

TITLE 9

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Chapter 9.02 - General Provisions

Sections:

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9.02.010 Title-Effective Date-Application-Severability

- A. The ordinance codified in this title, hereinafter referred to as "this title," shall be known and may be cited as the Richland criminal code and shall become effective as provided in Section 1.03 of Ordinance 99-76.
- B. The provisions of this title shall apply to any offense which is defined in this title or the general ordinances, committed on or after the effective date of the ordinance codified in this title, unless otherwise expressly provided or unless the context otherwise requires.
- C. The provisions of this title do not apply to nor govern the construction of and punishment for any offense committed prior to the effective date of this title. Such an offense shall be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.
- D. If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are severable. (Ord. 99-76 1.01).

9.02.020 Classification of Crimes

- A. A crime is a misdemeanor when so designated in this title or by any other ordinance of the City. A misdemeanor is punishable upon conviction thereof by a fine of not more than five thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.
- B. Whenever the performance or omission of any act is prohibited by any ordinance, and no penalty for the violation of such ordinance is imposed, the commission or omission of such act shall be a misdemeanor. (Ord. 99-76: Ord. 17-84: Ord. 4-85).

9.02.030 Limitation of Actions

Prosecutions for misdemeanors which are not commenced within one year after the commission of the offense shall be barred; provided, that where a complaint has been filed within the time limit for the commencement of a criminal action, if the complaint is set aside, the time limitation herein provided shall be extended by the length of time from the time of filing such complaint to the time such complaint was set aside. (Ord. 99-76: Ord. 4-85).

9.02.040 Definitions

Unless a different meaning is clearly indicated, the following words shall have the following meanings for the purpose of this title:

- A. Intent. A person acts with "intent," or intentionally, when he acts with the objective or purpose of accomplishing a result which constitutes a crime. For the purpose of this title, it is presumed that a person intends the natural and probable consequences of his acts, though this presumption is rebuttable by other competent evidence.
- B. Knowledge. A person knows or acts knowingly or with knowledge when:
 - 1. He is aware of facts, circumstances or results described by an ordinance defining an offense; or
 - 2. He has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described by an ordinance defining an offense.
- C. Malice and Maliciously. "Malice" and "maliciously" import an evil intent wish or design to vex, annoy, or injure another person.
- D. Person. "Person" includes natural persons of either sex, and where relevant, associations, firms, partnerships and corporations.
- E. Peace Officer. "Peace Officer" means a duly appointed City, county or state law enforcement officer.
- F. Public Officer. "Public Officer" means a person holding office under City government who performs a public function and in so doing is vested with the exercise of some sovereign power of government.
- G. Property. "Property" means anything of value whether tangible or intangible, real or personal.
- H. Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and the singular shall include the plural; and the plural shall include the singular. (Ord. 99-76 1.01).

9.02.050 Attempts

An act done with intent to commit a crime, and tending but failing to accomplish it, is an attempt to commit that crime; and every person who attempts to commit a crime, unless otherwise prescribed by ordinance, shall be punished by imprisonment in the county facility for not more than half the longest term, or by a fine of not more than half the largest sum, prescribed upon conviction for the commission of the offense attempted, or by both such fine and imprisonment. (Ord. 99-76 1.01: Ord. 8-95).

9.02.060 Aiding and Abetting

Every person who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit a misdemeanor is a principal and shall be proceeded against and, upon conviction, shall be punished as such. (Ord. 99-76: Ord. 4-85).

9.02.070 Violations of a Continuing Nature

For any violation of this title which is of a continuing nature, each day's violation shall be considered a separate offense and shall subject the offender to the penalties provided for each offense. (Ord. 99-76 1.01).

9.02.080 Description of Offense

In describing any offense under this title, it shall be sufficient to state the offense in the words of this title or in any words of like effect. (Ord. 99-76 1.01).

Chapter 9.04 - Crimes Against Persons**Sections:**

- 9.04.010 Assault**
- 9.04.020 Harassment**
- 9.04.030 Intimidation**
- 9.04.040 Provoking Assault**
- 9.04.045 Use of Force-When Allowed**
- 9.04.050 Harassing Telephone Calls**
- 9.04.060 Solicitation of a Minor**
- 9.04.070 Indecent Liberties**
- 9.04.080 Contributing to Delinquency of a Minor**

9.04.010 Assault

It is unlawful for any person to intentionally touch, strike, beat or wound another, or to offer to touch, strike, beat or wound another, without lawful defense, as defined in Richland Municipal Code Section 9.04.045. Every person convicted of a violation of this section shall be guilty of assault, a misdemeanor. (Ord. 99-76: Ord. 8-95).

9.04.020 Harassment

- A. It is unlawful for any person without lawful authority, to knowingly threaten:
 - 1. To cause bodily injury in the future to the person threatened or to any other person; or
 - 2. To cause physical damage to the property of a person other than the actor; or
 - 3. To subject the person threatened or any other person to physical confinement or restraint; or
 - 4. To maliciously do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and
- B. The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.
- C. Every person convicted of a violation of the provisions of this section shall be guilty of harassment, a misdemeanor. (Ord. 99-76 1.01: Ord. 8-95).

9.04.030 Intimidation

- A. It is unlawful for any person to carry, exhibit or display any instrument or 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; provided, however, that this section shall not apply to nor affect:
 - 1. Any act committed by a person while in his place of abode or fixed place of business;
 - 2. Any peace officer;
 - 3. Any person lawfully acting in self-defense or acting in the lawful defense of another;
 - 4. Any person making or assisting in making a lawful arrest for the commission of a felony; or
 - 5. Any person engaged in military activities authorized by state or federal government.
- B. Every person convicted of a violation of the provisions of this section shall be guilty of intimidation, a misdemeanor. (Ord. 99-76 1.01).

9.04.040 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 provoking assault, a misdemeanor. (Ord. 99-76 1.01).

9.04.045 Use of Force-When Allowed

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

- A. Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the officer's direction;
- B. Whenever necessarily used by a person arresting one who has committed a felony and delivering him or her to a public officer competent to receive him or her into custody;

- C. Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than is necessary;
- D. Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;
- E. Whenever used by a carrier of passengers or the carrier's authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is necessary to expel the offender with reasonable regard to the offender's personal safety;
- F. Whenever used by any person to prevent a mentally ill, mentally incompetent or mentally disabled person from committing an act dangerous to any person, or in enforcing necessary restraint for the protection or restoration to health of the person, during such period only as is necessary to obtain legal authority of the restraint or custody of the person. (Ord. 8-95)

9.04.050 Harassing Telephone Calls

- A. It is unlawful for any person, with intent to harass, intimidate, torment or embarrass any other person, to make a telephone call to such other person:
 - 1. Using any lewd, lascivious, profane, indecent or obscene words or language, or suggesting the commission of any lewd or lascivious act; or
 - 2. Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or
 - 3. Threatening to inflict injury on the person or property of the person called or any member of his family; or
 - 4. Without purpose of legitimate communication.
- B. Any offense committed by use of a telephone as set forth in this section may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received. Every person convicted of a violation of the provisions of this section shall be guilty of making harassing telephone calls, a misdemeanor. (Ord. 99-76 1.01).

9.04.060 Solicitation of a Minor

It is unlawful for any person to solicit, entice, or otherwise communicate with a child under the age of eighteen years for immoral purposes. Every person convicted of a violation of the provisions of this section shall be guilty of solicitation of a minor, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.04.070 Indecent Liberties

It is unlawful for any person to take indecent liberties with, or on the person of, any other person, without the other person's consent. For the purpose of this section, the "indecent liberties" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying a sexual desire of either party. Every person convicted of a violation of the provisions of this section shall be guilty of indecent liberties, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.04.080 Contributing to Delinquency of a Minor

It is unlawful for any person, by act or omission, to encourage, cause, or contribute to the delinquency of a minor under the age of eighteen years. Every person convicted of a violation of the provisions of this section shall be guilty of contributing to the delinquency of a minor, a misdemeanor. (Ord. 99-76: Ord. 4-85).

Chapter 9.06 - Crimes Against Property**Sections:**

- 9.06.010 Theft**
- 9.06.020 Possession of Stolen Property**
- 9.06.030 Value Defined**
- 9.06.040 Unlawful Issuance of Checks**
- 9.06.050 Possession of Burglary Tools**
- 9.06.060 Vehicle Prowling**
- 9.06.070 Trespass**
- 9.06.080 Loitering**
- 9.06.090 Malicious Mischief**
- 9.06.100 Frauds on Innkeepers and Business Establishments**
- 9.06.110 Criminal Possession of Leased or Rented Property**
- 9.06.120 Theft of Subscription Television Services**

9.06.010 Theft

It is unlawful for any person to take, steal, or carry away the property of another that has the value of seven hundred fifty dollars or less with the intent to deprive or defraud the owner thereof. Every person convicted of a violation of the provisions of this section shall be guilty of theft, a misdemeanor. (Ord. 99-76: Ord. 4-85: Ord. 23-09).

9.06.020 Possession of Stolen Property

It is unlawful for any person to knowingly receive, retain, possess, conceal, or dispose of stolen property that has the value of seven hundred fifty dollars or less, knowing that it has been stolen, and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto. Every person convicted of a violation of the provisions of this section shall be guilty of possessing stolen property, a misdemeanor. (Ord. 99-76: Ord. 4-85: Ord. 23-09).

9.06.030 Value Defined

For the purpose of Sections 9.06.010 and 9.06.020, "value" means the market value of the property at the time and in the approximate area of the criminal act. (Ord. 99-76 1.01).

9.06.040 Unlawful Issuance of Checks

It is unlawful for any person, with intent to defraud, to make, draw, utter or deliver to another person any check or draft in an amount of seven hundred fifty dollars or less, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, nor credit with such bank or other depository, to meet such check or draft in full upon its presentation. The uttering or delivering of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud. Every person convicted of a violation of the provisions of this section shall be guilty of unlawful issuance of checks, a misdemeanor. (Ord. 99-76: Ord. 4-85: Ord. 23-09).

9.06.050 Possession of Burglary Tools

It is unlawful for any person to have in his possession any tool or implement adapted, designed or commonly used for the commission of burglary under circumstances evidencing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used. Every person convicted of a violation of the provisions of this section shall be guilty of possession of burglary tools, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.06.060 Vehicle Prowling

It is unlawful for any person, with intent to commit a crime against a person or property therein, to enter, or remain unlawfully in a vehicle. For the purpose of this section, "vehicle" means a motor vehicle, as defined by the laws of the state of Washington, and also includes any aircraft, vessel, trailer, camper, or similar conveyance commonly utilized on the highways of this City or state. Every person convicted of a violation of the provisions of this section shall be guilty of vehicle prowling, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.06.070 Trespass

It is unlawful for any person to knowingly enter or remain, unlawfully, in or upon the premises of another. For the purpose of this section, a person "enters or remains, unlawfully," in or upon the premises of another when he is not then licensed, invited, or otherwise privileged to so enter or remain. Every person convicted of a violation of the provisions of this section shall be guilty of trespass, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.06.080 Loitering

It is unlawful for any person, except a person enrolled as a student in, or parents or guardians of such student, or person employed by such school or institution, to willfully loiter about the building or buildings of any public or private school or institution of higher learning or the public premises adjacent thereto without a lawful purpose. Every person convicted of a violation of the provisions of this section shall be guilty of loitering, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.06.090 Malicious Mischief

It is unlawful for any person to knowingly and maliciously cause physical damage to the property of another. Every person convicted of a violation of the provisions of this section shall be guilty of malicious mischief. Malicious mischief is a misdemeanor if the damage to the property is in an amount less than seven hundred fifty dollars. (Ord. 99-76: Ord. 4-85: Ord. 23-09).

9.06.100 Frauds on Innkeepers and Business Establishments

It is unlawful for any person to obtain any food, lodging, or accommodation at any hotel, restaurant, boardinghouse, or lodginghouse, or to obtain any services from any business establishment providing such services, without paying therefore, with intent to defraud the owner or manager thereof. Evidence that an individual absconded or surreptitiously removed his baggage from any innkeeper's facility, without paying for such food; lodging or accommodation shall be prima facie evidence of intent to defraud. Every person convicted of a violation of the provisions of this section shall be guilty of perpetrating a fraud on an innkeeper or business establishment, a misdemeanor. (Ord. 99-76 1.01).

9.06.110 Criminal Possession of Leased or Rented Property

- A. A person is guilty of criminal possession of leased or rented property if, after renting or leasing any personal property, he:
 - 1. willfully neglects to return the property to the place of business of the lessor within the time specified in the lease or agreement; or
 - 2. willfully neglects for 30 days or more to pay the lessor any periodic payments when due.
- B. "Willfully neglects" as used in this section means omit, fails or forbears with the intent to deprive the owner of or exert unauthorized control over property, and specifically excludes the failure to return an item because of a bona fide contract dispute with the owner.
- C. No individual, corporation or other legal entity shall be held liable in any civil action arising out of the arrest or detention of any person alleged to have violated this ordinance if the person arrested or detained failed to return rental or leased property to the lessor within 5 full business days after written demand therefore. The requirements for written demand shall be deemed fulfilled if such demand is mailed to the lessee or renter at the address given by him at the time of the transaction giving rise to the arrest or detention.
- D. Criminal possession of leased or rented property is a misdemeanor. (Ord. 8-86).

9.06.120 Theft of Subscription Television Services

- A. A person is guilty of theft of subscription television services if, with intent to avoid payment of the lawful charge of a subscription television service, he or she:
 - 1. Obtains or attempts to obtain subscription television service from a subscription television service company by trick, artifice, deception, use of a device or decoder or other fraudulent means without authority from the company providing the service;
 - 2. Assists or instructs a person in obtaining or attempting to obtain subscription television service without authority of the company providing the service;
 - 3. Makes or maintains a connection or connections, whether physical, electrical, mechanical, acoustical or by other means, with cables, wires, components or other devices used for the distribution of subscription television services without authority from the company providing the services;

4. Makes or maintains a modification or alteration to a device installed with the authorization of subscription television service company for the purpose of interception or receiving a program or other service carried by the company that the person is not authorized by the company to receive; or
 5. Possesses without authority a device designed, in whole or in part, to receive subscription television services offered for sale by the subscription television service company, regardless of whether the program or services are encoded, filtered, scrambled or otherwise made unintelligible or to perform or facilitate the performance of any other acts set out in (1) through (4) of this subsection for the reception of subscription television services without authority.
- B. A violation of this section is a misdemeanor. (Ord. 10-96).

Chapter 9.07 - Crimes Against Police Dogs

Sections:

9.07.010 Definitions

9.07.020 Misdemeanor

9.07.010 Definitions

- A. "Police Dog": means a dog used by a law enforcement agency specially trained for law enforcement work and under the control of a dog handler.
- B. "Dog Handler": means a law enforcement officer who has successfully completed training as prescribed by the Washington State Criminal Justice Training Commission in police dog handling. (Ord. 34-84).

9.07.020 Misdemeanor

It shall be a misdemeanor for any person or group of persons to:

- A. Willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, maim, or kill a police dog used by the Richland Police Department or any other law enforcement agency present in the City of Richland in the performance of its duties with said department or agencies.
- B. To interfere with any such police dog while being used by the police department of the City of Richland or the police dog of any other enforcement agency present in the City of Richland, while such police dog is in performance of its duties. (Ord. 34-84).

Chapter 9.08 - Obstruction-Arrest-Escape

Sections:

- 9.08.010 Obstructing a Public Officer**
- 9.08.020 Resisting Arrest**
- 9.08.030 Refusing to Summon Aid for a Peace Officer**
- 9.08.040 Escape from Jail or Custody**
- 9.08.050 Rescuing or Aiding Escape from Custody or Confinement**
- 9.08.055 Introducing or Possessing Contraband in Detention Facility**
- 9.08.060 Fleeing or Attempting to Elude a Peace Officer**

9.08.010 Obstructing a Public Officer

- A. It is unlawful for any person:
1. To knowingly make a false or misleading material statement to a public servant. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties; or
 2. To knowingly hinder, delay or obstruct any public officer in the discharge of his official powers or duties, or to neglect or refuse to obey any lawful order or direction of a public officer.
- B. For the purpose of this section, "public officer" includes peace officers and any other officer or employee of government while performing a governmental function. Every person convicted of a violation of the provisions of this section shall be guilty of obstructing a public officer, a misdemeanor. (Ord. 99-76 1.01: Ord. 13-07).

9.08.020 Resisting Arrest

It is unlawful for any person to intentionally prevent or attempt to prevent a peace officer from lawfully arresting him. Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor. (Ord. 99-76: Ord. 4-85: Ord. 16-85).

9.08.030 Refusing to Summon Aid for a Peace Officer

It is unlawful for any person, upon request by a person he knows to be a peace officer, to unreasonably refuse or fail to summon aid for such peace officer. Every person convicted of a violation of the provisions of this section shall be guilty of refusing to summon aid for a peace officer, a misdemeanor. (Ord. 99-76: Ord. 4-85.)

9.08.040 Escape from Jail or Custody

It is unlawful for any person, with or without the use of force or fraud, to escape, or attempt to escape, from confinement or custody in the City jail, or from the lawful custody of, or lawful restraint by a peace officer or other person. Every person convicted of a violation of the provisions of this section shall be guilty of escape, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.08.050 Rescuing or Aiding Escape from Custody or Confinement

- A. Definitions. The following definitions are applicable in this section unless the context otherwise requires:
1. "Custody" means restraint pursuant to a lawful arrest or an order of the court.
 2. "Detention facility" means the City jail or other detention facility as defined in Section 9.08.055 of this code.
- B. Unlawful Conduct. It is unlawful for any person to rescue, or attempt to rescue, any other person from the custody of any peace officer, or from the custody of any person lawfully having him in charge, or to aid, or to attempt to aid, the escape of any person from such custody, or from the City jail or other detention facility, or to knowingly advise, assist, or encourage any such escape. Every person convicted of a violation of this section shall be guilty of a misdemeanor. (Ord. 81-80: Ord. 4-85).

9.08.055 Introducing or Possessing Contraband in Detention Facility

- A. Definitions. The following definitions are applicable in this section unless the context otherwise requires:
1. "Detention facility" means the City jail or any other place within the City of Richland used for the confinement of a person
 - a) arrested for, charged with or convicted of an offense, or

- b) charged with being or adjudicated to be a juvenile offender as defined in RCW 13.40.200 as now existing or hereafter amended, or
 - c) held for extradition or as a material witness, or
 - d) otherwise confined pursuant to an order of a court, except an order under Chapter 13.34 RCW or Chapter 13.34A RCW, or
 - e) in any work release, furlough or other such facility or program.
2. "Contraband" means any article or thing which a person confined in the City jail or other detention facility is prohibited from obtaining or possessing by statute, ordinance, rule, regulation, or order of a court.
- B. Unlawful Conduct. It is unlawful:
- 1. For any person to knowingly provide contraband to any person confined in the City jail or other detention facility; or
 - 2. For any person confined in the City jail or other detention facility to knowingly receive or possess contraband.

Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor. (Ord. 81-80: 4-85).

9.08.060 Fleeing or Attempting to Elude a Peace Officer

It is unlawful for the driver of a motor vehicle, when given visual or audible signal to willfully fail or refuse to immediately bring the vehicle to a stop, or to knowingly flee or attempt to elude a pursuing peace officer. For the purpose of this section, the signal given by the peace officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his vehicle shall be appropriately marked showing it to be an official vehicle. Every person convicted of a violation of the provisions of this section shall be guilty of fleeing or attempting to elude a peace officer, a misdemeanor. (Ord. 99-76: Ord. 4-85: Ord. 12-87).

Chapter 9.10 - Marijuana**Sections:****9.10.010 Definition****9.10.020 Possession Unlawful****9.10.010 Definition**

For the purpose of this chapter, "marijuana" means all parts of the plant of the genus Cannabis 1., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds, or resin. It does not include the mature stocks of the plant, fiber produced from the stocks, or a cake made from the seeds of the plant, any compound, manufacture, salt derivative, mixture or preparation of the mature stocks (except the resin extracted there from), fiber, oil, or case, or the sterilized seed of the plant which is incapable of germination. (Ord. 99-76 1.01).

9.10.020 Possession Unlawful

it is unlawful for any person to possess marijuana unless the same was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the laws of the state of Washington. Every person convicted of a violation of the provisions of this section shall be guilty of unlawful possession of marijuana, a misdemeanor. (Ord. 99-76 1.01).

Chapter 9.11 - Drug Paraphernalia**Sections:****9.11.010 Definitions****9.11.020 Unlawful Conduct****9.11.030 Declaration of Public Nuisance-Misdemeanor****9.11.010 Definitions**

- A. "Controlled substance," as used in this chapter, shall have the meaning ascribed to that term in RCW Chapter 69.50, the Uniform Controlled Substance Act of the state of Washington.
- B. The term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, the possession of which controlled substance is in violation of RCW Chapter 69.50. It includes, but is not limited to:
1. Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 2. Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 3. Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;
 4. Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 5. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;
 6. Dilutents and adulterants, such as quinine hydrochloride, manitol mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;
 7. Separation gins and sifters used, intended for use, or designed in removing twigs and seeds from, or in otherwise cleaning or refining marijuana;
 8. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;
 9. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;
 10. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;
 11. Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;
 12. Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - b) Water pipes;
 - c) Carburetion tubes and devices;
 - d) Smoking and carburetion masks;
 - e) Roach clips: meaning objects used to hold a burning marijuana cigarette, that has become too small or too short to be held in the hand;
 - f) Miniature cocaine spoons, and cocaine vials;
 - g) Chamber pipes;
 - h) Carburetor pipes;
 - i) Electric pipes;
 - j) Air-driven pipes;
 - k) Chillums;
 - l) Bongs;
 - m) Ice pipes or chillers;

- C. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other logically relevant factors, the following:
1. Statements by an owner or by anyone in control of the object concerning its use;
 2. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
 3. The proximity of the object, in time and space, to a direct violation of this chapter or RCW Chapter 69.50;
 4. The proximity of the object to controlled substances;
 5. The existence of any residue of controlled substances on the object;
 6. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intended to use the object to facilitate a violation of this chapter or RCW Chapter 69.50; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
 7. Instructions, oral or written, provided with the object concerning its use;
 8. Descriptive materials accompanying the object which explain or depict its use;
 9. National and local advertising concerning its use;
 10. The manner in which the object is displayed for sale;
 11. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 12. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total of the business enterprise;
 13. The existence and scope of legitimate uses for the object in the community;
 14. Expert testimony concerning its use. (Ord. 63-80 1.01).

9.11.020 Unlawful Conduct

It is unlawful for any person to use, or to possess with the intent to use, drug paraphernalia to plan, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise induce into the human body a controlled substance, the possession of which controlled substance is in violation of RCW Chapter 69.50 or to sell, deliver, possess with the intent to sell or deliver, or manufacture with the intent to sell or deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance, the possession of which controlled substance is in violation of RCW Chapter 69.50. (Ord. 63-80 1.01).

9.11.030 Declaration of Public Nuisance-Misdemeanor

- A. The display for sale or the offering for sale in any room or area of a place of business of any drug paraphernalia as defined in Section 9.11.010 of this chapter, is declared to be a public nuisance and may be abated as provided for in Chapter 9.16 of this code. Such remedy of abatement shall be in addition to any other remedy provided by law, including any penalty imposed for a violation of any provision of this chapter.
- B. Any person convicted of a violation of any provision of this chapter shall be guilty of a misdemeanor and shall be punished as provided in Section 9.02.020 of this code. (Ord. 63-80: Ord. 4-85).

Chapter 9.12 - Miscellaneous Crimes**Sections:**

- 9.12.010 Conspiracy**
- 9.12.020 Riot**
- 9.12.030 Failure to Disperse**
- 9.12.040 Criminal Impersonation**
- 9.12.050 Impersonating Public Officer**
- 9.12.060 Abandoned Refrigerators**
- 9.12.070 Cold storage Lockers**
- 9.12.080 Hunting**
- 9.12.090 Tormenting or Harassing Birds and Animals**
- 9.12.100 Violation of Court Orders**

9.12.010 Conspiracy

It is unlawful for any person with intent that conduct constituting a crime be performed, to agree with one or more persons to engage in or cause the performance of such conduct. Every person who is convicted of a violation of the provisions of this section shall be guilty of conspiracy. When an object of the conspiratorial agreement is a felony of any class, as defined by the laws of the state of Washington, conspiracy is a misdemeanor. When an object of the conspiratorial agreement is a misdemeanor, conspiracy is a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.12.020 Riot

It is unlawful for any person, acting with three or more persons, to knowingly and unlawfully use or threaten to use force, or in any way participate in the use of such force against any other person or against property. Every person who is convicted of a violation of the provisions of this section shall be guilty of riot, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.12.030 Failure to Disperse

It is unlawful for any person to congregate with a group of three or more other persons at such times as there are acts of conduct within the group which create a substantial risk of causing injury to any person, or substantial harm to property, and to refuse or fail to disperse when ordered to do so by a peace officer engaged in enforcing or executing the law. Every person who is convicted of a violation of the provisions of this section shall be guilty of failure to disperse, a misdemeanor. (Ord. 99-76 1.01).

9.12.040 Criminal Impersonation

It is unlawful for any person to assume a false identity and to perform any act in his assumed character with intent to defraud another or for any other unlawful purpose; or to pretend to be a representative of some person or organization and do an act in this pretended capacity with intent to defraud another or for any other unlawful purpose. Every person convicted of a violation of the provisions of this section shall be guilty of criminal impersonation, a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.12.050 Impersonating Public Officer

It is unlawful for any person to willfully, unlawfully or fraudulently represent himself to be a peace officer, or other duly licensed or authorized officer of the City of Richland, when he is not a peace officer or other duly licensed or authorized officer of the City; or without lawful authority to do so, to wear a metal or metal-like badge or other insignia, containing the words "City of Richland," "Richland Police Officer," "Richland Police," "Richland Detective," "Police Department, City of Richland," or any words of a similar nature; or to wear the uniform of a peace officer, or other officer of the City, or any distinctive part of such uniform or a uniform or any part thereof which is deceptively similar to that of a peace officer, or other public officer, when not authorized to do so. Every person convicted of a violation of the provisions of this section shall be guilty of impersonating a public officer, a misdemeanor. (Ord. 99-76 1.01).

9.12.060 Abandoned Refrigerators

It is unlawful for any person to place, maintain, leave or possess, or to knowingly permit to be placed, maintained, left or possessed, in any place accessible to children, any abandoned, unused or discarded icebox, refrigerator or other like container or receptacle, unless all doors thereon may be readily opened by children from the inside thereof and all locks and locking devices have been removed there from.

Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor. (Ord. 99-76 1.01).

9.12.070 Cold Storage Lockers

- A. It is unlawful for any person, either as owner or operator, or as agent for the owner or operator, to maintain or operate any cold storage locker or cold storage room unless the same is equipped with the following:
1. An emergency bell clearly audible to persons on the outside of the cold storage enclosure and operable from the inside of the locker or room. The operating mechanism on the inside of the locker or room shall be clearly posted with the words "emergency bell";
 2. Two or more separate electric lights of at least ten watts each, located on the inside of the locker or room immediately adjacent to the operating mechanism of the emergency bell required in subsection (1) above.
- B. Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor. (Ord. 99-76 1.01).

9.12.080 Hunting

It is unlawful for any person to hunt any bird or animal within the City limits of the City of Richland, except in areas of the City that may be designated by resolution of the City council, and during such times as may be so designated. Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor. (Ord. 99-76 1.01).

9.12.090 Tormenting or Harassing Birds and Animals

It is unlawful for any person to willfully torment or harass any game bird, game animal, or any specie of bird or animal protected under the rules or regulations promulgated by the Washington State Game Commission; provided, however, that nothing contained in this section shall apply to birds or animals which are lawfully hunted in areas of the City designated by resolution of the City council during such times as may be so designated. Every person convicted of a violation of this section shall be guilty of a misdemeanor. (Ord. 99-76 1.01).

9.12.100 Violation of Court Orders

- A. It is unlawful for any person to knowingly violate or fail to comply with any injunction, restraining order, order for protection, anti-harassment order, or any other order of a court, or to aid and abet or acquiesce in such violation or failure.
- B. It is unlawful for any person to fail to comply with or violate the terms and conditions of any sentence or judgment in a criminal case.
- C. It is a defense to a violation of this section that a court order was issued contrary to law or court rule, but no right of action accrues against a police officer acting upon a copy of a court order, fair on its face, if the officer employs otherwise lawful means to effect the arrest.

Every person convicted of a violation of the provisions of this section shall be guilty of violation of court orders, a misdemeanor. (Ord. 39-92).

Chapter 9.14 - Disorderly Conduct**Sections:****9.14.010 Disorderly Persons Defined and Enumerated****9.14.020 Violation-Penalty****9.14.010 Disorderly Persons Defined and Enumerated**

The following persons are declared to be disorderly persons:

- A. Any person found intoxicated from the use of drugs or other substances, exclusive of alcoholic beverages, in any public place in the City;
- B. Any person fighting or encouraging others to fight in any public place in the City;
- C. Any person who, by noisy, riotous or tumultuous conduct, disturbs the quiet and peace of the City, or of any meeting or assemblage therein;
- D. Any person who uses, in the presence of another person, vulgar, profane, or indecent language, or who makes any vulgar, profane, obscene or indecent gesture, under circumstances which create a risk of assault;
- E. Any person who intentionally obstructs vehicular or pedestrian traffic:
 - 1. By the linking of arms or joining of hands, lying down, sitting or standing in the street or public right-of-way thus preventing the flow of vehicular or pedestrian traffic, or by placing a parked vehicle or other objects in such a manner to obstruct the flow of traffic or;
 - 2. Obstructs pedestrian or vehicular traffic and refuses or intentionally fails to cease such activity when ordered to do so by a police officer;
- F. Any person who willfully annoys, bothers, molests, insults, or offers an affront or indignity to any person, under circumstances which create a risk of assault;
- G. Any person who, without proper authorization, willfully removes, defaces, injures or destroys any street sign, or sign erected or placed in or adjacent to any street, which sign indicates the name of the street or serves as a traffic-control device;
- H. Any person who transmits a fire alarm when he knows that there is no fire, or summons police or ambulance on the pretext that an emergency exists if he knows that there is no such emergency;
- I. Any person who refuses to yield or surrender the use of a party telephone line to another person for the purpose of permitting such other person to report a fire or to summon police, medical or other aid in case of emergency;
- J. Any person who asks for or requests the use of a party telephone line on the pretext that an emergency exists, knowing that no emergency in fact exists;
- K. Any person in the City engaged in buncoing or in the operation of a swindling game or device for the purpose of swindling or defrauding others;
- L. Any person who expectorates at or toward another person;
- M. Any person who intentionally inhales vapors or fumes of any substance for the purpose of inducing euphoria, hallucination or intoxication, except as authorized by law; and every person who visits or resorts to any place with knowledge that any of the above acts are being conducted, practiced or carried on illegally therein. (Ord. 99-76: Ord. 4-87).

9.14.020 Violation-Penalty

It is illegal to be a disorderly person in the City of Richland. Every person convicted of a violation of any provision of this chapter shall be guilty of disorderly conduct, a misdemeanor. (Ord. 99-76: Ord. 4-87).

Chapter 9.16 - Nuisances

Sections:

- 9.16.010 Definitions**
- 9.16.020 Public Nuisance Defined**
- 9.16.030 Public Nuisances Affecting Health**
- 9.16.040 Public Nuisances Affecting Peace and Safety**
- 9.16.045 Public Nuisance Noise Prohibited**
- 9.16.046 Public Nuisance Allowing Blowing Dust and Dirt Prohibited**
- 9.16.050 Compliance - Notice**
- 9.16.055 Enforcement—Civil**
- 9.16.060 Right of Appeal-Civil Enforcement-Timeliness**
- 9.16.070 Appeal Procedure-Civil Enforcement**
- 9.16.080 Enforcement-Criminal**
- 9.16.090 Penalties-Civil and Criminal**
- 9.16.100 Provisions not Exclusive-Public Nuisance Declared**
- 9.16.110 Purpose-Liability**
- 9.16.120 Correction by Owner or Other Responsible Person**
- 9.16.130 Correction by City**
- 9.16.140 Immediate Danger - Summary Correction**
- 9.16.150 Abatement of Dangerous Buildings**
- 9.16.160 Abatement of Drug Houses and Related Nuisances**

9.16.010 Definitions

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

- A. "Correct" means to abate, repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in such a manner and to such extent as the compliance officer, in the officer's judgment, determines is necessary in the interest of the general health, safety, and welfare of the community.
- B. "Compliance Officer" means the City Manager's designee.
- C. "Responsible Person" means any agent, lessee, or other person occupying or having charge or control of any premises.
- D. "Premises" means any building, lot, parcel, real estate, or land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking lanes.
- E. "Observe" means to see, to witness, to discern, to spot, to view.
- F. "Trash" means worthless or discarded objects, refuse, or rubbish. Something broken off and to be discarded, much like plant materials. Also includes debris, dreck, dregs, droppings, dross, excess, filth, fragments, junk, leavings, litter, oddments, offal, pieces, refuse, residue, rubbish, rubble, rummage, scourings, scrap, scraps, scum, sediment, shavings, slag, sweepings, or waste.
- G. "Fence" means an upright structure serving as an enclosure, a barrier, or a boundary, usually made of posts, boards, wires or stakes joined together by boards, wire, or rails. For the purposes of enforcement of this nuisance code, a fence shall not be constructed of wooden pallets, tires, sheets of plywood or corrugated sheet metal or any type of metal. A 'sight-obscuring' fence shall be a fence between the subject property and the abutting property, whether the property be publicly owned or in private ownership.
- H. "Dilapidated" means having fallen into a state of disrepair or deterioration, as through neglect; broken-down and shabby. Includes battered, beat up, broken down, crumbling, crumbly, crummy, damaged, decayed, decaying, decrepit, dingy, dog eared, faded, fallen in, impaired, injured, marred, neglected, old, ramshackle, ratty, raunchy, rickety, rinky-dink, ruined, ruinous, run-down, seedy, shabby, shaky, slummy, tacky, threadbare, tumble-down, uncared for, unimproved, unkempt, used up, worn out.
- I. "Deteriorated" means to have become inferior in quality or value, to have become impaired in quality, functioning, or condition, to have fallen from a higher to a lower level in quality, character, or vitality.
- J. "Sight-obscuring" as used herein is defined as to make dark, dim, or indistinct or to conceal or to hide. At any distance from the fence, viewed by a person standing not taller than 6' and from any point of view outside of the fenced area, any materials, equipment, or activity in the interior of the fenced area shall not be visible to the viewer from the intersection of the fence with the ground upwards. (Ord. 10-86: Ord. 30-03 Ord. 13-06).

9.16.020 Public Nuisance Defined

Unlawful public nuisances affecting health, peace and safety, noise and blowing dust and dirt are defined in Sections 9.16.030, 9.16.040, 9.16.045, and 9.16.046. (Ord. 10-86: Ord. 30-03).

9.16.030 Public Nuisances Affecting Health

The following are declared to be nuisances affecting health:

- A. Defective or overflowing septic or sewage systems, and the existence of any noxious, foul, or putrid liquid or substance which poses a health hazard or creates a noxious odor;
- B. Any man caused pool of standing or stagnant water, except storm drainage systems and properly maintained ornamental or landscape pools or ponds, which serves as a breeding area for insects;
- C. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property to an extent injurious to the public health, safety, welfare or comfort of others.;
- D. All other acts, failure to act, occupations, or use of property that is a menace to the health of the public. (Ord. 10-86: Ord. 30-03: Ord. 13-06).

9.16.040 Public Nuisance Affecting Peace and Safety

The following are declared to be nuisances affecting peace and safety:

- A. All public sidewalks not maintained in accordance with Chapter 12.16 of this code;
- B. All trees, hedges, fences, signs or other obstructions which are not installed or maintained in accordance with Chapter 12.11 of the Richland Municipal Code;
- C. All limbs of trees which are less than seven (7) feet above the surface of any public sidewalk, or twelve (12) feet above the surface of any street;
- D. All buildings, other structures, or portions thereof which have been damaged by fire, decay, or have otherwise deteriorated so as to endanger the safety of the public and the existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, public sidewalk, or public place, which is sagging, leaning, fallen, decayed, or is otherwise dilapidated and creating an unsafe condition, which shall include any interior walls or other vertical structural members which list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside the middle third of its base;
- E. All explosives, flammable liquids, and other dangerous substances stored or used in any manner in violation of the Fire Code shall be referred to the Fire Department;
- F. Dumping, throwing, placing, leaving, or causing or permitting to be dumped, thrown, placed, or left, any filth, paper, cans, glass, rubbish, trash, garbage, grass trimmings, shrub trimming, and shrubbery of any kind, in or upon any street, alley, sidewalk, ditch, or private property of another in the City;
- G. Erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, alley, sidewalk, park, parkway, or other public or private place in the City, the total of which material would exceed 2 cubic yards in volume, any one or more of the following conditions or things:
 1. Filthy, littered, or trash covered yards, vacant lots, or other premises;
 2. Trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, and other pack materials, including scrap wood, lumber, scrap iron, metal, or other material which is not neatly piled;
 3. Bottles, cans, glass, ashes, pieces of scrap iron, wire, metal articles, broken stone or cement, and all trash or abandoned material, unless kept in covered bins or receptacles, or anything whatsoever in which rodents or insects may breed or multiply, or which may be a fire hazard;
 4. Accumulation of garbage, decaying vegetation, manure, dead animals, or other noxious things in a street or alley, or on public or private property.
 5. This section shall include the keeping or storing the equivalent amount of material in a trailer, pickup bed, or other portable container.
- H. The permitting to remain outside any dwelling, building, or other structure, any abandoned, unattended, or discarded or non-operational vehicle, as regulated by RMC 9.20 of this Code, vehicle parts, ice chest, refrigerator, furniture, household appliances or other similar items, in any front, side or rear yard of the property which may be maintained by a "responsible person" as defined in RMC 9.16.010(C) and which items can be seen from a public sidewalk, street or road unless enclosed behind a sight-obscuring fence ((€)) and in a manner where it is not visible from public property or from private property when observer is standing at ground level;

- I. Any pit, hole, basin, or excavation which is unguarded or has been abandoned, or is no longer used for the purpose constructed, or is maintained contrary to statutes, ordinances, or regulations.
- J. Any well or storage tank permitted to remain on any public or private property without being securely closed or barring any entrance or trap door thereto, or without filling or capping any well;
- K. The repair or abandonment of any automobile, truck, or other motor vehicle of any kind upon the public streets or alleys of the City as defined in Chapter 9.20 of this code;
- L. All barbed wire fences or any fence charged with electricity in any amount whatsoever, except as permitted by RMC 23.38.070(f);
- M. The keeping or permitting the existence of any bees or other insects, reptiles, rodents, fowl, or any other animals, domestic or wild, in any manner contrary to law, or which affect the safety of the public;
- N. The existence of any fence, other structure, or thing on private or public property abutting or fronting upon any public street, sidewalk, or place, which is sagging, leaning, fallen, decayed, or is otherwise dilapidated and creating an unsafe condition or which vertical structural members list, lean or buckle to such an extent that a plumbline passing through the center of gravity falls outside the middle third of its base;
- O. The existence of any vine, shrub, or plant growing on, around, or in front of any fire hydrant, utility pole, utility box, or any other appliance or facility provided for fire protection, public, or private utility purposes in such a way as to obscure from view or impair access thereto;
- P. The keeping or permitting the existence of morning glory, tackweed, Russian thistle, or other noxious weed, growing or otherwise, which is a health or safety hazard to persons or property;
- Q. All grasses, weeds, or other vegetation growing or which has grown and died, determined to be a fire or safety hazard or a nuisance to persons, shall not exceed six (6) inches in height measured above the ground except as follows:
 - 1. Any parcel of land or contiguous segregated parcels of land which when combined represent a parcel larger than one (1) acre in size, may comply with these requirements by providing a firebreak along that portion of the perimeter of the parcel which abuts developed property or an improved street. The firebreak shall be a minimum of twenty (20) feet in width, within which all weeds and vegetation, except established trees, shall not exceed twelve (12) inches in height measured above the ground;
 - 2. Any designated public parkland, natural area, or environmentally sensitive area, or any large undeveloped parcels of land not adjacent to developed areas or which are used for agricultural purposes; Any of the above exceptions may be waived and additional maintenance required by the compliance officer if he determines such action is necessary to protect the safety of persons or adjoining property. All maintenance shall be done in a manner so as to minimize disruption of soil stability;
- R. The existence of any dead, diseased, infested, or dying tree, shrub, or other vegetation which may pose a danger to vegetation, crops, property or persons;
- S. Objects that interfere with, obstruct, tend to obstruct, or render dangerous for passage of either persons or vehicles to any public park, street, sidewalk, alley, highway or other public area. Objects subject to this section include but are not limited to basketball hoop standards, street hockey goals and non-operational or abandoned vehicles, or parts thereof, or other articles of personal property, which are discarded or left in a state of partial repair. (Ord. 99-76: Ord. 10-86: Ord. 26-90: Ord. 30-03: Ord. 26-05: Ord. 13-06)

9.16.045 Public Nuisance Noise Prohibited

No person, whether or not that person is in actual possession of the noise source, shall create, continue, or cause to be created or continued, any public disturbance noise. "Public Nuisance Noise" means any noise which:

- A. Is specifically included in, but not limited to, those listed in this section; or
- B. That unreasonably disturbs or interferes with the peace, comfort, and repose of another person. Public disturbance noises for the purposes of this section shall include, but shall not be limited to, the following specified sounds:
 - 1. Any sound made by the use of a musical instrument, whistle, sound amplifier, juke box, radio, television, or other similar device which emanates from a building, structure, or property between the hours of 9:00 p.m. and 7:00 a.m. so as to be audible greater than seventy-five (75) feet from the building, structure or property.

2. Any sound made by the unamplified human voice that emanates from a building, structure or property between the hours of 9:00 p.m. and 7:00 a.m. so as to be audible greater than seventy-five (75) feet from the building, structure or property.
3. Any sound made from motor vehicle tires that causes or allows to be emitted squealing, screeching, or other sounds from the tires because of rapid acceleration or excessive speed around corners or other reasons. Sounds resulting from emergency braking to avoid imminent danger are not a violation of this section.
4. Any sound made by the discharge gases from an internal combustion engine except through a muffler.
5. Any sound made by the operation of any motorcycle, motorbike, off-road or terrain vehicle in the City on any property not a part of the street system of the City when such motorcycle, motorbike, off-road or terrain vehicle does not conform to the muffler standard required for operation on the public streets.
6. Any sound made by a horn or other similar signaling device attached to a motor vehicle which is audible greater than seventy-five (75) feet or more from the vehicle except when reasonably necessary to insure safe operation as permitted in RCW 46.37.380.
7. Any sound made by a loud speaker or sound amplifier exterior to any building for commercial advertising or sales purposes or for attracting the attention of the public to any performance, show or other event so as to be audible greater than seventy-five (75) feet from the building, structure, or property.
8. Any sound which is audible greater than seventy-five (75) feet or more from any school, other institution of learning, court, hospital, nursing or convalescent facility, or other area where exceptional quiet is necessary; provided signs are displayed in adjacent or contiguous streets indicating that the area is a quiet zone.
9. Any sound made by the construction, excavation, repair, demolition, destruction, or alteration of any building, property or upon any building site between the hours of 9:00 p.m. and 7:00 a.m. which is audible greater than seventy-five (75) feet or more from a residential district.
10. Any sound made by operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool or air conditioner, fan or blower, or similar device which is audible greater than seventy-five (75) feet or more from residential areas between the hours of 9:00 p.m. and 7:00 a.m. the following day so as to cause a noise disturbance across a boundary.
11. Any sound made by speaker sound amplifier or motor vehicle audio system exterior to the passenger sitting compartment of a motor vehicle on a public street or highway (anywhere within the right-of-way thereof) of a commercial radio station broadcast, or music from an audio tape cassette, compact disc, or other recording medium so as to be audible at a distance of seventy-five (75) feet or more from the source of the sound.
12. Any sound from a motor vehicle audio system, such as tape players, radios, and compact disc players, operated at a volume and under conditions, so as to be audible greater than seventy-five (75) feet from the vehicle itself.
13. Any sound from portable audio equipment, such as a radio, tape player, or compact disc player, which is operated at such a volume so as to be audible at a distance of seventy-five (75) feet or more than the source of the sound.
14. A special permit may be issued by the City Manager which would allow the permittee to exceed the noise level limitations of this ordinance for a specified period of time. Such permit will provide a date, time, and signature of the responsible party and shall be submitted at least 14 days prior to a planned event taking place. (Ord. 26-90: Ord. 30-03: Ord. 08-04).

9.16.046 Public Nuisance of Allowing Blowing Dust and Dirt Prohibited

- A. Excavating, grading, plowing or disturbing the top soil of any land area within the City of Richland, or permitting the same, by any person, firm or corporation, without taking affirmative measures to suppress and minimize the blowing and scattering of dust whereby it substantially effects the health, peace, comfort, or repose of two or more persons separately residing in their usual place of abode, or in work or recreation, is hereby declared to be a nuisance, and within the police power of the City of Richland to regulate. Investigation and documentation of an alleged violation will take place upon complaint of two or more persons separately residing.

- B. Any person, firm or corporation who shall disturb, excavate, grade, plow, or remove the top soil of any land area, or permit or direct same, within the City of Richland, as herein prohibited, for any purpose, without taking reasonable, affirmative measures to suppress and minimize the blowing and scattering of dust such as adequate periodic sprinkling of the disturbed soil with water or other fluid, or by the application of a chemical or physical soil binder, or by other means of forming a crust thereon, or by means of a physical cover, or by adequate fencing or by effective corrugation of the surface, or any other means that will effectively suppress the blowing of dust, shall be determined to have committed a class 1 civil infraction the maximum penalty of which is two-hundred and fifty-dollars, not including statutory assessments as set forth in RCW Chapter 7.80. The compliance officer will be required to have observed the violation which shall consist of not providing the reasonable, affirmative measures as outlined in the permit application established in section (J) below. The infraction shall be deemed to have been committed and is final unless contested as provided in RCW Chapter 7.80.
- C. Each day that said violation continues shall be deemed a distinct and separate offense, punishable as provided herein.
- D. In addition to the civil sanctions herein provided, the City of Richland may, without being obligated to do so, abate said nuisance by going upon said premises where the soil has been disturbed and take whatever steps are reasonably necessary to suppress the blowing and scattering of dust.
- E. In the event an aggravated dust-blowing condition exists, the City, under the direction of the City Manager, may, without notice to the owner or person in possession of said premises, suspend work on said premises, or if no work is in progress, cause the blowing dust to be suppressed by employees of the City of Richland or by engaging a private contractor to take reasonable measures to suppress the blowing dust.
- F. If no emergency exists, the City Manager shall direct that notice be given to the person, firm, or corporation to suppress the blowing dust and if adequate measures are not taken within five days from the date of said notice to suppress said dust, the City may cause said dust nuisance to be abated by City employees or by contract labor aforesaid.
- G. If the City elects to cause said dust problem to be abated by City employees or by contract labor, the reasonable expense thereof, together with materials used, and reasonable rental value of any equipment used, shall become a lien on said premises, or if the soil is disturbed in a street, alley, walk, or easement, or right-of-way, said reasonable expense of dust abatement shall be imposed as a lien upon the abutting or appurtenant property.
- H. Said lien shall be filed with the Benton county auditor in the manner and form of a sewerage lien and foreclosed in the manner by statute provided for the foreclosure thereof.
- I. As an alternative remedy the City may collect said cost of abating said nuisance by action against the person creating said nuisance or against the owner of the offending property if the work is being performed under his direction or for and in his behalf.
- J. The City building inspector, in the case of residential and commercial building permits, the public works director or designee, in the case of construction permits in the streets, or the Community and Development Services Group, in the case of approval of plats, shall as a condition for issuing a permit or according permission to proceed with a project, obtain adequate written assurances from the applicant that the conditions of this ordinance shall be complied with. This shall be done by filing a written plan with the specific department or group providing for an acceptable program to control dust on the project, which disturbs the soil and potentially provides a source of dust. While the plan may be determined by the ingenuity of the contractor, possible alternatives which may be acceptable include placement of water sprinklers in such a manner as to apply moisture to all disturbed soil, the application of chemical or physical soil binders or other means of forming a crust on the soil which shall control soil movement by wind, or by means of a physical cover, adequate fencing or by corrugation of the surface or any other means that will effectively suppress the blowing of dust from sites where the soil has been disturbed by human activity. In all cases, approval of the proposed plan by the City and implementation of the plan by the permittee does not relieve the permittee from the obligation to control the dust.
- K. If any provision of this ordinance shall be deemed unconstitutional, it shall not effect any other provision of this ordinance, the parts being separable. (Ord. 40-92: Ord. 30-03: Ord. 31-03).

9.16.050 Compliance - Notice

The compliance officer as designated by the City Manager, having determined that a public nuisance exists, shall cause any owner or responsible person to be notified of the existence of a public nuisance on any premises and shall direct the owner or other responsible person to correct the condition within ten (10) days after issuance of the notice or as otherwise ordered. The notice shall be substantially in the following form:

NOTICE TO CORRECT UNSAFE OR
UNLAWFUL CONDITION

ISSUED TO _____
(Name and Address of Person Notified)

As owner, agent, lessee, other person occupying or having charge, or control of the building, lot, or premises at

_____,
you are hereby notified that the undersigned, pursuant to Chapter 9.16 of the Richland Municipal Code, has determined that there exists upon or adjoining said premises the following condition(s):

which is (are) contrary to the provisions of the R.M.C. Section No. _____. You are notified to correct said condition(s) to the satisfaction of the undersigned within _____ days of the date of this notice. If you do not correct the condition(s) within the specified time period, a citation will be issued, and the City may correct the condition at your expense.

Correction is to be accomplished in the following manner:

If you should have any further questions regarding this matter, I may be contacted at:

_____ (Division)
_____ (Address)
_____ (Phone)

By: _____ (Name)
_____ (Position)
_____ (Date)

Mailed to: _____ Date: _____
Served by: _____ Date: _____

(Ord. 10-86: Ord. 30-03).

9.16.055 Enforcement-Civil

- A. Complaint and Investigation. After a complaint has been received from an identifiable person who is affected by a public nuisance and said complaint has been investigated by the compliance officer, the compliance officer may initiate proceedings as provided in 9.16.050.
- B. Administrative Proceeding. Whenever the compliance officer has identified a violation of this chapter as a public nuisance and as a result has reason to believe that an unlawful act under this chapter has been committed, the compliance officer may serve a written notice of violation and order directed to the owner or violator, or the owner or person in possession of the property where the violation originated. Service shall be made by either personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. One copy shall also be posted on the property or source if reasonably possible, and another copy shall be mailed to each complainant about the violation; additional copies may be mailed to other interested or affected persons as the compliance officer deems appropriate.

1. The notice of violation shall be in general form as set forth in RMC 9.16.050 and shall contain a brief and concise description of the conditions alleged to be in violation or to be a public nuisance; the provisions of this chapter alleged to have been violated; and evidence held demonstrating the violation, including photos and the time and place of their being taken.
 2. The order shall contain a statement of the corrective action required, and shall specify a reasonable time within which the action must be accomplished.
 3. The notice of violation and order shall contain an explanation of the appeal process and the specific information required to file an appeal.
- C. Final Orders. Any order issued by the compliance officer pursuant to this chapter shall become a final order unless, no later than ten (10) calendar days after the order is served, any person aggrieved by the order files an appeal with the compliance officer in accordance with RMC 9.16.060 and 9.16.070. Three (3) days shall be added to the ten (10) calendar days for appeal where the service of the final order is accomplished by mail.
- D. Separate Offenses. For enforcement purposes, each day, defined as the 24-hour period beginning at 12:01 a.m., in which violation of this chapter occurs, shall constitute a separate violation. (Ord. 30-03)

9.16.060 Right of Appeal-Civil Enforcement-Timeliness

- A. Any person aggrieved by a compliance officer's action (defined in part, as an order, decision, ruling or interpretation by the compliance officer) may appeal the compliance officer's action by filing a written request for appeal within 10 days of receipt of the compliance officer's action by submitting the filing fee and a written request to the clerk of the court for a hearing before the Benton County District Court. When the last day of the period so computed is a Saturday, Sunday or State-recognized holiday, the period shall run until 4:30 p.m. on the next business day. Failure to file a written request for appeal within the time prescribed will result in the compliance officer's action becoming a final order, and the appellant shall be bound thereby.
- B. The appeal will be heard by the Benton County District Court. The decision of the District Court shall be a final order and the appellant and the compliance officer shall be bound thereby unless, within 21 days from the date of the issuance of the Court's final order, a person with standing to appeal files a petition to the Superior Court. The cost for transcription of all records ordered certified by the Superior Court for such review shall be borne by the appellant. (Ord. 30-03: Ord. 13-06)

9.16.070 Appeal Procedure-Civil Enforcement

The appeal procedure for civil enforcement of these codes shall follow procedures for appeal of a decision of the Benton County District Court. (Ord. 30-03: Ord. 13-06)

9.16.080 Enforcement-Criminal

Every offense defined by this chapter or conduct made unlawful hereby shall constitute a misdemeanor crime. Nothing in this chapter shall preclude the concurrent processing of a criminal citation and civil violation abatement process. (Ord. 30-03)

9.16.090 Penalties-Civil and Criminal

- A. Civil Penalty for Failure to Comply with Final Orders. In addition to any other sanction or remedial injunctive procedure that may be available at law or equity, any person failing to comply with a final order issued by the compliance officer or Hearing Examiner, shall be subject to a cumulative civil penalty in an amount not to exceed \$100 per day from the date set for compliance until such order is complied with. The civil penalty shall be collected by such action brought in the name of the City.
- B. Criminal Penalty. Persons convicted of criminal misdemeanor crimes under this chapter shall be punished by a fine not to exceed \$5,000 or by imprisonment in the jail not to exceed one year or both imprisonment and a fine. (Ord. 30-03)

9.16.100 Provisions Not Exclusive-Public Nuisance Declared

- A. The provisions of this chapter shall be cumulative and nonexclusive, and shall not affect the City's right to any other claim, cause of action, or remedy available at law or equity.
- B. Any violation of any provision of this chapter is hereby declared to be a public nuisance. The compliance officer may request that the City Attorney, in addition to or in lieu of any other remedies set forth in this chapter, commence an action to enjoin, remove or abate such public nuisance in the manner provided by law or remove such public nuisance and restrain and enjoin any person from

causing sound or permitting sound to originate that constitutes a violation under this chapter. (Ord. 30-03)

9.16.110 Purpose-Liability

- A. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.
- B. Nothing contained in this chapter is intended to be nor shall be construed to create or form the basis for any liability on the part of the City, its officers, employees or agents, for any injury or damage resulting from the failure of anyone to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement pursuant to this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, employees or agents. (Ord. 30-03)

9.16.120 Correction by Owner or Other Responsible Person

If and when an owner or other responsible person shall undertake action to correct any condition described in this chapter, whether by order of the compliance officer, or otherwise, all necessary and legal conditions pertinent to the correction may be imposed by the compliance officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in this chapter shall relieve any owner or other responsible person of the obligation of obtaining any required permits or approvals to do any work incidental to the correction. (Ord. 10-86: Ord. 30-03).

9.16.130 Correction by the City

In all cases where the compliance officer has determined to proceed with correction, ten (10) days after giving notice, the City shall acquire jurisdiction to correct the condition at the responsible person's expense, as herein provided. Upon correction of the condition, or any portion thereof, by the City, all the expenses thereof shall constitute a civil debt owing to the City jointly and severally by such of the persons who have been given notice as herein provided. The debt shall be collectible in the same manner as any civil debt owing to the City. (Ord. 10-86: Ord. 30-03).

9.16.140 Immediate Danger - Summary Correction

Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or significant portion thereof, the correction officer shall have the authority to summarily and without notice correct the same. The expense of such correction shall become a civil debt against the owner or other responsible party and be collectible in the same manner as any civil debt owing to the City. Correction shall be as provided in this Chapter or Washington statutes. (Ord. 10-86: Ord. 30-03).

9.16.150 Abatement of Dangerous Buildings

Considerations involving dangerous buildings shall be processed according to RMC Title 21 as it now exists or may be amended in the future. (Ord. 10-86: Ord. 30-03)

9.16.160 Abatement of Drug Houses and Related Nuisances

The City of Richland shall use the processes provided in RCW Chapter 7.43 as it currently exists or may hereafter be amended relating to drug nuisance laws and enforcement within the City of Richland. (Ord. 30-03)

Chapter 9.20 - Unauthorized and Junk Vehicles**Sections:****9.20.010 Definitions****9.20.020 Storage-Unlawful****9.20.030 Junk Vehicles-Public Nuisance-Abatement and Removal****9.20.010 Definitions**

- A. "Unauthorized Vehicles" for the purpose of this chapter, means a vehicle that is left unattended within the City of Richland on any highway, public street or public property, or on the property of another without the property owner's permission. A vehicle shall not be considered to be unauthorized if its owner or operator is unable to remove it from the place where it is located and so notifies the Richland police department and requests assistance.
- B. Junk vehicle is a vehicle or portion thereof that meets three (3) or more of the following criteria:
 - 1. three (3) years old or older;
 - 2. Extensively damaged, such damage including but not limited to any of the following: broken window or windshield; or missing wheels, tires, motor, or transmission;
 - 3. Apparently inoperable;
 - 4. Without a valid current registration or license;
 - 5. Equal in value only to the fair market value of the scrap/parts in it. (Ord. 99-76: Ord. 15-88: Ord. 44-95).

9.20.020 Storage-Unlawful

- A. It is unlawful for any person, or corporation, to place or keep an unauthorized vehicle or junk vehicle or portion thereof, upon any private or public property within the City of Richland or as owner, occupant, or party in control of any real property within the City to permit or allow any such automobile or portion thereof to be placed or kept upon such property unless:
 - 1. The vehicle or part thereof is completely enclosed within a building or behind a fence, in a manner where it is not visible from the street or other public or private property; or
 - 2. The vehicle or part thereof is stored or parked in a lawful manner on private property in connection with the business of a licensed automobile dismantler or dealer, and the property is fenced according to the provisions of RCW 46.80.130.
- B. Any vehicle that is deemed by the City council, chief of police or authorized agent, to be a junk vehicle must be abated or removed in accordance with this ordinance, by the vehicle owner and/or property owner within ten (10) days of the receipt of notice from the chief of police or authorized agent that the vehicle has been so designated as a junk vehicle or unauthorized vehicle.
- C. Any vehicle that is deemed by the City council, chief of police or authorized agent, to be an unauthorized vehicle, must be abated or removed in accordance with this ordinance by the vehicle owner and/or property owner within twenty-four (24) hours of written notice being placed on such vehicle designating it as an unauthorized vehicle or as otherwise provided in this chapter.
- D. An unauthorized vehicle is subject to removal and impoundment after:
 - 1. Public locations:
 - a) Constituting a traffic hazard as defined in RCW 46.55.113: Immediately.
 - b) On a highway and tagged as described in RCW 46.55.085: twenty-four (24) hours.
 - c) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070: Immediately.
 - 2. Private locations:
 - a) On residential property: Immediately.
 - b) On private non-residential property, properly posted under RCW 46.55.070: immediately.
 - c) On private non-residential property not posted: twenty-four (24) hours. (Ord. 99-76: Ord. 15-88: Ord. 44-95).

9.20.030 Junk Vehicle-Public Nuisance-Abatement and Removal

- A. The storage or retention of wrecked, dismantled or inoperative vehicles or automobile hulks on any private property in the City of Richland is a public nuisance which shall be abated and removed in accordance with the provisions of this section as hereinafter set forth:
 - 1. Cost of abatement and removal of such vehicle may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be determined unless

such owner in the transfer of ownership of such vehicle or automobile hulk has complied with RCW 46.12.101, or the costs may be assessed against the owner of the real property on which the vehicle is stored and shall constitute a lien thereon.

2. Before the abatement or removal of such vehicle or automobile hulk, notice shall be given to the last registered owner thereof of record and the real property owner of record that a public hearing may be requested before an administrative hearing officer, and if no hearing is requested within ten (10) days, the vehicle or automobile hulk will be removed and abated and the costs thereof assessed in accordance with this section.
3. If a request for hearing is received by the City, a notice giving the time, location and date of such hearing on the question of the abatement and removal of such vehicle or automobile hulk as a public nuisance shall be mailed by certified or registered mail with a five (5)-day return requested, to the owner of the real property as shown on the last equalized assessment roll and to the last registered and legal owner of record of such motor vehicle or hulk, unless the vehicle is in such condition that identification numbers are not available to determine ownership.
4. The applicant for hearing may appear in person at such hearing, or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land with his reasons for such denial. If it is determined at the hearing that the vehicle or automobile hulk was placed on the land without the consent of the landowner, and that he has not subsequently acquiesced in its presence, then the City shall not assess costs of administration or removal of the vehicle or automobile hulk against the real property upon which the vehicle is located or otherwise attempt to collect such costs from the landowner.
5. After notice has been given of the intent of the City of Richland to dispose of a vehicle or vehicle hulk, the vehicle or abandoned hulk or parts thereof shall be removed from the private property by the chief of police or his agent and disposed of to a licensed auto wrecker or tow truck operator with notice to the Washington State Patrol and Department of Motor Vehicles that the vehicle or abandoned hulk has been wrecked.
6. The City of Richland may, within thirty (30) days after the removal by the chief of police of an abandoned, wrecked, dismantled or inoperative automotive vehicle from real property, file for recording with the Benton County auditor a claim for lien for the costs of removal, which shall be in substance in accordance with provisions covering mechanic's liens in RCW Chapter 60.04, and the lien may be foreclosed in the same manner as such lien; provided, that this section shall not apply to vehicles as set forth in RMC 9.20.020(A)(1) and (2). (Ord. 99-76: Ord. 15-88: Ord. 44-95).

Chapter 9.22 - City Property**Sections:**

- 9.22.010 Library Property-Damage and Destruction**
- 9.22.020 Library Property-Failure to Return Books**
- 9.22.030 Library Property-Taking Property Without Permission**
- 9.22.040 Library Property-Unlawful Possession**
- 9.22.050 Breaking Windows**
- 9.22.060 Interfering With Monuments**
- 9.22.070 Park Property**
- 9.22.075 Park Hours**
- 9.22.080 City Property-Removal or Damage**
- 9.22.090 City Property-Unlawful Possession**
- 9.22.095 Public Property Effected**
- 9.22.096 Prohibitions and Penalties**
- 9.22.097 Unauthorized Vehicle**
- 9.22.100 Violation-Penalties**

9.22.010 Library Property-Damage and Destruction

It is unlawful for any person intentionally to damage, deface, cut, mark, or destroy any property owned by, on loan to, or possessed by the City on deposit with or held by the Richland public library or any branch thereof. (Ord. 99-76 1.01).

9.22.020 Library Property-Failure to Return Books

It is unlawful for any person, having borrowed the same, to fail to return any property owned by, on loan to, or possessed by the City on deposit with or held by the public library, or any branch thereof, before the expiration of thirty days next following the mailing to the person of a notice in writing to return the same, given after the expiration of the time by which the rules of the public library state that the property may be retained by the person. The notice shall be mailed to the address of the borrower on file with the library and shall on its face refer by reference number to this section and Section 9.22.100. (Ord. 99-76 1.01).

9.22.030 Library Property-Taking Property Without Permission

It is unlawful for any person, without lawful authority, or by making use of a borrower's card of another without the permission of the owner thereof, or by the aid or use of any fraud or false representation, impersonation or pretense, or by any false token or writing, or by any device or trick, to take or obtain from the public library, or any branch thereof, any property belonging therein or thereto. (Ord. 99-76 1.01).

9.22.040 Library Property-Unlawful Possession

It is unlawful for any person to knowingly possess, without lawful authority, any property of the City deposited with or held by the public library or any branch thereof, unless such person returns that property to the library or branch as soon as practicable after discovering or obtaining possession of that property. (Ord. 99-76 1.01).

9.22.050 Breaking Windows

It is unlawful for any person maliciously to break any window of any building or structure in the City. (Ord. 99-76 1.01).

9.22.060 Interfering With Monuments

It is unlawful for any person to remove, alter, pull, destroy, or in any manner interfere with any surveyor's monument or witness stake established or set within the City, except by authority of the City Manager or his designee or of the person, firm, corporation or governmental agency which established or set the monument or witness stake. Any authorization by the City Manager or his designee to any person not employed by the City must be in writing to be valid. (Ord. 99-76 1.01: Ord. 58-94).

9.22.070 Park Property

A. Use of Park Property. It is unlawful for any person except City employees and other authorized persons in the performance of their duties or pursuant to a special permit issued by the City Manager to drive, stand or park any motor vehicle or to ride any horse upon the footpaths, bicycle paths, or any

grassed or landscaped areas in any public park or other public land of the City, or to pick any flowers or plants, or to damage or mutilate any of the shrubs or trees, monuments, or works of art, or in any manner damage any property of the City in any public park or other public land of the City, or to violate any of the rules or regulations relating to the public parks. It shall be unlawful to violate any of the following rules and regulations which shall apply in all parks throughout the City of Richland:

1. There shall be no unauthorized motorized vehicles allowed in the parks.
2. The possession of weapons in the parks is prohibited including, but not limited to air rifles, paintball guns, bows and arrows, cross bows, swords and pellet guns.
3. There shall be no dumping of trash, litter or garbage allowed in the parks.
4. There shall be no destruction of vegetation.
5. There shall be no unauthorized burning.
6. There shall be no unauthorized camping per sub-section (C) of this section.
7. There shall be no alcoholic beverages consumed in the parks without the appropriate permits.
8. There shall be no littering in the parks.
9. Dogs must be in compliance with existing leash law as set forth in RMC 7.03.050, or in compliance with rules established for designated off-leash dog areas with the city park system.
10. There shall be no loud noises generated by mechanical or electrical means.

The above actions may be allowed under park land leases or special events when permitted by the City Manager.

- B. Mooring Watercraft. It is a civil infraction for any person to moor or dock any watercraft at any City float, pier or dock (except for Marina Park docks) for a period in excess of 12 consecutive hours in any 5 day period, except as permitted by prior written agreement authorized by the City Manager for vessels carrying more than 20 passengers. Violation of this mooring watercraft time limitation shall be deemed a civil infraction and carry a civil penalty of \$150. Each day of violation of the provisions of this title section shall be deemed a separate violation. A notice of infraction may be issued by a police officer based upon the written affidavit of any individual.
- C. Marina Park Overnight Moorage. It is lawful for privately owned watercraft to moor at Marina Park transient moorage docks for a period of time not to exceed 5 consecutive nights and no more than two times in any three hundred and sixty-five day period. Overnight Watercraft moorage in excess of 5 consecutive nights and more than two times in any three hundred and sixty-five day period shall be deemed a civil infraction and carry a penalty of \$150. Each day of violation of the provisions of this title section shall be deemed a separate violation. A notice of infraction may be issued by a police officer based upon the written affidavit of any individual.
- D. Camping. It is unlawful to camp in any park or in or upon any public land or property of the City except at places set aside for such purpose by the City Manager and so designated by signs.
- E. Rules and Regulations. The City Manager is authorized to adopt rules and regulations for the implementation and enforcement of this section. (Ord. 65-80 1.01: Ord. 24-91: Ord. 20-03: Ord. 25-05: Ord. 11-08: Ord. 19-08: Ord. 08-09).

9.22.075 Park Hours

City property, which consists of dedicated or designated public parks, shall be available for use and activities during the hours of 5:00 a.m. and 11:00 p.m. It shall be unlawful for any person to be present in or use these public facilities after 11:00 p.m. or prior to 5:00 a.m. unless such use falls within permitted exceptions as provided herein:

- A. Activities for which a permit is issued by the Community and Development Services Group of the City.
- B. Fishing during the hours the park is closed so long as the person fishing has the appropriate state licensing.
- C. Putting boats into and taking boats out of the river.
- D. Camping in areas which have been set aside in RMC 9.22.070(c).
- E. Individuals utilizing paved walking trails for walking, jogging, and non-motorized cycling activities. (Ord. 58-94: Ord. 31-03).

9.22.080 City Property-Removal or Damage

It is unlawful for any person in any manner to damage, mutilate, destroy, remove, disconnect, or interfere or tamper with any machinery, poles, wires, meters, lamps, hydrants, or other appliances or equipment which are the property of the City. (Ord. 99-76 1.01).

9.22.090 City Property-Unlawful Possession

It is unlawful for any person knowingly to possess without authority from the City Manager or his authorized representative any property of the City, unless the person returns that property to the City as soon as practicable after discovering or obtaining possession of that property. (Ord. 99-76 1.01).

9.22.095 Public Property Effectuated

Any City-owned property within the City limits of Richland shall be included in the coverage of this ordinance. As required by state statute, the City will post a sign at each entrance of a parking facility notifying persons of the times a vehicle may be impounded as an unauthorized vehicle and also in a clearly conspicuous and visible location to all who park on such property. Additionally, the City will include on the sign the name, telephone number, and address of the towing firm where the vehicle may be redeemed. (Ord. 01-05)

9.22.096 Prohibitions and Penalties

Any vehicle stopped, parked, or standing on Public Property appropriately marked with signage in accordance with RCW 46.55.070 as is now written or may be amended, which is offered for sale is deemed an "unauthorized vehicle" and is in violation of this ordinance. A vehicle is considered to be offered for sale if it has any type of markings or signs on or about the vehicle that provides notification to the public that the vehicle is available for sale or trade and contains information or indications that it is for sale or trade such as the terms "for sale" and containing a method of contacting the owner or person in control of the vehicle. The sole penalty for violation shall be the vehicle is subject to being towed and impounded by the City of Richland. Expenses of the tow and storage shall be paid before the vehicle will be released to the owner. (Ord. 01-05)

9.22.097 Unauthorized Vehicle

For the purposes of Sections RMC 9.22.095 and 9.22.096, an unauthorized vehicle shall be a vehicle offered for sale on public property, said property having been appropriately signed, and which signs prohibit such use. (Ord. 01-05)

9.22.100 Violation-Penalties

Every person convicted of a violation of the provisions of this chapter, except for Sections 9.22.095 through 9.22.097, shall be guilty of a misdemeanor. (Ord. 99-76: Ord. 01-05).

Chapter 9.24 - Alcoholic Beverages

Sections:

- 9.24.010 Exercise of Police Power**
- 9.24.020 Definitions**
- 9.24.030 License Required to Sell**
- 9.24.040 Acting without Necessary License Unlawful**
- 9.24.050 Possession of Contraband Liquor**
- 9.24.060 Manufacture-Operating Still**
- 9.24.070 Purchase, Possession, or Consumption by Minors Prohibited**
- 9.24.080 Other Illegal Sales**
- 9.24.090 Procuring Liquor for Ineligible Person Prohibited**
- 9.24.100 Taking Orders for Liquor Prohibited**
- 9.24.110 Use of False or Fraudulent Identification**
- 9.24.120 Public Consumption Prohibited**
- 9.24.140 Age of Employees**
- 9.24.150 Inspection**
- 9.24.160 Allegation of Violation**
- 9.24.170 Violation-Penalties**

9.24.010 Exercise of Police Power

This chapter is in exercise of the police power of the City of Richland as an aid to the enforcement of the liquor control statutes of the state of Washington and shall be liberally construed for that purpose. (Ord. 99-76 1.01).

9.24.020 Definitions

When used in this chapter, the following words or phrases shall have the meaning given for them in this section, unless the context clearly requires a different meaning:

- A. "Board" means the State Liquor Control Board or its successor agency.
- B. "Licensed premises" means any place in which liquor is legally sold for consumption on the premises. It includes all parts of the premises to which the general public or, in the case of a club, the membership thereof, is ordinarily admitted and in which liquor is served, and any part of the premises in which liquor is stored or prepared. It excludes portions of the premises from which the general public is excluded (or, in the case of a club, from which members of the club are excluded) and in which liquor is not stored or prepared.
- C. "Liquor" means any substance, whether liquid, semisolid, or solid, that contains more than one percent of ethyl alcohol by weight.
- D. "Person" includes any natural person, and any partnership, firm, association, or corporation, whether acting as agent or principal.
- E. "Public place" includes: streets and alleys; buildings and grounds used for school purposes; public dance halls and adjacent grounds; any part of any of the following to which the public is permitted unrestricted access and which is usually open to and generally used by the public: places in which beer may be sold under RCW Title 66, soft-drink establishments, public buildings, public meeting halls, theaters, stores, garages, filling stations, and the lobbies, halls, and dining rooms of hotels; public conveyances of any kind, and the depots and waiting rooms used in conjunction therewith; publicly owned bathing pools, parks, or playgrounds; and any other places similar to or like any of the foregoing to which the public is permitted unrestricted access and which is usually open to and generally used by the public.
- F. "Sell" includes exchange, barter, and traffic; and also includes the selling or supplying or distributing, by any means whatsoever to any person, including a sale or selling within the City to a foreign consignee or his agent in the City.
- G. "Spirits" means any beverage that contains ethyl alcohol obtained by distillation and any beverage that contains more than seventeen percent of ethyl alcohol by weight. (Ord. 99-76 1.01).

9.24.030 License Required to Sell

- A. No person shall offer to sell, or possess or keep with intent to sell, any liquor unless he is duly licensed by the State Liquor Control Board to sell the same at the time and place where sold, offered, possessed or kept, and licensed to sell such liquor to a class of person to which any person to whom he sells or offers to sell belongs.
- B. The possession of spirits in a place not licensed to sell spirits but licensed to sell other liquor shall be presumptive evidence that the spirits are kept for the purpose of sale.
- C. The possession of liquor by a principal or an agent on premises registered with the Federal District Director of Internal Revenue as a place at which any branch of retail liquor trade is conducted shall be presumptive evidence of intent of such person to sell liquor at such place. (Ord. 99-76 1.01).

9.24.040 Acting Without Necessary License Unlawful

It is unlawful for any person to do any act for which a license is required by RCW Title 66 or by any regulation of the Board without having such license. (Ord. 99-76 1.01).

9.24.050 Possession of Contraband Liquor

Except as permitted by statute or by the Board, no liquor shall be kept or had by any person unless the package containing the liquor has been sealed with the official seal of the Board at a time in which the package contained that liquor. This provision shall not apply to liquor manufactured for home consumption or kept for personal use and not for sale. (Ord. 99-76 1.01).

9.24.060 Manufacture-Operating Still

Except as permitted by statute, no person shall manufacture liquor except for home consumption. No person shall operate any still for the manufacture of liquor. (Ord. 99-76 1.01).

9.24.070 Purchase, Possession, or Consumption by Minors Prohibited

- A. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or used in connection with religious services, no person shall give or otherwise supply liquor to any person under the age of twenty-one years or permit any person under that age to consume liquor on his premises or on any premises under his control.
- B. No person under the age of twenty-one years shall acquire or have in his possession or purchase, drink, or consume liquor, except in the case of liquor given or permitted to be given to such person by his parent or guardian for beverage or medicinal purposes or administered to him by his physician or dentist for medicinal purposes, or used in connection with religious services.
- C. No person under the age of twenty-one years shall attempt to obtain any liquor contrary to the provisions of this section.
- D. It is unlawful for any person under the age of twenty-one years to be or remain in any public place after having consumed liquor as evidenced by:
 - 1. The odor of intoxicants on the breath; or
 - 2. Observations by the officer through other sense perception; except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or used in connection with religious services. Public place or places is defined in Section 5 of Richland Municipal Code 9.24.020. Any person under the age of twenty-one years who is found to have consumed liquor shall be presumed to have consumed the same within the City limits of the City of Richland. (Ord. 99-76: Ord. 26-86: Ord. 13-87).

9.24.080 Other Illegal Sales

No person shall sell liquor to any person apparently intoxicated. (Ord. 99-76 1.01).

9.24.090 Procuring Liquor for Ineligible Person Prohibited

Except in the case of liquor administered by a physician or dentist or sold upon prescription in accordance with RCW Title 66, no person shall procure, supply, or assist directly or indirectly in procuring or supplying liquor for or to anyone whose right to purchase liquor is suspended or has been cancelled or who for any other reason is forbidden by law to purchase liquor. (Ord. 99-76 1.01).

9.24.100 Taking Orders for Liquor Prohibited

Except as provided in RCW 66.26.050, no person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor. (Ord. 99-76 1.01).

9.24.110 Use of False or Fraudulent Identification

No person shall use or present any false, forged, or counterfeited identification or other papers or things or any identification papers issued to identify another person inducing any other person to sell any liquor to him. (Ord. 99-76 1.01).

9.24.120 Public Consumption Prohibited

Except as permitted by RCW Title 66 and this chapter and any amendments hereof, no person shall in any public place open any package containing liquor or consume liquor, or break any seal used by the board to seal a container of liquor. (Ord. 99-76 1.01).

9.24.140 Age of Employees

No person under the age of twenty-one years shall be employed in any service in connection with the sale, handling, or serving of any liquor, either on a paid or voluntary basis, in, on, or about any licensed premises. (Ord. 99-76 1.01).

9.24.150 Inspection

All licensed premises shall at all times be open to inspection by any authorized police officer. (Ord. 99-76 1.01).

9.24.160 Allegation of Violation

In describing any offense under this chapter, it shall be sufficient to state the offense in the words of this chapter or in any words of like effect; no exception, exemption, provision, excuse, or qualification, whether it occurs by way of proviso or in the description of the offense, need be specified or negated in the complaint, although it may be provided by defendant; if it is specified or negated in the complaint, it shall be treated as surplusage.

In describing in any complaint, summons, warrant, or other process or legal papers any offense under this chapter respecting sale, possession, consumption, purchase, or disposition of liquor, it shall be sufficient to state the sale, possession, consumption, purchase, or disposition without stating the name or kind of such liquor, or the price thereof, or to whom it was sold or disposed of, or by whom consumed, or from whom it was purchased or received; and it shall not be necessary to state the quantity of liquor so sold, possessed, consumed, purchased, or disposed of, except in the case of offenses where the quantity is essential, and in such case it shall be sufficient to allege the sale or disposal of more or less than the quantity, as the case may be. (Ord. 99-76 1.01).

9.24.170 Violation-Penalties

It is unlawful for any person to violate any provision of this chapter. Every person convicted of a violation of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 99-76: Ord. 4-85).

Chapter 9.26 - Firearms and Other Dangerous Weapons

Sections:

- 9.26.010 Carrying Concealed Weapons**
- 9.26.015 Dangerous Weapons**
- 9.26.020 Discharging Firearms**
- 9.26.025 Exemption**
- 9.26.030 Discharging Airguns or Bows and Arrows**
- 9.26.040 Minors Discharging Air Guns**
- 9.26.050 Violation-Penalties**
- 9.26.060 Confiscation of Weapons**

9.26.010 Carrying Concealed Weapons

It is unlawful for any person to carry or wear concealed upon his person, or concealed in any vehicle, a weapon, consisting of either a pistol, revolver, or other firearm, or any knife the blade of which is in excess of four inches, or any other dangerous weapon or instrument which is commonly used to inflict injury upon the person of another. For the purpose of this section, "pistol, revolver, or other firearm" means and includes all weapons capable of discharging a projectile by means of compressed air, chemical, combustion, black powder, or otherwise, and having a barrel less than twelve inches in length. This section shall not apply to peace officers or other persons authorized by law or licensed by an authorized official to carry such concealed weapons. (Ord. 99-76 1.01).

9.26.015 Weapons Apparently Capable of Producing Bodily Harm Exhibiting, Displaying or Drawing Unlawful--Exceptions

It shall be unlawful for anyone to exhibit, display or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club or other weapon apparently capable of producing bodily harm, in a manner and 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 shall be further 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 purposes 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 a rope, cord, wire or chain 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.

This section shall not apply to peace officers or other persons authorized by law or licensed by an authorized official to carry such weapons. (Ord. 39-84).

9.26.020 Discharging Firearms

It is unlawful for any person wilfully and without lawful authority to fire, set off, or discharge any bomb, gun, pistol or firearm of any kind in the City, except that this subsection shall not apply to:

Police officers while in the discharge of their lawful duties;

Persons practicing target shooting in a duly licensed shooting gallery or at a target range maintained and operated by a law enforcement agency or by an organized rifle or gun club affiliated with a national shooting organization; or

Persons firing, setting off or discharging shotguns in areas within the City limits designated by the City council by resolution as areas in which hunting with shotguns is permitted and at times during which hunting is legally permitted. (Ord. 99-76 1.01).

9.26.025 Exemption

The jurisdiction of the City of Richland is and shall be exempt from the prohibitions set forth in subsection (4) of section 9.41.050 of the Revised Code of Washington as presently enacted and as may be hereafter modified or recodified. This exemption is enacted pursuant to the Revised Code of Washington 9.41.050(6). (Ord. 33-94).

9.26.030 Discharging Airguns or Bows and Arrows

- A. It is unlawful for any person to shoot or discharge any air pistol, air rifle or other air gun or bow and arrow or crossbow recklessly or with intent to do bodily injury to another or to destroy or damage property. For the purpose of this section, a person shall be presumed to have acted recklessly or with intent to do bodily injury to another or to destroy or damage property when it is shown that any pellet, arrow, or like projectile has struck, lodged, or otherwise been carried onto public property or private property owned by any person other than the person discharging the air pistol, air rifle or other air gun or bow and arrow or crossbow. In any criminal prosecution brought pursuant to this section, this presumption shall continue unless and until the same is rebutted by other competent evidence.
- B. For the purpose of this section, "recklessly" means a willfull and wanton disregard for the safety of persons or property. (Ord. 99-76 1.01).

9.26.040 Minors Discharging Air Guns

It is unlawful for any person under the age of fourteen years to shoot or discharge any air pistol, air rifle, or other air gun within the City limits of the City of Richland unless such person is accompanied and supervised by a parent, guardian, or other adult over the age of twenty-one years. (Ord. 99-76 1.01).

9.26.050 Violation-Penalties

Every person convicted of a violation of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 99-76: Ord. 4-85).

9.26.060 Confiscation of Weapons

Upon conviction of any person for violating any provision of this chapter, the chief of police shall confiscate the firearm or other weapon or instrument carried, concealed or discharged in violation of this chapter, and shall dispose of the same in the manner provided for the disposal of unclaimed property unless such disposal is contrary to law. (Ord. 99-76 1.01).

Chapter 9.27 - Carrying Deadly Weapons In Liquor Establishments or While Intoxicated**Sections:****9.27.010 Definitions****9.27.020 Unlawful Possession or Carrying of Deadly Weapon****9.27.030 Exemptions****9.27.040 Notice****9.27.010 Definitions**

- A. "Deadly weapon" means any revolver, pistol, firearm or other weapon capable of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, or any knife the blade of which is more than four inches in length.
- B. "Peace officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses. (Ord. 66-80 1.01).

9.27.020 Unlawful Possession or Carrying of Deadly Weapon

It is unlawful for any person to carry or possess any deadly weapon:

- A. While present as a customer or consumer of liquor or other alcoholic beverage in any place or establishment where liquor or other alcoholic beverages are sold for consumption on the premises;
- B. While under the influence of or affected by the use of intoxicating liquor.

The violation of this section constitutes a misdemeanor. (Ord. 66-80: Ord. 4-85).

9.27.030 Exemptions

The proscriptions of Section 9.27.020(1) shall not apply to:

Peace officers or military personnel while in the performance of their official duties;

Customers who are consuming liquor or intoxicating beverages with a meal and while seated in that portion of the premises qualifying as a restaurant under RCW 66.24.410.

The proscriptions of Section 9.27.020(2) shall not apply to any person while in his own residence. (Ord. 66-80 1.01).

9.27.040 Notice

Notice of the proscriptions of Section 9.27.020(1) shall be given by the owner, proprietor, or other person having management or control of any place or establishment where liquor or other alcoholic beverages are sold for consumption on the premises by posting in a conspicuous place a sign approved by the chief of police and furnished by the City for such purpose; provided, that such notice shall not be required to be posted in that portion of the premises qualifying as a restaurant under RCW 66.24.410. (Ord. 66-80 1.01).

Chapter 9.28 - Prostitution**Sections:****9.28.010 Unlawful Acts****9.28.020 Violation-Penalty****9.28.010 Unlawful Acts**

It is unlawful for any person to:

Commit or offer or agree to commit an act of prostitution; or

Secure or offer to secure another for the purpose of committing an act of prostitution; or

Knowingly transport a person into or within the City for the purpose of prostitution; or

Knowingly receive, offer, or agree to receive another into any place or building for the purpose of performing an act of prostitution, or knowingly permit another to remain there for any such purpose; or

Direct another to any place for the purpose of committing an act of prostitution; or

Knowingly in any way aid, abet or participate in an act of prostitution. (Ord. 99-76 1.01).

9.28.020 Violation-Penalty

Every person convicted of a violation of any provision of this chapter shall be guilty of prostitution, a misdemeanor. (Ord. 99-76: Ord. 4-85).

Chapter 9.30 - Gambling**Sections**

- 9.30.010 Definitions**
- 9.30.020 Conducting Gambling**
- 9.30.030 Gambling Prohibited**
- 9.30.040 Possessing or Permitting Gambling Devices**
- 9.30.050 Permitted Activities**
- 9.30.060 Tax Levied**
- 9.30.070 Violation-Penalties**

9.30.010 Definitions

For the purpose of this chapter, the following terms shall have the following meanings:

- A. "Amusement game" means a game played for entertainment in which:
 - 1. The contestant actively participates;
 - 2. The outcome depends in a material degree upon the skill of the contestant;
 - 3. Only merchandise prizes are awarded;
 - 4. The outcome is not in control of the operator;
 - 5. The wagers are placed, the winners are determined, and a distribution of prizes or property is made in the presence of all persons placing wagers at such game; and
 - 6. The game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of the organization takes any part in the management or operation of the game, including the furnishing of equipment, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting such game, or the game is conducted as part of any agricultural fair as authorized under RCW Chapters 15.76 and 36.37 or the game is conducted as a part of and upon the site of:
 - a) A civic center of the City of Richland, or
 - b) A community-wide civic festival held not more than once annually and sponsored by or approved by the City of Richland.
- B. "Bingo" means a game in which prizes are awarded on the basis of designated numbers or symbols on a card conforming to numbers or symbols selected at random and at the time and place of the game, when the game is conducted by a bona fide charitable or nonprofit organization as defined in subsection (C) of this section which does not conduct or allow its premises to be used for conducting bingo on more than three occasions per week, and no person other than a bona fide member or an employee of the organization takes any part in the management or operation of the game, and no person who takes part in the management or operation of the game takes any part in any management or operation of any game conducted by any other organization or any other branch of the same organization and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting the game.
- C. "Bona fide charitable or nonprofit organization" means any organization duly existing under the provisions of RCW Chapters 24.12, 24.20, or 24.28, any agricultural fair authorized under the provisions of RCW Chapter 15.76 or 36.37, or any nonprofit corporation duly existing under the provisions of RCW Chapter 24.03 for charitable, benevolent, eleemosynary, educational, civic, patriotic, political, social, fraternal, athletic or agricultural purposes only, or any nonprofit organization, whether incorporated or otherwise, which has been found by the Washington State Gambling Commission to be organized and operating for one or more of the aforesaid purposes only, or any corporation which has been incorporated under U.S.C. Title 36 and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods and other national calamities and to devise and carry on measures for preventing the same, all meeting the requirements of, and, when necessary, being licensed by the Washington State Gambling Commission, pursuant to the provisions of the laws of the state of Washington, RCW Chapter 9.46.
- D. "Contest of chance" means any contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.
- E. "Fishing derby" means a fishing contest, with the payment or giving of an entry fee or other consideration by some or all of the contestants; wherein the contestants compete with each other for

a prize or prizes, whether money, merchandise or other thing of value; the prize or prizes is or are awarded based upon the lawful catching of fish by any one or more of the contestants; and such contest is conducted by a bona fide charitable or nonprofit organization.

- F. Gambling Game or Gambling Activity. A person engages in "gambling" or a "gambling game" or "gambling activity" if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event, not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome. Gambling does not include pari-mutuel betting as authorized by RCW Chapter 67.16, bona fide business transactions valid under the law of contracts, including, but not limited to, contracts for the purchase or sale at a future date of securities or commodities, and agreements to compensate for loss caused by the happening of chance, including, but not limited to, contracts of indemnity or guarantee and life, health or accident insurance. In addition, a contest of chance which is specifically excluded from the definition of lottery under subsection (G) of this section shall not constitute gambling.
- G. "Lottery" means a scheme for the distribution of money or property by chance among persons who have paid or agree to pay a valuable consideration for the chance. For the purpose of the ordinance codified in this section, the following activities do not constitute "valuable consideration" as an element of a lottery:
1. Listening to or watching a television or radio program or subscribing to a cable television service;
 2. Filling out and returning a coupon or entry blank or facsimile which is received through the mail or published in a bona fide newspaper, or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such a newspaper, magazine or program;
 3. Sending a coupon or entry blank by United States mail to a designated address in connection with a promotion conducted in this City or state not more than once a year over a period of not more than ninety days;
 4. Visitation to any business establishment to obtain coupon and entry blank;
 5. Mere registration without purchase of goods or services;
 6. Expenditure of time, thought, attention and energy in perusing promotional material;
 7. Placing or answering a telephone call in a prescribed manner or otherwise making a prescribed response or answer; or
 8. Furnishing the container of any product as packaged by the manufacturer, or a particular portion thereof, but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten on it is acceptable in lieu thereof; provided that where any drawing is held by or on behalf of the City retail outlets in connection with business promotions authorized under subdivisions (D) and (E) of this subsection, no such City retail outlet may conduct more than one such drawing during each calendar year, and the period of the drawing and its promotion shall not extend for more than seven consecutive days; provided further, that if the sponsoring organization has more than one outlet in the City, such drawings must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate drawing in connection with the initial opening of any such outlet.
- H. "Person," for the purpose of this chapter and unless it otherwise clearly appears from the context in which it is used, means and includes natural persons of either sex, associations, firms, copartnerships and corporations, whether acting by themselves or by servants, agents or employees, and the singular number shall be construed to include the plural, and the masculine pronoun to include the feminine.
- I. "Raffle" means a game in which tickets bearing an individual number are sold and in which a prize or prizes are awarded on the basis of a drawing from the tickets by the person or persons conducting the game, when the game is conducted by a bona fide charitable or nonprofit organization, no person other than a bona fide member of the organization takes any part in the management or operation of the game, and no part of the proceeds thereof inure to the benefit of any person other than the organization conducting the game. The selling price of the tickets for a raffle shall remain consistent with the regulations regarding gambling in RCW 9.46 as those ticket prices may subsequently be modified by the state legislature.
- J. Social Card Games. For the purpose of this chapter the term "social card game" shall have the same meaning as it has under Chapter 9.46 RCW now or as hereafter amended and under the rules of the Washington State Gambling Commission. Pursuant to WAC 230-40-010 currently written or as hereafter amended, the City authorizes the following card games: poker, hearts, pinochle, cribbage,

rummy, mahjonn (tiles), coon-can, pan, and pitch. Card games not herein authorized are prohibited (Ord. 99-76: Ord. 5-88: Ord. 6-89).

9.30.020 Conducting Gambling

Except as to those activities authorized in Section 9.30.050, it is unlawful for any person to open, conduct, carry on or operate, whether as owner, manager, agent, dealer, clerk or employee, and whether for hire or not, any gambling game or lottery within the City of Richland. (Ord. 99-76 1.01).

9.30.030 Gambling Prohibited

Except as to those activities authorized in Section 9.30.050, it is unlawful for any person to gamble or engage in gambling activities, including lotteries, within the City of Richland. (Ord. 99-76 1.01).

9.30.040 Possessing or Permitting Gambling Devices

Except as to those activities authorized in Section 9.30.050 of this chapter, it is unlawful for any person to have in his possession or to permit to be placed or kept in any building, room or place owned, leased, occupied or controlled by him in the City, any article, device or apparatus of any kind commonly used or operated for the losing or winning of money or property, or both, upon any chance or uncertain or contingent event including, but not limited to, those articles, devices or apparatus defined by RCW Chapter 9.46. (Ord. 99-76 1.01).

9.30.050 Permitted Activities

Notwithstanding the provisions of Sections 9.30.010 through 9.30.040:

- A. The City council of the City of Richland authorizes bona fide charitable and nonprofit organizations to conduct bingo games, raffles, amusement games and fishing derbies, when licensed, conducted or operated pursuant to the laws of the state of Washington, RCW Chapter 9.46, in addition said organizations are permitted to conduct fund raising events as defined in and subject to the provisions of RCW 9.46.0233.
- B. Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles are authorized to conduct raffles without obtaining a license to do so from the Washington State Gambling Commission when such raffles are held in accordance with all other requirements of the laws of the state of Washington, RCW Chapter 9.46, other applicable laws, and rules of the Washington State Gambling Commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle; provided, that "members" for this purpose means only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket or tickets for such raffles.
- C. The City council of the City of Richland authorizes the management of any agricultural fair as authorized under RCW Chapters 15.76 and 36.37 to conduct amusement games when licensed and operated pursuant to the provisions of RCW Chapter 9.46 and rules and regulations adopted pursuant thereto as well as authorizing the amusement games as so licensed and operated to be conducted as a part of and upon the site of:
 1. A civic center of the City of Richland; or
 2. A community-wide civic festival held not more than once annually and sponsored or approved by the City of Richland; provided, however, that in addition to the requirements imposed by the laws of the state of Washington, any bona fide charitable or nonprofit organization desiring to operate or conduct a bingo game, fishing derby, raffle and/or amusement game shall register with the finance director of the City of Richland, or his designee, on forms provided, not less than ten (10) days prior to the date upon which such activity shall take place; provided, further, in the case of bingo, raffles and/or amusement games wherein the activities are scheduled to take place more frequently than once every two months, the person, association or organization desiring to operate or conduct such activities shall register initially, and such registration shall be valid for a period of one (1) year thereafter.

Such registration shall be for the purpose of administering and collecting the tax provided in this chapter and shall be of no charge to the registrant; provided, however, that it is unlawful for any person to conduct or operate bingo games, raffles, fishing derbies, and/or amusement games within the City of Richland without first registering as provided in this section, notwithstanding the

fact that the person, association or organization may otherwise be qualified. Registration, as provided in this section, shall not relieve the registrant of any other obligation, requirement or responsibility required by the laws of the state of Washington and the ordinances of the City of Richland, but shall be in addition thereto.

- D. Pursuant to RCW 9.46.0325 the City authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to utilize punch boards and pull tabs, as defined by RCW 9.46.0273, and conduct social card games, as defined in RCW 9.46.0281 as a commercial stimulant to such business when licensed and utilized or operated pursuant to statute and any rules and regulations adopted by the Washington State Gambling Commission. (Ord 99-76: Ord. 8-84: Ord. 5-88: Ord. 6-89.)

9.30.060 Tax Levied

- A. There is levied a tax at the rate of five percent on the gross revenue less the amount paid for or as prizes, received by any charitable or nonprofit organization, from operating or conducting bingo games, raffles, fishing derbies and/or amusement games within the City of Richland. After deducting the amount paid for or as prizes, there is levied as a tax at the rate of ten percent (10%) on the remaining receipts from social card games. There is levied as a tax at the rate of five percent of gross receipts from punch boards or pull tabs.
- B. The tax for the previous six-month period, or portion thereof, shall be paid semi-annually on or before the twentieth day of January, and on or before the twentieth day of July, at the office of the finance manager, Richland City Hall; provided, however, that those persons conducting activities subject to taxation under this section less frequently than once every two months shall pay the tax for each taxable activity at the office of the finance manager, Richland City Hall, within thirty days following the date upon which the activity was conducted; provided further, that each registrant shall maintain sufficient accounting books and/or documentation to substantiate the registrant's revenue from bingo, raffles, amusement games and fishing derbies, which accounting books and/or documentation shall be made available to the City for inspection at reasonable times and under reasonable circumstances. It is the responsibility of the organization to determine the appropriate reporting by contacting the Washington State Gambling Commission. (Ord. 99-76: Ord. 8-84: Ord. 5-88: Ord. 20-98: Ord. 04-06).

9.30.070 Violation-Penalties

It is unlawful for any person to violate any provision of this chapter. Any person violating any provision of this chapter shall be guilty of a misdemeanor. Any corporation engaged in gambling activity in violation of this chapter shall be guilty of a misdemeanor. (Ord. 99-76: Ord. 4-85).

Chapter 9.32 - Obscenity**Sections:**

- 9.32.010 Definitions**
- 9.32.020 Acts Declared Unlawful**
- 9.32.030 Unlawful to Engage in Obscene Performance**
- 9.32.040 Exception**
- 9.32.050 Violation**

9.32.010 Definitions

For the purpose of this chapter, the following terms shall have the following meanings:

- A. "Distribute" means to transfer possession of, whether with or without consideration.
- B. "Exhibit" includes, but is not limited to, the display of material for distribution.
- C. "Material" means any book, magazine, newspaper or other printed or written matter, or any picture, drawing, photograph, motion picture or other pictorial representation, or any statue or other figure, or any recording, transcription or mechanical, chemical or electrical reproduction or any other articles, equipment, machines or matter.
- D. Obscene. For the purpose of this chapter, material, or an exhibition or performance, shall be deemed "obscene" when:
 - 1. To the average person applying contemporary community standards, the dominant theme of the material, exhibition or performance, taken as a whole, appeals to the prurient interest in sex or sexual matters; and
 - 2. The material, exhibition or performance is patently offensive because it affronts contemporary community standards in its representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, or of masturbation, excretory functions or lewd exhibition of the genitals; and
 - 3. The material, exhibition or performance, taken as a whole, lacks serious literary, artistic, political or scientific value.
- E. Person. For the purpose of this chapter and unless it otherwise clearly appears from the context in which it is used, "person" means and includes natural persons of either sex, associations, firms, copartnerships and corporations, whether acting by themselves or by servants, agents or employees, and the singular number includes the plural, and the masculine pronoun includes the feminine. (Ord. 99-76 1.01).

9.32.020 Acts Declared Unlawful

It is unlawful for any person, having knowledge of the contents thereof, to:

Sell, distribute or display for sale or distribution any material which is obscene; or

Have in his possession with intent to sell or distribute any material which is obscene. (Ord. 99-76 1.01).

9.32.030 Unlawful to Engage in Obscene Performance

It is unlawful for any person, having knowledge of the contents thereof, to cause to be performed or exhibited, or to engage in the performance or exhibition, of any show, act, play, dance or motion picture which is obscene. (Ord. 99-76 1.01).

9.32.040 Exception

Nothing in this chapter shall apply to the circulation of any such material by any recognized historical society or museum, a state law library, any county law library, a state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality or other political subdivision, including, but not limited to, the library of any school under the supervision of Richland School District No. 400. In addition, the provisions of this chapter shall not apply to acts done in the scope of his employment as a motion picture operator or projectionist employed by the owner or manager of a theater or other place for the showing of motion pictures, unless the motion picture operator or projectionist has a financial interest in such theater or place wherein he is so employed or unless he caused to be performed or exhibited such performance or motion picture without the knowledge and consent of the manager or owner of the theater or other place of showing. (Ord. 99-76 1.01).

9.32.050 Violation

Every person convicted of a violation of any provision of this chapter shall be guilty of a misdemeanor. (Ord. 99-76: Ord. 4-85).

Chapter 9.33 - Public Display of Indecent Material**Sections:****9.33.010 Definitions****9.33.020 Violation****9.33.010 Definitions**

As used in this chapter:

- A. "Indecent material" means any pictorial or three-dimensional material depicting:
1. Human sexual intercourse, real or simulated, normal or perverted; or
 2. Masturbation; or
 3. Sodomy, including bestiality or oral or anal intercourse; or
 4. Direct physical stimulation of unclothed genitals or female breasts; or
 5. Flagellation or torture in the context of sexual relationship; or
 6. Emphasized images of human genitals; provided, however, that works of art or of anthropological significance, having serious artistic or scientific value, shall not be deemed to be within the foregoing definition, nor shall the foregoing definition apply to books or other written material unless such books or written material contain pictorial depictions falling within the definition contained in this section, and such pictorial depictions are placed on public display in a public place as provided in subsections (B) and (C) below. In determining whether material is prohibited for public display by this chapter, such material shall be judged without regard to any covering which may be affixed or printed over the material in order to obscure genital areas in a visible depiction otherwise falling within the definitions of this section.
- B. Material is placed upon "public display" if it is placed, or caused to be placed, by a person on or in a billboard, viewing screen, theater marquee, newsstand, display rack, window, showcase, display case or similar place so that matter bringing it within the definition of subsection (A) of this section is visible from a public place as the term "public place" is defined in subsection (C) of this section, or from the property of others who have not consented to such placement.
- C. The term "public place" means and includes streets, alleys, sidewalks, parks, thoroughfares and other places within the City to which the general public has a right of access and common use. (Ord. 19-77 1.01).

9.33.020 Violation

It is unlawful for any person to knowingly place indecent material on public display, or to knowingly cause indecent material to be placed on public display. Every person convicted of a violation of the provisions of this chapter shall be guilty of displaying indecent material, a misdemeanor. (Ord. 19-77: Ord. 4-85).

Chapter 9.34 - Lewd Conduct

Sections:

- 9.34.010 Definitions**
- 9.34.020 Committing a Lewd Act**
- 9.34.025 Urinating or Defecating in a Public Place**
- 9.34.030 Facilitating Offense**
- 9.34.035 Lewd Conduct - Exemptions**
- 9.34.040 Penalties**

9.34.010 Definitions

- A. "Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of theme, story or ideas, but excluding any dance such as, but not limited to, common barroom type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interest, depicts sexual conduct in a patently offensive way and lacks serious literary, artistic, political or scientific value.
- B. "Lewd act" means a public exposure of:
 1. any portion of the human anus, buttocks or genitals;
 2. any portion of the female breast lower than the upper edge of the areola;
 3. touching, caressing or fondling of the male or female genitals or female breasts, whether clothed or unclothed, or other sexual contact;
 4. masturbation; or
 5. sexual intercourse.
- C. "Public exposure" means the act of revealing, displaying, exhibiting or otherwise rendering open to the public view.
- D. "Public place" means any place in which the general public has a right to be present, and any area open to public view including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and buildings open to the general public, whether or not access is restricted according to age, including those in which food or drink is served, or entertainment provided.
- E. "Sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.
- F. "Sexual intercourse":
 1. Has its ordinary meaning and occurs upon any penetration, however slight;
 2. Also means any penetration of the vagina or anus, however slight, by an object when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or
 3. Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex. (Ord. 37-95).

9.34.020 Committing a Lewd Act

A person is guilty of committing a lewd act as defined in RMC 9.34.010 if he or she intentionally performs any lewd act in a public place and under circumstances where such act could be observed by a member of the public. (Ord. 37-95).

9.34.025 Urinating or Defecating in a Public Place

A person is guilty of urinating or defecating in a public place if he or she intentionally urinates or defecates in a public place other than in a restroom or a toilet room. (Ord. 37-95).

9.34.030 Facilitating Offense

The owner, operator, manager or other person in charge of a public place is guilty of lewd conduct if he or she knowingly permits, or causes any lewd act on said premises. (Ord. 37-95).

9.34.035 Lewd Conduct - Exemptions

The prohibitions set forth in Section 9.34.020 shall not apply to any:

- A. Expressive dance as defined in Section 9.34.010;
- B. Play, opera, musical or other dramatic work;
- C. Class, seminar, or lecture, conducted for a scientific or educational purpose;
- D. Nudity within a locker room or other similar facility used for changing clothing in connection with athletic or exercise activities; or
- E. Employees or entertainers of an adult business while on the premises of said adult business and subject to the standards and conduct set forth in Chapter 5.24 of the Richland Municipal Code. (Ord. 37-95).

9.34.040 Penalties

Unless otherwise provided, any person convicted for committing, attempting to commit, or aiding and abetting in the commission of any act that is in violation of the provisions of this chapter is guilty of a misdemeanor. (Ord. 37-95).

HISTORICAL CHRONOLOGY OF ORDINANCES

Ord. 19	Ord. 01-05
Ord. 20	Ord. 25-05
Ord. 21	Ord. 26-05
Ord. 27	Ord. 04-06
Ord. 39	Ord. 13-06
Ord. 62	Ord. 13-07
Ord. 237	Ord. 11-08
Ord. 424	Ord. 19-08
Ord. 440	Ord. 08-09
Ord. 455	Ord. 23-09
Ord. 497	
Ord. 562	
Ord. 631	
Ord. 666	
Ord. 808	
Ord. 815	
Ord. 820	
Ord. 53-74	
Ord. 99-76	
<u>(Title Revised)</u>	
Ord. 19-77	
Ord. 63-80	
Ord. 65-80	
Ord. 66-80	
Ord. 81-80	
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Ord. 08-04	