9.08.010 (Allowing vicious animal at large.)

RCW 16.52.010 (Definitions--Construction)

RCW 16.52.065 (Wanton cruelty to fowls.)

RCW 16.52.070 (Certain acts as cruelty.)

RCW 16.52.080 (Transporting or confining in unsafe manner.)

RCW 16.52.090 (Docking horses--Misdemeanor)

RCW 16.52.095 (Cutting ears--Misdemeanor)

RCW 16.52.100 (Confining without food and water.)

RCW 16.52.110 (Old or diseased animals at large.)

RCW 16.52.113 (Causing animals to fight--Injuring Animals--
Presence at event.)

- 1 RCW 16.52.117 (Dog fighting--Owners, trainers, spectators--
Exceptions.)
- 2 RCW 16.52.120 (Cockfighting)
- 3 RCW 16.52.130 (Training birds to fight--Attending exhibitions.)
- 4 RCW 16.52.190 (Poisoning Animals)
- 5 RCW 16.52.193 (Poisoning animals--Srtychnine sales--Records--
Report on suspected purchases.)

6 Chapter 9.10

7 ASSAULT AND OTHER CRIMES INVOLVING PHYSICAL HARM

8 Sections:

- 9 9.10.010 Threats to do harm.
- 10 9.10.020 Provoking assault.
- 11 9.10.900 Statutes incorporated by reference.

12 9.10.010 Threats to do harm. It is unlawful for any person to
communicate, directly or indirectly, the intent to cause bodily injury
13 to another person or the intent to cause physical damage to the property
of another. Every person convicted of a violation of the provisions of
14 this chapter shall be guilty of the misdemeanor of threats to do harm.

15 9.10.020 Provoking assault. It is unlawful for any person to
willfully provoke or attempt to provoke, by word, sign or gesture,
16 another person to commit an assault or breach of the peace. Every
person convicted of a violation of the provisions of this section shall
17 be guilty of the misdemeanor of provoking assault.

18 9.10.900 Statutes incorporated by reference. The following
statutes are incorporated in this chapter by reference:

- 19 RCW 9A.36.040 (Simple Assault)
- 20 RCW 9A.36.050 (Reckless Endangerment)
- 21 RCW 9A.36.070 (Coercion)

22 Chapter 9.12

23 CONTEMPT

24 Sections:

1 9.10.900 Statutes adopted by reference.

2 9.10.900 Statutes incorporated by reference. The following
3 statute is incorporated in this chapter by reference:
4 RCW 9.23.010 (Criminal Contempt)

5 Chapter 9.14

6 CONTROLLED SUBSTANCES

7
8 Sections:

- 9 9.14.010 Marijuana prohibited.
10 9.14.020 Additional penalty.
11 9.14.900 Statutes incorporated by reference.

12 9.14.010 Marijuana prohibited. Except as authorized by the
13 Revised Code of Washington, it is unlawful for any person to
14 manufacture, deliver, grow, or possess marijuana.

15 "Marijuana" means all parts of the plant of the genus *cannibis* L.,
16 whether growing or not; the seeds thereof; the resins extracted from
17 any part of the plant; and every compound, manufacture, salt,
18 derivative, mixture, or preparation of the plant, its seeds or resin.
19 It does not include the mature stalks of the plant, fiber produced from
20 the stalks, oil or cake made from the seeds of the plant, any other
21 compound, manufacture, salt, derivative, mixture, or preparation of, the
22 mature stalks (except the resins extracted therefrom), fiber, oil, or
23 cake, or the sterilized seed of the plant which is incapable of
24 germination.

25 9.14.020 Additional penalty. In any case where an accused has
been convicted of possession of marijuana or other controlled
substances, there shall be, in addition to any fine levied, a penalty in
the amount of one hundred dollars, which shall be nonsuspendable, which
shall be paid to the police department's narcotics fund. The fact that
this penalty is imposed on each case shall not in any way reduce the
obligation of the accused to pay the fine prescribed by the court.

9.14.900 Statutes incorporated by reference. The following
statutes are incorporated in this chapter by reference:

- RCW 9.47A.010 (Glue sniffing--Definition)
RCW 9.47A.020 (Unlawful inhalation--Exceptions.)
RCW 9.47A.030 (Possession of certain glue prohibited--When.)
RCW 9.47A.040 (Sale of certain glue prohibited--When.)

1 Chapter 9.16

2 DOMESTIC RELATIONS, VIOLATION OF PROTECTIVE ORDERS,
3 CUSTODIAL INTERFERENCE

4 Sections:

5 9.16.900 Statutes incorporated by reference.

6 9.16.900 Statutes incorporated by reference. The following
7 statute is incorporated in this chapter by reference:

8 RCW 9A.40.050 (Custodial Interference)

9 RCW 10.99.040 (Violation of non-contact order.)

10 RCW 26.09.300 (Restraining Orders--Notice--Refusal to Comply--
11 Defense.)

12 RCW 26.50.110 (Violation of order of protection.)

13 Chapter 9.20

14 FIREARMS, DANGEROUS WEAPONS, EXPLOSIVES

15 Sections:

16 9.20.010 Carrying pistol.

17 9.20.020 Weapons apparently capable of producing bodily harm
18 --Carrying, exhibiting, displaying or drawing unlawful
19 --Exceptions.

20 9.20.030 Weapons--Intoxicated persons--Places where liquor
21 consumed.

22 9.20.900 Statutes incorporated by reference.

23 9.20.010 Carrying pistol. No person shall carry a pistol in any
24 vehicle unless it is unloaded, and no person shall carry a pistol
25 concealed on his person except in his place of abode or fixed place of
business, without a license therefor.

9.20.020 Weapons apparently capable of producing bodily
harm--Carrying, exhibiting, displaying or drawing unlawful--Exhibitions.

A. It is unlawful for anyone to carry, exhibit, display or draw
any firearm, dagger, sword, knife or other cutting or stabbing
instrument, club or any other weapon apparently capable of producing
bodily harm, in a manner, under circumstances, and at a time and place
that either manifests an intent to intimidate another or that warrants
alarm for the safety of other persons. It is also unlawful, except as
provided herein, for any person to possess or have within an area of
dominion and control throwing stars and chako sticks. For the purpose

1 of this section chako sticks are defined as an instrument consisting of
2 two or more sticks, clubs, bars or rods to be used as handles, connected
3 by rope, cord, wire or chain in the design of a weapon used in
4 connection with the practice of a system of self-defense, such as
5 karate. In addition, for the purpose of this section, throwing stars
6 are defined as an instrument consisting of a metal plate having three or
7 more radiating points with one or more sharp edges and designed in the
8 shape of a polygon, trefoil, cross, star, diamond, or other geometric
9 shape for use as a weapon.

10 B. Any person violating the provisions of subsection A shall be
11 guilty of a misdemeanor.

12 C. Subsection A shall not apply to or affect the following:

13 1. Any act committed by a person while in his place of abode
14 or fixed place of business in self-defense of such abode or business;

15 2. Any person who by virtue of his office or public
16 employment is vested by law with a duty to preserve public safety,
17 maintain public order, or to make arrests for offenses while in the
18 performance of such duty;

19 3. Any person acting for the purpose of protecting himself
20 against the use or presently threatened unlawful force by another, or
21 for the purpose of protecting another against the use of such unlawful
22 force by the third person;

23 4. Any person making or assisting in making a lawful arrest
24 for the commission of a felony; or,

25 5. Any person engaged in military activities sponsored by
the federal or state governments;

6. Provision relating to chako sticks or throwing stars
shall not apply to or affect regularly enrolled members of clubs and
associations organized for the practice, instruction or demonstration of
self-defense arts involving chako sticks or throwing stars while such
members are at, or are going to and from their place of residence, a
practice session, an instruction session, a demonstration, or place of
repair, or while such members are going from the place of purchase,
providing that the chako sticks or throwing stars are in a carrying case
in the possession of the owner.

9.20.030 Weapons--Intoxicated persons--Places where liquor
consumed. A. Any person other than the owner or manager approved as
such by the Liquor Control Board who has in his possession or within his
immediate physical control a deadly weapon while in an establishment
where liquor or alcoholic beverages are served as a consumer thereof, or
while under the influence of or affected by the use of intoxicating
liquor or drugs as defined in RCW 46.61.506, shall be guilty of a
misdemeanor, but this section shall not apply in the former case to
customers partaking of alcoholic beverages with a meal and while seated,
nor in the latter case to a person in his own residence.

B. The proprietor of all establishments where liquor or alcoholic
beverages are consumed on the premises must advise patrons of the

1 requirements of this section. A conspicuous sign stating "No Weapons
2 Allowed" or other sign approved by the chief of police and indicating
3 this section is sufficient notice. No notice needs to be given or
4 posted in the dining area of an establishment with a separate lounge.

5 C. "Deadly weapon" means any explosive or loaded or unloaded
6 firearm or fixed blade cutting or stabbing instrument, and includes any
7 other weapon, device, instrument, article, or substance as defined in
8 this section, which, under the circumstances in which it is used,
9 attempted to be used, or threatened to be used, is readily capable of
10 causing death or serious bodily injury.

11 9.20.900 Statutes incorporated by reference. The following
12 statutes are incorporated in this chapter by reference:

- 13 RCW 9.41.080 (Delivery to minors and others forbidden.)
14 RCW 9.41.130 (False information forbidden.)
15 RCW 9.41.150 (Exemptions)
16 RCW 9.41.170 (Aliens' license to carry firearms--Exception.)
17 RCW 9.41.230 (Aiming or discharging firearms.)
18 RCW 9.41.240 (Use of firearms by minor.)
19 RCW 9.41.250 (Dangerous weapons--Evidence.)
20 RCW 70.74.010 (Definitions--Washington State Explosives Act.)
21 RCW 70.74.290 (Keeping explosives unlawfully.)
22 RCW 70.74.295 (Abandonment of explosives.)
23 RCW 70.74.310 (Gas bombs, explosives, stink bombs, etc.)
24 RCW 77.16.250 (Loaded firearms in vehicles.)
25 RCW 77.16.260 (Shooting firearm from public highway.)

Chapter 9.22

FRAUDS AND SWINDLES

Sections:

- 9.22.010 Obtaining hotel, restaurant or lodginghouse
accommodations
by fraud.
9.22.900 Statutes incorporated by reference.

9.22.010 Obtaining hotel, restaurant or lodginghouse accomodations
by fraud. Any person who shall willfully obtain food, money, credit,
lodging, or accommodation at any hotel, inn, restaurant, boarding house
or lodginghouse, without paying therefor, with intent to defraud the
proprietor, owner, operator or keeper thereof, or who obtains food,
money, credit, lodging, accommodation at such hotel, inn, restaurant,
boarding house or lodginghouse, by the use of any false pretense; or,
who, after obtaining food, money, credit, lodging or accommodation at

1 such hotel, inn, restaurant, boarding house or lodginghouse, removes or
2 causes to be removed from such hotel, inn, restaurant, boarding house or
3 lodging house, his or her baggage, without the permission or consent of
4 the proprietor, manager or authorized employee thereof, before paying
5 for such food, money, credit, lodging or accommodation, shall be guilty
6 of a misdemeanor, provided that the aggregate amount of food, credit,
7 money, lodging or accommodation so obtained is less than Seventy-five
8 dollars. Proof that food, money, credit, lodging or accommodation were
9 obtained by false pretense or by false or fictitious show or pretense of
10 any baggage or other property, or that the person refused or neglected
11 to pay for such food, money, credit, lodging or accommodation on demand,
12 or that he or she gave in payment for such food, money, credit, lodging
13 or accommodation, negotiable paper on which payment was refused, or that
14 he or she absconded, or departed from, or left, the premises without
15 paying for such food, money, credit, lodging or accommodation, or that
16 he or she removed or attempted to remove, caused to be removed, or
17 caused to be attempted to be removed, his or her property or baggage,
18 shall be prima facie evidence of the fraudulent intent hereinbefore
19 mentioned.

11 9.22.900 Statutes incorporated by reference. The following
12 statutes are incorporated in this chapter by reference:

13 RCW 9.45.040 (Frauds on inkeeper.)
14 RCW 9.45.060 (Encumbered, leased or rented personal property--
15 Construction.)
16 RCW 9.45.062 (Failure to deliver leased personal property--
17 Requisites for prosecution--Construction.)
18 RCW 9.45.180 (Fraud in operating coin-box telephone or other
19 receptacle.)
20 RCW 9.45.190 (Manufacture or sale of slugs to be used for
21 coin.)
22 RCW 9A.60.010 (Definitions)
23 RCW 9A.60.040 (Criminal Impersonation)

19 Chapter 9.24

20 LOITERING

21 Sections:

22 9.24.010 Definitions.
23 9.24.020 Order to disperse.
24 9.24.030 Responsibility of parent and others.

1 9.24.010 Definitions. For the purpose of this chapter, the
2 following definitions shall apply:

3 A. "Loitering" means remaining idle in essentially one location
4 and includes the concept of spending time idly, to be dilatory, to
5 linger, to stay, to saunter, to delay, to stand around, and also
6 includes the colloquial expression "hanging around."

7 B. "Public place" means any place to which the general public has
8 access and a right to resort for business, entertainment, or other
9 lawful purpose but does not necessarily mean a place devoted solely to
10 the uses of the public. It also includes the front or immediate area of
11 any store, shop, restaurant, tavern or other place of business and also
12 public grounds, areas or parks.

13 9.24.020 Order to disperse. A. It is unlawful for any person to
14 loiter, loaf, wander, stand or remain idle either alone and/or in
15 consort with others in a public place in such a manner so as to:

16 1. Obstruct any public street, public highway, public
17 sidewalk or any other public place or building by hindering or impeding
18 or tending to hinder or impede the free and uninterrupted passage of
19 vehicles, traffic or pedestrians;

20 2. Commit in or upon any public street, public highway,
21 public sidewalk or any other public place or building any act or thing
22 which is an obstruction or interference to the free and uninterrupted
23 use of property or with any business lawfully conducted by anyone in or
24 upon or facing or fronting on any such public street, public highway,
25 public sidewalk or any other public place or building, all of which
prevent the free and uninterrupted ingress, egress and regress, therein,
thereon and thereto.

 B. When any person causes or commits any of the conditions
enumerated in subsection A of this section, a police officer or any law
enforcement officer shall order that person to stop causing or
committing such conditions and to move on or disperse. Any person who
fails or refuses to obey such orders is guilty of a violation of this
chapter.

9.24.030 Responsibility of parents and others. It is unlawful for
the parent, guardian or other adult person having the care or custody of
a minor to knowingly permit such a minor to loiter in a public place
within the city.

Chapter 9.26

LIQUOR REGULATIONS, ENFORCEMENT

Sections:

1 9.26.900 Statutes incorporated by reference.

2 9.26.900 Statutes incorporated by reference. The following
3 statutes are incorporated in this chapter by reference:

- 4 RCW 66.44.040 (Sufficiency of description of offenses in
5 complaints, informations and process.)
6 RCW 66.44.050 (Description of offense in words of statutes
7 --Proof required.)
8 RCW 66.44.060 (Proof of unlawful sale establishes prima
9 facie intent.)
10 RCW 66.44.070 (Certified analysis is prima facie evidence of
11 alcoholic content.)
12 RCW 66.44.080 (Service of process on corporation.)
13 RCW 66.44.090 (Acting without license.)
14 RCW 66.44.100 (Opening or consuming liquor in public place.)
15 RCW 66.44.130 (Sales of liquor by drink or bottle.)
16 RCW 66.44.140 (Unlawful sale, transportation of spiritous
17 liquor without stamp or seal--Unlawful opera-
18 tion, possession of still or mash.)
19 RCW 66.44.150 (Buying liquor illegally.)
20 RCW 66.44.160 (Illegal possession or transportation of alcoholic
21 beverages.)
22 RCW 66.44.170 (Illegal possession of liquor with intent to sell
23 --Prima facie evidence.)
24 RCW 66.44.200 (Sales to persons apparently under the influence
25 of liquor.)
RCW 66.44.210 (Obtaining liquor for ineligible person.)
RCW 66.44.240 (Drinking in public conveyance--Penalty against
carrier--Exception.)
RCW 66.44.250 (Drinking in public conveyance--Penalty against
individual--Restricted application.)
RCW 66.44.265 (Candidates giving or purchasing liquor on election
day prohibited.)
RCW 66.44.270 (Furnishing liquor to minors--Possession and use
by minors.)
RCW 66.44.290 (Minor purchasing or attempting to purchase liquor.)
RCW 66.44.291 (Minor purchasing or attempting to purchase liquor--
Penalty against persons between the age of eighteen
and twenty, inclusive.)
RCW 66.44.300 (Treating minors, etc., in public place where liquor
sold.)
RCW 66.44.310 (Minors frequenting taverns or cocktail lounges--
Misrepresentation of age--Classification of
licensees.)
RCW 66.44.316 (Musicians, disc jockies, sound or lighting
technicians, eighteen years and over permitted to
enter and remain upon licensed premises during
employment.)

- 1 RCW 66.44.320 (Sales of liquor to minors a violation.)
2 RCW 66.44.325 (Unlawful transfer to a minor of an identification
of age.)
3 RCW 66.44.340 (Employees eighteen years and over allowed to sell
and carry beer and wine for Class E and/or Class
F employers.)
4 RCW 66.44.350 (Employees eighteen years and over allowed to serve
and carry liquor, clean up, etc., for Class A, C,
5 D and/or H licensed employers.)
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Chapter 9.28

MALICIOUS MISCHIEF, RECKLESS BURNING, FIRE

Sections:

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11 9.28.010 Unguarded fires.
9.28.900 Statutes incorporated by reference.

12 8.28.010 Unguarded fires. Any person who kindles a fire upon any
13 street, alley, land, lot or block within the corporate limits of the
14 city, which is not so enclosed or guarded as to prevent the same from
spreading or being transmitted to any adjoining property belonging to or
occupied by any other person, shall be guilty of a misdemeanor.

15 9.22.900 Statutes incorporated by reference. The following
16 statutes are incorporated in this chapter by reference:

- 17 RCW 9.40.100 (Injuring or tampering with fire alarm apparatus
or equipment--Sounding false alarm of fire.)
18 RCW 9.61.230 (Telephone calls to harass, intimidate, torment or
embarrass.)
19 RCW 9.61.240 (Permitting telephone to be used.)
20 RCW 9.61.250 (Offense--Where deemed committed.)
21 RCW 9A.48.050 (Reckless burning in the second degree.)
22 RCW 9A.48.060 (Reckless burning--Defense)
23 RCW 9A.48.090 (Malicious mischief in the third degree.)
24 RCW 9A.48.100 (Malicious mischief--Physical damage defined.)
25 RCW 27.12.330 (Injury to property--Libraries.)

Chapter 9.30

MALICIOUS PROSECUTION, ABUSE OF PROCESS, PERJURY

1 Sections:

2 9.30.010 Malicious prosecution.
3 9.30.900 Statutes incorporated by reference.

4 9.30.010 Malicious prosecution. Every person who shall,
5 maliciously and without probable cause therefor cause or attempt to
6 cause another to be arrested or proceeded against for any misdemeanor or
7 gross misdemeanor of which he is innocent shall be guilty of a
8 misdemeanor.

9 9.30.900 Statutes incorporated by reference. The following
10 statute is incorporated in this chapter by reference:

11 RCW 9.62.020 (Instituting suit in name of another.)
12 RCW 9A.72.010 (Definitions)
13 RCW 9A.72.040 (False Swearing)
14 RCW 9A.72.060 (Perjury and False Swearing--Retraction)
15 RCW 9A.72.070 (Perjury and False Swearing--Irregularities--
16 No defense.)
17 RCW 9A.72.150 (Tampering with physical evidence.)

18 Chapter 9.32

19 MISCELLANEOUS CRIMES

20 Sections:

21 9.32.900 Statutes incorporated by reference.

22 9.32.900 Statutes incorporated by reference. The following
23 statutes are incorporated in this chapter by reference:

24 RCW 9.03.010 (Abandoning, discarding, refrigeration equipment.)
25 RCW 9.03.020 (Permitting unused equipment to remain on premises.)
26 RCW 9.03.040 (Keeping or storing equipment for sale.)
27 RCW 9.73.010 (Divulging telegram.)
28 RCW 9.73.020 (Opening sealed letter.)
29 RCW 9.91.010 (Denial of civil rights--Terms defined.)
30 RCW 9.91.060 (Leaving children unattended in parked automobile.)
31 RCW 9.91.110 (Metal buyers--Records of purchases.)

32 Chapter 9.34

33 NUISANCES

1 of the fence, the lowest strand of which is at least six feet above the
2 ground, are permitted to be within three feet of public sidewalks. It
3 is further unlawful for any person to build, maintain, or allow, within
4 the City of Sunnyside any fence charged with electricity; provided,
5 however, that electric fences may be permitted on properties which have
6 been annexed into the City of Sunnyside since March 16, 1984, where said
7 electric fences are used and have continuously been used to contain
8 horses, cattle, and other large livestock; and further provided, that
9 said electric fences shall have posted thereon, every fifty feet, a
10 sign, at least four inches by eight inches in size, warning of the
11 electric fence, except that any such electric fence shall be U. L.
12 listed and approved, and shall be properly installed and maintained. It
13 is further provided that "weed chopper" type electric fence controllers
14 shall not be used.

9 9.34.050 Unsafe sidewalks. It is unlawful for any person who owns
10 or occupies property lying adjacent to a sidewalk to keep or maintain
11 that portion of the sidewalk in an unsafe or dangerous manner, or
12 maintain said sidewalk other than in good repair and free of any and all
13 impediments or substances which present a hazard or cause a diminution
14 of safety thereon.

12 9.34.060 Unnecessary noise prohibited. It is unlawful to make or
13 cause to be made any unnecessary noise or sounds of such volume or of
14 such a nature as to disturb the peace or cause annoyance to others
15 within the city. It shall further be unlawful for any person to use,
16 operate, play, or permit to be used, operated or played, any radio
17 receiving set, musical instrument, television, phonograph, drum or other
18 instrument, machine or device for the production or reproduction of
19 sound in such a manner as to cause to be made or continued any
20 unnecessary noise as heard without measurement. The operation of any
21 such set, instrument, television, phonograph, machine or device at any
22 time in such a manner as to be plainly audible at either the property
23 line or twenty-five feet in the case of a vehicle on a public
24 right-of-way shall be prima facie evidence of a violation of this
25 section. This section shall not apply to any person who is
participating in a school band or in a parade for which a permit has
been issued by the city.

21 9.34.070 Uncontrolled weeds. It is unlawful for any person to
22 permit or allow weeds to become uncontrolled on any property within the
23 city over which he or she has ownership, occupancy or control.
24 "Uncontrolled weeds" shall be defined to mean as follows:

23 1. Any undesired, uncultivated and unsightly plants growing in
24 profusion so as to crowd out desired plant growth or disfigure a lawn;
25 or,

1 shall be guilty of a misdemeanor. The provisions of this section shall
2 be incorporated in every work release program accepted by the city
jail/police department.

3 9.56.900 Statutes incorporated by reference. The following
4 statutes are incorporated in this chapter by reference:

- 5 RCW 9.31.090 (Escaped prisoner recaptured.)
6 RCW 9A.76.010 (Definitions)
7 RCW 9A.76.030 (Refusing to summon aid for a peace officer.)
8 RCW 9A.76.040 (Resisting Arrest)
9 RCW 9A.76.050 (Rendering criminal assistance--Definition
of term.)
10 RCW 9A.76.060 (Relative--Defined)
11 RCW 9A.76.080 (Rendering criminal assistance in the second
degree.)
12 RCW 9A.76.090 (Rendering criminal assistance in the third
degree.)
13 RCW 9A.76.100 (Compounding)
14 RCW 9A.76.130 (Escape in the third degree.)
15 RCW 9A.76.160 (Introducing contraband in the third degree.)

16 Chapter 9.58

17 PAWNBROKERS AND SECONDHAND DEALERS

18 Sections:

19 9.58.900 Statutes incorporated by reference.

20 9.58.900 Statutes incorporated by reference. The following
21 statutes are incorporated in this chapter by reference:

- 22 RCW 19.60.010 (Definitions)
23 RCW 19.60.020 (Duty to record information.)
24 RCW 19.60.040 (Report to chief law enforcement officer.)
25 RCW 19.60.045 (Duties upon notification that property is
reported stolen.)
RCW 19.60.050 (Retention of property by pawnbrokers--
Inspection.)
RCW 19.60.055 (Retention of property by second-hand
dealers--Inspection.)
RCW 19.60.066 (Prohibited acts--Penalty.)
RCW 19.60.085 (Exemptions)

1 Chapter 9.60

2 PUBLIC DISTURBANCE

3 Sections:

4 9.60.010 Disorderly conduct.

5 9.60.900 Statutes incorporated by reference.

6 9.60.010 Disorderly conduct. A. A person is guilty of disorderly
conduct if he or she:

7 1. Fights, quarrels or encourages others to fight in any
public place within the city;

8 2. By noisy, riotous, or tumultuous conduct, disturbs the
peace and quiet of the city or any meeting or assemblage therein;

9 3. Willfully annoys, molests, bothers, insults, offers an
affront to another person;

10 4. Uses abusive language and thereby intentionally creates
the risk of assault;

11 5. Willfully breaks, impairs, injures or defaces any
building, fence, awning, window, sign, signboard, tree, shrub, or other
12 thing of value being the property of another;

13 6. Intentionally obstructs vehicular or pedestrian traffic
without lawful authority;

14 7. Removes, interferes with, carries away or destroys the
property of another, or who tears down, destroys or mutilates any notice
or handbill lawfully posted in the city;

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

16 9. Looks into the windows of the residence of another
without a lawful right to do so; and,

17 10. Urinates or defecates in any place open to public view.

18 B. Disorderly conduct is a misdemeanor.

19 9.60.900 Statutes incorporated by reference. The following
statute is incorporated in this chapter by reference:

20 RCW 9A.84.040 (False Reporting)

21 Chapter 9.62

22 PUBLIC INDECENCY, PROSTITUTION, SEX CRIMES

23 Sections:

1 B. Any person who shall, with intent to defraud, make, or draw or
2 utter, or deliver to another person, any check or draft on a bank or
3 other depository for the payment of money, and who issues a stop-payment
4 order directing the bank or depository on which the check is drawn not
5 to honor said check, and who fails to make payment of money in the
6 amount of the check or draft or otherwise arrange a settlement agreed
7 upon by the holder of the check within twenty days of issuing said check
8 or draft, shall be guilty of unlawful issuance of bank check.

9 C. Unlawful issuance of a bank check in an amount of two hundred
10 fifty dollars or less is a misdemeanor.

11 9.70.900 Statutes incorporated by reference. The following
12 statutes are incorporated in this chapter by reference:

13 RCW 9A.56.010 (Definitions)
14 RCW 9A.56.020 (Theft--Definition--Defense.)
15 RCW 9A.56.050 (Theft in the third degree.)
16 RCW 9A.56.100 (Theft and larceny equated.)
17 RCW 9A.56.140 (Possession stolen property--Definition--Credit
18 cards--Presumption.)
19 RCW 9A.56.170 (Possessing stolen property in the third degree.)
20 RCW 9A.56.180 (Obscuring identity of a machine.)
21 RCW 27.12.340 (Willfully retaining library books.)

22 Chapter 9.71

23 DISPOSITION OF STOLEN OR PERSONAL PROPERTY

24 Sections:

25 9.71.010 Generally.
9.71.020 Public auction--Disposition of proceeds.
9.71.030 Notice of sale.
9.71.040 Receipt.

9.71.010 Generally. When any personal property has come into the
hands of the police department of the city for safekeeping or storage by
reason of recovery of stolen property, being left for storage, or
otherwise has remained in the possession of the police department for
the period of sixty days or more without having been claimed, the same
shall be disposed of by the police department as set forth in this
chapter.

9.71.020 Public auction--Disposition of proceeds. When any
property as set forth in Section 9.88.010 has come into the hands of the

1 police department of the city, and has remained in the possession of the
2 department for a period of sixty days or more without having been
3 claimed, the same shall be sold by and under the direction of the chief
4 of police at public auction, to the highest bidder for cash, in such
5 lots or parcels as in the judgment of the chief of police will bring the
6 most money, and the proceeds or moneys received for the property shall
7 be immediately deposited by the chief of police with the city treasurer
8 to the credit of the general fund of the city.

9 9.71.030 Notice of sale. Before any sale is made as provided in
10 Sections 9.88.010 and 9.88.020, notice of such sale shall be given by
11 publishing in a newspaper of general circulation in the city for at
12 least two consecutive issues a notice of the sale. The notice shall not
13 be required to describe each article separately, and it shall be
14 sufficient notice if such sale notice sets forth that such personal
15 property has been in the possession of the police department of the city
16 for more than sixty days without having been claimed.

17 9.71.040 Receipt. Upon the sale of any article or articles as set
18 forth in this chapter, a receipt shall be given the purchaser describing
19 the property sold and stating that the same was sold at public auction
20 by the police department as provided in this chapter.

21 Chapter 9.74

22 TRESPASS AND BURGLARY TOOLS

23 Sections:

- 24 9.74.010 Defying order to leave premises.
25 9.74.900 Statutes incorporated by reference.

9.74.010 Defying order to leave premises. Every person, knowing
that he is not licensed or privileged to remain, who defies an order to
leave public or private places, or public or private premises,
communicated to him by the owner of said place or premises or by some
other authorized person, within the city, is guilty of a misdemeanor.

9.74.900 Statutes incorporated by reference. The following
statutes are incorporated in this chapter by reference:

- RCW 9A.52.010 (Definitions)
RCW 9A.52.060 (Making or having burglar tools.)
RCW 9A.52.070 (Criminal trespass in the first degree.)
RCW 9A.52.080 (Criminal trespass in the second degree.)
RCW 9A.52.090 (Criminal trespass--Defenses.)

1 RCW 9A.52.100 (Vehicle prowling.)

2
3 Chapter 9.75

4 TRESPASSING ON SCHOOL PROPERTY

5
6 Sections:

- 7 9.75.010 Designated.
8 9.75.020 Definitions.
9 9.75.030 Lawful purpose or authorization.
10 9.75.040 Posting of notices.
11 9.75.050 Recreational area excepted.
12 9.75.060 Statutory authority.

13 9.75.010 Designated. A person shall be guilty of the crime of
14 trespassing if said person is on school property as posted in Section
15 9.49.040 without lawful purpose or authorization as defined in Section
16 9.49.030.

17 9.75.020 Definitions. For the purpose of this chapter, the words
18 set out in this section shall have the following meanings:

19 A. "Actual attendance at an event" means inside the school-owned
20 area for which admittance fees are required, or if attendance fees are
21 not required, that area inside which a fee would have been required had
22 the school district or administration determined to charge for
23 admittance.

24 B. "School property" means that property which is owned by the
25 Sunnyside School District or any other school located within the city.

26 C. "Student" means a person of school age who is duly enrolled in
27 the Sunnyside School District or in any other school located within the
28 city, and who is not currently under suspension from attendance at
29 classes of said school and/or district.

30 D. "Recreational area" means those areas established by the
31 Sunnyside School District, and by the administration of any other school
32 located within the city, for use during nonschool hours for recreational
33 activities, including, but not limited to, basketball, tennis, baseball,
34 football and soccer.

35 E. "Authorized individual" means any administrator or employee of
the school, or other person delegated with the responsibility of
supervision for school property.

9.75.030 Lawful purpose or authorization. "Lawful purpose or
authorization" shall be defined as follows:

1 A. Those persons who are on school property for the purpose of
conducting lawful business;

2 B. A student assigned to the school at which he or she is found
3 within one-half hour before and one-half hour after the beginning or the
conclusion of official school hours as set by the school district or
administration.

4 C. If said student is engaged in athletic or other
5 extracurricular events sponsored by the school, then said student shall
have sixty minutes after the close of such event to leave the premises;

6 D. If a nonstudent, other than the parent of a student, is on the
7 premises for the purpose of delivering a student or picking up a student
8 from school or from an event as described in subsection C of this
9 section, said nonstudent, must have the permission of the parent or
10 guardian of said student to pick up said student; the time period for
this nonstudent to be on the school property is fifteen minutes prior to
and fifteen minutes after school hours and/or extracurricular
activities; in addition, a nonstudent, other than a parent or guardian
of a student, shall not be present on school property during lunch or
recess periods;

11 E. In the event that the extracurricular activity, such as
12 sporting events, concerns, dances, and the like, permits nonstudents to
attend, then the nonstudent may remain on the premises involved only,
and must depart within sixty minutes after the end of such event;

13 F. To be included in the interpretation of lawful purpose or
14 authorization for extracurricular events, the nonstudent must be in
actual attendance of the event; actual attendance does not permit
15 gathering in parking lots or other school areas adjacent to buildings or
stadiums during the activity; persons not in actual attendance of an
event but on school property will be deemed to be trespassing;

16 G. In all cases a nonstudent will be guilty of trespassing if
17 said person fails to leave the school property after being ordered to do
so by an authorized individual.

18 9.75.040 Posting of notices. The school authorities must post
19 notices on their property which shall read as follows:

20 ANY PERSON ON THESE PREMISES WITHOUT LAWFUL
21 PURPOSE OR AUTHORIZATION SHALL BE GUILTY OF
TRESPASSING.

SUNNYSIDE MUNICIPAL CODE CHAPTER 9.75

22 9.75.050 Recreational area excepted. Those students and
23 nonstudents who are making recreational use of the areas designated by
the Sunnyside School District or the administration of any other schools
24 located within the city, as recreational areas outside school hours
whose conduct is otherwise lawful, will not be deemed to be trespassing.

1 9.86.020 Exemptions. Except as otherwise specifically provided in
2 other sections of this chapter, this chapter shall not apply to the
3 following:

4 A. Any organizations which are organized and operated principally
5 for charitable purposes, other than the raising of funds, when the
6 solicitation of contributions is confined to the bona fide membership of
7 the organization and when the solicitation is managed and conducted
8 solely by officers and members of such organizations who are unpaid for
9 such services. The term "membership" shall not include those persons
10 who are granted membership upon making a contribution as a result of a
11 solicitation;

12 B. Any solicitation conducted exclusively within any premises
13 owned, leased, rented, or otherwise under the lawful control of the
14 person or organization making the solicitation.

15 9.86.030 Registration required. A. A charitable organization
16 shall register with the city clerk at least ten days prior to conducting
17 any solicitation in the city. Such registrations shall be valid for a
18 period of ninety days. Registration shall be on forms prescribed and
19 provided by the city clerk and shall require the following information:

- 20 1. The name, address, and telephone number of the charitable
21 organization intending to solicit; the individual supervising the
22 solicitation; and the individual completing the registration form;
23 2. The general statement of the purpose of the solicitation;
24 3. The dates and times of the solicitation.

25 B. This section shall not apply to solicitations made exclusively
by radio, television, publication in a newspaper or magazine of general
circulation, or delivery by means of the United States mail.

9.86.040 Fees. Before a certificate shall be issued under this
chapter, the following fees shall be paid to the city treasurer: the
sum of ten dollars as a permit fee, and twenty-five cents for each
facsimile copy.

9.86.050 Unlawful solicitations. A. It is unlawful to solicit in
public streets or alleys which are open to vehicular traffic or to make
a solicitation of any person who is in or upon said public streets or
alleys.

 B. It is unlawful to make a solicitation within ten feet of any
marked pedestrian crosswalk, within ten feet of any entrance or exit of
any building then in use by the general public, or from the area of any
sidewalk within ten feet of its intersection with an alley or publicly
used driveway.

 C. It is unlawful to solicit within any office, theater, store,
factory, or other premises where business is conducted or services are
rendered without the prior approval of the person or persons in charge
of the premises.

1 D. It is unlawful to continue with any direct solicitation of any
2 individual after the individual being solicited has indicated, by words
or action, that he has no desire to make a contribution.

3 E. It is unlawful to solicit on public property or in the
4 residential area of the city between the hours of ten p.m. and seven
a.m.

5 9.86.060 Identification. A. Any person making a solicitation
6 shall clearly identify to any person being solicited in the name of the
charitable organization sponsoring the solicitation and the purpose of
the solicitation.

7 B. Any person making a solicitation shall provide personal
8 identification of himself or herself upon demand by any lawful
enforcement officer, and, upon demand, provide and exhibit a solicitor's
permit, to be issued by the city clerk as provided in Section 9.86.030.

9 9.86.070 Misrepresentation prohibited. A. No person shall, for
10 the purpose of soliciting contributions from persons in this city, use
the name of any other person, except that of an officer, director or
11 trustee of the charitable organization by or for which the contributions
are solicited, without the written consent of such other persons.

12 B. A person shall be deemed to have used the name of another
13 person for the purpose of soliciting contributions if such latter
person's name is listed on any stationery, advertisement, brochure or
14 correspondence in or by which a contribution is solicited by or on
behalf of a charitable organization or his name is listed or referred to
15 in connection with a request for a contribution as one who has
contributed to, sponsored or endorsed the charitable organization or its
activities.

16 C. No person or organization for the purpose of soliciting
17 contributions from persons in the city shall falsely represent that the
contributions are for a charitable purpose. For the purpose of this
18 section, revocation or loss of a 501(c)(3) tax exempt determination of
an organization by the Internal Revenue Service shall be prima facie
19 evidence that the solicitation or contribution is not for a charitable
purpose.

20 D. A violation of this section shall be a misdemeanor.

21 Chapter 9.90

22 FALSE ALARMS

23 Sections:

24 9.90.010 Defined.

1 9.90.020 Unlawful when--Penalty fee.
2 9.90.030 Fee payment responsibility.

3 9.90.010 Defined. For the purpose of this chapter, the term
4 "false alarm" means the activation of a burglary and/or robbery or fire
5 alarm by other than a forced entry or attempted forced entry to the
6 premises, or by other than a fire and at a time when no burglary or
7 robbery is being committed or attempted on the premises, or when no fire
8 exists on the premises.

9 9.90.020 Unlawful when--Penalty fee. It is unlawful for any
10 person, business or legal entity having or conducting a private alarm
11 system for fire, theft, burglary or other protection to have three or
12 more false alarms within a ninety-day period. The owner of any
13 residence, business or premises in which said alarm system exists shall
14 pay a twenty-five dollar false alarm fee for the third and each
15 subsequent false alarm in a ninety-day period.

16 9.90.030 Fee payment responsibility. The city clerk shall notify
17 the party responsible for paying the fee, and if said fee is not paid to
18 the city clerk within ten days, a summons and complaint shall be
19 executed by the police or fire officer and the responsible party shall
20 thereby be brought within the jurisdiction of the Yakima County District
21 Court.

22 Chapter 9.92

23 PENALTIES FOR CERTAIN OFFENSES

24 Sections:

25 9.92.010 Fine and/or jail sentence--Assaultive behavior/theft.

9.92.010 Fine and/or jail sentence--Assaultive behavior/theft.
The following offenses shall be punishable by a fine not to exceed five
thousand dollars and/or a jail sentence not to exceed one year.

A. Assault and other offenses involving physical harm pursuant to
Chapter 9.10 of the Sunnyside Municipal Code as follows:

1. 9.10.010 Threats to do Harm,
2. 9.10.020 Provoking an Assault,
3. 9.10.900 Simple Assault (RCW 9A.36.040),
4. 9.10.900 Reckless Endangerment (RCW 9A.36.050),
5. 9.10.900 Coersion (RCW 9A.36.070),

B. Defying an order to leave premises pursuant to Section
9.74.010 of the Sunnyside Municipal Code;

1 C. Obstructing governmental operations pursuant to Chapter 9.56
2 of the Sunnyside Municipal Code, as follows:

- 3 1. 9.56.020 Obstructing Law Enforcement Officer,
4 2. 9.56.120 Unauthorized Communication with Prisoner,
5 3. 9.56.130 Willfully Failing to Return to Work Release,
6 4. 9.56.900 Refusing to Summon a Peace Officer
7 (RCW 9A.76.030),
8 5. 9.56.900 Resisting Arrest (RCW 9A.76.040),
9 6. 9.56.900 Rendering Criminal Assistance in the Second
10 Degree (RCW 9A.76.080),
11 7. 9.56.900 Rendering Criminal Assistance in the Third
12 Degree (RCW 9A.76.090),
13 8. 9.56.900 Compounding (RCW 9A.76.100),
14 9. 9.56.900 Escape in the Third Degree (RCW 9A.76.130),
15 10. 9.56.900 Introducing Contraband in the Third Degree
16 (RCW 9A.76.160).

17 C. Theft in the Third Degree pursuant to Section 9.70.900 of the
18 Sunnyside Municipal Code (RCW 9A.56.050);

19 9.92.020 Fine only. All other criminal, nontraffic offenses of
20 the Sunnyside Municipal Code not mentioned in Section 9.92.010 above,
21 shall continue to be punishable by a fine only, as provided in Section
22 1.16.010 of the Sunnyside Municipal Code.

23 2. That this Ordinance shall be in full force and effect July 1st,
24 1985.

25 ADOPTED this 17th day of June, 1985.

Don Hughes
MAYOR

ATTEST:

Joan M. Smith
Joan M. Smith,
Deputy City Clerk

APPROVED AS TO FORM:

Daniel B. Heid
Daniel B. Heid,
City Attorney

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