

## **Title 9**

### **ZILLAH CRIMINAL CODE**

#### **Chapters:**

- 9.04**    *Repealed*
- 9.05**    **Preliminary Article**
- 9.06**    *Repealed*
- 9.07**    **Adoption of RCW Sections Not Specifically Set Forth**
- 9.08**    **Offenses Against Public Officers and Government**
- 9.09**    **Adoption of Specific RCW Sections**
- 9.12**    *Repealed*
- 9.16**    **Offenses Against Public Decency**
- 9.20**    **Offenses Against the Public Peace**
- 9.24**    **Offenses Against Property**
- 9.28**    **Offenses By or Against Minors**
- 9.32**    **Weapons**
- 9.45**    **Savings and Severability**

**Chapter 9.04****GENERAL PROVISIONS**

(Repealed by Ord. 1439)

**Chapter 9.05****PRELIMINARY ARTICLE**

Sections:

9.05.010 Preliminary article.

9.05.015 Jurisdiction.

**9.05.010 Preliminary article.**

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

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

C. As used in this title, “ZMC” shall mean the Zillah Municipal Code.

D. If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance, is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances, is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.

E. By adopting Washington State statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Zillah. Whenever the word “state” shall appear in any statute adopted by reference in this title, the word “city” shall be substituted therefor; provided, however, the term “city” shall not be substituted for the term “state” in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

F. Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.

G. Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.

H. When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.

I. Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.

J. The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted. The provisions of this title shall apply to any offense committed on or after its effective date unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.

K. As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and neutral genders; and the singular includes the plural and vice versa.

L. The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

M. Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

1. Gross Misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of up to 364 days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine; or

2. Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine. (Ord. 1439 § 3, 2017)

#### **9.05.015 Jurisdiction.**

The following persons are subject to punishment:

A. A person who commits in the city any crime as defined by ordinance, in whole or part;

B. A person who commits out of the city any act which, if committed within it, would be theft and is afterward found in the city with any of the stolen property;

C. A person who, being out of the city, counsels, causes, procures, aids, or abets another to commit a crime in the city;

D. A person who commits an act out of the city which affects persons or property within the city which, if committed within the city, would be a crime. (Ord. 1439 § 3, 2017)

**Chapter 9.06****STATE CRIMINAL STATUTES ADOPTED**

(Repealed by Ord. 1439)

**Chapter 9.07****ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH****Sections:**

9.07.010 Adoption of RCW sections not specifically set forth.

**9.07.010 Adoption of RCW sections not specifically set forth.**

A. Notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

B. All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in Chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection (A) of this section and of Chapter 9.05 ZMC.

C. The following RCW section is not adopted by the city of Zillah:

**RCW**

9A.16.110 Defending against violent crime – Reimbursement.

(Ord. 1439 § 4, 2017)

**Chapter 9.08****OFFENSES AGAINST PUBLIC OFFICERS  
AND GOVERNMENT**

## Sections:

## Article I. Resisting Arrest and Aiding Escape

9.08.010 *Repealed.*

## Article II. Fire Alarms and Equipment

9.08.020 *Repealed.*9.08.030 *Repealed.*9.08.040 *Repealed.*9.08.050 *Repealed.*

## Article III. Burglary or Robbery Alarms

9.08.060 Definition.

9.08.065 Private alarm system.

9.08.070 False alarm prohibited.

9.08.080 Violation – Penalty.

9.08.090 Penalty for failure to pay fines.

## Article IV. Trespass on School Property

9.08.100 Definitions.

9.08.110 Prohibited acts.

9.08.120 Posting of notices.

9.08.130 Violation – Penalty.

## Article V. Offenses Against School Personnel

9.08.140 *Repealed.*9.08.150 *Repealed.*9.08.160 *Repealed.*

## Article VI. Tampering with Water System

9.08.170 Prohibited acts.

9.08.180 Violation – Penalty.

**Article I. Resisting Arrest and Aiding Escape****9.08.010 Resisting arrest and aiding escape.***Repealed by Ord. 1439. (Ord. 402 §§ 2, 18, 1975)***Article II. Fire Alarms and Equipment****9.08.020 Interference with fire equipment.***Repealed by Ord. 1439. (Ord. 400 § 1, 1974)***9.08.030 False alarms.***Repealed by Ord. 1439. (Ord. 400 § 2, 1974)***9.08.040 Testing alarm systems.***Repealed by Ord. 1439. (Ord. 400 § 3, 1974)***9.08.050 Violation – Penalty.***Repealed by Ord. 1439. (Ord. 400 § 4, 1974)***Article III. Burglary or Robbery Alarms****9.08.060 Definition.**

For the purposes of this article, the term “false alarm” means the activation of a burglary and/or robbery alarm by other than forced entry or attempted forced entry to the premises at a time when no burglary or robbery is being committed or attempted on the premises. (Ord. 504A § 1, 1983)

**9.08.065 Private alarm system.**

A. It is unlawful for any person having or conducting a privately owned police signal system or private system to establish or maintain direct electrical, mechanical or other physical connection with any facilities of the Zillah police department, except that any other private alarm system original system may be connected by telephone with the office of the Zillah police department, as approved by the police chief.

B. A violation of this section is a misdemeanor. (Ord. 1439 § 10, 2017)

**9.08.070 False alarm prohibited.**

The causing or activation of a false alarm within the city is prohibited. Any person in violation of this article shall be subject to the penalties set out in ZMC 9.08.080. (Ord. 504A § 2, 1983)

**9.08.080 Violation – Penalty.**

For a police response to any false alarm, the chief of police shall charge and collect from the person having or maintaining such burglary and/or robbery alarm on premises owned or occupied by him, fees as follows:

A. For a response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a "first response," no fee shall be charged, but the person having or maintaining such burglary and/or robbery alarm shall, within three working days after notice to do so, make a written report to the chief of police, or his designee, on forms prescribed by him, setting forth the cause of such false alarm, the corrective action taken, whether such alarm has been inspected by an authorized serviceman, and such other information as the chief of police or his designee may reasonably require to determine the cause of such false alarm and corrective action necessary.

B. For the second response to premises within six months after a first response, no fee shall be charged, but a written report shall be required as for a first response and the chief of police or his designee shall be authorized to inspect or cause to be inspected the alarm system at such premises, prescribe necessary corrective action, and shall give notice to the person having or maintaining such alarm system of the conditions and requirements of this section.

C. For the third response to premises within six months after a first response, a fee of \$25.00 shall be charged, and written report shall be required as for a first response and the chief of police or his designee shall be authorized to inspect or cause to be inspected the alarm system at such premises, prescribe necessary corrective action, and shall give notice to the person having or maintaining such alarm system of the conditions and requirements of this section.

D. For a fourth response to premises within six months of the first response, a fee of \$50.00 shall be charged. For each false alarm in excess of four within six months of the first response, a fee of \$100.00 shall be charged. If such fourth false alarm or any such succeeding false alarm is as a result of failure to take necessary corrective action described by the chief of police or his designee, the chief of police may order the disconnection of such alarm system until such corrective action is taken; provided, that no disconnection shall be ordered as to any premises required by law to have an alarm system in operation. (Ord. 504A § 3, 1983)

#### **9.08.090 Penalty for failure to pay fines.**

Any person who fails to pay the fees charged to him as set forth in ZMC 9.08.080 or who fails to file the written reports required in ZMC 9.08.080 shall be guilty of a misdemeanor and upon conviction shall be required to pay in addition to such fees a fine up to \$500.00. (Ord. 504A § 4, 1983)

### **Article IV. Trespass on School Property**

#### **9.08.100 Definitions.**

The following definitions shall be applicable within this article:

A. "Actual attendance at an event" means being inside school-owned property for events authorized and sanctioned by the school district administration, regardless of whether there is a charge for such admittance or not.

B. "Recreational area" means those certain portions of school property which have been established by the Zillah School District for use by any person in nonschool hours for recreational activities including, but not limited to, basketball, volleyball, baseball, softball, football and soccer.

C. "School property" means that property which is owned by the Zillah School District.

D. "Student" means any person of school age duly enrolled in the Zillah School District and who is not currently under suspension from attendance at classes of said school district. (Ord. 515 § 1, 1984)

#### **9.08.110 Prohibited acts.**

It is unlawful for any person to trespass upon and/or remain upon school property which the Zillah School District has posted in accordance with ZMC 9.08.120 prohibiting unauthorized entry thereupon; provided, however, this article shall not apply to any student upon the school property at which he or she is assigned one-half hour before and one-half hour after the beginning or conclusion of official school hours, and shall not apply to any person in actual attendance at an event. (Ord. 515 § 2, 1984)

#### **9.08.120 Posting of notices.**

In order that this article may be enforced, the school district authorities must post notices as follows:

A. For any school property other than recreational areas, which school district authorities wish to prohibit all unlawful entry or remaining thereupon, said school district authorities must post conspicuous notices which notices shall provide that any person unlawfully entering upon or remaining upon this school property is in violation of this article, and upon conviction thereof, shall be guilty of a misdemeanor.

B. For those areas of the school property designated as recreational areas, the school district authorities shall post conspicuous notices which shall state that lawful recreational activities may be conducted within this recreational area between the hours of 9:00 a.m. to sunset, and that entry upon or remaining upon the school property at any other time is prohibited and is in violation of this article and upon conviction thereof shall be guilty of a misdemeanor. (Ord. 515 § 3, 1984)

**9.08.130 Violation – Penalty.**

Any person who shall violate any provision of this article shall be guilty of a misdemeanor. (Ord. 1439 § 13, 2017; Ord. 515 § 4, 1984)

**Article V. Offenses Against School Personnel**

**9.08.140 Abuse or insulting of teachers.**

*Repealed by Ord. 1439. (Ord. 517 § 1, 1984)*

**9.08.150 Disobeying school enforcement personnel.**

*Repealed by Ord. 1439. (Ord. 517 § 2, 1984)*

**9.08.160 Violation – Penalty.**

*Repealed by Ord. 1439. (Ord. 517 § 3, 1984)*

**Article VI. Tampering with Water System**

**9.08.170 Prohibited acts.**

It is unlawful for any person or persons to cut, alter, injure, remove, disconnect, tap or connect with or in any manner interfere, meddle or tamper with any water main, pipe, meter, stop cock, hydrant, pump or any other water conduit owned, operated or used by the city or by any private owner, except upon the permission in writing of the light, water and sewer committee of the council of the city or of such private owner. (Ord. 54 § 1, 1915)

**9.08.180 Violation – Penalty.**

A violation of this section is a civil infraction. The civil infraction penalty shall be (A) the sum of \$125.00 for the first violation during any 12-month period; (B) \$250.00 for a second violation within any 12-month period; and (C) a misdemeanor and fine of \$500.00 for any additional violations during a 12-month period. The “12-month period” applicable to this provision shall be any period of 12 successive months. (Ord. 1439 § 12, 2017; Ord. 54 § 2, 1915)

**Chapter 9.09****ADOPTION OF SPECIFIC RCW SECTIONS**

## Sections:

- 9.09.010 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.
- 9.09.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.
- 9.09.030 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.
- 9.09.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.
- 9.09.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.
- 9.09.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.
- 9.09.070 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.
- 9.09.080 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.
- 9.09.090 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.
- 9.09.100 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.
- 9.09.110 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.
- 9.09.120 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.
- 9.09.130 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.
- 9.09.140 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.

**9.09.010 Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference.**

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

## RCW

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

(Ord. 1439 § 5, 2017)

**9.09.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

## RCW

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

(Ord. 1439 § 5, 2017)

**9.09.030 Chapter 7.80 RCW, entitled “Civil Infractions” – Adoption by reference.**

For purposes of offenses under this title only, the following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

## RCW

- 7.80.120 Monetary penalties – Restitution.

(Ord. 1439 § 5, 2017)



**9.09.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

9.01.055	Citizen immunity if aiding officer, scope – When.	9.16.080	Petroleum products improperly labeled or graded – Penalty.
9.01.110	Omission, when not punishable.	9.16.100	Use of the words “sterling silver,” etc.
9.01.130	Sending letter, when complete.	9.16.110	Use of words “coin silver,” etc.
9.02.050	Concealing birth.	9.16.120	Use of the word “sterling” on mounting.
9.03.010	Abandoning, discarding refrigeration equipment.	9.16.130	Use of the words “coin silver” on mounting.
9.03.020	Permitting unused equipment to remain on premises.	9.16.140	Unlawfully marking article made of gold.
9.03.040	Keeping or storing equipment for sale.	9.16.150	“Marked, stamped or branded” defined.
9.04.010	False advertising.	9.18.080	Offender a competent witness.
9.04.090	Advertising fuel prices by service stations.	9.18.120	Suppression of competitive bidding.
9.08.030	False certificate of registration of animals – False representation as to breed.	9.18.130	Collusion to prevent competitive bidding – Penalty.
9.08.065	Definitions.	9.18.150	Agreements outside state.
9.08.070	Pet animals – Taking, concealing, injuring, killing, etc. – Penalty.	9.24.010	Fraud in stock subscription.
9.08.072	Transferring stolen pet animal to a research institution – Penalty.	9.24.040	Corporation doing business without license.
9.08.078	Illegal sale, receipt or transfer of pet animals – Separate offenses.	9.26A.090	Telephone company credit cards – Prohibited acts.
9.12.010	Barratry.	9.26A.100	Definitions.
9.12.020	Buying, demanding, or promising reward by district judge or deputy.	9.26A.110	Fraud in obtaining telecommunications service – Penalty.
9.16.005	Definitions.	9.26A.120	Fraud in operating coin-box telephone or other receptacle.
9.16.010	Removing lawful brands.	9.26A.130	Penalty for manufacture or sale of slugs to be used for coin.
9.16.020	Imitating lawful brand.	9.26A.140	Unauthorized sale or procurement of telephone records – Penalties – Definitions.
9.16.030	Counterfeit mark – Intellectual property.	9.27.015	Interference, obstruction of any court, building, or residence – Violations.
9.16.035	Counterfeiting – Penalties.	9.35.005	Definitions.
9.16.041	Counterfeit items – Seizure and forfeiture.	9.35.030	Soliciting undesired mail.
9.16.050	When deemed affixed.	9.38.010	False representation concerning credit.
9.16.060	Fraudulent registration of trademark.	9.38.015	False statement by deposit account applicant.
9.16.070	Form and similitude defined.	9.38.020	False representation concerning title.
		9.40.040	Operating engine or boiler without spark arrester.
		9.40.100	Tampering with fire alarm or firefighting equipment – False alarm – Penalties.

9.41.010	Terms defined.	9.45.090	Knowingly receiving fraudulent conveyance.
9.41.040	Unlawful possession of firearms – Ownership, possession by certain persons – Penalties.	9.45.100	Fraud in assignment for benefit of creditors.
9.41.050	Carrying firearms.	9.45.270	Fraudulent filing of vehicle report of sale.
9.41.060	Exceptions to restrictions on carrying firearms.	9.45.1962	Cheating in the second degree.
9.41.090	Dealer deliveries regulated – Hold on delivery.	9.47A.010	Definition.
9.41.098	Forfeiture of firearms – Disposition – Confiscation.	9.47A.020	Unlawful inhalation – Exception.
9.41.100	Dealer licensing and registration required.	9.47A.030	Possession of certain substances prohibited, when.
9.41.110	Dealer’s licenses, by whom granted, conditions, fees – Employees, fingerprinting and background checks – Wholesale sales excepted – Permits prohibited.	9.47A.040	Sale of certain substances prohibited, when.
9.41.140	Alteration of identifying marks – Exceptions.	9.47A.050	Penalty.
9.41.220	Unlawful firearms and parts contraband.	9.51.010	Misconduct of officer drawing jury.
9.41.230	Aiming or discharging firearms, dangerous weapons.	9.51.020	Soliciting jury duty.
9.41.240	Possession of pistol by person from eighteen to twenty-one.	9.51.030	Misconduct of officer in charge of jury.
9.41.250	Dangerous weapons – Penalty Exemption for law enforcement officers.	9.61.230	Telephone harassment.
9.41.260	Dangerous exhibitions.	9.61.240	Permitting telephone to be used.
9.41.270	Weapons apparently capable of producing bodily harm – Unlawful carrying or handling – Penalty – Exceptions.	9.61.250	Telephone harassment – Offense, where deemed committed.
9.41.280	Possessing dangerous weapons on school facilities – Penalty – Exceptions.	9.61.260	Cyberstalking.
9.41.300	Weapons prohibited in certain places – Local laws and ordinances – Exceptions – Penalty.	9.62.010	Malicious prosecution.
9.41.800	Surrender of weapons or licenses – Prohibition on future possession or licensing.	9.62.020	Instituting suit in name of another.
9.41.810	Penalty.	9.68.015	Obscene literature, shows, etc. – Exemptions.
9.44.080	Misconduct in signing a petition.	9.68.030	Indecent articles, etc.
9.45.060	Encumbered, leased, or rented personal property – Construction.	9.68.050	“Erotic material” – Definitions.
9.45.070	Mock auctions.	9.68.060	“Erotic material” – Determination by court – Labeling – Penalties.
9.45.080	Fraudulent removal of property.	9.68.070	Prosecution for violation of RCW 9.68.060 – Defense.
		9.68.080	Unlawful acts.
		9.68.100	Exceptions to RCW 9.68.050 through 9.68.120.
		9.68.110	Motion picture operator or projectionist exempt, when.
		9.68.130	“Sexually explicit material” – Defined – Unlawful display.
		9.68A.011	Definitions.
		9.68A.080	Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.
		9.68A.090	Communication with minor for immoral purposes – Penalties.
		9.68A.103	Permitting commercial sex abuse of a minor – Penalty.
		9.68A.110	Certain defenses barred, permitted.
		9.68A.120	Seizure and forfeiture of property.

- 9.68A.150 Allowing minor on premises of live erotic performance – Definitions – Penalty.
- 9.69.100 Duty of witness of offense against child or any violent offense – Penalty.
- 9.73.010 Divulging telegram.
- 9.73.020 Opening sealed letter.
- 9.73.030 Intercepting, recording or divulging private communication – Consent required – Exceptions.
- 9.73.050 Admissibility of intercepted communication in evidence.
- 9.73.070 Persons and activities excepted from chapter.
- 9.73.080 Penalties.
- 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080 – Standards – Court authorizations – Admissibility.
- 9.73.100 Recordings available to defense counsel.
- 9.73.110 Intercepting, recording, or disclosing private communications – Not unlawful for building owner – Conditions.
- 9.91.010 Denial of civil rights – Terms defined.
- 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.
- 9.91.025 Unlawful transit conduct.
- 9.91.060 Leaving children unattended in parked automobile.
- 9.91.130 Disposal of trash in charity donation receptacle.
- 9.91.140 Food stamps – Unlawful sale.
- 9.91.142 Food stamps – Trafficking.
- 9.91.160 Personal protection spray devices.
- 9.91.170 Interfering with dog guide or service animal.
- 9.91.175 Interfering with search and rescue dog.

(Ord. 1439 § 5, 2017)

**9.09.050 RCW Title 9A, entitled  
“Washington Criminal Code” –  
Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

- 9A.04.020 Purposes – Principles of construction.
- 9A.04.040 Classes of crimes.
- 9A.04.050 People capable of committing crimes – Capability of children.
- 9A.04.060 Common law to supplement statute.
- 9A.04.070 Who amenable to criminal statutes.
- 9A.04.080 Limitation of actions.
- 9A.04.090 Application of general provisions of the code.
- 9A.04.100 Proof beyond a reasonable doubt.
- 9A.04.110 Definitions.
- 9A.08.010 General requirements of culpability.
- 9A.08.020 Liability for conduct of another – Complicity.
- 9A.08.030 Corporate and personal liability.
- 9A.12.010 Insanity.
- 9A.16.010 Definitions.
- 9A.16.020 Use of force – When lawful.
- 9A.16.060 Duress.
- 9A.16.070 Entrapment.
- 9A.16.080 Action for being detained on mercantile establishment premises for investigation – “Reasonable grounds” as defense.
- 9A.16.090 Intoxication.
- 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable.
- 9A.20.010 Classification and designation of crimes.
- 9A.20.030 Alternative to a fine – Restitution.
- 9A.28.020 Criminal attempt.
- 9A.28.030 Criminal solicitation.
- 9A.28.040 Criminal conspiracy.
- 9A.36.041 Assault in the fourth degree.
- 9A.36.050 Reckless endangerment.
- 9A.36.070 Coercion.
- 9A.36.150 Interfering with the reporting of domestic violence.
- 9A.36.160 Failing to summon assistance.

9A.36.161	Failing to summon assistance – Penalty.	9A.48.060	Reckless burning – Defense.
9A.40.010	Definitions.	9A.48.090	Malicious mischief in the third degree.
9A.40.070	Custodial interference in the second degree.	9A.48.100	Malicious mischief – “Physical damage” defined.
9A.40.080	Custodial interference – Assessment of costs – Defense – Consent, defense, restricted.	9A.48.105	Criminal street gang tagging and graffiti.
9A.42.010	Definitions.	9A.48.110	Defacing a state monument.
9A.42.035	Criminal mistreatment in the third degree.	9A.49.001	Findings.
9A.42.037	Criminal mistreatment in the fourth degree.	9A.49.010	Definitions.
9A.42.040	Withdrawal of life support systems.	9A.49.030	Unlawful discharge of a laser in the second degree.
9A.42.045	Palliative care.	9A.49.050	Exclusions.
9A.42.050	Defense of financial inability.	9A.50.010	Definitions.
9A.42.080	Abandonment of a dependent person in the third degree – Exception.	9A.50.020	Interference with health care facility.
9A.42.090	Abandonment of a dependent person – Defense.	9A.50.030	Penalty.
9A.42.110	Leaving a child in the care of a sex offender.	9A.50.070	Protection of health care patients and providers.
9A.44.010	Definitions.	9A.52.010	Definitions.
9A.44.030	Defenses to prosecution under this chapter.	9A.52.050	Other crime in committing burglary punishable.
9A.44.096	Sexual misconduct with a minor in the second degree.	9A.52.060	Making or having burglar tools.
9A.44.130	Registration of sex offenders and kidnapping offenders – Procedures – Definition – Penalties.	9A.52.070	Criminal trespass in the first degree.
9A.44.170	Custodial sexual misconduct in the second degree.	9A.52.080	Criminal trespass in the second degree.
9A.44.180	Custodial sexual misconduct – Defense.	9A.52.090	Criminal trespass – Defenses.
9A.46.010	Legislative finding.	9A.52.100	Vehicle prowling in the second degree.
9A.46.020	Definition – Penalties.	9A.52.120	Computer trespass in the second degree.
9A.46.030	Place where committed.	9A.52.130	Computer trespass – Commission of other crime.
9A.46.040	Court-ordered requirements upon person charged with crime – Violation.	9A.56.010	Definitions.
9A.46.050	Arraignment – No-contact order.	9A.56.020	Theft – Definition, defense.
9A.46.060	Crimes included in harassment.	9A.56.050	Theft in the third degree.
9A.46.080	Order restricting contact – Violation.	9A.56.060	Unlawful issuance of checks or drafts.
9A.46.090	Nonliability of peace officer.	9A.56.096	Theft of rental, leased, lease-purchased or loaned property.
9A.46.100	“Convicted,” time when.	9A.56.140	Possessing stolen property – Definition – Presumption.
9A.46.110	Stalking.	9A.56.170	Possessing stolen property in the third degree.
9A.48.010	Definitions.	9A.56.180	Obscuring the identity of a machine.
9A.48.050	Reckless burning in the second degree.	9A.56.220	Theft of subscription television services.
		9A.56.240	Forfeiture and disposal of device used to commit violation.
		9A.56.260	Connection of channel converter.

9A.56.270 Shopping cart theft.  
 9A.56.330 Possession of another's identification.  
 9A.60.010 Definitions.  
 9A.60.045 Criminal impersonation in the second degree.  
 9A.60.050 False certification.  
 9A.61.010 Definitions.  
 9A.61.020 Defrauding a public utility.  
 9A.61.050 Defrauding a public utility in the third degree.  
 9A.61.060 Restitution and costs.  
 9A.72.010 Definitions.  
 9A.72.040 False swearing.  
 9A.72.050 Perjury and false swearing – Inconsistent statements – Degree of crime.  
 9A.72.060 Perjury and false swearing – Retraction.  
 9A.72.070 Perjury and false swearing – Irregularities no defense.  
 9A.72.080 Statement of what one does not know to be true.  
 9A.72.085 Unsworn statements, certification.  
 9A.72.104 Jury tampering.  
 9A.72.150 Tampering with physical evidence.  
 9A.76.010 Definitions.  
 9A.76.020 Obstructing a law enforcement officer.  
 9A.76.030 Refusing to summon aid for a peace officer.  
 9A.76.040 Resisting arrest.  
 9A.76.050 Rendering criminal assistance – Definition of term.  
 9A.76.060 Relative defined.  
 9A.76.070 Rendering criminal assistance in the first degree.  
 9A.76.080 Rendering criminal assistance in the second degree.  
 9A.76.090 Rendering criminal assistance in the third degree.  
 9A.76.100 Compounding.  
 9A.76.130 Escape in the third degree.  
 9A.76.160 Introducing contraband in the third degree.  
 9A.76.170 Bail jumping.  
 9A.76.175 Making a false or misleading statement to a public servant.  
 9A.80.010 Official misconduct.  
 9A.84.010 Riot.

9A.84.020 Failure to disperse.  
 9A.84.030 Disorderly conduct.  
 9A.84.040 False reporting.  
 9A.88.010 Indecent exposure.  
 9A.88.030 Prostitution.  
 9A.88.050 Prostitution – Sex of parties immaterial – No defense.  
 9A.88.090 Permitting prostitution.  
 9A.88.110 Patronizing a prostitute.  
 9A.88.120 Additional fee assessments.  
 9A.88.130 Additional requirements.  
 9A.88.140 Vehicle impoundment – Fees and fine.

(Ord. 1439 § 5, 2017)

**9.09.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW  
 10.14.120 Disobedience of order – Penalties.  
 10.14.170 Criminal penalty.  
 10.99.010 Purpose – Intent.  
 10.99.020 Definitions.  
 10.99.030 Law enforcement officers – Training, powers, duties – Domestic violence reports.  
 10.99.040 Duties of court – No-contact order.  
 10.99.045 Appearances by Defendant – Defendant's history – No-contact order.  
 10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures – Notice of change.  
 10.99.055 Enforcement of orders.  
 10.99.060 Prosecutor's notice to victim – Description of available procedures.  
 10.99.070 Liability of peace officers.  
 10.99.080 Penalty assessment.

(Ord. 1439 § 5, 2017)

**9.09.070 Chapter 13.32A RCW, entitled  
“Family Reconciliation Act” –  
Adoption by reference.**

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

13.32A.080 Unlawful harboring of a minor –  
Penalty – Defense – Prosecution of  
adult for involving child in  
commission of offense.

(Ord. 1439 § 5, 2017)

**9.09.080 RCW Title 26, entitled “Domestic  
Relations” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

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

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

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

26.28.080 Selling or giving tobacco to minor –  
Belief of representative capacity, no  
defense – Penalty.

26.28.085 Applying tattoo to a minor –  
Penalty.

26.44.020 Definitions.

26.44.030 Reports – Duty and authority to  
make – Duty of receiving agency –  
Duty to notify – Case planning and  
consultation – Penalty for  
unauthorized exchange of  
information – Filing dependency  
petitions – Investigations –

Interviews of children – Records –  
Risk assessment process.  
26.44.040 Reports – Oral, written – Contents.  
26.44.050 Abuse or neglect of child – Duty of  
law enforcement agency or  
department of social and health  
services – Taking child into custody  
without court order, when.  
26.44.060 Immunity from civil or criminal  
liability – Confidential  
communications not violated –  
Actions against state not affected –  
False report, penalty.  
26.44.063 Temporary restraining order or  
preliminary injunction –  
Enforcement – Notice of  
modification or termination of  
restraining order.  
26.44.067 Temporary restraining order or  
preliminary injunction – Contents –  
Notice – Noncompliance – Defense  
– Penalty.  
26.44.080 Violation – Penalty.  
26.44.150 Temporary restraining order  
restricting visitation for persons  
accused of sexually or physically  
abusing a child – Penalty for  
violating court order.  
26.50.110 Violation of order – Penalties.  
26.50.140 Peace officers – Immunity.  
26.52.010 Definitions.  
26.52.050 Peace officer immunity.  
26.52.070 Violation of foreign orders –  
Penalties.

(Ord. 1439 § 5, 2017)

**9.09.090 Chapter 28A.635 RCW, entitled  
“Offenses Relating to School  
Property and Personnel” –  
Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

28A.635.010 Abusing or insulting teachers,  
liability for – Penalty.

- 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty.
- 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful – Penalty.
- 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception.

(Ord. 1439 § 5, 2017)

**9.09.100 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

- 46.80.010 Definitions.
- 46.80.080 Records – Penalty.

(Ord. 1439 § 5, 2017)

**9.09.110 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

- 66.04.010 Definitions.
- 66.20.200 Unlawful acts relating to card of identification and certification card – Penalties.
- 66.28.200 Keg registration – Special endorsement for grocery store licensee – Requirements of seller.
- 66.28.210 Keg registration – Requirements of purchaser.

- 66.28.220 Keg registration – Identification of containers – Rules – Fees – Sale in violation of rules unlawful.
- 66.28.230 Keg registration – Furnishing to minors – Penalties.
- 66.44.010 Local officers to enforce law – Authority of board – Liquor enforcement officers.
- 66.44.040 Sufficiency of description of offenses in complaints, information, process, etc.
- 66.44.060 Proof of unlawful sale establishes prima facie intent.
- 66.44.070 Certified analysis is prima facie evidence of alcoholic content.
- 66.44.080 Service of process on corporation.
- 66.44.090 Acting without license.
- 66.44.100 Opening or consuming liquor in a public place – Penalty.
- 66.44.120 Unlawful use of seal.
- 66.44.130 Sales of liquor by drink or bottle.
- 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal – Unlawful operation, possession of still or mash.
- 66.44.150 Buying liquor illegally.
- 66.44.160 Illegal possession, transportation of alcoholic beverages.
- 66.44.170 Illegal possession of liquor with intent to sell – Prima facie evidence, what is.
- 66.44.175 Violations of law.
- 66.44.180 General penalties – Jurisdiction for violations.
- 66.44.200 Sales to persons apparently under the influence of liquor – Purchases or consumption by persons apparently under the influence of liquor on licensed premises – Penalty – Notice – Separation of actions.
- 66.44.210 Obtaining liquor for ineligible person.
- 66.44.240 Drinking in public conveyance – Penalty against carrier – Exception.
- 66.44.250 Drinking in public conveyance – Penalty against individual – Restricted application.

66.44.270	Furnishing liquor to minors – Possession, use – Penalties – Exhibition of effects – Exceptions.	69.41.030	Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions – Penalty.
66.44.280	Minor applying for permit.	69.41.050	Labeling requirements – Penalty.
66.44.290	Minor purchasing or attempting to purchase liquor – Penalty.	69.41.300	Definitions.
66.44.300	Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.	69.41.320	Practitioners – Restricted use – Medical records.
66.44.310	Minors frequenting off-limits area – Misrepresentation of age – Penalty – Classification of licensees.	69.41.350	Penalties.
66.44.316	Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.	69.43.010	Report to state board of pharmacy – List of substances – Modification of list – Identification of purchasers – Report of transactions – Penalties.
66.44.318	Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.	69.43.105	Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – Record of transaction – Exceptions – Penalty.
66.44.325	Unlawful transfer to a minor of age identification.	69.43.110	Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – Electronic sales tracking system – Penalty.
66.44.328	Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card – Penalty.	69.43.120	Ephedrine, pseudoephedrine, phenylpropanolamine – Possession of more than 15 grams – Penalty – Exceptions.
66.44.340	Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.	69.43.130	Exemptions – Pediatric products – Products exempted by the state board of pharmacy.
66.44.350	Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.	69.50.101	Definitions.
66.44.370	Resisting or opposing officers in enforcement of title.	69.50.102	Drug paraphernalia – Definitions.
		69.50.201	Enforcement of chapter – Authority to change schedules of controlled substances.
		69.50.202	Nomenclature.
		69.50.204	Schedule I.
		69.50.206	Schedule II.
		69.50.208	Schedule III.
		69.50.210	Schedule IV.
		69.50.212	Schedule V.
		69.50.4014	Possession of 40 grams or less of marijuana – Penalty.
		69.50.4016	Provisions not applicable to offenses under RCW 69.50.410.
		69.50.404	Penalties under other laws.
		69.50.407	Conspiracy.
		69.50.412	Prohibited acts: E – Penalties.
		69.50.4121	Drug paraphernalia – Selling or giving – Penalty.
		69.50.425	Misdemeanor violations – Minimum penalties.
(Ord. 1439 § 5, 2017)			
<b>9.09.120</b>	<b>RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.</b>		
The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:			
RCW			
69.41.010	Definitions.		



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| <p>69.50.445 Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public – Penalty.</p> <p>69.50.505 Seizure and forfeiture.</p> <p>69.50.506 Burden of proof; liabilities.</p> <p>69.50.509 Search and seizure of controlled substances.</p> | <p>74.34.053 Failure to report – False reports – Penalties.</p> <p>74.34.145 Protection of vulnerable adults – Notice of criminal penalties for violation – Enforcement under RCW 26.50.110.</p> |
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(Ord. 1439 § 5, 2017)

(Ord. 1439 § 5, 2017)

**9.09.130 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

- 70.74.010 Definitions.
- 70.74.160 Unlawful access to explosives.
- 70.74.295 Abandonment of explosives.
- 70.74.300 Explosive containers to be marked – Penalty.
- 70.74.310 Gas bombs, explosives, stink bombs, etc.
- 70.74.400 Seizure and forfeiture.
- 70.93.060 Littering prohibited – Penalties – Litter cleanup restitution payment.
- 70.155.010 Definitions.
- 70.155.080 Purchasing, possessing by persons under the age of 18 – Civil infraction – Courts of jurisdiction.

(Ord. 1439 § 5, 2017)

**9.09.140 Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

**RCW**

- 74.34.020 Definitions.

**Chapter 9.12****OFFENSES AGAINST THE PERSON**

(Repealed by Ord. 1439)

**Chapter 9.16****OFFENSES AGAINST PUBLIC DECENCY****Sections:**

9.16.010 *Repealed.*

9.16.020 *Repealed.*

9.16.030 Lewd conduct.

9.16.040 Urinating or defecating in a public place.

**9.16.010 Marijuana prohibited.**

*Repealed by Ord. 1439. (Ord. 637 § 1b, 1988)*

**9.16.020 Violation – Penalty.**

*Repealed by Ord. 1439. (Ord. 637 § 2, 1988)*

**9.16.030 Lewd conduct.**

A. It is unlawful for any person to willfully perform a lewd act, as hereinafter defined, in a public place or at a place and under circumstances where such act may be observed by any member of the public when such act, or the simulation thereof, is done for the purpose of obtaining or giving of sexual gratification or stimulation.

B. As used in this section, “lewd act” means:

1. The touching, caressing, or fondling of the genitals of any person by that person or by another; the touching, caressing, or fondling of a female breast or breasts by that female or by another person; or

2. Sexual intercourse involving two or more persons, regardless of their sex, or any act of sexual conduct between persons involving the sex organs of one person and the mouth or anus of another; or

3. Masturbation, manual or instrumental; or

4. Penetration of the vagina or rectum by any object.

C. This section shall not be construed to prohibit lawful: plays, operas, musicals, singing performances, comedians’ routines, or any other dramatic or performance works; or

1. Classes, seminars, and lectures held for serious scientific or educational purposes; or

2. Exhibitions or dances which constitute expressive nude activity; or

3. Political expression.

D. A violation of this section is a misdemeanor. (Ord. 1439 § 17, 2017)

**9.16.040 Urinating or defecating in a public place.**

A. It is unlawful for any person to urinate or defecate in any public place or place open or available to the public, other than in a facility designed or provided for that purpose.

B. A violation of this section is a misdemeanor. (Ord. 1439 § 18, 2017)

**Chapter 9.20****OFFENSES AGAINST THE PUBLIC PEACE**

## Sections:

9.20.010 Fighting and quarreling.

9.20.020 Disturbing the peace.

9.20.030 *Repealed.*

**9.20.010 Fighting and quarreling.**

Any person fighting or quarreling in any public place in the city shall be guilty of a misdemeanor. (Ord. 402 § 1, 1975)

**9.20.020 Disturbing the peace.**

Any person who, by noisy or tumultuous conduct, disturbs the quiet or peace of the city or any meeting or assembly therein shall be guilty of a misdemeanor. (Ord. 402 § 3, 1975)

**9.20.030 Violation – Penalty.**

*Repealed by Ord. 1439. (Ord. 402 § 18, 1975)*

**Chapter 9.24****OFFENSES AGAINST PROPERTY**

## Sections:

- 9.24.010 *Repealed.*  
 9.24.020 Obstruction of sidewalks and entryways.  
 9.24.030 Destruction of notices.  
 9.24.040 *Repealed.*  
 9.24.050 Allowing water to flow across public place.  
 9.24.060 Building fires in public place.  
 9.24.070 *Repealed.*  
 9.24.080 Defacing or attaching signs to utility poles.  
 9.24.090 Posting of yard sale signs.  
 9.24.100 Tobacco products on public school property.

**9.24.010 Vandalism.**

*Repealed by Ord. 1439. (Ord. 402 § 5, 1975)*

**9.24.020 Obstruction of sidewalks and entryways.**

Any person who shall remove from, or pile up before any entryway or on any sidewalk or street, any boxes, casks or other things for annoyance, or mischief, or who shall wilfully obstruct any sidewalk, street, or alley in the city shall be guilty of a misdemeanor. (Ord. 402 § 6, 1975)

**9.24.030 Destruction of notices.**

Any person who shall wilfully or wrongfully tear down, destroy, or mutilate any notice or handbill lawfully posted up in the city shall be guilty of a misdemeanor. (Ord. 402 § 7, 1975)

**9.24.040 Violation of ZMC 9.24.010 through 9.24.030 – Penalty.**

*Repealed by Ord. 1439. (Ord. 402 § 18, 1975)*

**9.24.050 Allowing water to flow across public place.**

A. It is unlawful for any person or persons to allow any irrigation water, wastewater, seepage, water from sewer, or any other water to flow, run or escape into, over or across any street, alley, lane, road, or other public thoroughfare or public place within the city.

B. The prohibitions of this section shall not be applicable to water flow testing and water flows created by city of Zillah in the course of municipal operations and functions.

C. Violation of this section is an infraction. The civil infraction penalty shall be \$250.00. (Ord. 1439 § 22, 2017; Ord. 68 §§ 3, 5, 1917)

**9.24.060 Building fires in public place.**

A. It is unlawful for any person or persons to build a fire upon any street, alley, lane, road, or other public thoroughfare or public place within the city.

B. A violation of this section is a misdemeanor. (Ord. 1439 § 23, 2017; Ord. 68 §§ 4, 5, 1917)

**9.24.070 Shoplifting.**

*Repealed by Ord. 1439. (Ord. 438 §§ 1, 2, 1978)*

**9.24.080 Defacing or attaching signs to utility poles.**

A. It is unlawful for any person, corporation, partnership, association, or any other entity to deface or attach any sign to a utility pole or a traffic sign pole within the city.

B. For the purposes of this section, a “sign” is defined as any item of paper, wood, or any other solid material upon which is written or printed a notice, information or direction.

C. Any person, corporation, partnership, association or other entity who shall violate the provisions of this section shall be guilty of a misdemeanor. Each day in which a violation shall occur and continue shall be deemed a separate offense and a posting of a prohibited sign upon more than one utility pole by the same person shall also be considered a separate offense. (Ord. 1439 § 25, 2017; Ord. 563, 1985)

**9.24.090 Posting of yard sale signs.**

A. It is unlawful for any person, corporation, partnership, association or any other entity to post, erect, or attach a yard sale sign within the city.

B. The prohibition set forth in subsection (A) of this section shall not apply to signs located on the premises where said sale is occurring. In addition, said prohibition shall not apply to the posting of signs on designated community bulletin boards which have been established within the city.

C. Any person, corporation, partnership, association or any other entity who shall violate the provisions of this section shall be guilty of a civil infraction, and upon conviction thereof, shall be fined in an amount not to exceed \$100.00 for each violation. Each day in which the violation shall occur and continue shall be deemed a separate violation of the provisions of this section. (Ord. 679 § 2, 1990)

#### **9.24.100 Tobacco products on public school property.**

A. Civil Infraction. The city council has determined it is in the interest of safety and public order to find and declare as follows: It shall be a civil infraction for a person within the city of Zillah to use tobacco products on public school property or to remove, deface, or destroy any sign posted on public school property prohibiting the use of tobacco products.

B. Penalty for Violation. Any person found to be in violation of this section shall be punished by a fine not to exceed \$100.00. (Ord. 902 §§ 2, 3, 1999)

### **Chapter 9.28**

#### **OFFENSES BY OR AGAINST MINORS**

##### Sections:

##### Article I. Curfew

- 9.28.010 Purpose of article.
- 9.28.020 Definitions.
- 9.28.030 General prohibitions.
- 9.28.040 Exceptions to general prohibitions.
- 9.28.050 Enforcement.
- 9.28.060 Violation – Penalty.

##### Article II. Purchase of Cigarettes

- 9.28.070 *Repealed.*
- 9.28.080 *Repealed.*

##### Article I. Curfew

#### **9.28.010 Purpose of article.**

The city council has determined that it is generally contrary to the well being of minor children to be outside their residences after midnight unsupervised and with no specific purpose. The city council further finds that a much higher percentage of children who are active outside their residences after midnight are more likely to encounter dangerous circumstances and are more greatly exposed to situations presenting a risk to such children's health and welfare. The city council determines that it is in the best interest of the health and welfare of all persons residing within the corporate limits of the city to adopt and enforce this article imposing specific responsibilities upon the parents or custodians of children under the age of 18 years. (Ord. 683 § 1, 1990)

#### **9.28.020 Definitions.**

For purposes of this article, the following definitions shall apply:

A. "Child" means any unemancipated person, male or female, who is not married and is under the age of 18 years.

B. "Parent or custodian" means the father, mother, guardian, or person having the care, custody or control of a child.

C. "Returning home" means travelling, walking, biking or otherwise moving from the point of departure to a child's home or the residence of the person having the care, custody or control of said child for that evening. Said movement shall be directly from the point of departure to the destination to be accomplished within a reasonable period of time. (Ord. 683 § 2, 1990)

#### **9.28.030 General prohibitions.**

A. No parent or custodian shall permit any child he or she is responsible for to remain in or upon the public streets, roadways, alleys, parks, playgrounds or cemeteries, or in or upon private property which is unoccupied, vacant, abandoned, or is not otherwise supervised by a responsible adult between the hours of 12:00 a.m. to 5:00 a.m., except as otherwise permitted under the provisions of this article.

B. School Hour Prohibition. No parent or custodian shall permit any child he or she is responsible for to remain in or upon the public streets, roadways, alleys, parks, playgrounds or cemeteries, or in or about private property which is unoccupied, vacant or abandoned, or in public places of amusement or entertainment, or commercial establishments, between the hours of 7:45 a.m. and 2:45 p.m., on Mondays through Fridays. This prohibition shall not apply for school district holidays, or when school is not in session for any reason. This prohibition shall also not apply to any child authorized by law or by school district officials to be absent from school, or to a child who is being educated at home. In addition, this prohibition shall not apply to any child or juvenile under the age of 18 who has previously graduated from high school or who has received a GED. (Ord. 813 § 2, 1996; Ord. 683 § 3, 1990)

#### **9.28.040 Exceptions to general prohibitions.**

The parent or custodian of a child or children shall not be in violation of this article or the general prohibition set forth in ZMC 9.28.030 when:

- A. The child is engaged in lawful employment;
- B. The child is acting pursuant to directions and permission of his parent or custodian for legitimate, lawful purposes;
- C. The child is seeking emergency assistance; and

D. The child is returning home from activities supervised by a responsible adult. (Ord. 683 § 4, 1990)

#### **9.28.050 Enforcement.**

Law enforcement officers for the city shall have authority to momentarily detain and question a child where said law enforcement officer suspects a violation of this article, and to determine whether a specified exception to the general prohibition may apply. Should a law enforcement officer have probable cause to determine that a parent or custodian shall accompany said child to his or her residence and ensure said child is safely inside. (Ord. 683 § 5, 1990)

#### **9.28.060 Violation – Penalty.**

A. Should a law enforcement officer determine that a parent or custodian has violated the provisions of this article, a written notice/warning thereof shall be given to the parent thereof. The notice shall inform the parent or custodian of the following:

- 1. The location of where the child was found;
- 2. The date and time the child was found;
- 3. The location of the residence where the officer took the child for safety;
- 4. A warning that the parent or custodian was in violation of this article, a copy of which shall be attached to said notice.

B. The law enforcement officer shall maintain a record of any such violation and the notices given as a result thereof.

C. Upon a second violation by a parent or custodian, the law enforcement officer shall make a report of the incidents to the Child Protective Services of the state. Said officer shall assist Child Protective Services with respect to any action with which the Child Protective Services requests assistance. A second notice shall be sent to the parent or custodian by the law enforcement officer notifying said parent or custodian that Child Protective Services has been contacted.

D. Upon a third violation of this article, the law enforcement officer may charge a parent or custodian of a criminal act in the municipal court. Any person found to be guilty of a third violation of this article may be subject to a fine of up to \$500.00 or imprisonment of up to 30 days or both said fine and imprisonment. (Ord. 683 § 6, 1990)

**Article II. Purchase of Cigarettes****9.28.070 By person under the age of 18 – Civil violation.***Repealed by Ord. 1439. (Ord. 897 § 1, 1999)***9.28.080 Violation – Penalty.***Repealed by Ord. 1439. (Ord. 897 § 2, 1999)***Chapter 9.32****WEAPONS****Sections:**

9.32.010 Discharge prohibited.

9.32.020 Air rifles or pistols.

9.32.030 Carrying firearms.

**9.32.010 Discharge prohibited.**

A. Other than law enforcement officer in the discharge of his duty or a person practicing within a licensed shooting gallery, it is unlawful for any person to fire or discharge any gun, pistol or other firearm or bomb within the corporate limits of the city.

B. A violation of this section is a misdemeanor. (Ord. 1439 § 27, 2017; Ord. 402 §§ 9, 18, 1975)

**9.32.020 Air rifles or pistols.**

A. As used in this article, the words “air gun” mean and include the following: air gun, air pistol, air rifle, BB gun and toy guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hard-tipped arrow, bean pea, BB, rock or other hard substances a distance of more than 25 feet with sufficient force to break windows or inflict injury upon persons or animals.

B. It is unlawful for any person to fire off or discharge, or knowingly to permit to be fired off or discharged, any air gun of any description within the corporate limits of the city.

C. A violation of this section is a misdemeanor. (Ord. 1439 § 28, 2017; Ord. 223 §§ 1, 2, 1949)

**9.32.030 Carrying firearms.**

A. Exemption from RCW 9.41.050(4). The city shall be exempt from the prohibitions to carrying firearms otherwise provided in RCW 9.41.050(4). (Ord. 778 § 2, 1994)

**Chapter 9.45****SAVINGS AND SEVERABILITY**

## Sections:

9.45.010 Savings clause.

9.45.020 Severability clause.

**9.45.010 Savings clause.**

Any ordinances repealed by the ordinance codified in this chapter shall remain in effect until the effective date of the ordinance codified in this chapter. (Ord. 1439 § 30, 2017)

**9.45.020 Severability clause.**

If any section, subsection, paragraph, sentence, clause, or phrase of the ordinance codified in this chapter is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of the ordinance codified in this chapter. (Ord. 1439 § 30, 2017)





## **Title 10**

### **VEHICLES AND TRAFFIC**

#### **Chapters:**

#### **Division 1. Traffic Code**

##### **10.04 Washington Model Traffic Ordinance**

#### **Division 2. Miscellaneous Regulations**

##### **10.44 Traffic Control Zones and Arterials**

##### **10.45 Vehicle Weight and Load Regulations**

##### **10.48 *Repealed***

##### **10.52 *Repealed***

##### **10.56 Railroad Traffic and Crossings**

##### **10.60 Excessive Sound from Vehicles**

##### **10.64 Abandoned Vehicles**

##### **10.68 Vehicle Impoundment Facility**

##### **10.70 Parades, Processions and Permits**

##### **10.80 Fire Regulations**

##### **10.85 Parking**

##### **10.90 Motorized Foot Scooters and Nonmotorized Vehicles**



**Division 1. Traffic Code****Chapter 10.04****WASHINGTON MODEL TRAFFIC  
ORDINANCE**

## Sections:

- 10.04.010 Washington Model Traffic Ordinance.  
10.04.020 Violation – Penalty.

**10.04.010 Washington Model Traffic  
Ordinance.**

The “Washington Model Traffic Ordinance,” Chapter 308-330 WAC, as now existing or hereafter amended and except as specifically excluded, is hereby adopted by reference as the traffic ordinance of the city of Zillah as if set forth in full. (Ord. 1438 § 1, 2017; Ord. 776 § 1, 1994)

**10.04.020 Violation – Penalty.**

Unless another penalty is expressly provided by law in the Washington Model Traffic Ordinance, in the statutes that are adopted by reference therein, or by city ordinance, any person found to have committed an act designated a traffic infraction under the provisions of this chapter shall be punished by a penalty of not more than \$250.00. (Ord. 1438 § 1, 2017)

**Division 2. Miscellaneous Regulations****Chapter 10.44****TRAFFIC CONTROL ZONES  
AND ARTERIALS**

## Sections:

- 10.44.010 Primary arterials designated.  
10.44.020 Secondary arterials designated.  
10.44.030 Access streets designated.

**10.44.010 Primary arterials designated.**

The streets set out in this section shall be designated as primary arterials within the city. Said streets are: 1st Avenue from west city limits at SR 12 to east city limits, 2nd Avenue from 2nd Street on west to east city limits, 5th Street from 1st Avenue to Schooley Road on north. (Ord. 611 § 1, 1986)

**10.44.020 Secondary arterials designated.**

The streets set out in this section shall be designated as secondary arterials within the city. Said streets are: Cheyne from 1st Avenue to north city limits, Carlsonia from Cheyne on West Roza Drive on east, 3rd Avenue from Roza Drive on west to east city limits, F Street from 5th Street, 2nd Street and continue to 1st Avenue. (Ord. 611 § 2, 1986)

**10.44.030 Access streets designated.**

All other streets within the city shall be designated as access streets. (Ord. 611 § 3, 1986)

**Chapter 10.45****VEHICLE WEIGHT AND LOAD  
REGULATIONS**

## Sections:

10.45.010 Vehicle weight and load regulations.

**10.45.010 Vehicle weight and load regulations.**

A. There is imposed a limit to weight of motor vehicles and other vehicles on all nonarterial streets within residential zones of Zillah zoned R-1, R-2, or R-3, suburban residential and residential planned development. This weight shall not exceed 30,000 pounds.

1. The public works director or authorized designee shall place signs designating weight limit for any street, road or right-of-way.

2. Any city street which forms a part of any route of a state highway as determined by the Department of Transportation of the state of Washington.

B. A special permit may be submitted to the city administrator for approval by the city council.

C. Trucks, trailers or any combination of truck/trailer and truck tractors whether connected or not and/or 30,000 pounds gross vehicle licensed whether loaded or unloaded shall not drive on streets or road with established weight restrictions except by special permit and shall in no case be parked on any public right-of-way for longer than one hour, regardless of zone.

D. A violation of this section shall be an infraction subject to a penalty of \$125.00. (Ord. 1438 § 7, 2017)

**Chapter 10.48****VEHICLE WEIGHT LIMITS**

(Repealed by Ord. 1438)

**Chapter 10.52****SAFETY BELTS**

(Repealed by Ord. 1438)

**Chapter 10.56****RAILROAD TRAFFIC AND CROSSINGS****Sections:**

10.56.010 Speed limit.

10.56.020 Responsibility for exceeding speed limit.

10.56.030 Violation – Penalty.

**10.56.010 Speed limit.**

It is unlawful for any freight, passenger or other train to run through the corporate limits of the city at a speed to exceed 25 miles per hour, whether the train is run as a through train or otherwise. (Ord. 119 § 1, 1931; Ord. 21 § 1, 1911)

**10.56.020 Responsibility for exceeding speed limit.**

Any servant, agent, or employee of any railroad or railway company operating trains through the corporate limits of the city shall be deemed responsible under the terms of this chapter, and may be arrested and dealt with as herein provided. (Ord. 21 § 2, 1911)

**10.56.030 Violation – Penalty.**

Any violation of this chapter shall be considered a misdemeanor and shall be punished by a fine not exceeding \$100.00. (Ord. 21 § 3, 1911)

**Chapter 10.60****EXCESSIVE SOUND FROM VEHICLES**

## Sections:

10.60.010 Excessive sound prohibited.

10.60.020 Violation and penalty.

**10.60.010 Excessive sound prohibited.**

A. Excessive Sound Emanating from Vehicle.  
Each driver of a motor vehicle within the city shall not permit excessive music or other sounds to be emanating from within a vehicle on the public streets or rights-of-way within the city. Music or other sound shall be considered excessive when the music or sound is loud to the point to where it can be heard a distance of 50 feet from the vehicle. (Ord. 794 § 2, 1995)

**10.60.020 Violation and penalty.**

Violation of this chapter shall be considered a civil infraction punishable by conviction in the same manner as other infractions enumerated within the Zillah traffic code. (Ord. 794 § 3, 1995)

**Chapter 10.64****ABANDONED VEHICLES**

## Sections:

- 10.64.010 Definitions.
- 10.64.020 Prohibition of abandoned/junked, dangerous and public nuisance vehicles.
- 10.64.030 Antique vehicle restoration – Waiver.
- 10.64.040 Antique vehicle restoration – Waiver – Form.
- 10.64.050 Notice.
- 10.64.060 Removal and/or impounding of vehicle.
- 10.64.070 Violation – Penalties.

**10.64.010 Definitions.**

The definitions set forth in this section apply throughout this chapter unless the context indicates otherwise.

“Abandoned/junk vehicle” means a motor vehicle that meets all the following requirements, as defined by RCW 46.79.010:

1. Is three years old or older;
2. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission;
3. Is apparently inoperable;
4. Is without a valid, current registration plate; and
5. Has a fair market value equal only to the value of the scrap in it.

“Dangerous vehicle” means a motor vehicle that meets all the following requirements:

1. The vehicle has been placed on blocks or any other device for the purpose of removing any wheel or wheels, or keeping a wheel or wheels off the ground;
2. The vehicle has been left on a public roadway or public right-of-way for more than 12 hours; and
3. The vehicle is deemed to be unsafe and a public hazard by the chief of police or his designee.

“Public nuisance vehicle” means a motor vehicle, other than a motor home, camper or off-road vehicle, as defined by the Department of Licensing, that meets all the following requirements:

1. Is located on public or private property within the city limits of the city of Zillah;

2. Is wrecked, junked, partially dismantled, inoperative or damaged to any degree which results in the vehicle not being capable of being operated whether attended or not, or the vehicle is not currently licensed in any state and has not been so licensed for four or more months. If the vehicle does not have license plates attached and a check of the Department of Licensing through the computerized state system (ACCESS) is unable to locate a license record using the VIN, the vehicle is deemed to be unlicensed;

3. Is not fully enclosed within a building;

4. Is not kept, stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.131; and

5. For which the property owner/vehicle owner has not requested and received a waiver from the chief of police or his designee authorizing the location of the vehicle for restoration as set forth in this chapter. (Ord. 814 § 1, 1996)

**10.64.020 Prohibition of abandoned/junked, dangerous and public nuisance vehicles.**

It is unlawful for any person to permit, allow or maintain an abandoned/junked vehicle, a dangerous vehicle, or a public nuisance vehicle after receiving notice from the city of Zillah to abate the condition or remove the vehicle in the manner described hereinbelow.

A. Notice for Abandoned/Junked Vehicles and Public Nuisance Vehicles. For any vehicle meeting the definition of an “abandoned/junked vehicle” or “public nuisance vehicle.”

1. Licensed Vehicle. If the city of Zillah is able to determine the identity of the registered owner of said vehicle, notice shall be given by attaching to the vehicle in a conspicuous manner a notice as described in ZMC 10.64.050. Said notice shall also be mailed by certified mail, return receipt requested, advising said registered owner of the seven-day period of time within which to abate the problem and/or remove the vehicle. After the seven-day time period has expired, and if the registered owner or some person on his or her behalf has



not responded to the notice or requested action, the vehicle may be impounded and/or removed.

2. **Unlicensed Vehicles.** In the event the abandoned/junk vehicle or public nuisance vehicle is unlicensed and the city of Zillah is unable to locate a license record or determine the owner of the vehicle by other means, the notice shall be conspicuously attached to the vehicle for a period of 20 calendar days. In addition, the notice to abate the condition or remove the vehicle shall be published in a local newspaper of general circulation; provided, however, that if the vehicle is located on private property, the notice may be mailed to the owner of said property, return receipt requested, and publication in a newspaper shall not be required. After the 20-day time period has expired, and if the registered owner or some person on his or her behalf has not responded to the notice or requested action the vehicle may be impounded and/or removed.

B. **Dangerous Vehicles.** For any vehicle meeting the definition of "dangerous vehicle," the city of Zillah shall not be required to send or conspicuously attach written notice for any period of time. The chief of police or his designee shall make a reasonable attempt and effort to locate the owner or custodian of the dangerous vehicle. Should the owner or custodian of the vehicle be located, the city of Zillah shall give oral notice that the dangerous vehicle must be removed or the condition abated within 24 hours of the time of verbal notice. After 24 hours, or should the city of Zillah not be able to locate the owner or custodian of the dangerous vehicle, the vehicle may be removed or impounded in a manner consistent with this chapter. (Ord. 814 § 2, 1996)

#### **10.64.030 Antique vehicle restoration – Waiver.**

A vehicle may be considered antique, for the purpose of this chapter, if it is more than 20 years old and in restorable condition. Restorable condition shall be when the vehicle is substantially intact with the body, frame, fenders, doors, wheels and motor. The owner of an antique vehicle as defined in this section may notify the chief of police of his/her intent to restore the antique vehicle. When the chief of police or his designee is so notified, and the condition of the vehicle is verified, the owner shall be issued a written waiver of this chap-

ter, provided, the vehicle meets the definition of an antique vehicle in restorable condition, and the vehicle is placed or parked on private property. The waiver shall be valid for six months and any owner may receive two such waivers for the same vehicle. The written waiver shall be attached to the vehicle in a conspicuous place. There shall be no fee or cost for the waiver. (Ord. 814 § 3, 1996)

**10.64.040 Antique vehicle restoration – Waiver – Form.**

The written notice of waiver shall be substantially the following form:

**ANTIQUE VEHICLE RESTORATION WAIVER**

Date issued: \_\_\_\_\_

Date expires: \_\_\_\_\_

Issued to: Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone (Home) \_\_\_\_\_

(Work) \_\_\_\_\_

Vehicle Information:

MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_ YEAR: \_\_\_\_\_ COLOR: \_\_\_\_\_

LICENSE #: \_\_\_\_\_

LOCATION OF VEHICLE: \_\_\_\_\_

I, \_\_\_\_\_, request a waiver of the "Abandoned Vehicle Ordinance" from the City of Zillah. I am keeping the above-described vehicle for the purpose of restoration. I understand and agree to keep the vehicle on private property. I understand this waiver expires six (6) months from the date of issuance.

\_\_\_\_\_  
Owner of vehicle/property

\_\_\_\_\_  
Chief of Police

(Ord. 814 § 4, 1996)

**10.64.050 Notice.**

The notice attached to the vehicle and/or mailed to the registered owner of the vehicle or of the owner of real private property shall include the following:

- A. Location of the vehicle;
- B. Description of the vehicle and its condition;
- C. Description/reason for the violation of this chapter;
- D. Notice that the vehicle will be impounded or removed if the owner or custodian fails to abate or remedy the problem;
- E. Notice that a hearing may be requested;
- F. Notice that owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for con-

sideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial;

G. Notice that costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored. (Ord. 814 § 5, 1996)

**10.64.060 Removal and/or impounding of vehicle.**

The chief of police or any police officer authorized by him is authorized to cause the removal and/or impoundment of any abandoned/junk, dan-

gerous or nuisance vehicle; provided, notice has been given as provided in this chapter to the registered or legal owner, or to the owner of the property on which the vehicle is located. If a hearing has been requested, no action shall be taken until a hearing has been held and written order from the administrative hearing officer has been received. Whenever the chief of police or his designee removes a vehicle as authorized by this chapter or by order of the administrative hearing officer, he shall report or cause to be reported the impoundment of the vehicle to the chief of the Washington State Patrol or his authorized representative. The chief of police or his designee shall order the removal of the vehicle by a properly licensed towing company using a standard vehicle impound form from the Department of Licensing. Further, the vehicle may not be removed by the owner until the costs of impoundment, towing and storage is paid. In the event the owner fails to claim the abandoned/junk, dangerous or nuisance vehicle within 15 days, the vehicle may be auctioned and/or sold by the persons impounding it in a manner provided by law. (Ord. 814 § 7, 1996)

#### **10.64.070 Violation – Penalties.**

Any person who shall violate any provision of this chapter, particularly any person who fails to remove an abandoned/junk vehicle, a dangerous vehicle or a public nuisance vehicle from property located within the corporate limits of the city of Zillah, Washington, shall be guilty of a civil infraction. The chief of police, or any other police officer of the city of Zillah, shall be authorized to issue a notice of infraction to a responsible party. The infraction shall be processed through the municipal court of the city of Zillah in the same fashion as traffic infractions. The party receiving an infraction notice shall have the right to contest or mitigate the infraction in the Zillah municipal court. The fine or penalty to be imposed upon any person committing an infraction shall be an amount up to \$250.00 for a first violation, and up to \$500.00 for a subsequent violation committed within 24 months of the time of the first violation. The party receiving the infraction shall be entitled to a hearing before the Zillah municipal court and, in any such hearing, the city of Zillah shall be required to establish that this chapter has been violated by a preponderance of the evidence. The party receiving

an infraction shall not be entitled to the appointment of an attorney without cost because this matter is an infraction and jail time is not remedy to the city for violations of this chapter. (Ord. 852 § 2, 1998; Ord. 814 § 6, 1996)

**Chapter 10.68****VEHICLE IMPOUNDMENT FACILITY**

## Sections:

- 10.68.010 Authority.
- 10.68.020 Purpose.
- 10.68.030 Definitions.
- 10.68.040 Establishment of secure impound facilities.
- 10.68.050 Impounding, transporting vehicles.
- 10.68.060 Period of impoundment.
- 10.68.070 Notification of impound.
- 10.68.080 Redemption of impounded vehicles.
- 10.68.090 Administrative hearing.
- 10.68.100 Administrative hearing procedures.
- 10.68.110 Administrative hearing fee.
- 10.68.120 Abandonment and sale.
- 10.68.130 Release of personal property.
- 10.68.140 Charges and fees.

**10.68.010 Authority.**

The provisions of this chapter shall be deemed an exercise of the police powers of the city for the reasonable regulation of impounding motor vehicles as authorized by RCW 46.55.240, while at the same time providing for the health, safety, welfare, and general protection of the citizens of Zillah. Nothing contained in this chapter shall create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by this chapter. (Ord. 919 § 1, 2000)

**10.68.020 Purpose.**

It is the intent of the city council to allow for the impoundment of motor vehicles by law enforcement officers whenever the driver of a vehicle is taken into custody as specified in RCW 46.55.113 and to hold impounded vehicles whenever the driver is arrested for violation of RCW 46.20.342 for the below-specified time periods. It is the intent of the city council to adopt the legislative finding contained in RCW 46.55.105, "Findings – 1998 c 203." It is the intent of the city council to simplify the process of impounding, holding and releasing the vehicles to their registered owners by establishing a city-operated secure impound facility where such a facility does exist within the city limits of the city of Zillah. (Ord. 919 § 2, 2000)

**10.68.030 Definitions.**

As used in this chapter, the following words and terms shall be defined as follows:

"Driving while license suspended or revoked" means whenever a person's privilege to drive has been suspended or revoked by this state or any other state. Any person who has a valid Washington driver's license shall not be considered to be driving with a suspended or revoked driver's license.

"Impound" means to take and hold a vehicle in legal custody. For the purpose of this chapter, all vehicle "impounds" shall be public impounds.

"Law enforcement officer" means commissioned officers of the Zillah police department.

"Motor vehicle" means any vehicle which is self-propelled by the use of a mechanical motor, electrical motor or combustion motor.

"Public impounds" means that the vehicle has been impounded at the direction of a law enforcement officer or by a public official having jurisdiction over the public property upon which the vehicle was located.

"Registered tow truck operator" or "operator" means any city licensed business that is licensed by the Department of Licensing to engage in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles. (Ord. 919 § 3, 2000)

**10.68.040 Establishment of secure impound facilities.**

This chapter authorizes the chief of police to establish a location within the city limits of the city of Zillah, that complies with the provisions of the WAC 308-61-026(2), as a secure impound area. The secure impound area shall be for the purpose of temporarily safeguarding vehicles while stored or held in compliance with this chapter.

A. The police department shall establish storage fees that are consistent with rates and fees charged within Yakima County. The police department shall post the fees in the lobby of the police department.

B. The impound yard shall have signs posted, visible to the outside that provide the following information:

City of Zillah Impound Area

No Trespassing or entrance by unauthorized persons

Contact: Zillah Police Department  
111 7th Street, Zillah, WA  
(509) 829-6100

(Ord. 919 § 4, 2000)

**10.68.050 Impounding, transporting vehicles.**

The chief of police shall enter into an agreement with a registered tow truck operator to impound vehicles to the secure impound facilities. The registered tow truck operator shall submit a claim to the city for payment after services are provided. (Ord. 919 § 5, 2000)

**10.68.060 Period of impoundment.**

Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342, the following period of impoundment shall apply:

A. Whenever the driver of a vehicle is arrested for violation of RCW 46.20.342, the vehicle shall be impounded, except when circumstances exist that make it unsafe or impractical for the officer to impound the vehicle. Impractical situations include the need for the officer to respond to other calls for service or an emergency situation.

B. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended third degree, and the records show one previous violation of RCW 46.20.342 within five years, the vehicle shall be impounded for 15 days.

C. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended third degree, and the records show two or more previous violation of RCW 46.20.342 within five years, the vehicle shall be impounded for 30 days.

D. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended first or second degree, and the records show no previous

violations of RCW 46.20.342 within five years, the vehicle shall be impounded for 30 days.

E. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended first or second degree, and the records show one previous violation of RCW 46.20.342 within five years, the vehicle shall be impounded for 30 days.

F. If a vehicle is impounded because the driver is arrested for a violation of RCW 46.20.342 and the Washington Department of Licensing records show that the driver's status is suspended first or second degree, and the records show two or more previous violations of RCW 46.20.342 within five years, the vehicle shall be impounded for 30 days. (Ord. 919 § 6, 2000)

**10.68.070 Notification of impound.**

The Zillah police department shall notify the registered owner and legal owner of any vehicle impounded by written notification within 24 hours, excluding Saturdays, Sundays and holidays, of the impound, by first class mail. The written notification shall include the location of the vehicle, the address and telephone number of the Zillah police department for the owner to redeem their vehicle. The notice shall also include the written notice of the right of redemption and the opportunity for a hearing to contest the validity of the impoundment pursuant to ZMC 10.68.090 and 10.68.100.

A. No notices need to be sent to the legal or registered owners of an impounded vehicle if the vehicle has been redeemed. (Ord. 919 § 7, 2000)

**10.68.080 Redemption of impounded vehicles.**

Vehicles impounded by the city shall be redeemed only under the following circumstances:

A. Only the registered owner, a person authorized in writing by the registered owner, or one who has purchased the vehicle from the registered owner, who produces ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342, and the operator was the driver at the time of impound, shall not be released until proof that all outstanding fines and/or failures to appear have been paid is presented. No person shall redeem a vehicle until payment has been made for

towing fees, and storage fees or satisfactory arrangements have been made and approved by the chief of police.

B. The chief of police is authorized to release a vehicle impounded prior to the expiration period of impoundment upon written petition of a spouse or other adult person having a legal interest in the vehicle, based on economic or personal hardship to such spouse or other person resulting from unavailability of the vehicle and after consideration of the threat to public safety that may result from the release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status and access to the vehicle. If such release is authorized, the person redeeming the vehicle must satisfy all towing, administrative and storage fees.

C. A rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage fees, whereupon the vehicle will not be held for a suspended license impound.

D. A motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage fees whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this perfected security interest in the vehicle from repossessing the vehicle and the selling, leasing, or otherwise disposing of it in accordance with Chapter 62A.9A RCW, including providing redemption rights to the debtor under RCW 62A.9A-506. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under RCW 62A.9A-506 is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for

damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

E. Persons seeking to redeem a vehicle held at the city secure impound facility shall be provided written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, and a copy of the towing and storage invoice. The police department shall maintain a record evidenced by the redeeming person's signature that such notification was provided. (Ord. 919 § 8, 2000)

#### **10.68.090 Administrative hearing.**

Any person seeking to redeem a vehicle impounded as a result of this chapter has a right to a hearing before an administrative hearing officer to contest the validity of an impoundment or the amount of towing and storage charges if such request for a hearing is in writing, in a form approved by the chief of police and signed by such person, and received by the chief of police within 10 days (including Saturdays, Sundays and holidays) of the vehicle impound. Such hearing shall be provided as follows:

A. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under RCW 46.20.342, have been satisfied, then the impounded vehicle shall be released immediately and a hearing shall be held within 90 days of the written request for hearing.

B. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under RCW 46.20.342, have not been satisfied, then the impounded vehicle shall not be released until after the hearing which shall be held within two business days (excluding Saturdays, Sundays, and holidays) of the written request for hearing.

C. Any person seeking a hearing who has failed to request such hearing with the time specified in this section may petition the chief of police for an extension to file a request for hearing. Such extension shall only be granted upon demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For the purpose of this section, "good cause" shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing

a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this chapter.

D. If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment are deemed to be proper.

E. In accordance with RCW 46.55.240(1)(d), a decision made by an administrative hearing officer may be appealed to the Zillah municipal court for final judgement. The hearing on the appeal under this subsection shall be de novo. A person appealing such a decision must file a request for an appeal in municipal court within 15 days after the decision of the administrative hearing officer and must pay a filing fee in the same amount required for the filing of a suit in district court. If a person fails to file a request for an appeal within the time specified by this section or does not pay the filing fee, the right to an appeal is waived and the administrative hearing officer's decision is final. (Ord. 919 § 9, 2000)

#### **10.68.100 Administrative hearing procedures.**

Hearing requested pursuant to this chapter shall be held by an administrative hearing officer who shall determine whether the impoundment was proper and whether the associated towing, storage, and administrative fees were proper.

A. At the hearing, an abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.

B. If the impoundment is found to be proper, the administrative hearing officer shall enter an order so stating. In the event that the costs of impoundment (towing and storage fees) have not been paid or any other applicable requirements of this chapter have not be satisfied or any period of impoundment has not expired, the administrative hearing officer order shall also provide that the impounded vehicle shall be released only after payment to the city of any fines imposed on any under-

lying traffic violations are satisfied. The administrative hearing officer may grant time payments and release the vehicle after all other provisions are met. Time payments shall only be granted in cases of extreme financial need, and where there is an effective guarantee of payment.

C. If the impoundment is found to be improper, the administrative hearing officer shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment have already been paid, the administrative hearing officer shall enter judgement against the city and in favor of the person who has paid the costs of impoundment in the amount of the costs of the impoundment.

D. In the event that the administrative hearing officer finds that the impoundment was proper, but that the towing and/or storage fees charged for the impoundment were improper, the administrative hearing officer shall determine the correct fees to be charged. If the costs of the impoundment have been paid, the administrative hearing officer shall enter a judgement against the city and in favor of the person who has paid the costs of impoundment for the amount of overpayment.

E. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and shall not preclude litigation of those same facts in a subsequent criminal prosecution.

F. An appeal of the administrative hearing officer's decision in municipal court shall be conducted according to, and is subject to, the procedures of this section. If the court finds that the impoundment or towing or storage fees are improper, any judgment entered against the city shall include the amount of the filing fee. (Ord. 919 § 10, 2000)

#### **10.68.110 Administrative hearing fee.**

Whenever a person requests an administrative hearing to contest the validity of an impound, and the administrative hearing officer finds that the impound was proper, the administrative hearing officer shall assess a fee of \$50.00 against the person requesting the hearing. When the administrative hearing officer finds the impound to be improper, no fee shall be assessed. The fee shall be for the purpose of offsetting, to the extent practicable, the cost to the city of holding the hearing.

A. At the time an administrative hearing is requested, the person requesting the hearing shall deposit with the city the fee of \$50.00. If the hearing officer finds the impound to be improper, the fee shall be refunded. (Ord. 919 § 11, 2000)

#### **10.68.120 Abandonment and sale.**

Five days after the date of notice was sent to the legal and registered owners or five days following the expiration of the impoundment period when the driver was arrested for violation of RCW 46.20.342, the vehicle shall be considered to be abandoned.

A. The police department shall submit an abandoned vehicle report to the Department of Licensing. The Department of Licensing shall return a record of ownership for the vehicle to the police department. Within 24 hours, exclusive of Saturday, Sunday and holidays, the police department shall mail, by certified mail, return receipt requested, a notice of custody and sale to the legal and registered owners.

B. If, after the expiration of 15 days from the date of mailing of notice of custody and sale to the registered and legal owners, the vehicle remains unclaimed and has not been listed as a stolen vehicle, then the city shall conduct a sale of the vehicle at public auction.

1. The police department shall publish a notice of the date, place and time of the auction in a newspaper of general circulation, not less than three days and not more than 10 days before the date of the auction. The notice shall contain a description of the vehicle including the make, model, year, and license number and a notification that a three-hour public viewing period will be available before the auction. The auction shall be held during daylight hours of a normal business day.

C. The following procedures are required in any public auction of such abandoned vehicles:

1. The auction shall be held in such a manner that all persons present are given an equal time and opportunity to bid;

2. All bidders must be present at the time of the auction unless they have submitted to the city a written bid on a specific vehicle. Written bids may be submitted up to five days before the auction and shall clearly state which vehicle is being bid upon,

the amount of the bid, and who is submitting the bid;

3. The open bid process, including all written bids, shall be used so that everyone knows the dollar value that must be exceeded;

4. The highest two bids received shall be recorded in written form and shall include the name, address, and telephone of each such bidder;

5. In case the high bidder defaults, the next bidder has the right to purchase the vehicle for the amount of his or her bid;

6. The successful bidder shall apply for title within 15 days;

7. The city shall post a copy of the auction procedure at the bidding site. The police department shall notify all persons requesting such information of the auction site. At the bidding site a copy of the newspaper advertisement that lists the vehicles for sale shall be posted;

8. All surplus monies derived from the auction after satisfaction of all fees, towing, storage and administrative, shall be remitted within 30 days to the Department of Licensing for deposit in the state motor vehicle fund. A report identifying the vehicles resulting in any surplus shall accompany the remitted funds;

9. If the city receives no bid, or if the city is the successful bidder at auction, the city shall, within 45 days, sell the vehicle to a licensed vehicle wrecker, bulk hauler or scrap processor by use of the abandoned vehicle report-affidavit of sale, or the city shall apply for title to the vehicle.

D. Vehicles shall not be held for longer than 90 days without holding an auction on the vehicle, except for vehicles that are under a police or judicial hold.

E. In no case may the accumulation of storage charges exceed 15 days from the date of receipt of the information by the police department from the Department of Licensing. (Ord. 919 § 12, 2000)

#### **10.68.130 Release of personal property.**

All personal belongings and contents in the vehicle, with the exception of those items that are attached or mounted onto or in the vehicle, shall be kept intact, and shall be returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. Personal items, with the exception of those items that are attached or



mounted onto or in the vehicle, shall not be sold at auction to satisfy a lien against the vehicle.

A. All personal belongings and contents that are not part of the vehicle shall be placed into custody and returned to the vehicle owner or their owner if one can be determined. The police department will handle the property in the same manner as found property.

B. Any person who shows proof of ownership or written authorization from the impounded vehicle's registered owner or legal owner or the vehicle's insurer may view the vehicle without charge during normal business hours. The police department may require scheduling prior to the viewing period. (Ord. 919 § 13, 2000)

#### **10.68.140 Charges and fees.**

The chief of police shall set reasonable charges and fees for towing and storage of motor vehicles. The chief of police shall survey licensed tow truck operators in the city and shall set the fees so that they are no higher than the most expensive fees and no lower than the lowest fees charged by those licensed tow truck operators. The fee for towing shall not be less than the fee charged by the contracted operator to tow the vehicle to the secure impound area. The towing fee charged shall be sufficient to cover the costs to the city, including the cost of the officer and the actual fee paid to the contracted operator. The police department shall compute the costs for the officer at one hour's time at \$20.00 to recover the expense of impounding the vehicle.

A. Whenever a vehicle is impounded to the secure impound area a minimum storage fee of one-day storage. The storage fees shall be computed so that part of one day shall be considered one full day. For the purposes of establishing a day, the police department shall use the time period of 12:00 noon to 12:00 noon. (Ord. 919 § 14, 2000)

### **Chapter 10.70**

#### **PARADES, PROCESSIONS AND PERMITS**

##### **Sections:**

10.70.010 Authority to issue street closure permits – Signing, penalty.

##### **10.70.010 Authority to issue street closure permits – Signing, penalty.**

A. The city administrator or designee is authorized to issue special permits for the purpose of closing any city street or traffic lane to vehicle traffic subject to the terms and conditions for such permit.

1. No permit granted under the authority of this section shall be valid for more than seven consecutive days.

2. No permit shall be required for city employees acting in the normal course of business.

B. The city administrator or designee shall have the authority to place appropriate signs or devices in the roadway indicating that the street or part thereof is closed.

1. Whenever such signs or devices are in place, no person shall drive a vehicle upon such street or portion thereof except operators of vehicles having business or residences within such closed area; provided, that the limited access to it be permitted under the circumstances and the operator shall exercise the greatest care in driving upon such street or portion thereof.

C. It is unlawful for any permittee or other person to violate any of the special terms or conditions of such permit. (Ord. 1438 § 2, 2017)

**Chapter 10.80****FIRE REGULATIONS**

## Sections:

- 10.80.010 Fire zone establishment and maintenance.
- 10.80.020 Removal of obstructions.
- 10.80.030 Traffic operation.
- 10.80.040 Fire zone entry.
- 10.80.050 Emergency fire lines established.
- 10.80.060 Barricading hazardous area.

**10.80.010 Fire zone establishment and maintenance.**

A fire zone shall be established by fire chief or authorized designee of the scene of every fire and such fire zone shall be maintained and remain in effect until terminated by fire chief or authorized designee. (Ord. 1438 § 3, 2017)

**10.80.020 Removal of obstructions.**

All traffic and vehicles, including motor vehicles, trucks, tractors and pedestrians, within a fire zone shall stop in a safe place. A violation of this section shall be an infraction subject to a penalty of \$125.00. (Ord. 1438 § 3, 2017)

**10.80.030 Traffic operation.**

It is unlawful for any person to move, operate or start to move or operate any vehicle within a fire zone except upon orders or authorization of the chief of the fire department or authorized agent. A violation of this section shall be an infraction subject to a penalty of \$125.00. (Ord. 1438 § 3, 2017)

**10.80.040 Fire zone entry.**

It is unlawful for any individual to enter a fire zone or to stop, stand, or park in such a manner as to hinder, restrict or obstruct use or operation of fire department equipment, apparatus or vehicles within an established fire zone. A violation of this section shall be an infraction subject to a penalty of \$125.00. (Ord. 1438 § 3, 2017)

**10.80.050 Emergency fire lines established.**

A. During any emergency requiring the services of the fire department, the fire chief or authorized agent is authorized to establish fire lines on a public street or private property. The fire line may

be designated by rope, tape or other similar demarcation and may be manned by firemen or other designated law enforcement officer.

B. It is unlawful for any person to disregard or fail to obey the orders of a fireman or law enforcement officer, cross established fire lines or otherwise impede or obstruct fire department operations. A violation of this section shall be an infraction subject to a penalty of \$125.00. (Ord. 1438 § 3, 2017)

**10.80.060 Barricading hazardous area.**

A. The fire chief or authorized agent is authorized to fence, wall and/or prohibit access to public streets or adjacent private property where it is determined that use or occupancy of such areas is unsafe or there is an unreasonable risk to public safety by reason of fire or damaged structures, utilities or other condition threatening human life or property. Signs designating "Danger" or red lights may be placed under authority of fire chief or authorized designee.

B. It is unlawful for any person to remove, mutilate, tear down, or otherwise damage any sign, fence, wall, or rope, or to walk, drive, operate, or move any vehicle inside established fire lines, fence, or walls. A violation of this section shall be an infraction subject to a penalty of \$125.00. (Ord. 1438 § 3, 2017)

**Chapter 10.85****PARKING**

## Sections:

- 10.85.010 Parking prohibited – Generally.
- 10.85.020 Regulating on-street parking.
- 10.85.030 Impoundment of vehicle.
- 10.85.040 Obstruction of mail delivery receptacle.
- 10.85.050 Moving vehicle of another – Authorized under special condition.

**10.85.010 Parking prohibited – Generally.**

A. The city council may, from time to time, establish parking restrictions on portions of designated public streets and rights-of-way. City administrator shall maintain a record of adopted parking restrictions and amendments, additions, deletions, or exceptions as adopted by city council. Such records shall be maintained by city administrator at City Hall.

B. In addition, copies of adopted restrictions shall be available for examination by the public during regular business hours. (Ord. 1438 § 4, 2017)

**10.85.020 Regulating on-street parking.**

A. No person, firm, company or entity shall park any motor vehicle on (1) First Avenue or Second Avenue between Fifth Street and Eighth Street, and (2) on Fifth, Sixth, Seventh, and Eighth Streets between First Avenue and Second Avenue on Fridays between the hours of 4:00 a.m. to 7:00 a.m.

B. Any person who shall park a car on the public streets or rights-of-way in violation of adopted restrictions shall be guilty of a civil infraction and, upon conviction thereof, shall be fined in the amount of \$20.00 for the first violation and \$50.00 for each subsequent violation.

C. The assessment and collection of fines for violation of this section shall be subject to procedures for collection of traffic infractions by the municipal court. (Ord. 1438 § 4, 2017)

**10.85.030 Impoundment of vehicle.**

A. It is unlawful to park or leave any vehicle in a manner that violates provisions of the adopted Model Traffic Ordinance (Chapter 10.04 ZMC) or

otherwise obstructs or impedes the use and safety of operation of public streets. Any vehicle parked angle-parked so as to obstruct, impede or impair safety or function of any street or right-of-way is declared to be a nuisance which may be summarily abated by the impounding and removal of the vehicle as herein provided.

B. Any vehicle which is stolen or which is required by the police department for evidence of investigation, which is unoccupied or unattended and, in the judgment of any police officer, in danger of being stripped or stolen, or any wrecked and unattended vehicle may be impounded and removed as hereinafter provided. (Ord. 1438 § 4, 2017)

**10.85.040 Obstruction of mail delivery receptacle.**

A. No person shall park a vehicle or otherwise cause an obstruction to be placed in the public streets or rights-of-way which interferes with or otherwise impedes access to a United States mail receptacle by employees of the United States Postal Service.

B. Any person violating the provisions of this section shall be deemed guilty of a civil infraction.

1. Upon finding of guilt, said person may be fined in an amount of up to \$50.00 per violation.

2. Each day the obstruction remains in front of a mail receptacle shall constitute a separate violation. (Ord. 1438 § 4, 2017)

**10.85.050 Moving vehicle of another – Authorized under special condition.**

A. Any vehicle otherwise legally parked but obstructing access to a public facility including utilities, poles, manholes, etc., or restricting movement of an over-sized vehicular load may be moved under emergency conditions at the direction of a law enforcement officer by means of towing or otherwise to a location not to exceed 300 feet away from such interference.

B. The law enforcement officer authorizing such parked vehicle to be moved shall affix notice in writing to the vehicle on which shall be noted the location from which the vehicle has been moved, the location to which the vehicle has been moved and the reason for the removal.

C. Any charge for towing shall be at the expense and liability of the vehicle owner.

D. The police department shall maintain a record of this information. (Ord. 1438 § 4, 2017)

## **Chapter 10.90**

### **MOTORIZED FOOT SCOOTERS AND NONMOTORIZED VEHICLES**

#### Sections:

- 10.90.010 Definitions.
- 10.90.020 Purpose and policy.
- 10.90.030 Duty to obey rules of the road and traffic signals.
- 10.90.040 Motorized foot scooter and bicycle operation.
- 10.90.050 Motorized foot scooters and bicycle operation prohibited.
- 10.90.060 Bicycle and motorized foot scooter – Helmet required.
- 10.90.070 Use of skateboards, coasters, roller skates and similar devices restricted.
- 10.90.080 Parent or guardian responsibility.
- 10.90.090 Violation – Enforcement authority and penalties.
- 10.90.100 Impoundment.

#### **10.90.010 Definitions.**

A. The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the following meanings:

1. “Motorized foot scooter” means a device with no more than two 10-inch or smaller diameter wheels that has handlebars, is described to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion;

2. “Bicycle” means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is 16 inches or more in diameter, or three wheels, any one of which is more than 20 inches in diameter; within this chapter, the term “bicycle” shall include any attached trailers, sidecars, and/or other device being towed by a bicycle;

3. “Helmet” means a head covering that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequent nationally recognized standard for bicycle helmet performance as the city council may adopt;

4. "Parent or guardian" means a parent, legal guardian, an adult with custody, or temporary guardian who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of 18 years;

5. "Skateboard" has the ordinary meaning and means a footboard mounted upon four or more wheels and is usually propelled by the user who sometimes stands, sits, kneels, or lays upon the device while it is in motion;

6. "Roller skates" has its ordinary meaning and means a pair of shoes, mounted upon two sets of wheels, and is propelled solely by human power and is usually operated by the user in an upright, standing position or kneeling;

7. "Coasters" has its ordinary meaning and means a footboard mounted upon two or more wheels and controlled by an upright steering handle; this device is propelled solely by human power and is usually operated by the user in an upright, kneeling, or sitting position;

8. "In-line skates" has its ordinary meaning and means a pair of shoes or boots, mounted upon three or more sets of wheels located one behind the other under the attached shoe or boot, and is propelled solely by human power and is usually operated by the user in an upright, standing position or kneeling;

9. "Other similar device" means any other device solely human powered that has wheels, is propelled by the user, and is designed to be stood upon, sat upon, or rode in any manner that does not meet any other definition outlined in this section. (Ord. 1438 § 8, 2017)

#### **10.90.020 Purpose and policy.**

A. This chapter is enacted as an exercise of the police power of the city of Zillah to protect and preserve the public safety, health, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

1. It is the express purpose of this chapter to provide for and to promote the safety, health, 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.

2. It is the specific intent of this chapter to place responsibility for compliance with provi-

sions of this chapter upon any person falling within this scope and no provision of nor term used in this chapter is intended to or shall impose any duty whatsoever upon the city of Zillah or any of its officers or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

3. Nothing contained in this chapter is intended to be, nor shall be construed or create or form the basis for, any liability on the part of the city of Zillah or its officers, employees, or agents for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter on the part of the city of Zillah by its officers, employees or agents. (Ord. 1438 § 8, 2017)

#### **10.90.030 Duty to obey rules of the road and traffic signals.**

Any person operating a skateboard, roller skates, coaster, in-line skates, motorized foot scooter, or similar device within the city of Zillah shall obey all rules of the road applicable to vehicle or pedestrian traffic, as well as the instructions of official traffic-control signals, signs, or other control devices applicable to vehicles, unless otherwise directed by a police officer. (Ord. 1438 § 8, 2017)

#### **10.90.040 Motorized foot scooter and bicycle operation.**

A. Any person operating a motorized foot scooter or bicycle within the city of Zillah shall be granted all the rights and shall be subject to all the duties and laws applicable to motor vehicle operators except as provided for in this chapter.

1. Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle or motorized foot scooter shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

2. Any person operating a motorized foot scooter or bicycle shall signal their intent to turn, slow, stop, or change lanes or direction prior to

making the direction or lane change. The following hand signals shall be required: (RCW 46.61.758)

a. Left Turn. Left hand and arm extended horizontally beyond the side of the bicycle or motorized foot scooter;

b. Right Turn. Left hand and arm extended upward beyond the side of the bicycle or right hand and arm extended horizontally to the right side of the bicycle or motorized foot scooter;

c. Stop or Decrease Speed. Left hand and arm extended downward beyond the side of the bicycle or motorized foot scooter.

3. No bicycle or motorized foot scooter shall carry more passengers than the number for which it is designated and equipped. (RCW 46.61.760)

4. Every person operating a bicycle or motorized foot scooter upon a roadway at the rate of speed less than the normal flow of traffic at the particular time and place shall ride as near to the right side of the right through lane as is safe except as may be appropriate while preparing to make or while making turning movements, or while overtaking and passing another bicycle or vehicle proceeding in the same direction.

a. A person operating a bicycle or motorized foot scooter upon a roadway or highway other than a limited-access highway, which roadway or highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near to the left side of the left through lane as is safe.

b. A person operating a bicycle or motorized foot scooter upon a roadway may use the shoulder of the roadway or any specially designated bicycle lane, if such exists. (RCW 46.61.770)

5. Persons riding bicycles or motorized foot scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

6. No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

7. Every bicycle or motorized foot scooter, when in use during the hours of darkness as defined in RCW 46.37.020, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear of a type approved by the State Patrol which shall be visible from all

distances up to 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

a. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

b. A light-emitting diode flashing taillight visible from a distance of 500 feet to the rear may also be used in addition to the red reflector. (RCW 46.61.780)

8. Every bicycle or motorized foot scooter shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. (RCW 46.61.780)

9. Persons operating a motorized foot scooter on a public roadway or on public property must be at least 16 years of age. (Ord. 1438 § 8, 2017)

#### **10.90.050 Motorized foot scooters and bicycle operation prohibited.**

A. Motorized foot scooters and bicycles shall not be operated in a negligent manner upon any roadway, sidewalk, or city right-of-way within the city of Zillah.

1. For the purpose of this section, "to operate in a negligent manner" means to operate a motorized foot scooter or bicycle in such a manner as to endanger or be likely to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, alleys, parking areas, trails, or public parks within the city of Zillah.

B. No person shall park a bicycle or motorized foot scooter upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

C. No person shall ride a motorized foot scooter or bicycle on a sidewalk in a business district.

1. For the purpose of this section, "business district" means the area within the city of Zillah, between Fifth Street and Eighth Street and First Avenue and Second Avenue.

2. The sidewalks on both sides of the street and any sidewalks within the area are included.

3. Whenever a person is riding a bicycle or motorized foot scooter on any other sidewalk, such

person shall yield the right-of-way to any pedestrian on that sidewalk.

D. No person shall ride a bicycle or motorized foot scooter in any park or city-owned property, including parking lots, unless it is designated as a bicycle path and is posted as such.

E. No person shall operate a motorized foot scooter on a public street or road with a speed limit in excess of 25 miles per hour, unless the motorized foot scooter is operated within a designated bicycle lane.

F. No person shall operate a motorized foot scooter within the city of Zillah without a muffling device in good working order and in constant operation to prevent excessive noise or with a modified muffling device. (Ord. 1438 § 8, 2017)

#### **10.90.060 Bicycle and motorized foot scooter – Helmet required.**

A. A person riding a bicycle or motorized foot scooter upon any public area in the city of Zillah shall wear an approved bicycle helmet designed for safety that meets or exceeds the standards adopted in ZMC 10.90.010(A)(3), and shall have either the neck or chin strap of the helmet fastened securely while the bicycle or scooter is in motion.

1. No person shall transport another person on or in tow of a bicycle or motorized foot scooter upon any public area in the city of Zillah unless the passenger is wearing a helmet that meets the requirements of this chapter.

2. A parent or guardian is responsible for requiring that a child under the age of 18 years wears an approved bicycle helmet while bicycling or riding as a passenger on a bicycle in any public area in the city of Zillah and has the neck or chin strap of the helmet fastened securely.

3. Any person violating any of the provisions of this section shall have committed a traffic infraction and shall be liable for monetary penalties as set forth in Chapter 46.63 RCW, not to exceed \$25.00.

4. The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year and provides proof that he or she has acquired an approved bicycle helmet at the time of appearance in court.

5. Information about the need for bicycle helmets, safe helmet use, safe bicycle operation, and existing bicycle safety programs is available at the city of Zillah police and fire departments.

a. The city of Zillah encourages any person engaging in the business of selling bicycles to include information on bicycle safety and the bicycle helmet requirements of this chapter with each bicycle sold.

b. The city of Zillah encourages any person engaging in the business of selling bicycle helmets to include information on safe helmet usage with each helmet sold. (Ord. 1438 § 8, 2017)

#### **10.90.070 Use of skateboards, coasters, roller skates and similar devices restricted.**

A. No skateboard, roller skates, coaster, in-line skates, or similar device shall be ridden or operated in a negligent manner but shall be operated with reasonable regard for the safety of the operator and other persons.

1. For the purpose of this section, “to operate in a negligent manner” means to operate in such a manner as to endanger or be likely to endanger any person or property or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, alleys, parking areas, trails, or public parks within the city of Zillah.

2. Any person operating a skateboard, roller skates, coaster, in-line skates, or similar device shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

3. No person shall ride a skateboard, roller skates, coaster, in-line skates, or similar device on a sidewalk in a business district.

a. For the purpose of this section, “business district” means the area within the city of Zillah between Fifth Street and Eighth Street, First Avenue and Second Avenue.

b. The sidewalks on both sides of the street and any sidewalks within the area are included.

c. Whenever any person is riding a skateboard, roller skates, coaster, in-line skates, or similar device on any other sidewalk, such person shall

yield the right-of-way to any pedestrian on that sidewalk.

d. No person shall ride a skateboard, roller skates, coaster, in-line skates, or similar device in any park or city-owned property, including parking lots, except in approved locations, which are appropriately signed. (Ord. 1438 § 8, 2017)

#### **10.90.080 Parent or guardian responsibility.**

It is unlawful for any parent, guardian, or other person having control or custody of a minor child to authorize or knowingly allow the minor to operate a bicycle, motorized foot scooter, skateboard, coaster, roller skates, in-line skates, or other similar device in violation of this chapter. (Ord. 1438 § 8, 2017)

#### **10.90.090 Violation – Enforcement authority and penalties.**

A. The city of Zillah police department personnel shall have the authority to enforce the provisions of this chapter.

B. Unless otherwise set forth in this chapter, upon determining a violation of this chapter has occurred, law enforcement officers may, at their discretion, issue a civil infraction in the following amounts to any person, including a parent or guardian, violating any of the provisions of this chapter; provided, that the amount shall not exceed \$250.00:

First Offense:	\$40.00
Second Offense:	\$80.00
Third Offense:	\$250.00

C. In addition to issuing an infraction, law enforcement officers may impound a bicycle, motorized foot scooter, skateboard, coaster, or other similar device, excluding roller skates or in-line skates, in accordance with ZMC 10.90.100 and may sell or destroy the seized property upon order of the court in accordance with ZMC 10.90.100. (Ord. 1438 § 8, 2017)

#### **10.90.100 Impoundment.**

A. All bicycles, motorized foot scooters, skateboards, coasters or other similar devices, excluding roller skates or in-line skates, operated in violation of this chapter are subject to impoundment.

1. Law enforcement officers may impound the motorized foot scooters, bicycles, or other items listed in this chapter that are operated in violation of this chapter, except for violations of ZMC 10.90.060 for failure to wear an approved helmet.

2. Property impounded under this chapter will be released to the owner if he or she is 18 years of age or a parent or guardian of the person from whom the property was impounded upon request and without cost.

a. Release of the property shall be during normal business hours of the Zillah police department.

3. If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other sections, sentence, clause, or phrase of this chapter. (Ord. 1438 § 8, 2017)



**ORDINANCE NO. 1439**

AN ORDINANCE RELATING TO PUBLIC SAFETY; AMENDING THE CITY OF ZILLAH MUNICIPAL CODE; REPEALING THE ZILLAH LAW ENFORCEMENT CODE AS ADOPTED CY CHAPTER 2.42 OF THE ZILLAH MUNICIPAL CODE, AMENDING AND REPEALING CERTAIN SECTIONS OF TITLE 9 AND ADDING NEW SECTIONS FOR THE PURPOSE OF ADOPTING EQUIVALENT AND/OR SIMILAR REVISED CODE OF WASHINGTON STATUTES AND FOR THE PURPOSE OF ASSUMING JURISDICTIONAL AUTHORITY IN THE ZILLAH MUNICIPAL COURT FOR ALL MISDEMEANOR AND GROSS MISDEMEANOR CRIMES ENUMERATED IN THE REVISED CODE OF WASHINGTON; AMENDING THE TITLE OF TITLE 9 TO "ZILLAH CRIMINAL CODE."

THE CITY COUNCIL OF THE CITY OF ZILLAH DO ORDAIN AS FOLLOWS:

**Section 1.** Chapter 2.42, "Adoption of the Zillah Law Enforcement Code," of the City of Zillah Municipal Code is hereby repealed.

**Section 2.** The title of Title 9 of the Zillah Municipal Code is hereby amended to read as follows:

"Zillah Criminal Code"

**Section 3.** A new chapter, 9.05, entitled "Preliminary Article," of the City of Zillah Municipal Code is hereby adopted to read as follows:

9.05.010 Preliminary article.

(a) This title shall be known and may be cited as the "Zillah Criminal Code."

(b) As used in this title, "RCW" shall mean the Revised Code of Washington.

(c) As used in this title, "ZMC" shall mean the Zillah Municipal Code.

(d) If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance, is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances, is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.

(e) By adopting Washington State statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Zillah. Whenever the word "state" shall appear in any statute adopted by reference in this title, the word "city" shall be substituted therefor; provided, however, the term "city" shall not be substituted for the term "state" in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

(f) Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.

(g) Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.

(h) When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.

(i) Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.

(j) The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted. The provisions of this title shall apply to any offense committed on or after its effective date unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.

(k) As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and neutral genders; and the singular includes the plural and vice versa.

(l) The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

(m) Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

(1) Gross Misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine; or

(2) Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by

the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

#### 9.05.015 Jurisdiction.

The following persons are subject to punishment:

- (1) A person who commits in the city any crime as defined by ordinance, in whole or part;
- (2) A person who commits out of the city any act which, if committed within it, would be theft and is afterward found in the city with any of the stolen property;
- (3) A person who, being out of the city, counsels, causes, procures, aids, or abets another to commit a crime in the city;
- (4) A person who commits an act out of the city which affects persons or property within the city which, if committed within the city, would be a crime.

**Section 4.** A new chapter, 9.07, entitled "Adoption of RCW Sections Not Specifically Set Forth," of the City of Zillah Municipal Code is hereby adopted to read as follows:

#### 9.07.010 Adoption of RCW Sections Not Specifically Set Forth

(a) Notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

(b) All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in Chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection (a) of this section and of Chapter 9.05.

(c) The following RCW section is not adopted by the City of Zillah:

- RCW 9A.16.110      Defending against violent crime — Reimbursement.

**Section 5.** A new chapter, 9.09, entitled "Adoption of Specific RCW Sections," of the City of Zillah Municipal Code is hereby adopted to read as follows:

9.09.010 Chapter 2.48 RCW, entitled "State Bar Act"—  
Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 2.48.180	Definitions—Unlawful practice a crime—Cause for discipline—Unprofessional conduct—Defense— Injunction—Remedies— Costs—Attorneys' fees— Time limit for action.
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9.09.020 Chapter 7.21 RCW, entitled "Contempt of Court"—  
Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.21.010	Definitions.
RCW 7.21.020	Sanctions—Who may impose.
RCW 7.21.030	Remedial sanctions—Payment for losses.
RCW 7.21.040	Punitive sanctions—Fines.
RCW 7.21.050	Sanctions—Summary imposition—Procedure.
RCW 7.21.070	Appellate review.

9.09.030 Chapter 7.80 RCW, entitled "Civil Infractions"—  
Adoption by reference.

For purposes of offenses under this title only, the following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.80.120	Monetary penalties— Restitution.
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9.09.040 RCW Title 9, entitled "Crimes and Punishments"—  
Adoption by reference. The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9.01.055	Citizen immunity if aiding officer, scope—When.
RCW 9.01.110	Omission, when not punishable.
RCW 9.01.130	Sending letter, when complete.
RCW 9.02.050	Concealing birth.
RCW 9.03.010	Abandoning, discarding refrigeration equipment.
RCW 9.03.020	Permitting unused equipment to remain on premises.
RCW 9.03.040	Keeping or storing equipment for sale.
RCW 9.04.010	False advertising.
RCW 9.04.090	Advertising fuel prices by service stations.
RCW 9.08.030	False certificate of registration of animals—False representation as to breed.
RCW 9.08.065	Definitions.
RCW 9.08.070	Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.
RCW 9.08.072	Transferring stolen pet animal to a research institution—Penalty.
RCW 9.08.078	Illegal sale, receipt or transfer of pet animals—Separate offenses.
RCW 0.12.010	Barratry.
RCW 9.12.020	Buying, demanding, or promising reward by district judge or deputy.
RCW 9.16.005	Definitions.
RCW 9.16.010	Removing lawful brands.
RCW 9.16.020	Imitating lawful brand.
RCW 9.16.030	Counterfeit mark—Intellectual property.
RCW 9.16.035	Counterfeiting—Penalties.

RCW 9.16.041	Counterfeit items—Seizure and forfeiture.
RCW 9.16.050	When deemed affixed.
RCW 9.16.060	Fraudulent registration of trademark.
RCW 9.16.070	Form and similitude defined.
RCW 9.16.080	Petroleum products improperly labeled or graded—Penalty.
RCW 9.16.100	Use of the words "sterling silver," etc.
RCW 9.16.110	Use of words "coin silver," etc.
RCW 9.16.120	Use of the word "sterling" on mounting.
RCW 9.16.130	Use of the words "coin silver" on mounting.
RCW 9.16.140	Unlawfully marking article made of gold.
RCW 9.16.150	"Marked, stamped or branded" defined.
RCW 9.18.080	Offender a competent witness.
RCW 9.18.120	Suppression of competitive bidding.
RCW 9.18.130	Collusion to prevent competitive bidding—Penalty.
RCW 9.18.150	Agreements outside state.
RCW 9.24.010	Fraud in stock subscription.
RCW 9.24.040	Corporation doing business without license.
RCW 9.26A.090	Telephone company credit cards - Prohibited acts.
RCW 9.26A.100	Definitions.
RCW 9.26A.110	Fraud in obtaining telecommunications service—Penalty.
RCW 9.26A.120	Fraud in operating coin-box telephone or other receptacle.
RCW 9.26A.130	Penalty for manufacture or sale of slugs to be used for coin.
RCW 9.26A.140	Unauthorized sale or procurement of telephone records—Penalties—Definitions.
RCW 9.27.015	Interference, obstruction of any court, building, or residence—Violations.
RCW 9.35.005	Definitions.
RCW 9.35.030	Soliciting undesired mail.
RCW 9.38.010	False representation concerning credit.
RCW 9.38.015	False statement by deposit account applicant.
RCW 9.38.020	False representation concerning title.
RCW 9.40.040	Operating engine or boiler without spark arrester.
RCW 9.40.100	Tampering with fire alarm or firefighting equipment—False alarm—Penalties.
RCW 9.41.010	Terms defined.

RCW 9.41.040	Unlawful possession of firearms- Ownership, possession by certain persons—Penalties.
RCW 9.41.050	Carrying firearms.
RCW 9.41.060	Exceptions to restrictions on carrying firearms.
RCW 9.41.090	Dealer deliveries regulated—Hold on delivery.
RCW 9.41.098	Forfeiture of firearms- Disposition—Confiscation.
RCW 9.41.100	Dealer licensing and registration required.
RCW 9.41.110	Dealer's licenses, by whom granted, conditions, fees—Employees, fingerprinting and background checks—Wholesale sales excepted—Permits prohibited.
RCW 9.41.140	Alteration of identifying marks- Exceptions.
RCW 9.41.22	Unlawful firearms and parts contraband.
RCW 9.41.230	Aiming or discharging firearms, dangerous weapons.
RCW 9.41.240	Possession of pistol by person from eighteen to twenty-one.
RCW 9.41.250	Dangerous weapons—Penalty Exemption for law enforcement officers.
RCW 9.41.260	Dangerous exhibitions.
RCW 9.41.270	Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty--Exceptions.
RCW 9.41.280	Possessing dangerous weapons on school facilities—Penalty—Exceptions.
RCW 9.41.30	Weapons prohibited in certain places—Local laws and ordinances—Exceptions—Penalty.
RCW 9.41.800	Surrender of weapons or licenses—Prohibition on future possession or licensing.
RCW 9.41.810	Penalty.
RCW 9.44.080	Misconduct in signing a petition.
RCW 9.45.060	Encumbered, leased, or rented personal property—Construction.
RCW 9.45.070	Mock auctions.
RCW 9.45.080	Fraudulent removal of property.
RCW 9.45.090	Knowingly receiving fraudulent conveyance.
RCW 9.45.100	Fraud in assignment for benefit of creditors.
RCW 9.45.270	Fraudulent filing of vehicle report of sale.
RCW 9.45.1962	Cheating in the second degree.
RCW 9.47A.010	Definition.
RCW 9.47A.020	Unlawful inhalation—Exception.
RCW 9.47A.030	Possession of certain substances prohibited, when.
RCW 9.47A.040	Sale of certain substances prohibited, when.
RCW 9.47A.050	Penalty.
RCW 9.51.010	Misconduct of officer drawing jury.
RCW 9.51.020	Soliciting jury duty.
RCW 9.51.030	Misconduct of officer in charge of jury.

RCW 9.61.230	Telephone harassment.
RCW 9.61.240	Permitting telephone to be used.
RCW 9.61.250	Telephone harassment—Offense, where deemed committed.
RCW 9.61.260	Cyberstalking.
RCW 9.62.010	Malicious prosecution.
RCW 9.62.020	Instituting suit in name of another.
RCW 9.68.015	Obscene literature, shows, etc.- Exemptions.
RCW 9.68.030	Indecent articles, etc.
RCW 9.68.050	"Erotic material"—Definitions.
RCW 9.68.060	"Erotic material"—Determination by court—Labeling—Penalties.
RCW 9.68.070	Prosecution for violation of RCW 9.68.070 9.68.060—Defense.
RCW 9.68.080	Unlawful acts.
RCW 9.68.100	Exceptions to RCW 9.68.050 through 9.68.120.
RCW 9.68.110	Motion picture operator or projectionist exempt, when.
RCW 9.68.130	"Sexually explicit material"- Defined—Unlawful display.
RCW 9.68A.011	Definitions.
RCW 9.68A.080	Reporting of depictions of minor engaged in sexually explicit conduct—Civil immunity.
RCW 9.68A.090	Communication with minor for immoral purposes—Penalties.
RCW 9.68A.103	Permitting commercial sex abuse of a minor—Penalty.
RCW 9.68A.110	Certain defenses barred, permitted.
RCW 9.68A.120	Seizure and forfeiture of property.
RCW 9.68A.150	Allowing minor on premises of live erotic performance—Definitions— Penalty.
RCW 9.69.100	Duty of witness of offense against child or any violent offense— Penalty.
RCW 9.73.010	Divulging telegram.
RCW 9.73.020	Opening sealed letter.
RCW 9.73.030	Intercepting, recording or divulging private communication—Consent required—Exceptions.
RCW 9.73.050	Admissibility of intercepted communication in evidence.
RCW 9.73.070	Persons and activities excepted from chapter.
RCW 9.73.080	Penalties.
RCW 9.73.090	Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080—Standards—Court authorizations— Admissibility.
RCW 9.73.100	Recordings available to defense counsel.
RCW 9.73.110	Intercepting, recording, or disclosing private communication Not unlawful for building owner—Conditions.
RCW 9.91.010	Denial of civil rights—Terms defined.
RCW 9.91.020	Operating railroad, steamboat, vehicle, etc., while intoxicated.
RCW 9.91.025	Unlawful transit conduct.



RCW 9.91.060	Leaving children unattended in parked automobile.
RCW 9.91.130	Disposal of trash in charity donation receptacle.
RCW 9.91.140	Food stamps—Unlawful sale.
RCW 9.91.142	Food stamps— Trafficking.
RCW 9.91.160	Personal protection spray devices.
RCW 9.91.170	Interfering with dog guide or service animal.
RCW 9.91.175	Interfering with search and rescue dog.

9.09.050 RCW Title 9A, entitled "Washington Criminal Code"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9A.04.020	Purposes—Principles of construction.
RCW 9A.04.040	Classes of crimes.
RCW 9A.04.050	People capable of committing crimes—Capability of children.
RCW 9A.04.050	Common law to supplement statute.
RCW 9A.04.070	Who amenable to criminal statutes.
RCW 9A.04.080	Limitation of actions.
RCW 9A.04.090	Application of general provisions of the code.
RCW 9A.04.100	Proof beyond a reasonable doubt.
RCW 9A.04.110	Definitions.
RCW 9A.08.010	General requirements of culpability.
RCW 9A.08.020	Liability for conduct of another- Complicity.
RCW 9A.08.030	Corporate and personal liability.
RCW 9A.12.010	Insanity.
RCW 9A.16.010	Definitions.
RCW 9A.16.020	Use of force—When lawful.
RCW 9A.16.060	Duress.
RCW 9A.16.070	Entrapment.
RCW 9A.16.080	Action for being detained on mercantile establishment premises for investigation—"Reasonable grounds" as defense.
RCW 9A.16.090	Intoxication.
RCW 9A.16.100	Use of force on children- Policy—Actions presumed unreasonable.
RCW 9A.20.010	Classification and designation of crimes.
RCW 9A.20.030	Alternative to a fine—Restitution.
RCW 9A.28.020	Criminal attempt.
RCW 9A.28.030	Criminal solicitation.
RCW 9A.28.040	Criminal conspiracy.
RCW 9A.36.041	Assault in the fourth degree.
RCW 9A.36.050	Reckless endangerment.

RCW 9A.36.070	Coercion.
RCW 9A.36.160	Interfering with the reporting of domestic violence.
RCW 9A.36.160	Failing to summon assistance.
RCW 9A.36.161	Failing to summon assistance- Penalty.
RCW 9A.40.010	Definitions.
RCW 9A.40.070	Custodial interference in the second degree.
RCW 9A.40.080	Custodial interference- Assessment of costs—Defense Consent, defense, restricted.
RCW 9A.42.010	Definitions.
RCW 9A.42.035	Criminal mistreatment in the third degree.
RCW 9A.42.037	Criminal mistreatment in the fourth degree.
RCW 9A.42.040	Withdrawal of life support systems.
RCW 9A.42.045	Palliative care.
RCW 9A.42.050	Defense of financial inability.
RCW 9A.42.080	Abandonment of a dependent person in the third degree—Exception.
RCW 9A.42.090	Abandonment of a dependent person—Defense.
RCW 9A.42.110	Leaving a child in the care of a sex offender.
RCW 9A.44.010	Definitions.
RCW 9A.44.030	Defenses to prosecution under this chapter.
RCW 9A.44.096	Sexual misconduct with a minor in the second degree.
RCW 9A.44.130	Registration of sex offenders and kidnapping offenders—Procedures—Definition—Penalties.
RCW 9A.44.170	Custodial sexual misconduct in the second degree.
RCW 9A.44.180	Custodial sexual misconduct- Defense.
RCW 9A.46.010	Legislative finding.
RCW 9A.46.020	Definition—Penalties.
RCW 9A.46.030	Place where committed.
RCW 9A.46.040	Court-ordered requirements upon person charged with crime—Violation.
RCW 9A.46.050	Arraignment—No-contact order.
RCW 9A.46.060	Crimes included in harassment.
RCW 9A.46.080	Order restricting contact- Violation.
RCW 9A.46.090	Nonliability of peace officer.
RCW 9A.46.100	"Convicted," time when.
RCW 9A.46.110	Stalking.
RCW 9A.48.010	Definitions.
RCW 9A.48.050	Reckless burning in the second degree.
RCW 9A.48.060	Reckless burning—Defense.
RCW 9A.48.090	Malicious mischief in the third degree.
RCW 9A.48.100	Malicious mischief—"Physical damage" defined.
RCW 9A.48.105	Criminal street gang tagging and graffiti.
RCW 9A.48.110	Defacing a state monument.

RCW 9A.49.001	Findings.
RCW 9A.49.010	Definitions.
RCW 9A.49.030	Unlawful discharge of a laser in the second degree.
RCW 9A.49.050	Exclusions.
RCW 9A.50.010	Definitions.
RCW 9A.50.020	Interference with health care facility.
RCW 9A.50.030	Penalty.
RCW 9A.50.070	Protection of health care patients and providers.
RCW 9A.52.010	Definitions.
RCW 9A.52.050	Other crime in committing burglary punishable.
RCW 9A52.060	Making or having burglar tools.
RCW 9A.52.070	Criminal trespass in the first degree.
RCW 9A52.080	Criminal trespass in the second degree.
RCW 9A52.090	Criminal trespass—Defenses.
RCW 9A52.100	Vehicle prowling in the second degree.
RCW 9A52.120	Computer trespass in the second degree.
RCW 9A52.130	Computer trespass—Commission of other crime.
RCW 9A56.010	Definitions.
RCW 9A56.020	Theft—Definition, defense.
RCW 9A56.050	Theft in the third degree.
RCW 9A56.060	Unlawful issuance of checks or drafts.
RCW 9A56.096	Theft of rental, leased, lease- purchased or loaned property.
RCW 9A56.140	Possessing stolen property- Definition—Presumption.
RCW 9A56.170	Possessing stolen property in the third degree.
RCW 9A56.180	Obscuring the identity of a machine.
RCW 9A.56.220	Theft of subscription television services.
RCW 9A.56.240	Forfeiture and disposal of device used to commit violation.
RCW 9A.56.260	Connection of channel converter.
RCW 9A.56.270	Shopping cart theft.
RCW 9A.56.330	Possession of another's identification.
RCW 9A.60.010	Definitions.
RCW 9A.60.045	Criminal impersonation in the second degree.
RCW 9A.60.050	False certification.
RCW 9A.61.010	Definitions.
RCW 9A.61.020	Defrauding a public utility.
RCW 9A.61.050	Defrauding a public utility in the third degree.
RCW 9A.61.060	Restitution and costs.
RCW 9A.72.010	Definitions.
RCW 9A.72.040	False swearing.

RCW 9A.72.050	Perjury and false swearing- Inconsistent statements—Degree of crime.
RCW 9A.72.060	Perjury and false swearing- Retraction.
RCW 9A.72.070	Perjury and false swearing- regularities no defense.
RCW 9A.72.080	Statement of what one does not know to be true.
RCW 9A.72.085	Unsworn statements, certification.
RCW 9A.72.104	Jury tampering.
RCW 9A.172.150	Tampering with physical evidence.
RCW 9A.76.010	Definitions.
RCW 9A.76.020	Obstructing a law enforcement officer.
RCW 9A.76.030	Refusing to summon aid for a peace officer.
RCW 9A.76.040	Resisting arrest.
RCW 9A.76.050	Rendering criminal assistance- Definition of term.
RCW 9A.76.060	Relative defined.
RCW 9A.76.070	Rendering criminal assistance in the first degree.
RCW 9A.76.080	Rendering criminal assistance in the second degree.
RCW 9A.76.090	Rendering criminal assistance in the third degree.
RCW 9A.76.100	Compounding.
RCW 9A.76.130	Escape in the third degree.
RCW 9A.76.160	Introducing contraband in the third degree.
RCW 9A.76.170	Bail jumping.
RCW 9A.76.175	Making a false or misleading statement to a public servant.
RCW 9A.80.010	Official misconduct.
RCW 9A.84.010	Riot.
RCW 9A.84.020	Failure to disperse
RCW 9A.84.030	Disorderly conduct.
RCW 9A.84.040	False reporting.
RCW 9A.88.010	Indecent exposure.
RCW 9A.88.030	Prostitution.
RCW 9A.88.050	Prostitution—Sex of parties immaterial—No defense.
RCW 9A.88.090	Permitting prostitution.
RCW 9A.88.110	Patronizing a prostitute.
RCW 9A.88.120	Additional fee assessments.
RCW 9A.88.130	Additional requirements.
RCW 9A.88.140	Vehicle impoundment—Fees and fine.

9.09.060 RCW Title 10, entitled "Criminal Procedure"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 10.14.120	Disobedience of order—Penalties.
RCW 10.14.170	Criminal penalty.
RCW 10.99.010	Purpose—Intent.
RCW 10.99.020	Definitions.
RCW 10.99.030	Law enforcement officers- Training, powers, duties—Domestic violence reports.
RCW 10.99.040	Duties of court—No-contact order.
RCW 10.99.045	Appearances by Defendant- Defendant's history—No-contact order.
RCW 10.99.050	Victim contact—Restriction, prohibition—Violation, penalties— Written order—Procedures—Notice of change.
RCW 10.99.055	Enforcement of orders.
RCW 10.99.060	Prosecutor's notice to victim- Description of available procedures.
RCW 10.99.700	Liability of peace officers.
RCW 10.99.080	Penalty assessment.

09.09.070 Chapter 13.32A RCW, entitled "Family Reconciliation Act"—Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 13.32A.080	Unlawful harboring of a minor—Penalty—Defense— Prosecution of adult for involving child in commission of offense. 9.09.080 RCW Title 26, entitled "Domestic Relations"— Adoption by reference.
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The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 26.09.300	Restraining orders—Notice- Refusal to comply—Arrest—Penalty—Defense— Peace officers, immunity.
RCW 26.10.220	Restraining orders—Notice- Refusal to comply—Arrest—Penalty—Defense— Peace officers, immunity.
RCW 26.26.138	Restraining order—Knowing violation—Penalty—Law enforcement immunity.
RCW 26.28.080	Selling or giving tobacco to

	minor—Belief of representative capacity, no defense—Penalty.
RCW 26.28.085	Applying tattoo to a minor—Penalty.
RCW 26.44.020	Definitions.
RCW 26.44.030	Reports—Duty and authority to make—Duty of receiving agency—Duty to notify—Case planning and consultation—Penalty for unauthorized exchange of information—Filing dependency petitions—Investigations—Interviews of children—Records—Risk assessment process.
RCW 26.44.040	Reports—Oral, written—Contents.
RCW 26.44.050	Abuse or neglect of child—Duty of law enforcement agency or department of social and health services—Taking child into custody without court order, when.
RCW 26.44.060	Immunity from civil or criminal liability—Confidential communications not violated—Actions against state not affected—False report, penalty.
RCW 26.44.063	Temporary restraining order or preliminary injunction— Enforcement—Notice of modification or termination of restraining order.
RCW 26.44.067	Temporary restraining order or preliminary injunction—Contents—Notice—Noncompliance—Defense—Penalty.
RCW 26.44.080	Violation—Penalty.
RCW 26..44.150	Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child—Penalty for violating court order.
RCW 26.50.110	Violation of order—Penalties.
RCW 26.50.140	Peace officers—Immunity.
RCW 26.52.010	Definitions.
RCW 26.52.050	Peace officer immunity.
RCW 26.52.070	Violation of foreign orders—Penalties.

9.09.090 Chapter 28A.635 RCW, entitled "Offenses Relating to School Property and Personnel"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 28A.635.010 Abusing or insulting teachers, liability for – Penalty.
- RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty
- RCW 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful – Penalty.
- RCW 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception.

9.09.100 Chapter 46.80 RCW, entitled "Vehicle Wreckers"—Adoption by reference. The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 46.80.010 Definitions.
- RCW 46.80.080 Records—Penalty.

9.09.110 RCW Title 66, entitled "Alcoholic Beverage Control"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 66.04.010 Definitions.
- RCW 66.20.200 Unlawful acts relating to card of identification and certification card—Penalties.
- RCW 66.28.200 Keg registration—Special endorsement for grocery store licensee—Requirements of seller.
- RCW 66.28.210 Keg registration—Requirements of purchaser.
- RCW 66.28.220 Keg registration—Identification of containers—Rules—Fees—Sale in violation of rules unlawful.
- RCW 66.28.230 Keg registration—Furnishing to minors—Penalties.
- RCW 6.44.010 Local officers to enforce law—Authority of board—Liquor enforcement officers.
- RCW 66.44.040 Sufficiency of description of offenses in complaints, information, process, etc.
- RCW 66.44.060 Proof of unlawful sale establishes prima facie intent.
- RCW 66.44.070 Certified analysis is prima facie

	evidence of alcoholic content.
RCW 66.44.080	Service of process on corporation.
RCW 66.44.090	Acting without license.
RCW 66.44.100	Opening or consuming liquor in a public place—Penalty.
RCW 66.44.120	Unlawful use of seal.
RCW 66.44.130	Sales of liquor by drink or bottle.
RCW 66.44.140	Unlawful sale, transportation of spirituous liquor without stamp or seal—Unlawful operation, possession of still or mash.
RCW 66.44.150	Buying liquor illegally.
RCW 66.44.160	Illegal possession, transportation of alcoholic beverages.
RCW 66.44.170	Illegal possession of liquor with intent to sell—Prima facie evidence, what is.
RCW 66.44.175	Violations of law.
RCW 66.44.180	General penalties—Jurisdiction for violations.
RCW 66.44.200	Sales to persons apparently under the influence of liquor—Purchases or consumption by persons apparently under the influence of liquor on licensed premises—Penalty—Notice—Separation of actions.
RCW 66.44.210	Obtaining liquor for ineligible person.
RCW 66.44.240	Drinking in public conveyance- Penalty against carrier—Exception.
RCW 66.44.250	Drinking in public conveyance- Penalty against individual— Restricted application.
RCW 66.44.270	Furnishing liquor to minors- Possession, use—Penalties—Exhibition of effects—Exceptions.
RCW 66.44.280	Minor applying for permit.
RCW 66.44.290	Minor purchasing or attempting to purchase liquor—Penalty.
RCW 66.44.300	Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.
RCW 66.44.310	Minors frequenting off-limits area—Misrepresentation of age— Penalty—Classification of licensees.
RCW 66.44.316	Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
RCW 66.44.318	Employees aged 18 to 21



	stocking, merchandising, and handling beer and wine.
RCW 66.44.325	Unlawful transfer to a minor of age identification.
RCW 66.44.328	Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card—Penalty.
RCW 66.44.340	Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.
RCW 66.44.350	Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.
RCW 66.44.370	Resisting or opposing officers in enforcement of title.

9.09.120 RCW Title 69, entitled "Food, Drugs, Cosmetics, and Poisons"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 69.41.010	Definitions.
RCW 69.41.030	Sale, delivery, or possession of legend drug without prescription or order prohibited—Exceptions—Penalty.
RCW 69.41.050	Labeling requirements—Penalty.
RCW 69.41.300	Definitions.
RCW 69.41.320	Practitioners—Restricted use—Medical records.
RCW 69.41.350	Penalties.
RCW 69.43.010	Report to state board of pharmacy—List of substances—Modification of list—Identification of purchasers—Report of transactions—Penalties.
RCW 69.43.105	Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Record of transaction—Exceptions—Penalty.
RCW 69.43.110	Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Electronic sales tracking system—Penalty.
RCW 69.43.120	Ephedrine, pseudoephedrine, phenylpropanolamine—Possession of more than 15 grams—Penalty—Exceptions.
RCW 69.43.130	Exemptions—Pediatric

	products—Products exempted by the state board of pharmacy.
RCW 69.50.101	Definitions.
RCW 69.50.102	Drug paraphernalia—Definitions.
RCW 69.50.201	Enforcement of chapter- Authority to change schedules of controlled substances.
RCW 69.50.202	Nomenclature.
RCW 69.50.204	Schedule I.
RCW 69.50.206	Schedule II.
RCW 69.50.208	Schedule III.
RCW 69.50.210	Schedule IV.
RCW 69.50.212	Schedule V.
RCW 69.50.4014	Possession of 40 grams or less of marijuana—Penalty.
RCW 69.50.4016	Provisions not applicable to offenses under RCW 69.50.410.
RCW 69.50.404	Penalties under other laws.
RCW 69.50.407	Conspiracy.
RCW 69.50.412	Prohibited acts: <b>E—Penalties.</b>
RCW 69.50.4121	Drug paraphernalia—Selling or giving—Penalty.
RCW 69.50.425	Misdemeanor violations- Minimum penalties.
RCW 69.50.445	Opening or consuming package containing marijuana, useable marijuana, or marijuana-infused product in view of general public— Penalty.
RCW 69.50.505	Seizure and forfeiture.
RCW 69.50.506	Burden of proof; liabilities.
RCW 69.50.509	Search and seizure of controlled substances.

9.09.130 RCW Title 70, entitled "Public Health and Safety"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 70.74.010	Definitions.
RCW 70.74.160	Unlawful access to explosives.
RCW 70.74.295	Abandonment of explosives.
RCW 70.74.300	Explosive containers to be marked—Penalty.
RCW 70.74.310	Gas bombs, explosives, stink

	bombs, etc.
RCW 70.74.400	Seizure and forfeiture.
RCW 70.93.060	Littering prohibited—Penalties- Litter cleanup restitution payment.
RCW 70.155.010	Definitions.
RCW 70.155.080	Purchasing, possessing by persons under the age of 18—Civil infraction—Courts of jurisdiction.

9.09.140 Chapter 74.34 RCW, entitled "Abuse of Vulnerable Adults"—Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 74.34.020	Definitions.
RCW 74.34.053	Failure to report—False reports- Penalties.
RCW 74.34.145	Protection of vulnerable adults- Notice of criminal penalties for violation—Enforcement under RCW 26.50.110.

**Section 6.** Chapter 9.04, "General Provisions," of the City of Zillah Municipal Code is hereby repealed.

**Section 7.** Chapter 9.06, "State Criminal Statutes Adopted," of the City of Zillah Municipal Code is hereby repealed.

**Section 8.** Article I., "Resisting arrest and aiding escape," of Chapter 9.08 of the City of Zillah Municipal Code which includes, Section 9.08.010, "Resisting arrest and aiding escape," is hereby repealed.

**Section 9.** Article II., "Fire alarms and fire equipment," of Chapter 9.08 of the City of Zillah Municipal Code which includes Section 9.08.020, "Interference with fire equipment," Section 9.08.030, "False alarms," Section 9.08.040, "Testing alarm systems," and Section 9.08.050, "Violation—Penalty," is hereby repealed.

**Section 10.** A new section, 9.08.065, of the City of Zillah Municipal Code is hereby adopted, and added to Article III of Chapter 9.08, to read as follows:

**9.08.065 Private Alarm System**

A. It is unlawful for any person having or conducting a privately owned police signal system or private system to establish or maintain direct electrical, mechanical or other physical connection with any facilities of the Zillah Police Department, except that any other private alarm system original system may be

connected by telephone with the office of the Zillah Police Department, as approved by the police chief.

B. A violation of this section is a misdemeanor.

**Section 11.** Article V., "Offenses against school personnel," of Chapter 9.08 of the City of Zillah Municipal Code which includes Section 9.08.140, "Abuse or insulting of teachers," Section 9.08.150, "Disobeying school enforcement personnel," and Section 9.08.160, "Violation—Penalty," is hereby repealed.

**Section 12.** The following section, 9.08.180 of the City of Zillah Municipal Code is hereby amended to read as follows:

**9.08.180 Violation – Penalty.**

A violation of this section is a civil infraction. The civil infraction penalty shall be (1) the sum of \$125.00 for the first violation during any 12 month period; (2) \$250.00 for a second violation within any 12 month period; and (3) a misdemeanor and fine of \$500.00 for any additional violations during a 12 month period. The "12 month period" applicable to this provision shall be any period of 12 successive months.

**Section 13.** The following section, 9.08.130, of the City of Zillah Municipal Code is hereby amended to read as follows:

**9.08.130 Violation — Penalty.**

Any person who shall violate any provision of this article shall be guilty of a misdemeanor.

**Section 14.** Chapter 9.12, "Offenses Against the Person," of the City of Zillah Municipal Code is hereby repealed.

**Section 15.** Section 9.16.010, "Marijuana prohibited," of the City of Zillah Municipal Code is hereby repealed.

**Section 16.** Section 9.16.020, "Violation—penalty," of the City of Zillah Municipal Code is hereby repealed.

**Section 17.** A new section, 9.16.030, of the City of Zillah Municipal Code is hereby adopted to read as follows:

**9.16.030 Lewd Conduct**

A. It is unlawful for any person to willfully perform a lewd act, as hereinafter defined, in a public place or at a place and under circumstances where such act may be observed by any member of the public when such act, or the simulation thereof, is done for the purpose of obtaining or giving of sexual gratification or stimulation.

B. As used in this section, "lewd act" means:

- (1) The touching, caressing, or fondling of the genitals of any person by that person or by another; the touching, caressing, or fondling of a female breast or breasts by that female or by another person; or

- (2) Sexual intercourse involving two or more persons, regardless of their sex, or any act of sexual conduct between persons involving the sex organs of one person and the mouth or anus of another; or
- (3) Masturbation, manual or instrumental; or
- (4) Penetration of the vagina or rectum by any object.

C. This section shall not be construed to prohibit lawful: Plays, operas, musicals, singing performances, comedians' routines, or any other dramatic or performance works; or

- (1) Classes, seminars, and lectures held for serious scientific or educational purposes; or
- (2) Exhibitions or dances which constitute expressive nude activity; or
- (3) Political expression.

D. A violation of this section is a misdemeanor.

**Section 18.** A new section, 9.16.040, of the City of Zillah Municipal Code is hereby adopted to read as follows:

9.16.040 Urinating or defecating in a public place

A. It is unlawful for any person to urinate or defecate in any public place or place open or available to the public, other than in a facility designed or provided for that purpose.

B. A violation of this section is a misdemeanor.

**Section 19.** Section 9.20.030, "Violation—Penalty," of the City of Zillah Municipal Code is hereby repealed.

**Section 20.** Section 9.24.010, "Vandalism," of the City of Zillah Municipal Code is hereby repealed.

**Section 21.** Section 9.24.040, "Violation of ZMC 9.24.010 through 9.24.030 —Penalty," of the City of Zillah Municipal Code is hereby repealed.

**Section 22.** The following section, 9.24.050, of the City of Zillah Municipal Code is hereby amended to read as follows:

9.24.050 Allowing water to flow across public place.

A. It is unlawful for any person or persons to allow any irrigation water, wastewater, seepage, water from sewer, or any other water to flow, run or escape into, over or across any street, alley, lane, road, or other public thoroughfare or public place within the city.

B. The prohibitions of this section shall not be applicable to water flow testing and water flows created by City of Zillah in the course of municipal operations and functions.

C. Violation of this section is an infraction. The civil infraction penalty shall be two hundred fifty dollars (\$250).

[This civil penalty is different than our other ordinances which generally set the penalty at (\$250)].

**Section 23.** The following section, 9.24.060, of the City of Zillah Municipal Code is hereby amended to read as follows:

9.24.060 Building fires in public place.

A. It is unlawful for any person or persons to build a fire upon any street, alley, lane, road, or other public thoroughfare or public place within the city.

B. A violation of this section is a misdemeanor.

**Section 24.** Section 9.24.070, "Shoplifting," of the City of Zillah Municipal Code is hereby repealed.

**Section 25.** The following section, 9.24.080, of the City of Zillah Municipal Code is hereby amended to read as follows:

9.24.080 Defacing or attaching signs to utility poles.

A. It is unlawful for any person, corporation, partnership, association, or any other entity, to deface or attach any sign to a utility pole or a traffic sign pole within the city.

B. For the purposes of this section, a "sign" is defined as any item of paper, wood, or any other solid material upon which is written or printed a notice, information or direction.

C. Any person, corporation, partnership, association or other entity who shall violate the provisions of this section shall be guilty of a misdemeanor. Each day in which a violation shall occur and continue shall be deemed a separate offense and a posting of a prohibited sign upon more than one utility pole by the same person shall also be considered a separate offense.

**Section 26.** Article II., "Purchase of cigarettes," of Chapter 9.28 of the City of Zillah Municipal Code which includes Section 9.28.070, "By person under the age of 18 — Civil violation" and Section 9.28.080, "Violation — Penalty" is hereby repealed.

**Section 27.** The following section, 9.32.010, of the City of Zillah Municipal Code is hereby amended to read as follows:

9.32.010 Discharge prohibited.

A. Other than law enforcement officer in the discharge of his duty or a person practicing within a licensed shooting gallery, it is unlawful for any person to fire or discharge any gun, pistol or other firearm or bomb within the corporate limits of the city.

B. A violation of this section is a misdemeanor.

**Section 28.** The following section, 9.32.020, of the City of Zillah Municipal Code is hereby amended to read as follows:

9.32.020 Air rifles or pistols.

A. As used in this article, the words "air gun" mean and include the following; air gun, air pistol, air rifle, BB gun and toy guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hard-tipped arrow,

bean pea, BB, rock or other hard substances a distance of more than twenty-five feet with sufficient force to break windows or inflict injury upon persons or animals.

B. It is unlawful for any person to fire off or discharge, or knowingly to permit to be fired off or discharged, any air gun of any description within the corporate limits of the city.

C. A violation of this section is a misdemeanor.

**Section 29.** The following section, 2.04.200(B) and (C) of the City of Zillah Municipal Code are hereby amended to read as follows:

B. Authority of Mayor During State of Emergency. The Mayor, or successor to Mayor's powers, after there has been a proclamation of a state of emergency and reasonable notice has been given, shall have the following powers and authority.

1. To prohibit any person being on public streets, the public parks, or any other public place during hours declared by the Mayor to be a period of curfew;
2. To prohibit a specified number of persons from assembling or gathering on the public streets, parks or other open areas of the city, either public or private;
3. To prohibit the possession or use of any combustible, flammable or explosive liquids and/or materials in any container other than a vehicle;
4. To prohibit the possession of firearms or other deadly weapons by any person other than a law enforcement officer, in a place other than the person's place of residence or business;
5. To prohibit the sale, purchase or dispensing of alcoholic beverages;
6. To prohibit the sale, purchase or dispensing of groceries, commodities, or goods as reasonably determined to be necessary for the preservation and maintenance of life, health, property or the public peace;
7. To prohibit the use of certain streets, highways or public ways;
8. To order the closure of any business or service establishment reasonably determined to be necessary for the preservation and maintenance of life, health, property or the public peace;
9. To prohibit such other activities as may reasonable be believed to be necessary to preserve and maintain the health, life, property and public peace.

The restrictions and prohibitions which the Mayor or his successor may impose shall be at such times and upon such terms and conditions and shall be deemed reasonably necessary under the emergency circumstances.

C. Violations of Prohibitions During State of Emergency. Any violation of a prohibition declared by the Mayor or his successor during a state of emergency shall constitute a gross misdemeanor.

**Section 30.** A new chapter, 9.45 entitled "Savings and Severability," of the City of Zillah Municipal Code, is adopted to read as follows:

**9.45.010 Savings Clause.**

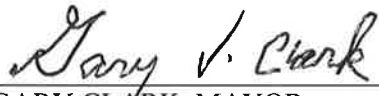
Any ordinances repealed by this ordinance shall remain in effect until the effective date of this ordinance.

**9.45.020 Severability Clause.**

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section 31.** This ordinance shall be in full force and effect 30 days after its passage, approval, and publication.

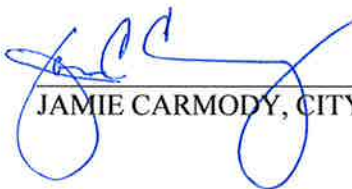
**PASSED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH, WASHINGTON, this 3<sup>rd</sup> day of April, 2017.**

  
GARY CLARK, MAYOR

ATTEST:

  
SHARON BOUNDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:

  
JAMIE CARMODY, CITY ATTORNEY



## **ORDINANCE NO. 1438**

### **AN ORDINANCE RELATING TO PUBLIC SAFETY AND AMENDING THE CITY OF ZILLAH MUNICIPAL CODE; AMENDING THE VEHICLE AND TRAFFIC CODES OF THE CITY OF ZILLAH.**

#### **THE CITY COUNCIL OF THE CITY OF ZILLAH DO ORDAIN AS FOLLOWS:**

**Section 1.** Chapter, 10.04 of the Zillah Municipal Code, entitled "Washington Model Traffic Ordinance," is hereby amended to read as follows:

##### **10.04.010 Washington Model Traffic Ordinance**

(a) The "Washington Model Traffic Ordinance," Chapter 308-330 WAC, as now existing or hereafter amended and except as specifically excluded, is hereby adopted by reference as the traffic ordinance of the City of Zillah as if set forth in full.

##### **10.04.020 Violation – Penalty**

(a) Unless another penalty is expressly provided by law in the Washington Model Traffic Ordinance, in the statutes that are adopted by reference therein, or by City ordinance, any person found to have committed an act designated a traffic infraction under the provisions of this ordinance shall be punished by a penalty of not more than two hundred fifty dollars (\$250).

**Section 2.** A new chapter, 10.70, entitled "Parades, Processions and Permits," of the City of Zillah Municipal Code is hereby adopted to read as follows:

##### **10.70.010 Authority to Issue Street Closure Permits – Signing, Penalty**

(a) The City Administrator or designee is authorized to issue special permits for the purpose of closing any city street or traffic lane to vehicle traffic subject to the terms and conditions for such permit.

(1) No permit granted under the authority of this section shall be valid for more than seven (7) consecutive days.

(2) No permit shall be required for City employees acting in the normal course of business.

(b) The City Administrator or designee shall have the authority to place appropriate signs or devices in the roadway indicating that the street or part thereof is closed.

(1) Whenever such signs or devices are in place, no person shall drive a vehicle upon such street or portion thereof except operators of vehicles having business or residences within such closed area, provided that the limited access it to be permitted

under the circumstances and the operator shall exercise the greatest care in driving upon such street or portion thereof.

(c) It is unlawful for any permittee or other person to violate any of the special terms or conditions of such permit.

**Section 3.** A new chapter, 10.80, entitled "Fire Regulations," of the City of Zillah Municipal Code is hereby adopted to read as follows:

**10.80.010 Fire Zone Establishment and Maintenance**

(a) A fire zone shall be established by Fire Chief or authorized designee of the scene of every fire and such fire zone shall be maintained and remain in effect until terminated by Fire Chief or authorized designee.

**10.80.020 Removal of Obstructions**

(a) All traffic and vehicles, including motor vehicles, trucks, tractors and pedestrians within a fire zone shall stop in a safe place. A violation of this section shall be an infraction subject to a penalty of one hundred twenty-five dollars (\$125.00).

**10.80.030 Traffic Operation**

(a) It is unlawful for any person to move, operate or start to move or operate any vehicle within a fire zone except upon orders or authorization of the Chief of the Fire Chief or authorized agent. A violation of this section shall be an infraction subject to a penalty of one hundred twenty five dollars (\$125) .

**10.80.040 Fire Zone Entry**

(a) It is unlawful for any individual to enter a fire zone or to stop, stand, or park in such a manner as to hinder, restrict or obstruct use or operation of Fire Department equipment, apparatus or vehicles within an established fire zone. A violation of this section shall be an infraction subject to a penalty of one hundred twenty-five dollars (\$125).

**10.80.050 Emergency Fire Lines Established**

(a) During any emergency requiring the services of the Fire Department, the Fire Chief or authorized agent is authorized to establish fire lines on a public street or private property. The fire line may be designated by rope, tape or other similar demarcation and may be manned by firemen or other designated law enforcement officer.

(b) It is unlawful for any person to disregard or fail to obey the orders of a fireman or law enforcement officer, cross established fire lines or otherwise impede or obstruct fire department operations. . A violation of this section shall be an infraction subject to a penalty of one hundred twenty-five dollars (\$125).

**10.80.060 Barricading Hazardous Area**

(a) The Fire Chief or authorized agent is authorized to fence, wall and/or prohibit access to public streets or adjacent private property where it is determined that use or occupancy of such areas is unsafe or there is an

unreasonable risk to public safety by reason of fire or damaged structures, utilities or other condition threatening human life or property. Signs designating "Danger" or red lights may be placed under authority of Fire Chief or authorized designee.

(b) It is unlawful for any person to remove, mutilate, tear down, or otherwise damage any sign, fence, wall, or rope, or to walk, drive, operate, or move any vehicle inside established fire lines, fence, or walls. A violation of this section shall be an infraction subject to a penalty of one hundred twenty-five dollars (\$125).

**Section 4.** A new chapter, 10.85, entitled "Parking," of the City of Zillah Municipal Code is hereby adopted to read as follows:

#### 10.85.010 Parking Prohibited – Generally

(a) The City Council may, from time to time, establish parking restrictions on portions of designated public streets and rights-of-way. City Administrator shall maintain a record of adopted parking restrictions and amendments, additions, deletions, or exceptions as adopted by City Council. Such records shall be maintained by City Administrator at City Hall.

(b) In addition, copies of adopted restrictions shall be available for examination by the public during regular business hours.

#### 10.85.020 Regulating On-street Parking

(a) No person, firm, company or entity shall park any motor vehicle on (i) First Avenue or Second Avenue between Fifth Street and Eighth Street, and (ii) on Fifth, Sixth, Seventh, and Eighth Streets between First Avenue and Second Avenue on Fridays between the hours of 4:00 a.m. to 7:00 a.m.

(b) Any person who shall park a car on the public streets or rights-of-way in violation of adopted restrictions shall be guilty of a civil infraction and, upon conviction thereof, shall be fined in the amount of \$20.00 for the first violation and, \$50.00 for each subsequent violation.

(c) The assessment and collection of fines for violation of this ordinance shall be subject to procedures for collection of traffic infractions by the Municipal Court.

#### 10.85.030 Impoundment of Vehicle

(a) It is unlawful to park or leave any vehicle in a manner that violates provisions of the adopted Model Traffic Ordinance (ZMC Ch.10.04) or otherwise obstructs or impedes the use and safety of operation of public streets. Any vehicle parked angle-parked so as to obstruct, impede or impair safety or function of any street or right-of-way is declared to be nuisance which may be summarily abated by the impounding and removal of the vehicle as herein provided.

(b) Any vehicle which is stolen or which is required by the police department for evidence of investigation, which is unoccupied or unattended and, in the judgment of any police officer, in danger of being stripped or stolen, or any wrecked and unattended vehicle may be impounded and removed as hereinafter provided.

#### 10.85.040 Obstruction of Mail Delivery Receptacle

(a) No person shall park a vehicle or otherwise cause an obstruction to be placed in the public streets or rights-of-way which interferes with or otherwise impedes access to a United States mail receptacle by employees of the United States Postal Service.

(b) Any person violating the provisions of this ordinance shall be deemed guilty of a civil infraction.

(1) Upon finding of guilt, said person may be fined in an amount of up to fifty dollars (\$50.00) per violation.

(2) Each day the obstruction remains in front of a mail receptacle shall constitute a separate violation.

#### 10.85.050 Moving Vehicle of Another – Authorized Under Special Condition

(a) Any vehicle otherwise legally parked but obstructing access to a public facility including utilities, poles, manholes, etc. or restricting movement of an over-sized vehicular load may be moved under emergency conditions at the direction of a law enforcement officer by means of towing or otherwise to a location not to exceed three hundred (300) feet away from such interference.

(b) The law enforcement officer authorizing such parked vehicle to be moved shall affix notice in writing to the vehicle on which shall be noted the location from which the vehicle has been moved, the location to which the vehicle has been moved and the reason for the removal.

(c) Any charge for towing shall be at the expense and liability of the vehicle owner.

(d) The police department shall maintain a record of this information.

**Section 5.** Chapter 10.48, "Vehicle Weight Limits," of the City of Zillah Municipal Code is hereby repealed.

**Section 6.** Chapter 10.52, "Safety Belts," of the City of Zillah Municipal Code is hereby repealed.

**Section 7.** A new chapter, 10.45, entitled "Vehicle Weight and Load Regulations," of the City of Zillah Municipal Code is hereby adopted to read as follows:

(a) There is imposed a limit to weight of motor vehicles and other vehicles on all non-arterial streets within residential zones of Zillah zoned R-1, R-2, or R-3. Suburban Residential and Residential Planned Development. This weight shall not exceed 30,000 pounds.

(1) The Public Works Director or authorized designee shall place signs designating weight limit for any street, road or right-of-way.

(2) Any city street which forms a part of any route of a state highway as determined by the Department of Transportation of the State of Washington.

(b) A special permit may be submitted to the City Administrator for approval by the City Council.

(c) Trucks, trailers or any combination of truck/trailer and truck tractors whether connected or not and/or 30,000 lbs. gross vehicle licensed whether loaded or unloaded shall not drive on streets or road with established weight restrictions except by special permit and shall in no case be parked on any public right-of-way for longer than one (1) hour, regardless of zone.

(d) A violation of this section shall be an infraction subject to a penalty of one hundred twenty-five dollars (\$125).

**Section 8.** A new chapter, 10.90, entitled "Motorized Foot Scooters and Non-Motorized Vehicles," of the City of Zillah Municipal Code is hereby adopted to read as follows:

#### 10.90.010 Definitions

(a) The following words and phrases when used in this chapter shall, for the purposes of this chapter, have the following meanings:

(1) "Motorized Foot Scooter" means a device with no more than two ten-inch or smaller diameter wheels that has handlebars, is described to be stood or sat upon by the operator, and is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without human propulsion;

(2) "Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter; within this chapter, the term "bicycle" shall include any attached trailers, sidecars, and/or other device being towed by a bicycle.

(3) "Helmet" means a head covering that meets or exceeds safety standards adopted by Standard Z-90.4 set by the American National Standards Institute (ANSI), or the Snell Foundation, or such subsequent nationally recognized standard for bicycle helmet performance as the city council may adopt;

(4) "Parent or Guardian" means a parent, legal guardian, an adult with custody, or temporary guardian who maintains responsibility, whether voluntary or otherwise, for the safety and welfare of a person under the age of eighteen years;

(5) "Skateboard" has the ordinary meaning and means a footboard mounted upon four or more wheels and is usually propelled by the

user who sometimes stands, sits, kneels, or lays upon the device while it is in motion;

(6) "Roller skates" has its ordinary meaning and means a pair of shoes, mounted upon two sets of wheels, and is propelled solely by human power and is usually operated by the user in an upright, standing position or kneeling;

(7) "Coasters" has its ordinary meaning and means a footboard mounted upon two or more wheels and controlled by an upright steering handle; this device is propelled solely by human power and is usually operated by the user in an upright, kneeling, or sitting position.

(8) "In-line skates" has its ordinary meaning and means a pair of shoes or boots, mounted upon three or more sets of wheels located one behind the other under the attached shoe or boot, and is propelled solely by human power and is usually operated by the user in an upright, standing position or kneeling;

(9) "Other similar device" means any other device solely human powered that has wheels, is propelled by the user, and is designed to be stood upon, sat upon, or rode in any manner that does not meet any other definition outlined in this ordinance.

#### 10.90.020 Purpose and Policy

(a) This chapter is enacted as an exercise of the police power of the City of Zillah to protect and preserve the public safety, health, and welfare. Its provisions shall be liberally construed for the accomplishment of these purposes.

(1) It is the express purpose of this chapter to provide for and to promote the safety, health, 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.

(2) It is the specific intent of this chapter to place responsibility for compliance with provisions of this ordinance upon any person falling within this scope and no provision of nor term used in this chapter is intended to or shall impose any duty whatsoever upon the City of Zillah or any of its officers or employees for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

(3) Nothing contained in this chapter is intended to be, nor shall be construed or create or the form the basis for, any liability on the part of the City of Zillah or its officers, employees, or agents for any injury or damage resulting from the failure of any person subject to this chapter to comply with this chapter or by reason or in consequence of any act or omission in connection with the

implementation or enforcement of this chapter on the part of the City of Zillah by its officers, employees or agents.

#### 10.90.030 Duty to Obey Rules of the Road and Traffic Signals

(a) Any person operating a skateboard, roller skates, coaster, in-line skates, motorized foot scooter, or similar device within the City of Zillah shall obey all rules of the road applicable to vehicle or pedestrian traffic, as well as the instructions of official traffic-control signals, signs, or other control devices applicable to vehicles, unless otherwise directed by a police officer.

#### 10.90.040 Motorized Foot Scooter and Bicycle Operation

(a) Any person operating a motorized foot scooter or bicycle within the City of Zillah shall be granted all the rights and shall be subject to all the duties and laws applicable to motor vehicle operators except as provided for in this chapter.

(1) Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no person operating a bicycle or motorized foot scooter shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(2) Any person operating a motorized foot scooter or bicycle shall signal their intent to turn, slow, stop, or change lanes or direction prior to making the direction or lane change. The following hand signals shall be required: (RCW 46.61.758)

(i) Left turn. Left hand and arm extended horizontally beyond the side of the bicycle or motorized foot scooter;

(ii) Right turn. Left hand and arm extended upward beyond the side of the bicycle or right hand and arm extended horizontally to the right side of the bicycle or motorized foot scooter;

(iii) Stop or decrease speed. Left hand and arm extended downward beyond the side of the bicycle or motorized foot scooter;

(3) No bicycle or motorized foot scooter shall carry more passengers than the number for which it is designated and equipped. (RCW 46.61.760)

(4) Every person operating a bicycle or motorized foot scooter upon a roadway at the rate of speed less than the normal flow of traffic at the particular time and place shall ride as near to the right side of the right through lane as is safe except as may be appropriate while preparing to make or while making turning movements, or while overtaking and passing another bicycle or vehicle proceeding in the same direction.

(i) A person operating a bicycle or motorized foot scooter upon a roadway or highway other than a limited-access highway, which roadway or highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near to the left side of the left through lane as is safe.

(ii) A person operating a bicycle or motorized foot scooter upon a roadway may use the shoulder of the roadway or any specially designated bicycle lane, if such exists.  
(RCW 46.61.770)

(5) Persons riding bicycles or motorized foot scooters upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(6) No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping at least one hand upon the handlebars.

(7) Every bicycle or motorized foot scooter, when in use during the hours of darkness as defined in RCW 46.37.020, shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the State Patrol which shall be visible from all distances up to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(i) A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(ii) A light-emitting diode flashing taillight visible from a distance of five hundred feet to the rear may also be used in addition to the red reflector. (RCW 46.61.780)

(8) Every bicycle or motorized foot scooter shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. (RCW 46.61.780)

(9) Persons operating a motorized foot scooter on a public roadway or on public property must be at least sixteen (16) years of age.

#### 10.90.050 Motorized Foot Scooters and Bicycle Operation Prohibited

(a) Motorized foot scooters and bicycles shall not be operated in a negligent manner upon any roadway, sidewalk, or city right-of-way within the City of Zillah.

(1) For the purpose of this section, "to operate in a negligent manner" means to operate a motorized foot scooter or bicycle in such a manner as to endanger or be likely to endanger any person or property, or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, alleys, parking areas, trails, or public parks within the City of Zillah.



(b) No person shall park a bicycle or motorized foot scooter upon a street other than upon the roadway against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such a manner as to afford the least obstruction to pedestrian traffic.

(c) No person shall ride a motorized foot scooter or bicycle on a sidewalk in a business district.

(1) For the purpose of this section, "business district" means the area within the City of Zillah, between 5<sup>th</sup> Street and 8<sup>th</sup> Street and 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue.

(2) The sidewalks on both sides of the street and any sidewalks within the area are included.

(3) Whenever a person is riding a bicycle or motorized foot scooter on any other sidewalk, such person shall yield the right-of-way to any pedestrian on that sidewalk.

(d) No person shall ride a bicycle or motorized foot scooter in any park or city-owned property, including parking lots, unless it is designated as a bicycle path and is posted as such.

(e) No person shall operate a motorized foot scooter on a public street or road with a speed limit in excess of twenty-five miles per hour, unless the motorized foot scooter is operated within a designated bicycle lane.

(f) No person shall operate a motorized foot scooter within the City of Zillah without a muffling device in good working order and in constant operation to prevent excessive noise or with a modified muffling device.

#### 10.90.060 Bicycle and Motorized Foot Scooter – Helmet Required

(a) A person riding a bicycle or motorized foot scooter upon any public area in the City of Zillah shall wear an approved bicycle helmet designed for safety that meets or exceeds the standards adopted in ZMC 10.90.010(3), and shall have either the neck or chin strap of the helmet fastened securely while the bicycle or scooter is in motion.

(1) No person shall transport another person on or in tow of a bicycle or motorized foot scooter upon any public area in the City of Zillah unless the passenger is wearing a helmet that meets the requirements of this chapter.

(2) A parent or guardian is responsible for requiring that a child under the age of eighteen (18) years wears an approved bicycle helmet while bicycling or riding as a passenger on a bicycle in any public area in the City of Zillah and has the neck or chin strap of the helmet fastened securely.

(3) Any person violating any of the provisions of section 10.90.060 shall have committed a traffic infraction and shall be liable for monetary penalties as set forth in Chapter 46.63 RCW, not to exceed \$25.00.

(4) The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year and

provides proof that he or she has acquired an approved bicycle helmet at the time of appearance in court.

(5) Information about the need for bicycle helmets, safe helmet use, safe bicycle operation, and existing bicycle safety programs is available at the City of Zillah police and fire departments.

(i) The City of Zillah encourages any person engaging in the business of selling bicycles to include information on bicycle safety and the bicycle helmet requirements of this chapter with each bicycle sold.

(ii) The City of Zillah encourages any person engaging in the business of selling bicycle helmets to include information on safe helmet usage with each helmet sold.

#### 10.90.070 Use of Skateboards, Coasters, Roller Skates and Similar Devices Restricted

(a) No skateboard, roller skates, coaster, in-line skates, or similar device shall be ridden or operated in a negligent manner but shall be operated with reasonable regard for the safety of the operator and other persons.

(1) For the purpose of this section, "to operate in a negligent manner" means to operate in such a manner as to endanger or be likely to endanger any person or property or to obstruct, hinder, or impede the lawful course of travel of any motor vehicle or the lawful use by any pedestrian of public streets, sidewalks, alleys, parking areas, trails, or public parks within the City of Zillah.

(2) Any person operating a skateboard, roller skates, coaster, in-line skates, or similar device shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.

(3) No person shall ride a skateboard, roller skates, coaster, in-line skates, or similar device on a sidewalk in a business district.

(i) For the purpose of this section, "business district" means the area within the City of Zillah between 5<sup>th</sup> Street and 8<sup>th</sup> Street, 1<sup>st</sup> Avenue and 2<sup>nd</sup> Avenue.

(ii) The sidewalks on both sides of the street and any sidewalks within the area are included.

(iii) Whenever any person is riding a skateboard, roller skates, coaster, in-line skates, or similar device on any other sidewalk, such person shall yield the right-of-way to any pedestrian on that sidewalk.

(iv) No person shall ride a skateboard, roller skates, coaster, in-line skates, or similar device in any park or city owned property, including parking lots, except in approved locations, which are appropriately signed.

#### 10.90.080 Parent or Guardian Responsibility

(a) It is unlawful for any parent, guardian, or other person having control or custody of a minor child to authorize or knowingly allow the minor to

operate a bicycle, motorized foot scooter, skateboard, coaster, roller skates, in-line skates, or other similar device in violation of this chapter.

#### 10.90.090 Violation – Enforcement Authority and Penalties

(a) The City of Zillah Police Department personnel shall have the authority to enforce the provisions of this chapter.

(b) Unless otherwise set forth in this chapter, upon determining a violation of this chapter has occurred, law enforcement officers may, at their discretion, issue a civil infraction in the following amounts to any person, including a parent or guardian, violating any of the provisions of this chapter, provided that the amount shall not exceed \$250.00:

First Offense: \$40.00

Second Offense: \$80.00

Third Offense: \$250.00

(c) In addition to issuing an infraction, law enforcement officers may impound a bicycle, motorized foot scooter, skateboard, coaster, or other similar device, excluding roller skates or in-line skates, in accordance with ZMC 10.90.100 and may sell or destroy the seized property upon order of the court in accordance with ZMC 10.90.100.

#### 10.90.100 Impoundment

(a) All bicycles, motorized foot scooters, skateboards, coasters or other similar devices, excluding roller skates or in-line skates, operated in violation of this chapter are subject to impoundment.

(1) Law enforcement officers may impound the motorized foot scooters, bicycles, or other items listed in this chapter that are operated in violation of this chapter, except for violations of 16.26.060 for failure to wear an approved helmet.

(2) Property impounded under this ordinance will be released to the owner if he or she is 18 years of age or a parent or guardian of the person from whom the property was impounded upon request and without cost.

(i) Release of the property shall be during normal business hours of the Zillah Police Department.

(3) If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other sections, sentence, clause, or phrase of this ordinance.

PASSED BY THE CITY COUNCIL FOR THE CITY OF ZILLAH,  
WASHINGTON, this 3<sup>rd</sup> day of April, 2017.

  
\_\_\_\_\_  
GARY CLARK, MAYOR

ATTEST:

  
\_\_\_\_\_  
SHARON BOUNDS, CITY ADMINISTRATOR

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JAMIE CARMODY, CITY ATTORNEY

## **ORDINANCE NO. 1437**

### **AN ORDINANCE AMENDING AND RESTATING ORDINANCE NO. 1027 AS CODIFIED IN ZILLAH MUNICIPAL CODE CHAPTER 6.04 RELATING TO REGULATION, UTILIZATION AND TREATMENT OF ANIMALS.**

**WHEREAS**, City has previously adopted Ordinance No. 1027 with respect to regulation of ownership, possession, control and care of animals with such Ordinance codified in Zillah Municipal Code Chapter 6.04;

**WHEREAS**, City Council has determined that the Ordinance should be reviewed and updated as more particularly set forth herein; and

**WHEREAS**, City Council has determined that it is appropriate to amend and restate the entire Ordinance as set forth below.

### **THE CITY COUNCIL OF THE CITY OF ZILLAH, WASHINGTON DOES ORDAIN AS FOLLOWS:**

**Section 1 – Amendment/Restatement**. Chapter 6.04, “Animal Control” is hereby amended and restated as follows:

**6.04.010 - Authority**. The provisions of this ordinance shall be deemed an exercise of the police powers of the City for the reasonable regulations, utilization and treatment of animals while at the same time providing for the health, safety, welfare and general protection of the citizens of Zillah. Nothing contained in this ordinance shall create or otherwise establish or designate any particular class of group of persons who will or should be especially protected or benefited by this ordinance.

**6.04.020 Definitions**. As used in this ordinance, the following words shall be defined as follows;

- A. “Aggressive behavior” means any physical contact between a dog and a person, where said person feels threatened, that includes, but is not limited to, any of the following: snarling, baring teeth, chasing, growling, snapping, pouncing, lunging, multiple attacks, multiple lunges, not to include bites.
- B. “Aggressive animal” means any animal other than a “dangerous dog” that evidences aggressive behavior or otherwise endangers the safety of any person or domestic animal by biting or attacking without provocation.
- C. "Allow" means to grant, approve or permit by action or inaction.
- D. "Animal" means any living creature, domestic or wild, except man.
- E. "Animal Control Officer" means the person, association or corporation appointed or authorized (including contractual authorization) by the Mayor of the City to carry out the duties of the animal control officer and enforcement under this ordinance.

- F. "Animal shelter" means any facility operated by a humane society, municipal agency or other organization or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law.
- G. "Butchering" means the processing of animals or fowl for market and/or home use.
- H. "Dangerous dog" means any dog that, according to the records of an appropriate authority, including but not limited to the records of the City Animal Control Officer or department, City Police Department, or the records of any municipal, state or federal law enforcement or public safety department evidences any of the following:
1. Without provocation has bitten or otherwise inflicted serious physical injury on a human being or public or private property;
  2. Has killed livestock or a domestic animal without provocation while off the dog owner's property; or 3. Has displayed aggressive behavior, attacked, or endangered the safety of humans or domestic animals after such dog has been determined by an appropriate authority, to be potentially dangerous, and the owner of such dog has been notified, either orally or in writing, that the dog has been determined to be potentially dangerous.
- I. "Domestic animals" means any animals that are usually tamed or bred for the use of humans.
- J. "Kennel" means any person, partnership or corporation engaged in the business of breeding, buying, selling or boarding dogs, or any owner possessing four (4) or more like animals for more than a thirty-day period.
- K. "Kennel facility" means a structure consisting primarily of fence sufficient to enclose the dogs being kenneled. Each kennel facility must have enough individual pens so as to insure that no more than three (3) dogs will be enclosed in any one (1) fenced facility. Each kennel must also have facilities for water and for waste disposal to ensure that the kennels are kept clean and free from undue odors and from the accumulation of garbage and waste. Finally, kennel facilities must have a cover to ensure that all dogs maintained at the kennel will have shelter from rain and snow.
- L. "Killing" means destroying the life of any animal or fowl.
- M. "Owner" means any person, partnership, company, or corporation owning, keeping, possessing, having custody of or harboring one (1) or more animals in the city. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.
- N. "Person" means an individual, partnership, company or corporation.
- O. "Pet shop" means any person, partnership, company or corporation, whether operated separately or in connection with another business enterprise, which buys, sells or boards any species of animal.
- P. "Public nuisance" means any animal or fowl which:
1. Molests passerbys or passing vehicles;
  2. Attacks other animals;

3. Trespasses on school grounds or private property;
4. Is repeatedly at large;
5. Damages private or public property; or
6. Barks, whines, howls or makes any noise in an excessive, continuous or untimely fashion (See Section 21 for further description).

Q. "Restraint." An animal shall be deemed to be under restraint if:

1. The animal is on the property of its owner or another entrusted with its care by the owner and the property is fenced or enclosed in such a manner that the animal cannot leave the property; or
2. The animal is on the property of its owner or another entrusted with its care by the owner and attached to an immovable object by a chain, leash, rope or other such substance, the length of which cannot permit the animal to leave the limits of the property. The material used must be of sufficient strength to prevent the escape of the animal; or
3. It is off the property of the owner and on a leash, cord, rope or chain no longer than eight (8) feet and under the control of a person able to restrain the animal.

R. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian or maintained and operated for the diagnosis and treatment of diseases and injuries of animals.

S. "Wild animal" means any animal that is not usually tamed or bred for the use of humans.

**6.04.030 - License - Required.** It is unlawful for any person to own any dog over the age of six (6) months within the city unless the owner has first procured a license therefor or unless no license is required by this Ordinance. This provision does not apply to the keeping of cats, small caged birds and small aquatic animals and/or amphibians.

**6.04.040 - License-Exemption.** The licensing provisions of this Ordinance shall not apply to the following dogs:

- A. Those whose owners are nonresidents temporarily within the city;
- B. Those brought into the city for the purpose of participating in any dog show;
- C. Seeing-eye dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place;
- D. Governmental police dogs;
- E. Hearing dogs properly trained to assist hearing-impaired persons when such dogs are actually being used by hearing-impaired persons for the purpose of aiding them in going from place to place; and
- F. Those dogs kept and intended for sale in licensed pet stores.

**6.04.050 - License-Application.**

- A. Applications for the city dog licenses shall be made at City Hall. Upon payment to the City of the required license fee provided in this Ordinance, a license shall be issued. Upon such application being made and license fee being paid, there shall be issued a metal tag upon which shall be inscribed "Zillah (license number) Dog (year) Tag," which shall be worn by the dog at all times. Issuance of the dog tag shall occur following payment of the applicable fee and completion of forms provided by City Hall disclosing the owner's name, address, the name and type of the animal to be licensed, the age of the animal, its sex, and, if female, whether the animal has been spayed, or, if male, whether the animal has been neutered, together with any other information the Animal Control Officer deems advisable. It shall be the duty of City Hall to keep and maintain a public list of all owners to whom licenses are issued, together with the number of the licensing tag issued to each owner. Application for a license must be made within thirty (30) days after obtaining a dog over six (6) months old. Failure to obtain a license as required within the time period specified in this section shall constitute a violation of this Ordinance. No person may use any license for any animal other than the animal for which it was issued.
- B. No person, partnership, company or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this Ordinance.
- C. The license period shall begin January 1 and end December 31 of each calendar year. Renewal application for licenses shall begin January 1 and end the last day of March of each calendar year. Application for a permit or a license to establish a new commercial animal establishment under the provisions of this Ordinance may be made at any time. If there is a change in ownership of a commercial animal establishment, the new owner must apply for a new permit.
- D. Every facility regulated by this Ordinance shall be considered a separate enterprise and requires an individual license or permit.
- E. No license fee may be required of any veterinary hospital, animal shelter or government-operated zoological park.
- F. Failure to obtain a license or permit before opening any facility covered under this Ordinance shall constitute a violation of this Ordinance and shall be punishable as indicated herein.

**6.04.060 - License-Proof of Rabies Vaccination.** When purchasing a license, all owners shall file with City Hall a certificate from a licensed veterinarian showing proof of a rabies shot.

**6.04.070 - License-Fees.** The annual license fee shall be as follows:

- A. For each dog, male or female, which is neutered or spayed, fifteen dollars (\$15.00); for each dog, male or female, unneutered or unspayed, thirty dollars (\$30.00);
- B. For any kennel or pet shop, covering all animals kept during the year, one hundred dollars (\$100.00);



- C. For any commercial zoo or similar place of exhibition animals, with fixed location in the city, covering all animals kept, one hundred dollars (\$100.00);
- D. For any abattoir, stockyard, hatchery, livestock auction or other place where livestock or poultry are regularly bred, kept, offered for sale or slaughtered for commercial purposes, covering all animals kept during the year, one hundred dollars (\$100.00).

**6.04.080 - License-Additional Charges.** In the case of animals previously licensed or required to be licensed, there shall be an additional fee of ten dollars (\$10.00) for each animal license, which is purchased on or after March 31 of each calendar year. In the case of a lost tag for a licensed animal in the same calendar year that it was purchased, there will be a fee of five dollars (\$5.00) for a replacement tag.

**6.04.090 - License-Revocation-Authority.** The licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Ordinance, regulations promulgated by the licensing authority or any law governing the protection and keeping of animals.

**6.04.100 - License-Revocation-Disposal of Animals.** Any person whose permit or license is revoked shall, within ten (10) days thereafter, remove from the City all animals owned, kept or harbored by such person, and no part of the permit or license fee shall be refunded.

**6.04.110 - License-Inspection a Condition of Issuance.** It shall be a condition of the issuance of any permit or license to a kennel, pet shop, commercial zoo or similar place of exhibition of animals and any abattoir, stock yard, hatchery, livestock auction or other place where livestock or poultry is regularly bred, kept, offered for sale or slaughtered for commercial purposes, that the Animal Control Officer be permitted to inspect all animals and the premises where animals are kept at any time; and if permission for such inspection is refused, the Animal Control Officer shall revoke the permit or license of the refusing owner.

**6.04.120 - License-Revocation for False Information.** If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license.

**6.04.130 - License-Cruelty Cause for Nonissuance.** No person who has been convicted of cruelty to animals shall be issued a permit or a license to operate a commercial animal establishment.

**6.04.140 - License-Reapplication upon Denial.** Any person having been denied a license or permit may not reapply for a period of thirty (30) days. Each reapplication shall be accompanied by a fee of ten dollars (\$10.00).

**6.04.150 - Officer-Appointment.** The Animal Control Officer shall be appointed by the Mayor of the City to enforce laws and ordinances relating to dogs and other animals and fowl. The Mayor may contract with the Yakima County Humane Society for an Animal Control Officer.

**6.04.160 - Officer-Duties.** The Animal Control Officer shall enforce all Ordinances pertaining to the regulation, control and licensing of dogs and other animals and fowl in the city, concurrently with the Police Department. For that purpose, the Animal Control Officer and assistants are vested with authority to impound animals when required and are authorized to issue notices to persons whom they have reason to believe have violated such Ordinances, to sign formal complaints for the issuance of warrants by the court for violations of such Ordinances, to cooperate with the health officer exercising jurisdiction in the

City regarding the investigation of dog bites and the quarantine of dogs for rabies examination and, with authority, to otherwise perform duties imposed by such Ordinances.

**6.04.170 - Officer-Impoundment Authority.** The Animal Control Officer may detain and impound any animal found to be in violation of any provision of city Ordinances.

**6.04.180 - Restraint Required.** All dogs shall be kept under restraint.

**6.04.190 - Proper Care and Control Required.** Each animal owner shall exercise proper care and control of his animals so as to prevent animal from becoming a public nuisance.

**6.04.200 - Confinement of Female Dogs.** Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contract with another animal except for planned breeding.

**6.04.210 - Noise Violation.** It is unlawful for any person in the city to keep or harbor any animal which, by frequent or habitual howling, yelping, barking or making of other noises shall annoy or disturb a neighborhood. Any such animal is declared to be a nuisance and may be seized and impounded as provided in this ordinance. For the purpose of this section, no action may be taken for a violation hereof except upon the written complaint of one or more persons residing in separate residences within the immediate neighborhood.

**6.04.220 - Injury to Property.** It is unlawful for any person owning or having the control of any animal to permit the same to trespass upon private or public property so as to damage or destroy any property or thing of value, and any such animal is declared to be a nuisance and may be seized and impounded as provided in this ordinance.

**6.04.230 - Jumping or Barking at Pedestrians.** It is unlawful for any person to keep or harbor any animal that frequently or habitually snarls and growls at, snaps or jumps upon or threatens persons lawfully upon the public sidewalks, streets, alleys or public places of the city; the same is declared to be a nuisance and any such animals may be seized or impounded as provided in this Ordinance.

**6.04.240 - Maintenance in Offensive Enclosure.** It is unlawful for any person to keep, harbor or maintain any animal in any pen, kennel, yard enclosure or building in which animals are kept in the city in such a manner as to be nauseating, foul or offensive and any such animal or condition or manner of maintenance is declared to be a nuisance. For the purpose of this section, no action may be taken for a violation hereof except upon the written complaint of one or more persons residing in separate residences within the immediate neighborhood.

**6.04.250 - Aggressive Animal - Harboring.**

- A. It is unlawful for any person to keep, harbor or maintain on or off his premises in a manner liable to endanger the safety of persons or property lawfully upon said premises or upon any public way or place immediately adjoining said premises, any Aggressive Animal.
- B. It is the duty of any person who keeps, harbors or maintains any Aggressive, menacing animal to secure such animal or to secure the premises where such animal is kept, harbored or maintained so as to prevent such animal from wandering onto the private property of another or onto any street, alley, sidewalk, way, boulevard, park, public playground, school ground or any other public place.

Every Aggressive Animal, as determined by the Animal Control Officer shall be securely muzzled or caged whenever off the premises of its owner. It is unlawful for any person who keeps, harbors or maintains any such Aggressive Animal to fail to perform the duty imposed by this subsection.

- C. Any Aggressive Animal which is kept, harbored or maintained without proper care of control or which is found on the private property of another or on any public street, alley, sidewalk, way, boulevard, park, public playground, school ground or in any other public place shall be declared a public nuisance subject to immediate impoundment under the provisions of this ordinance. Upon the conviction of any person charged with violating this section or other provisions of this chapter any dog or other animal to be a Dangerous Dog or Aggressive Animal then the court may in its discretion order the dog or other animal to be killed or otherwise disposed of by the animal control officer with the cost thereof to be taxed and collected in the same manner as other costs in the case.

#### **6.04.260 - Kennel Management**

- A. It is the duty of any person who keeps a kennel to maintain required kennel facilities as defined in this Ordinance. Kenneled animals shall be kept at all times within the kennel facilities, other than when the animal is under the direct control and supervision of the kennel owner, kennel employee or the animal's owner.
- B. It is also the duty of any person maintaining a kennel to keep the kennel facilities clean and free from undue odor and free from undue accumulations of garbage and/or waste.

**6.04.270 - Impoundment - Disposition of Nuisance Animals.** Any animal found to be in violation of any provision of city ordinances may be taken by the police or animal control officer and impounded in an animal shelter and there confined in a humane manner subject to the other provisions of this ordinance and the regulations of the agency confining such animals and/or fowl, including humanely destroying such animals and/or fowl. All sick or injured animals shall be impounded when not in the owner's possession and may be humanely destroyed at any time after impounding at the discretion of the animal control officer.

**6.04.280 - Impoundment - Unlicensed Dogs.** Whenever an unlicensed dog is found within the city, it may be taken up and impounded by such officer charged with the enforcement of this Ordinance. Any dog so impounded may be redeemed, sold or destroyed as provided in Section 32 of this Ordinance.

**6.04.290 - Impoundment - Notice.** Upon the impounding of any animal, the animal control officer shall give notice of such impounding in substantially the following manner:

- A. If the animal is licensed and is wearing a license tag or if the identity of the owner is known to or can be readily determined by the animal control officer, then as soon as reasonably practicable after the animal is impounded, the animal control officer shall notify the owner by telephone or otherwise that his animal has been impounded and may be redeemed as herein provided.
- B. If the owner is known to the animal control officer but cannot be notified under the provisions of subsection A. of this section, or, if the owner is so notified and does not appear to redeem his animal within twenty-four (24) hours of the time of impounding, then the animal control officer shall send, by certified mail, return receipt requested, a notice in substantially the following form:

## **NOTICE OF ANIMAL IMPOUND**

### **TO WHOM IT MAY CONCERN:**

**\*\* Case Number:**

I have this day impounded in the Animal Shelter at the Zillah City Shops an animal described as follows:

Sex:                      Color:                      Breed:

Approximate Age:              Other:

Identification:

Name of Owner, if known:

Notice is hereby given that, unless said animal is claimed and redeemed on or before  
On the              day of,                      ,                      the same will be sold or destroyed.

Adopted:                      Bailed:                      Euthanized: Injured/sick (72 hours):

Animal Control Officer: \_\_\_\_\_ Date: \_\_\_\_\_

Impounding Officer: \_\_\_\_\_ Date: \_\_\_\_\_

**\*\*Important: File this with impound report case when animal released or euthanized.**

- C. If the owner is unknown to the animal control officer and cannot be readily determined by him, the animal control officer shall post at the city police station and the city hall a notice in substantially the form prescribed in subsection B. of this section.

**6.04.300 - Impoundment-Alternative Action.** Notwithstanding the provisions of Section 27, if animals subject to impound is found at large and its owner can be identified and located, such animal need not be impounded but may instead be taken to the owner. The animal control officer shall serve upon the owner a citation and notice to appear for a violation of the ordinance.

### **6.04.310 - Redemption Period.**

- A. The owner, or owner's agent, of any dog or other animal impounded pursuant to provisions of this ordinance may redeem the impounded dog or animal by 4:00 p.m. on or before the third day, excluding Saturdays, Sundays and holidays, after the day of the impoundment and the mailing or posting of notice of impoundment.

### **B. Fees.**

1. A redemption fee shall be paid by Owner or Owner's agent as condition to release of the impounded animal. Redemption fee for each animal shall be twenty-five dollars (\$25.00) for

the first impoundment, thirty (\$30.00) for the second impoundment and fifty dollars (\$50.00) for the third impoundment during any twelve-month period. In the event such an impoundment occurs at any time other than between 9:00 a.m. and 5:00 p.m. on weekdays or between 10:00 a.m. and 4:00 p.m. on Saturdays or if the impoundment occurs on a legal holiday, the basic impoundment fee shall be increased by Five Dollars (\$5.00) per impoundment. In addition to the redemption fee provided by this subsection, a person redeeming an unlicensed dog shall also pay for and obtain a current city license before the dog is redeemed. In addition to the redemption fee, an additional charge of five dollars (\$5.00) per day shall be imposed for the period of time that the impounded dog is kept in the pound after impounding.

2. In the case of large or other animals requiring special equipment for transportation or otherwise (any equipment larger than a pickup or panel delivery truck or for additional storage area, feed, etc.), the basic impounding fees shall be increased by Five Dollars (\$5.00) per impoundment. In the event such an impoundment occurs at any time other than between 9:00 a.m. and 5:00 p.m. on weekdays or between 10:00 a.m. and 4:00 p.m. on Saturdays or if the impoundment occurs on a legal holiday, the basic impoundment fee shall be thirty dollars (\$30.00). An additional charge of not less than five dollars (\$5.00) per day shall be paid for the care and feeding of such animals. Additionally, the owner shall pay any and all actual expenses and costs for the handling, transportation, boarding and impoundment of larger animals.
- C. If an impounded dog, cat or other animal is not redeemed by its owner within the three (3) days following the date of mailing or posting of the notice of impoundment, then within the discretion of the animal control officer, any such impounded dog, fowl or other animal may be humanely destroyed or otherwise disposed. In the case of any horses, mules, cattle, hogs and other stock animals impounded when running at large within the city, the animal control officer shall follow the procedure established by the laws of the state in RCW Chapter 16.24 relative to the care and sale of strays.
- D. Any animal not reclaimed by its owner within the applicable three (3) day period shall become the property of the local government authority or humane society and may be placed for adoption in a suitable home or humanely euthanized.
- E. The owner of any animal, impounded or not, shall remain liable for any violations of this ordinance.
- F. The licensing authority may review all licenses issued to animal owners against whom three (3) or more ordinance violations have been assessed in a twelve-month period.
- G. If a fowl or animal other than a dog or cat has been impounded, the owner must redeem said fowl or animal within a three (3) day period following mailing, posting or notification of impoundment. The owner then has forty-eight (48) hours to present evidence that said animal or fowl has been removed from within the city limits.

#### **6.04.320 - Abatement of Nuisance Behavior.**

- A. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, howling, molesting passersby, aggressiveness, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, trespassing upon private property in such a manner as to damage property, causing

undue annoyance or making noises shall be deemed a public nuisance. If an animal has been impounded on more than three (3) separate occasions during a twelve-month period, said animal shall be deemed a public nuisance.

- B. Whenever it shall be affirmed in writing by one (1) or more persons having separate residences or regularly employed in the neighborhood, that any animal is a public nuisance, the animal control officer shall serve notice upon the owner that such nuisance must be abated within twenty-four (24) hours, after which the animal control officer shall determine whether such nuisance has been abated; and, if not, the owner may be proceeded against for violation of this ordinance.
- C. All animals not licensed under the provisions of the ordinance or who do not exhibit the metal identification tag provided for in this ordinance are declared to be public nuisances. Such animals may be impounded in accordance with the provisions of this ordinance and disposed of in the manner provided by this ordinance.

**6.04.330 - Humane Care and Treatment.** No owner shall fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal or cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals and humans. No owner of an animal shall abandon such animal.

**6.04.340 - Actions upon Striking with Vehicle.** Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency or to the local humane society.

**6.04.350 - Poisoning Unlawful.** No person shall expose any known poisonous substance, whether mixed with food or not, so that the same is liable to be eaten by any animal; *provided*, that it shall not be unlawful for a person to expose on his own property common rat poisoning mixed only with vegetable substances.

**6.04.360 - Keeping Remnants of Dead Animals Unlawful.** The keeping of or allowing to be and remain in any building, yard, enclosure, alley, street, avenue, park, public place or any place within the limits of the city any unsound, putrid or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal or fish or any unsound, putrid or unwholesome substance or the offal, garbage or other offensive parts of any animal is declared to be a nuisance.

**6.04.370 - Unsanitary Premises.** Any person who erects, constructs, keeps, uses or maintains within the city any pen, lot, place or premises in which animals are confined or kept in such a manner as to be nauseating, foul or offensive or to be any annoyance to the neighborhood because of being improperly cared for is declared to be a nuisance.

**6.04.380 - Quarantine - Confinement Provisions.** Any animal, which bites a person, shall be quarantined for ten (10) days if ordered by the director of public health. During quarantine, the animal shall be securely confined and kept from contact with any other animals. At the discretion of the director of Public Health, the quarantine may be on the premises of the owner. If the Director of Public Health

requires other confinement, the owner shall surrender the animal to an animal shelter for the quarantine period or shall, at his own expense, place it in a veterinary hospital.

**6.04.390 - Quarantine - Destruction of Animal.** No person shall unnecessarily kill or cause to be killed any animal suspected of being rabid except after the animal has been placed in quarantine and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

**6.04.400 - Quarantine - Impoundment and Disposal.** During the period of any quarantine made under the provisions of this ordinance, no owner or keeper of any animal so quarantined shall allow said animal to come in contact with any other animal or person or permit such animal to run at large on any street, highway, other property in the city or upon the premises where quarantined unless the premises are enclosed by a secure fence; nor shall such owner or keeper remove or cause such animal to be removed from the premises without the consent of the animal control officer. These restrictions shall continue until the animal shall have been released from quarantine. Any animal subject to these restrictions found running at large as defined herein, or which has been removed from the premises upon which quarantined, shall be impounded and, unless claimed and redeemed by its owner within two (2) days after the expiration of the quarantine period, may be humanely disposed of by the proper authorities.

**6.04.410 - Quarantine - Treatment of Exposed Animals.** Any animal known to have been bitten or otherwise exposed to a rabid animal must be destroyed or given anti-rabies (Pasteur) treatment or confined for a period of not less than six (6) months but not less than thirty (30) days prior to exposure, in which case such animal shall remain under surveillance for six (6) months. If anti-rabies (Pasteur) treatment is given to such exposed animal, confinement and surveillance may be reduced to three (3) months following exposure.

**6.04.420 - Quarantine - Hazard Declaration.** Whenever rabies or hydrophobia is declared by the animal control officer and/or the Director of Public Health to be a hazard to public health, it is unlawful for any owner, keeper or handler of any animal to keep or harbor the same within the city, unless such animal is securely confined at all times by leash or kept in a tight enclosure from which said animal cannot escape. Any animal found running at large in the city during such period shall be impounded and, unless claimed and redeemed by its owner within two (2) days after such impounding, may be humanely disposed of by the proper authorities.

**6.04.430 - Quarantine - Publication of Hazard Notice.** Whenever rabies or hydrophobia is considered by the animal control officer to be a hazard to public health, that officer shall have a notice published in the local newspaper announcing such hazard; this notice shall run for three (3) consecutive days. The provisions of this ordinance pertaining to rabies (sections 40, 42, and 43) shall be applicable for a period not to exceed ninety (90) days beyond the last date the notice was published; provided that the animal control officer be allowed authority to extend the quarantine when, in his judgment, such an extension or renewal of the quarantine and treatment period is necessary.

**6.04.440 - Keeping of Wild Animal Unlawful.**

A. No person shall keep or permit to be kept on his premises any wild or aggressive animal for display or for exhibition purposes whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.

B. No person shall keep or permit to be kept any wild animal as a pet.

**6.04.450 - Keeping of Fowl Unlawful.** No person shall keep within the city any fowl of any kind, nature or description including, but not limited to, any chickens, ducks, turkeys, geese, guineas or like fowl.

**6.04.460 - Running at Large Unlawful.** No person shall permit or allow any horse, mule, cow, hog, sheep, goat or any other stock to run or be at large within the city.

**6.04.470 - Maximum Dogs per Household.** The maximum number of dogs over the age of three (3) months permitted per household within the city limit shall be three (3), unless said household has obtained a kennel license.

**6.04.480 - Performing Animal Exhibitions.**

A. No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner that will cause or is likely to cause physical injury or suffering.

B. All equipment used on a performing animal shall fit properly and be in good working condition.

**6.04.490 - Exemption for School or Community Events.** School projects on school property, parades and other community events subject to the prior approval of the City Council may be exempted from the provisions of this Ordinance.

**6.04.500 - Pet Shop Zoning.** Pet shops may be permitted in the local business zone; provided that the business conducted on the premises shall be limited to the retail selling of pet-shop supplies and small pets, such as birds, mice, fish guinea pigs, lizards, turtles, dog puppies under the age of three (3) months and other pets of like nature not exceeding fifty (50) pounds in weight, excluding poisonous creatures; provided, further, that no creatures shall be displayed or kept outside the building at any time.

**6.04.510 - Animal Waste Removal.** The owner of every animal shall be responsible for the removal of any excreta deposited by his animals on public walks, streets, recreation areas or private property.

**6.04.520 - Butchering of Domestic Animals.** No person shall kill any animal or fowl within the city limits. Butchering of animals and/or fowl shall be conducted inside buildings and in such a manner so as to eliminate any and all potential for public viewing. No carcasses and/or parts thereof shall be in public view within the city limits, except for regulated butcher shops and/or lockers approved by city, state and/or federal authorities. No person shall dispose of carcasses and/or parts thereof in any manner other than in a type of container, which prevents any and all accessibility by other animals and/or viewing by the public.

**6.04.530 - Nuisance Abatement.** Any person violating any of the provisions of this Ordinance in the keeping or maintaining of any nuisance as herein defined shall, in addition to the fine or imprisonment or both herein provided for, by order of the court in such action be ordered to forthwith abate and remove said nuisance; and if the same is not done by such offender within twenty-four (24) hours thereafter, the same shall be abated and removed under the direction of the officer authorized by the order of the court, which order of abatement shall be entered upon the docket of the court and made a part of the judgement in said action. Any such person shall be liable for all costs and expenses of abating the same when such nuisance has been abate by an officer of the City.



**6.04.540 - Officer - Obstruction Unlawful.** The animal control officer shall have police powers in the enforcement of this ordinance. It is unlawful for any person to obstruct, interfere with, hinder, delay or abuse any animal control officer or law enforcement officer in the exercise of his lawful duties or in the enforcement of this ordinance.

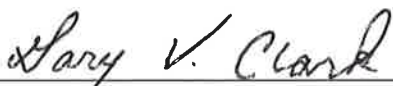
**6.04.550 - Violation - Penalty.** Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred dollars (\$500.00) per incident, which penalty shall be in addition to any other penalties, impoundment fees redemption fees and other charges provided for herein. If any violation shall be continuing, each day's violation shall be deemed a separate violation. If any person shall be found guilty by a court of violating Section 34, 36, 37, or 38, his permit to own, keep, harbor or have custody of animals shall be automatically revoked; and no new permit may be issued for a period of one (1) year.

**Section 2 - Severability.** If any provision of this ordinance or its application to any person is held to be invalid, the remainder of this ordinance or application thereof to any other person shall not be affected.

**Section 3 - Effect.** This Ordinance shall take effect five (5) days after the date of the publication of this Ordinance or a summary of the content thereof as required by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ZILLAH, WASHINGTON**, this 3<sup>rd</sup> day of April, 2017.

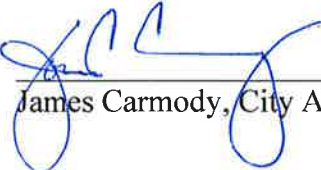
CITY OF ZILLAH, a municipal corporation

  
\_\_\_\_\_  
Gary Clark, Mayor

Attest:

  
\_\_\_\_\_  
Sharon Bounds, City Administrator

Approved as to form:

  
\_\_\_\_\_  
James Carmody, City Attorney