

CITY OF SUNNYSIDE, WASHINGTON
ORDINANCE NO. ~~2022-~~ 25

AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON, REPEALING THE FOLLOWING SUNNYSIDE MUNICIPAL CODE SECTIONS AND CHAPTERS: CHAPTER 9.02; SECTIONS 9.04.010, 9.04.020, AND 9.04.900; CHAPTER 9.06; CHAPTER 9.08; SECTIONS 9.10.030, AND 9.10.900; CHAPTER 9.12; CHAPTER 9.14; CHAPTER 9.16; SECTIONS 9.20.010, 9.20.020, 9.20.030, AND 9.20.900; CHAPTER 9.22; CHAPTER 9.26; CHAPTER 9.28; CHAPTER 9.30; CHAPTER 9.32; SECTIONS 9.34.010 AND 9.34.900; SECTIONS 9.56.010, 9.56.030, 9.56.040, AND 9.56.900; SECTIONS SECTION 9.60.020, AND 9.60.900; CHAPTER 9.62; CHAPTER 9.70; CHAPTER 9.74; CHAPTER 9.75; AND CHAPTER 9.92. THE ORDINANCE ALSO MODERNIZES AND UPDATES THE PROCEDURES FOR CRIMINAL CASES FILED IN THE SUNNYSIDE MUNICIPAL COURT. THE ORDINANCE ALSO ADOPTS SECTIONS OF THE REVISED CODE OF WASHINGTON WHICH MAKES CRIMINAL CONDUCT A MISDEMEANOR, OR A GROSS MISDEMEANOR, INCLUDING DEFINITIONS AND OTHER NECESSARY SECTIONS. THE ORDINANCES ALSO REQUIRES ANYONE WHO IS CONVICTED OF A MISDEMEANOR OR GROSS MISDEMEANOR TO PAY A \$150 INTO PENALTY INTO THE CITY OF SUNNYSIDE CRIME PREVENTION FUND. THE ORDINANCE ALSO AMENDS SUNNYSIDE MUNICIPAL CODE SECTIONS 9.10.010, 9.10.020, 9.20.040, 9.21.050, 9.24.020, 9.24.030, 9.29.030, 9.29.040, 9.36.040, 9.56.020, 9.60.010, TO CLARIFY THE PENALTIES FOR VIOLATIONS OF THOSE SECTIONS. THE ORDINANCE ALSO UPDATES THE SUNNYSIDE MUNICIPAL CODE TO COMPLY WITH CURRENT LAW. THE ORDINANCE ALSO SETS FORTH THE EFFECTIVE DATE OF THE ORDINANCE AND PROVIDES THAT ITS PROVISIONS ARE SEVERABLE FROM ONE ANOTHER AND PROVIDES FOR PUBLICATION BY SUMMARY.

THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The code provisions and Ordinances which are repealed or amended herein shall continue in full force and effect and be fully enforceable with regard to offenses which occurred before the effective date of this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 The following portions of the Sunnyside Municipal Code are hereby repealed:

Sunnyside Municipal Code Chapter 9.02;

Sunnyside Municipal Code Sections 9.04.010, 9.04.020, and 9.04.900;

Sunnyside Municipal Code Chapter 9.06;
Sunnyside Municipal Code Chapter 9.08;
Sunnyside Municipal Code Sections 9.10.030, and 9.10.900;
Sunnyside Municipal Code Chapter 9.12;
Sunnyside Municipal Code Chapter 9.14;
Sunnyside Municipal Code Chapter 9.16;
Sunnyside Municipal Code Sections 9.20.010, 9.20.020, 9.20.030, and 9.20.900;
Sunnyside Municipal Code Chapter 9.22;
Sunnyside Municipal Code Chapter 9.26;
Sunnyside Municipal Code Chapter 9.28;
Sunnyside Municipal Code Chapter 9.30;
Sunnyside Municipal Code Chapter 9.32;
Sunnyside Municipal Code Sections 9.34.010 and 9.34.900;
Sunnyside Municipal Code Sections 9.56.010, 9.56.030, 9.56.040, and 9.56.900;
Sunnyside Municipal Code Sections Section 9.60.020, and 9.60.900;
Sunnyside Municipal Code Chapter 9.62;
Sunnyside Municipal Code Chapter 9.70;
Sunnyside Municipal Code Chapter 9.74;
Sunnyside Municipal Code Chapter 9.75; and
Sunnyside Municipal Code Chapter 9.92.

Section 3. Sunnyside Chapter 9.00 is hereby enacted to read as follows:

9.00 Preliminary Article

Section 4. Sunnyside Municipal Code Section 9.00.010 is hereby enacted to read as follows:

9.00.010 Preliminary article.

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

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

C. As used in this title, “SMC” shall mean the Sunnyside 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 Sunnyside. 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.

Section 5. Sunnyside Municipal Code Section 9.00.020 is hereby enacted to read as follows:

9.00.020 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 6. Sunnyside Municipal Code Section 9.01.010 is hereby amended to read as follows:

9.01.010 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:

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

Section 7. Sunnyside Municipal Code Section 9.01.020 is hereby enacted to read as follows:

9.01.020 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:

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.

Section 8. Sunnyside Municipal Code Section 9.01.030 is hereby enacted to read as follows:

9.01.030 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:

7.80.120 Monetary penalties—Restitution.

Section 9. Sunnyside Municipal Code Section 9.01.040 is hereby enacted to read as follows:

9.01.040 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:

- 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.

Section 10. Sunnyside Municipal Code Section 9.01.050 are all hereby amended to read as follows:

9.01.050 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:

- 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.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

Section 11. Sunnyside Municipal Code Section 9.01.060 is hereby enacted to read as follows:

9.01.060 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

- 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 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.42.010 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.44.128 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.44.170 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.46.080 Order restricting contact—Violation.
- 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.48.105 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.50.010 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.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.
- 9.61.260 Cyberstalking.
- 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.84.040 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

Section 12. Sunnyside Municipal Code Section 9.01.070 is hereby enacted to read as follows:

9.01.070 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:

- 10.14.120 Disobedience of order—Penalties.
- 10.14.170 Criminal penalty.
- 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..

Section 13. Sunnyside Municipal Code Section 9.01.080 is hereby enacted to read as follows

9.01.080 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:

- 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.

Section 14. Sunnyside Municipal Code Section 9.01.090 is hereby enacted to read as follows:

9.01.090 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:

- 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.

Section 15. Sunnyside Municipal Code Section 9.01.100 is hereby enacted to read as follows:

**9.01.100 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:

- 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.

Section 16. Sunnyside Municipal Code Section 9.01.110 is hereby enacted to read as follows:

**9.01.110 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:

- 26.04.110 Penalty for failure to deliver certificates.
- 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.
- 26.44.015 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.
- 26.44.040 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.
- 26.50.140 Peace officers—Immunity.
- 26.52.010 Definitions.
- 26.52.050 Peace officer immunity.
- 26.52.070 Violation of foreign orders—Penalties.

Section 17. Sunnyside Municipal Code Section 9.01.120 is hereby enacted to read as follows:

9.01.120 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:

27.12.340 Willfully Retaining Library Books

Section 18. Sunnyside Municipal Code Section 9.01.130 is hereby amended to read as follows

9.01.130 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:

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.

Section 19. Sunnyside Municipal Code Section 9.01.140 is hereby enacted to read as follows:

9.01.140 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:

- 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.

Section 20. Sunnyside Municipal Code Section 9.01.150 is hereby enacted to read as follows:

9.01.150 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:

- 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.
- 66.44.100 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.
- 66.44.265 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.

Section 21. Sunnyside Municipal Code Section 9.01.160 is hereby enacted to read as follows:

9.01.160 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:

- 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.

Section 22. Sunnyside Municipal Code Section 9.01.170 is hereby enacted to read as follows:

9.01.170 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:

- 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.
- 69.50.202 Nomenclature.
- 69.50.4011 Counterfeit substances—Penalties.
- 69.50.4013 Possession of controlled substance—Penalty—Possession of useable marijuana, marijuana concentrates, or marijuana-infused products—Delivery.
- 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.
- 69.50.445 Opening package of or consuming marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates in view of general public or public place—Penalty.
- 69.50.475 Marijuana retail outlets—Sale to persons under the age of twenty-one—Penalty.
- 69.50.560 Controlled purchase programs—Persons under age twenty-one—Violation—Criminal penalty—Exceptions.

Section 23. Sunnyside Municipal Code Section 9.01.180 is hereby enacted to read as follows:

9.01.180 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:

- 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.

Section 24. Sunnyside Municipal Code Section 9.01.190 are all hereby amended to read as follows:

9.01.190 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:

- 70A.200.030 Definitions.
- 70A.200.060 Littering

Section 25. Sunnyside Municipal Code Section 9.01.200 is hereby enacted to read as follows:

9.01.200 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.
- 74.34.021 Vulnerable adult—Definition.
- 74.34.053 Failure to report—False reports—Penalties.

Section 26. Sunnyside Municipal Code Section 9.02.010 is hereby enacted to read as follows:

9.02.010 Crime Prevention Fund contribution required.

In any case where an accused has been convicted of a misdemeanor or gross misdemeanor, there shall be, in addition to any fine levied, a mandatory penalty in the amount of \$150.00 per case, which shall be nonsuspendable, and which shall be paid to the Police Department's Crime Prevention 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

Section 27. Sunnyside Municipal Code Section 9.10.010 is hereby amended to read as follows:

9.10.010 Threats to do harm.

It is unlawful for any person to communicate, directly or indirectly, the intent to cause bodily injury 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 this section shall be guilty of the offense of threats to do harm. A violation of this section shall be a gross misdemeanor.

Section 28. Sunnyside Municipal Code Section 9.10.020 is hereby amended to read as follows:

9.10.020 Provoking assault.

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

Section 29. Sunnyside Municipal Code Section 9.20.040 is hereby amended to read as follows:

9.20.040 Throwing stars and chako sticks.

It is unlawful for any person to possess or have within an area of dominion and control throwing stars and chako sticks. For the purpose of this section, chako sticks are defined as an instrument consisting of two or more sticks, clubs, bars or rods to be used as handles, connected by rope, cord, wire or chain, in the design of a weapon used in connection with the practice of a system of self-defense, such as karate. In addition, for the purpose of this section, throwing stars are defined as an instrument consisting of a metal plate having three or more radiating points with one or more sharp edges and designed in the shape of a polygon, trefoil, cross, star, diamond or other geometric shape for use as a weapon.

The provisions relating to the possession of chako sticks or throwing stars should not apply to or affect regularly employed 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 chako sticks or throwing stars are in a carrying case in the possession of the owner.

A violation of this section shall be a gross misdemeanor.

Section 30. Sunnyside Municipal Code Section 9.20.050 is hereby amended to read as follows:

9.20.050 Discharge of firearms – Abatement of nuisance by City.

Notwithstanding the provisions of RCW 9.41.230, incorporated by reference pursuant to SMC 9.01.050, employees and agents of the City expressly authorized by the City Manager, or his designee, may discharge firearms, air guns, or other City-authorized weapons, to abate any public nuisance authorized

pursuant to SMC 8.16.095 regarding depredated birds, in that area or areas designated as abatement zones by the City Manager or his or her designee

Section 31. Sunnyside Municipal Code Section 9.21.050 is hereby amended to read as follows:

9.21.050 Violation – Penalty.

Any person or entity violating any provision of this chapter is guilty of an infraction, and upon conviction shall be subject to a fine or penalty of \$300.00.

Section 32. Sunnyside Municipal Code Section 9.24.020 is hereby amended to read as follows:

9.24.020 Order to disperse.

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

1. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians;
2. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon the facing or fronting on any such public street, public highway, 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 gross misdemeanor.

Section 33. Sunnyside Municipal Code Section 9.24.020 is hereby amended to read as follows:

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. Any person or entity violating this section shall commit an infraction, and shall pay a fine or penalty in the amount of \$250, not including statutory assessments or applicable costs.

Section 34. Sunnyside Municipal Code Section 9.29.030 is hereby amended to read as follows:

9.29.030 Prohibition of graffiti – Penalty.

It is unlawful for any person to commit any overt act in or attempting to result in application of graffiti on any surface on public property, or private property without the express permission of the owner of such property, including but not limited to, trees, signs, poles, fixtures, utility boxes, walls, paths, streets, bridges, trestles, buildings or any other structure or surface. A separate violation shall be deemed to have occurred for each separate structure or surface marked with graffiti. Violation of this section is a gross misdemeanor. In addition to such fine, the violator, or the parent or legal guardian of a minor who is convicted of a violation, shall also be responsible for repaying the cost of restoration to the property owner or to such person or entity which incurred costs of restoration and repair. "Cost of restoration" includes costs of materials for restoration and repair, labor, payment of any reward by the City described in SMC 9.29.080, and any other cost or expense incurred deemed reasonable and appropriate by the Court.

Section 35. Sunnyside Municipal Code Section 9.29.040 is hereby amended to read as follows:

9.29.040 Possession of graffiti implements – Penalty.

It is unlawful for any person to possess any graffiti implement while on public property, or on private property without the express consent of the owner of such property, in a manner that warrants a justifiable and reasonable alarm or immediate concern for the safety of the property in the vicinity. Among the

circumstances which may be considered by the enforcement officer in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of an enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or the graffiti implement. Prior to any citation being issued to a person for a violation of this section, such person shall be afforded an opportunity by the enforcement officer to dispel any alarm or immediate concern which could otherwise be warranted by requesting such person to identify himself and explain his presence and conduct. Violation of this section is a misdemeanor.

Section 36. Sunnyside Municipal Code Section 9.36.020 is hereby amended to read as follows:

9.36.020 Definitions.

RCW 9.94A.030, 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

Section 37. Sunnyside Municipal Code Section 9.36.040 is hereby amended to read as follows:

9.36.040 Penalty for violation – Enhanced penalty – Sentencing.

A. Mandatory Minimums – First Offense.

1. Gross Misdemeanor. Any person who is convicted of any gross misdemeanor criminal street gang-related offense, in addition to any fine imposed, shall be punished by imprisonment not to exceed 364 days, but not less than 10 days for a first offense. Any subsequent conviction is subject to the mandatory sentencing provisions of subsection (B) of this section.

2. Misdemeanor. Any person who is convicted of any misdemeanor criminal street gang-related offense shall be punished by imprisonment not to exceed 90 days, but not less than two days. Any subsequent conviction is subject to the mandatory sentencing provisions of subsection (B) of this section.

B. Mandatory Minimums – Subsequent Offenses.

1. **Second Offense.** In addition to any fine imposed, upon conviction of any second criminal street gang-related offense unless otherwise specifically provided in any section, the violator shall be imprisoned for not less than 30 days for a gross misdemeanor and not less than 10 days for a misdemeanor.

2. **Third and Subsequent Offense.** In addition to any fine imposed, upon conviction of any third criminal street gang-related offense the violator shall be imprisoned not less than 180 days for a gross misdemeanor and not less than 45 days for a misdemeanor.

C. Other – Sentencing.

1. Where a state imposed mandatory minimum imposes a greater sentence, the state mandatory minimum shall control.

2. The imposition of a mandatory minimum sentence, pursuant to this chapter, shall not prevent the court from setting appropriate probation conditions, such as, but not limited to, orders to stay away from certain locations, to complete appropriate treatment, to perform community restitution hours, and/or pay restitution to crime victims.

D. Application of Mandatory Minimum.

1. Following a finding of guilt for a criminal offense by a judge or jury, if the sentencing judge determines that the crime(s) is a criminal street gang-related offense, the mandatory minimum shall be imposed.

2. Notwithstanding any other provision of law, the sentencing judge may refuse to impose the mandatory minimum jail sentence prescribed in this chapter, in an extraordinary case where the interests of justice would best be served by a different disposition. The sentencing judge shall enumerate on the record the reasons for any deviation from the mandatory minimum sentence

Section 38. Sunnyside Municipal Code Section 9.56.020 is hereby amended to read as follows:

9.56.020 Unauthorized communication with prisoner.

Every person who, not being authorized by law or by an officer authorized by law, has any verbal communication with any prisoner in the City Jail or brings into or conveys out of the City Jail any writing, clothing, food, tobacco, or any article whatsoever is guilty of the offense of unauthorized communication with prisoner. It is also unlawful for any person to loiter in or about the City detention facility for the purpose of engaging in any conduct prohibited by this section. A violation of this section is a misdemeanor.

Section 39. Sunnyside Municipal Code Section 9.60.010 is hereby amended to read as follows:

9.60.010 Disorderly conduct.

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

1. Fights, quarrels or encourages others to fight in any public place within the City;
2. By noisy, riotous or tumultuous conduct, disturbs the peace and quiet of the City or any meeting or assemblage therein;
3. Uses abusive language and thereby intentionally creates the risk of assault;
4. Intentionally obstructs vehicular or pedestrian traffic without lawful authority;
5. 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;
6. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority;
7. Urinates or defecates in any place open to public view.
8. (i) Intentionally engages in fighting or in tumultuous conduct or makes unreasonable noise, within five hundred feet of:
 - (A) The location where a funeral or burial is being performed;
 - (B) A funeral home during the viewing of a deceased person;

(C) A funeral procession, if the person described in this subsection (1)(d) knows that the funeral procession is taking place; or

(D) A building in which a funeral or memorial service is being conducted; and

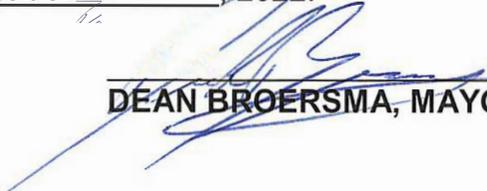
(ii) Knows that the activity adversely affects the funeral, burial, viewing, funeral procession, or memorial service.

B. A violation of this section is a misdemeanor.

Section 40. 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 41. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED this 10th day of October, 2022.


DEAN BROERSMA, MAYOR

ATTEST:


JACQUELINE RENTERIA, CITY CLERK

Approved as to form:
SAXTON RILEY & RILEY, PLLC:

 #34999
~~BY: HOWARD SAXTON~~ Benjamin J. Pila
CITY ATTORNEYS FOR THE CITY OF SUNNYSIDE

Date of Publication: ~~October 5, 2022~~ November 9, 2022