

SUMMARY: ORDINANCE 595

AN ORDINANCE OF THE CITY OF COLLEGE PLACE, WASHINGTON, ENTITLED "COLLEGE PLACE CRIMINAL CODE"; ADOPTING CERTAIN STATE STATUTES BY REFERENCE; DECLARING CERTAIN ACTS, OFFENSES OR CONDITIONS TO BE UNLAWFUL; DECLARING SUCH UNLAWFUL ACTS, OFFENSES OR CONDITIONS TO BE MISDEMEANORS; PRESCRIBING PENALTIES OR THE VIOLATION THEREOF; REPEALING PRIOR ENACTED ORDINANCES, WHICH ARE IN CONFLICT HEREWITH;

The following text summarizes each section of the ordinance, and lists the State Statutes adopted by reference.

Section 1 stipulates the effective date as 5 days after the passage and publication of this ordinance, the severability, and the classification of crimes, and penalties, quoted as follows: "All offenses defined by this title or by any state statute which is incorporated herein by reference, constitute crimes and are hereby classified as misdemeanors. Any person convicted of having committed such a misdemeanor shall be punished by imprisonment for a term not to exceed 6 months, or by a fine not to exceed \$500.00, or by both such fine and imprisonment." Also included in Section 1 is the collection of judgment, quoted as follows: "Upon a judgment for fine and costs rendered on a conviction, execution may be issued against the property of a defendant and returned in the same manner as in civil actions." Also included in Section 1 is the statute of limitations, provision for adoption of state statutes by reference, an automatic amendment clause, and provision for repealing all prior criminal code ordinances. State Statutes adopted by reference in Section 1 are as follows: RCW 9A.04.050, .100, and .110.

Section 2: Principles of liability.[RCW 9A.08.010 and .020]

Section 3: Insanity.[RCW 9A.12.010]

Section 4: Defenses.[RCW 9A.16.010, .020, .060, .070, .080, .090, and .100]

Section 5: Anticipatory offenses.[RCW 9A.28.020, .030. and .040]

Section 6: Assault.[RCW 9A.36.050 and .070.]

Section 7: Arson.[RCW 9A.48.010, .050, .060, .090, and .100]

Section 8: Criminal trespass-vehicle prowling, computer trespass.[RCW 9A.52.010, .060, and .100(1)]

Section 9: Theft.[RCW 9A.56.010, .020, .050(1), .060(1) (2), .140(1)(2), .170, .180(1)(2), .220(1)(2), .230(1), .270(1)(2)]

Section 10: Fraud.[RCW 9A.60.040(1) and .050(1)]

Section 11: Interference with official proceedings.[RCW 9.23.010 and 9A.72.150(1)(2)]

Section 12: Obstructing governmental operation.[RCW 9A.76.010, .020, .030, .040, .050, .100(1)(2), .130(1), .160, and .170(1)(2)(d)]

Section 13: Public disturbance.[RCW 9A.84.010(1), .020, .030, and .040(1)]

Section 14: Public indecency-prostitution.[RCW 9A.88.010(1), .030, .050, .090]

Section 15: Legend drugs-controlled substances, including marijuana.[RCW 69.41.010, .030, .050; RCW 69.50.101, .102, .201, .202, .204, .407, .412(1)(2)(4), .505]

Section 16: Alcoholic beverage and tobacco control, including furnishing alcohol or tobacco to minors, acting without license, minors frequenting taverns, and resisting officers in enforcement of title.[RCW 66.04.010; RCW 66.44.200, .240, .250, .290, .300, .325; RCW 66.55.100, .270., .320]

Section 17: Glue sniffing.[RCW 9.47A.010, .020, .030, .040, .050]

Section 18: Sounding false alarms.[RCW 9.40.100]

Section 19: Firearms.[RCW 9.41.010(1)(3)(4),.050,.060,.080,.090,.093,.098,.100,.120,.130,.140,.150,.170,.230,.240,.250,.260,.270(1)(3),.280(1)(3),.300]

Section 20: Improper use of telephone.[RCW 9.61.230,.240,.250]

Section 21: Obstructing justice, including withholding knowledge of felony involving violence.

Section 22: Improper use of the flag.[RCW 9.86.010,.020,.030,.040]

Section 23: Nuisance.[RCW 9.66.010,.020,.030,.050]

Section 24: Custodial interference in the second degree, including assessment of costs-defense-consent defense, restricted.

Section 25: Unlawful bus conduct.[RCW 9.91.025]

Section 26: Sexual exploitation of children.[RCW 9.68A.070]

Section 27: Perjury and interference with official proceedings.[RCW 9A.72.010,.040(1)]

Section 28: Fireworks Law, including mandatory revocation of license.[RCW 70.77.120,.126,.255,.290,.480,.485,.488,.495,.510,.515,.520,.525,.530,.535,.545,.580]

Section 29: Abandoned refrigeration equipment.[RCW 9.03.010,.020,.040]

Section 30: Advertising, crimes relating to, including false advertising, advertising fuel prices by service stations.[RCW 9.04.050]

Section 31: Anarchy.[RCW 9.05.030]

Section 32: Bidding offenses-bribery or corruption.[RCW 9.18.120,.130]

Section 33: Contempt.[RCW 9.23.010]

Section 34: Corporations, crimes relating to. (Corporation doing business without license)

Section 35: Credit cards, crimes relating to.[RCW 9.26A.090]

Section 36: Interference with court.[RCW 9.27.015]

Section 37: False representations.[RCW 9.38.014,.020]

Section 38: Fire, crimes relating to.[RCW 9.40.040]

Section 39: Forgery.[RCW 9.44.080]

Section 40: Fraud and swindles, including mock auctions.[RCW 9.45.040,.060,.062,.080,.090,.100,.120,.150,.180,.190,.240(1)(a)]

Section 41: Juries, crimes relating to.[RCW 9.51.010,.020,.030]

Section 42: Malicious prosecution-abuse of process.[RCW 9.62.010(2),.020]

Section 43: Obscenity and pornography, including "Erotic Material"-determination by court-labeling-penalties. Quoting Section 43.02(3)(b), "Any person who, after the court determines material to be erotic, sells, distributes, or exhibits the erotic material to a minor shall be guilty of violating Chapter 43." [RCW 9.68.030,.050,060(3)(b)(c),.130]

Section 44: Privacy, violating right of.[RCW 9.73.010,.020,.030]

Section 45: Miscellaneous crimes, including operating railroad, vehicle, etc., while intoxicated.[RCW 9.91.010]

Section 46: Harrassment.[RCW 9A.46.020(1),.030,.040,.060,.080,.090,.100]

Section 47: Domestic Violence.[RCW 10.99.020,.030,.040,.045,.050,.055,.060,.070,.010,.110(1)(2)(3)]

Section 48: Lie Detectors.[RCW 49.44.120,.130]

Section 49: Mandatory seat belt use.[RCW 46.16.688]

Section 50: Offenses relating to schools, school personnel.[RCW 28A.87.101,.020,.041,.080,.055,.060,.070,.090,.120,.130,.140]

Section 51: Voting-campaigning.[RCW 29.51.020, and 29.85.275]

Section 52: Food stamps, reselling or purchasing.[RCW 9.91.120]

Section 53: Motor vehicle-dealers and sales persons licenses.[RCW 46.70.021,.090]

Section 54: Motor vehicle wrecker.[RCW 46.80.010,.020,.080,.130,.150]

Section 55: Litter control and recycling act.[RCW
70.93.030,.060,.180,.230]

PASSED AND APPROVED by the City Council this 9th day of February,
1987.

Jaye Jarnsworth
Clerk

George A. Fennell
Mayor

(A copy of the full text of this Ordinance will be supplied upon request.)

ORDINANCE NO. 595

AN ORDINANCE OF THE CITY OF COLLEGE PLACE, WASHINGTON, ENTITLED "COLLEGE PLACE CRIMINAL CODE"; ADOPTING CERTAIN STATE STATUTES BY REFERENCE; DECLARING CERTAIN ACTS, OFFENSES OR CONDITIONS TO BE UNLAWFUL; DELARING SUCH UNLAWFUL ACTS, OFFENSES OR CONDITIONS TO BE MISDEMEANORS; PRESCRIBING PENALTIES OR THE VIOLATION THEREOF; REPEALING PRIOR ENACTED ORDINANCES, WHICH ARE IN CONFLICT HEREWITH.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE PLACE, WASHINGTON, AS FOLLOWS:

CHAPTER 1. GENERAL PROVISIONS.

Section 1.01. This ordinance shall be known as and may be cited as the College Place Criminal Code.

Section 1.02. Effective Date. The provisions of this tital shall apply to any offense committed on or after five (5) days after passage and publication, which is defined in this ordinance, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such offense.

Section 1.03 Severability. If any provision of this ordinance, or its application to any person or circumstances is held invalid, the remainder of this ordinance, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this ordinance are declared to be severable.

Section 1.04. Classification of Crimes--Penalties. All offenses defined by this title or by any state statute which is incorporated herein by reference, constitute crimes and are hereby classified as misdemeanors. Any person convicted of having committed such a misdemeanor shall be punished by imprisonment for a term not to exceed 6 months, or by a fine not to exceed \$500.00, or by both such fine and imprisonment.

Section 1.05. Collection of Judgment. Upon a judgment for fine and costs rendered on a conviction, execution may be issued against the property of a defendant and returned in the same manner as in civil actions.

Section 1.06. Restitution. If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or the victim's loss from the commission of a crime. Such amount shall be used to provide restitution to the victim at the order of the court. In such case the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding, the court may conduct a hearing upon the issue. For the purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

Section 1.07 Statute of Limitations. Prosecutions for offenses defined in this title, and for those incorporated herein by reference, may be commenced at any time within one year after their commission; provided, that any length of time during which the party charged was not usually and publicly resident within the State of Washington shall not be reckoned within the one-year period.

Section 1.08 Adoption of State Statutes by Reference. Statutes of the State of Washington specified herein are adopted by reference as and for a portion of the Criminal Code of the City of College Place as if set forth in full, with the exception of the penalty provisions thereof which are superceded by the penalty provisions of this title as set forth in Section 1.04 above.

Section 1.09. Automatic Amendments. The amendment or repeal by the Washington State Legislature of any of the statutes adopted herein by reference shall be deemed to automatically amend this ordinance in conformity therewith, and it shall not be necessary for the legislative authority of the City to take any action with respect to such amendments or repealers.

Section 1.10. Repealer. Ordinance No. 488 and all prior enacted ordinances of the City of College Place in conflict herewith shall be, and the same are, repealed.

CHAPTER 1A. PRELIMINARY ARTICLE.

Section 1.11. Statutes Incorporated by Reference.

RCW 9A.04.050 (people capable of committing crimes - children).
RCW 9A.04.100 (proof beyond reasonable doubt).
RCW 9A.04.110 (definitions).

CHAPTER 2. PRINCIPLES OF LIABILITY.

Section 2.01. Statutes Incorporated by Reference.

RCW 9A.08.010 (general requirements of culpability).
RCW 9A.08.020 (liability for conduct of another-- complicity).

CHAPTER 3. INSANITY.

Section 3.01. Statute Incorporated by Reference.

RCW 9A.12.010 (defense of insanity).

CHAPTER 4. DEFENSES.

Section 4. Statutes Incorporated by Reference.

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--action presumed unreasonable).

CHAPTER 5. ANTICIPATORY OFFENSES.

Section 5.01. Statutes Incorporated by Reference.

RCW 9A.28.020 (criminal attempt).
RCW 9A.28.030 (criminal solicitation).
RCW 9A.28.040 (criminal conspiracy).

CHAPTER 6. ASSAULT.

Section 6.01. Assault. Every person who shall commit an assault or an assault and battery not amounting to an assault in either the 1st, 2nd or 3rd degree, as provided by RCW 9A.36, shall be guilty of simple assault.

Section 6.02. Statutes Incorporated by Reference.

RCW 9A.36.050 (reckless endangerment).

RCW 9A.36.070 (coercion).

CHAPTER 7. ARSON, RECKLESS BURNING AND MALICIOUS MISCHIEF.

Section 7.01. Statutes Incorporated by Reference.

RCW 9A.48.010 (definitions).

RCW 9A.48.050 (reckless burning).

RCW 9A.48.060 (reckless burning--defense).

RCW 9A.48.090 (malicious mischief).

RCW 9A.48.100 (malicious mischief--"physical damage" defined).

CHAPTER 8. CRIMINAL TRESPASS--VEHICLE PROWLING.

Section 8.01. Criminal Trespass. A person is guilty of criminal trespass if he knowingly enters or remains unlawfully in or upon premises of another.

Section 8.02. Criminal Trespass--Defenses. In any prosecution for criminal trespass it is a defense that:

(1) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(2) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

Section 8.03. Computer Trespass. A person is guilty of computer trespass if the person, without authorization, intentionally gains access to a computer system or electronic data base of another; and

(a) The access is not made with the intent to commit another crime; or

(b) The violation does not involve a computer or data base maintained by a government agency.

Section 8.04. Statutes Incorporated by Reference.

RCW 9A.52.010 (definitions).

RCW 9A.52.060 (making or having burglar tools).

RCW 9A.52.100(1) (vehicle prowling).

CHAPTER 9. THEFT.

Section 9.01. Statutes Incorporated by Reference.

RCW 9A.56.010 (definitions).
RCW 9A.56.020 (theft--definition, defense).
RCW 9A.56.050(1) (theft in the 3rd degree).
RCW 9A.56.060(1)(2) (unlawful issuance of checks or drafts).
RCW 9A.56.140(1)(2) (possessing stolen property--definition).
RCW 9A.56.170 (possessing stolen property in the 3rd degree).
RCW 9A.56.180(1)(2) (obscuring identity of a machine).
RCW 9A.56.220(1)(2) (theft of cable television services).
RCW 9A.56.230(1) (unlawful sale of cable television services).
RCW 9A.56.270(1)(2) (shopping cart theft).

CHAPTER 10. FRAUD.

Section 10.01. Statutes Incorporated by Reference.

RCW 9A.60.040(1) (criminal impersonation).
RCW 9A.60.050(1) (false certification).

CHAPTER 11. INTERFERENCE WITH OFFICIAL PROCEEDINGS.

Section 11.01. Statutes Incorporated by Reference.

RCW 9.23.010 (criminal contempt).
RCW 9A.72.150(1)(2) (tampering with physical evidence).

CHAPTER 12. OBSTRUCTING GOVERNMENTAL OPERATION.

Section 12.01. Statutes Incorporated by Reference.

RCW 9A.76.010 (definitions).
RCW 9A.76.020 (obstructing a public servant).
RCW 9A.76.030 (refusing to summon aid for a police officer).
RCW 9A.76.040 (resisting arrest).
RCW 9A.76.050 (rendering criminal assistance--definition of term).
RCW 9A.76.100(1)(2) (compounding).
RCW 9A.76.130(1) (escape in the 3rd degree).
RCW 9A.76.160 (introducing contraband in the 3rd

degree).

RCW 9A.76.170(1)(2)(d) (bail jumping).

CHAPTER 13. PUBLIC DISTURBANCE.

Section 13.01. Statutes Incorporated by Reference.

RCW 9A.84.010(1) (riot).

RCW 9A.84.020 (failure to disperse).

RCW 9A.84.030 (disorderly conduct).

RCW 9A.84.040(1) (false reporting).

CHAPTER 14. PUBLIC INDECENCY--PROSTITUTION.

Section 14.01. Statutes Incorporated by Reference.

RCW 9A.88.010(1) (public indecency).

RCW 9A.88.030 (prostitution).

RCW 9A.88.050 (prostitution--sex of parties im-
material--no defense).

RCW 9A.88.090 (permitting prostitution).

CHAPTER 15. LEGEND DRUGS--CONTROLLED SUBSTANCES.

Section 15.01. Statutes Incorporated by Reference.

RCW 69.41.010 (definitions).

RCW 69.41.030 (sale, delivery or possession of legend
drugs without prescription or order prohibited--
exceptions).

RCW 69.41.050 (labeling requirements).

RCW 69.50.101 (definitions).

RCW 69.50.102 (drug paraphernalia--definitions).

RCW 69.50.201 (authority to control).

RCW 69.50.202 (nomenclature).

RCW 69.50.204 (marijuana prohibited).

RCW 69.50.407 (conspiracy).

RCW 69.50.412(1)(2)(4) (prohibited acts--paraphernalia).

RCW 69.50.505 (seizure and forfeiture).

Section 15.02. Possession of Marijuana. Any person
found guilty of possession of 40 grams or less of
marijuana shall be guilty of a misdemeanor.

CHAPTER 16. ALCOHOLIC BEVERAGE AND TOBACCO CONTROL.

Section 16.01. Statutes Incorporated by Reference.

RCW 66.04.010 (definitions).

RCW 66.55.100 (opening or consuming liquor in a public place).
RCW 66.44.200 (sales to persons apparently under the influence of liquor).
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 66.55.270 (furnishing liquor to minors--possession, use).
RCW 66.44.290 (minor purchasing or attempting to purchase liquor).
RCW 66.44.300 (treating minor, etc. in public place where liquor sold).
RCW 66.55.320 (sale of liquor to minors a violation).
RCW 66.44.325 (unlawful transfer to minor of an identification of age).

Section 16.02. Furnishing Alcohol or Tobacco to Minors or Persons Under the Age of 21. Every person who shall sell or give, or permit to be sold or given to any person under the age of 21 years any intoxicating liquor, or to any person under the age of 18 years any cigar, cigarette, or tobacco in any form shall be guilty of a misdemeanor.

It shall be no defense to a prosecution for a violation of this section that the person acted, or was believed by the defendant to act, as agent or representative of another.

Section 16.03. Acting Without License. Any person doing any act required to be licensed under Title 66 of the Revised Code of Washington without having in force a license issued to him shall be guilty of a misdemeanor.

Section 16.04. Minors Frequenting Taverns or Cocktail Lounges--Misrepresentation of Age--Classification of Licenses.

(1) It shall be a misdemeanor.

(a) To serve or allow to remain on the premises of any tavern, or cocktail lounge portion of any class H licensed premises, any person under the age of twenty-one years;

(b) For any person under that age of twenty-one years to enter or remain on the premises of any tavern, or cocktail lounge portion of any public class H licensed premises;

(c) For any person under the age of twenty-one years to represent his age as being twenty-one or more years for

the purpose of securing admission to, or remaining on the premises of, any tavern or cocktail lounge portion of any class H licensed premises.

(2) The Washington state liquor control board shall have the power and it shall be its duty to classify the various licensees, as taverns or otherwise, within the meaning of this title, except bona fide restaurants, dining rooms and cafes serving commercial food to the public shall not be classified as taverns during the hours such food service is made available to the public.

Section 16.05. Resisting or Opposing Officers in Enforcement of Title. No person shall knowingly or wilfully resist or oppose any municipal peace officer, or liquor enforcement officer, in the discharge of his/her duties under Title 66 RCW, or aid and abet such resistance or opposition. Any person who violates this section shall be guilty of a violation and subject to arrest by any such officer.

CHAPTER 17. GLUE SNIFFING.

Section 17.01. Statute Incorporated by Reference.

RCW 9.47A.010 (glue sniffing--definition).
RCW 9.47A.020 (glue sniffing--unlawful inhalation--exception).
RCW 9.47A.030 (glue sniffing--possession of certain substances prohibited, when).
RCW 9.47A.040 (glue sniffing--sale of certain glue prohibited when).
RCW 9.47A.050 (glue sniffing--penalty).

CHAPTER 18. SOUNDING FALSE ALARM.

Section 18.01. Statute Incorporated by Reference.

RCW 9.40.100 (injuring or tampering with fire alarm apparatus or equipment--sounding false alarm of fire).

CHAPTER 19. FIREARMS.

Section 19.01. Statutes Incorporated by Reference.

RCW 9.41.010(1)(3)(4) (terms defined).
RCW 9.41.050 (carrying pistol).
RCW 9.41.060 (exception to restriction to carrying pistol).
RCW 9.41.080 (delivery to minors and others

forbidden)
 RCW 9.41.090 (commercial sales regulated--
 requirments for delivery--hold on delivery).
 RCW 9.41.093 (exemptions).
 RCW 9.41.098 (forfeiture of firearms, order by
 courts--return to owner--confiscation by law enforcement
 officer).
 RCW 9.41.100 (dealers to be licensed).
 RCW 9.41.120 (certain transfers forbidden).
 RCW 9.41.130 (false information forbidden).
 RCW 9.41.140 (alteration of identifying marks--
 exceptions).
 RCW 9.41.150 (alteration of identifying marks--
 exemptions).
 RCW 9.41.170 (aliens license to carry firearms--
 -exception).
 RCW 9.41.230 (aiming or discharging firearm).
 RCW 9.41.240 (use of firearms by minor).
 RCW 9.41.250 (dangerous weapons--evidence).
 RCW 9.41.260 (danagerous exhibitions).
 RCW 9.41.270(1)(3) (weapons apparently capable of
 producing bodily harm, carrying, exhibiting, displaying
 or drawing unlawful--exceptions).
 RCW 9.41.280(1)(3) (students carrying dangerous
 weapons on school premises--exceptions).
 RCW 9.41.300 (firearms prohibited in certain
 places--local laws and ordinances--exceptions).

CHAPTER 20. IMPROPER USE OF TELEPHONE.

Section 20.01. Statutes Incorporated by Reference.

RCW 9.61.230 (telephone calls to harass, intimidate,
 torment or embarrass).
 RCW 9.61.240 (telephone calls to harass, intimidate,
 torment or embarrass-permitting telephone to be used).
 RCW 9.61.250 (telephone calls to harass, intimidate,
 torment or embarrass--offense, where deemed committed).

CHAPTER 21. OBSTRUCTING JUSTICE.

Section 21.01. Withholding Knowledge of Felony Involving
 Violence. Whoever, having witnessed the actual commission of a
 felony involving violence or threat of violence or having
 witnessed preparations for the commission of a felony involving
 violence or threat of violence, does not as soon as reasonably
 possible make known his knowledge of such to the prosecuting
 attorney, police or other public officials of the City of College
 Place, Washington having jurisdiction over the matter, shall be

guilty of a misdemeanor: Provided, that nothing in this act shall be so construed to effect existing privileged relationships as provided by law.

CHAPTER 22. IMPROPER USE OF FLAG.

Section 22.01. Statutes Incorporated by Reference.

RCW 9.86.010 ("flag", etc., defined).
RCW 9.86.020 (improper use of flag prohibited).
RCW 9.86.030 (desecration of flag).
RCW 9.86.040 (application of provisions).

CHAPTER 23. NUISANCE.

Section 23.01. Statutes Incorporated by Reference.

RCW 9.66.010 (public nuisance).
RCW 9.66.020 (unequal damage).
RCW 9.66.030 (maintaining or permitting nuisance).
RCW 9.66.050 (deposit of unwholesome substance).

CHAPTER 24. CUSTODIAL INTERFERENCE.

Section 24.01. Custodial Interference in the Second Degree.

(1) A relative of a person is guilty of custodial interference in the second degree if, with the intent to deny access to such person by a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person, the relative takes, entices, retains, detains, or conceals the person from a parent, guardian, institution, agency, or other person having a lawful right to physical custody of such person.

(2) The first conviction of custodial interference in the second degree is a misdemeanor. [1984 c 95 Sec. 2.]

Section 24.02. Custodial Interference--Assessment of Costs--Defense--Consent Defense, Restricted.

(1) Any reasonable expenses incurred in locating or returning a child or incompetent person shall be assessed against a defendant convicted under Section 24.01.

(2) In any prosecution of custodial interference, it is a complete defense, if established by the defendant by a preponderance of the evidence, that the defendant's purpose was

to protect the child, incompetent person, or himself or herself from imminent physical harm, and that the belief in the existence of the imminent physical harm was reasonable.

(3) Consent of a child less than sixteen years of age or of an incompetent person does not constitute a defense to an action under Section 24.01.

CHAPTER 25. UNLAWFUL BUS CONDUCT.

Section 25.01. Statute Incorporated by Reference.

RCW 9.91.025 (unlawful bus conduct).

CHAPTER 26. SEXUAL EXPLOITATION OF CHILDREN.

Section 26.01. Statute Incorporated by Reference.

RCW 9.68A.070 (possession of depictions of minor engaged in sexually explicit conduct).

CHAPTER 27. PERJURY AND INTERFERENCE WITH OFFICIAL PROCEEDINGS.

Section 27.01. Statutes Incorporated by Reference

RCW 9A.72.010 (definitions).

RCW 9A.72.040(1) (false swearing).

CHAPTER 28. FIREWORKS LAW.

Section 28.01. Statutes Incorporated by Reference.

RCW 70.77.120 (definitions--to govern chapter).

RCW 70.77.126 - 230 (definitions).

RCW 70.77.255 (acts prohibited without a license--minimum age for license or permit--activities permitted without license or permit).

RCW 70.77.290 (public display permit--granted for exclusive purpose--non-transferrable).

RCW 70.77.480 (prohibited transfers of fireworks).

RCW 70.77.485 (unlawful possession of fireworks).

RCW 70.77.488 (unlawful discharge or use of fireworks).

RCW 70.77.495 (forestry permit to set off fireworks in forest, brush, fallow, etc).

RCW 70.77.510 (unlawful sales or transfers of special fireworks).

RCW 70.77.515 (unlawful sale or transfers of common fireworks).

RCW 70.77.520 (unlawful to permit fire nuisance where

fireworks kept).

RCW 70.77.525 (manufacture or sale of fireworks for out-of-state shipment).

RCW 70.77.530 (non prohibited acts--signal purposes, forest protection).

RCW 70.77.535 (special effects for entertainment media).

RCW 70.77.545 (a separate, continuing offense).

RCW 70.77.580 (retailers to post list of fireworks).

Section 28.02. Mandatory Revocation of License. The issuing authority, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he finds that:

(1) The license has violated any provisions of this chapter or any rule or regulations made by the state fire marshal under and with the authority of Chapter 70.77 Revised Code of Washington;

(2) The licensee has created or caused a fire nuisance;

(3) Any licensee has failed or refused to file any required reports; or

(4) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the issuing authority in refusing originally to issue such license.

CHAPTER 29. ABANDONED REFRIGERATION EQUIPMENT.

Section 29.01. Statutes Incorporated by Reference.

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).

CHAPTER 30. ADVERTISING, CRIMES RELATING TO.

Section 30.01. False Advertising. Any person, firm, corporation or association who, with intent to sell or in any wise dispose of merchandise, securities, service, or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein,

makes, publishes, disseminates, circulates, or places before the public, or causes, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in this city, in a newspaper or other publication, or in the form of a book, notice, hand-bill, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor: Provided, that the provisions of this section shall not apply to any owner, publisher, agent, or employee of a newspaper for the publication of such advertisement published in good faith and without knowledge of the falsity thereof.

Section 30.02. Advertising Fuel Prices by Service Stations. It is unlawful for any dealer or service station, as both are defined in RCW 82.36.010, to advertise by publication, dissemination, display, or whatever means:

(1) A price per unit of fuel that is expressed in a unit of measurement different from the employed by the pump or other device used to dispense the fuel, unless the price is advertised for both units of measurement in the same fashion; or

(2) A price per unit of fuel that is conditioned upon the purchase of another product, unless the conditional language, name, and price of the other product are clearly expressed in the advertisement in characters at least one-half the height of the characters used to advertise the fuel price.

Section 30.03. Statute Incorporated by Reference.

RCW 9.04.050 (false, misleading, deceptive advertising).

CHAPTER 31. ANARCHY.

Section 31.01. Statute Incorporated by Reference.

RCW 9.05.030 (assemblages of anarchists).

CHAPTER 32. BIDDING OFFENSES--BRIBERY OR CORRUPTION.

Section 32.01. Statutes Incorporated by Reference.

RCW 9.18.120 (suppression of competitive bidding).

RCW 9.18.130 (collusion to prevent competitive bidding).

CHAPTER 33. CONTEMPT.

Section 33.01. Statute Incorporated by Reference.

RCW 9.23.010 (criminal contempt).

CHAPTER 34. CORPORATIONS, CRIMES RELATING TO.

Section 34.01. Corporation Doing Business Without License. Every corporation, whether domestic or foreign, and every person representing or pretending to represent such corporation as an officer, agent or employee thereof, who shall transact, solicit or advertise for any business in this city before such corporation shall have obtained from the officer lawfully authorized to issue the same, a certificate that such corporation is authorized to transact business in this state, shall be guilty of a misdemeanor.

CHAPTER 35. CREDIT CARDS, CRIMES RELATING TO.

Section 35.01. Statutes Incorporated by Reference.

RCW 9.26A.090 (telephone company credit cards--publishing number or code--"publishes" defined).

CHAPTER 36. INTERFERENCE WITH COURT.

Section 36.01. Statutes Incorporated by Reference.

RCW 9.27.015 (interference, obstruction of any court, building, or residence--violations).

CHAPTER 37. FALSE REPRESENTATIONS.

Section 37.01. Statutes Incorporated by Reference.

RCW 9.38.014 (false representation concerning credit).
RCW 9.38.020 (false representation concerning title).

CHAPTER 38. FIRE, CRIMES RELATING TO.

Section 38.01. Statute Incorporated by Reference.

RCW 9.40.040 (operating engine or boiler without spark arrestor).

CHAPTER 39. FORGERY.

Section 39.01. Statute Incorporated by Reference.

RCW 9.44.080 (misconduct in signing a petition).

CHAPTER 40. FRAUD AND SWINDLES.

Section 40.01. Statutes Incorporated by Reference.

RCW 9.45.040 (frauds on innkeeper).
RCW 9.45.060 (encumbered, leased, or rented personal property--construction).
RCW 9.45.062 (failure to deliver leased personal property--requisites for prosecution--construction).
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 9.45.120 (using false weights and measures).
RCW 9.45.150 (concealing foreign matter in merchandise).
RCW 9.45.180 (fraud in operating coin-box telephone or other receptacle).
RCW 9.45.190 (penalty for manufacture or sale of slugs to be used for coin).
RCW 9.45.240(1)(a) (fraud in obtaining telephone or telegraph service).

Section 40.02. Mock Auctions. Every person who shall buy or sell or pretend to buy or sell any goods, wares or merchandise, exposed to sale by auction, if an actual sale, purchase and change of ownership therein does not thereupon take place, shall be guilty of a misdemeanor.

CHAPTER 41. JURIES, CRIMES RELATING TO.

Section 41.01. Statutes Incorporated by Reference.

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).

CHAPTER 42. MALICIOUS PROSECUTION--ABUSE OF PROCESS.

Section 42.01. Statutes Incorporated by Reference.

RCW 9.62.010(2) (malicious prosecution).
RCW 9.62.020 (instituting suit in name of another).

CHAPTER 43. OBSCENITY AND PORNOGRAPHY.

Section 43.01. Statutes Incorporated by Reference.

RCW 9.68.030 (indecent articles, etc.).
RCW 9.68.050 (erotic material--definitions).
RCW 9.68.130 (sexually explicit material--defined--
unlawful display).

Section 43.02. "Erotic Material"--Determination by
Court--Labeling--Penalties.

(1) When it appears that material which may be deemed erotic is being sold, distributed, or exhibited in this city, the city attorney may apply to the court for a hearing to determine the character of the material with respect to whether it is erotic material.

(2) Notice of the hearing shall immediately be served upon the dealer, distributor, or exhibitor selling or otherwise distributing or exhibiting the alleged erotic material. The court shall hold a hearing not later than five days from the service of notice to determine whether the subject matter is erotic material within the meaning of RCW 9.68.050.

(3) If the court rules that the subject material is erotic material, then, following such adjudication:

(a) If the subject material is written or printed, the court shall issue an order requiring that an "adults only" label be placed on the publication, if such publication is going to continue to be distributed. Whenever the court orders a publication to have an "adults only" label placed thereon, such label shall be impressed on the front cover of all copies of such erotic publication sold or otherwise distributed in the city. Such labels shall be in forty-eight point bold face type located in a conspicuous place on the front cover of the publication. All dealers and distributors are hereby prohibited from displaying erotic publications in their store windows, on outside newsstands on public thoroughfares, or in any other manner so as to make them readily accessible to minors.

(b) Any person who, after the court determines material to be erotic, sells, distributes, or exhibits the erotic material to a minor shall be guilty of violating Chapter 43.

Section 43.03. Statute Incorporated by Reference.

RCW 9.68.060(3)(b)(c) (erotic material).

CHAPTER 44. PRIVACY, VIOLATING RIGHT OF.

Section 44.01. Statutes Incorporated by Reference.

RCW 9.73.010 (divulging telegram).
RCW 9.73.020 (opening sealed letter).
RCW 9.73.030 (intercepting or recording private communication--consent required--exceptions).

CHAPTER 45. MISCELLANEOUS CRIMES.

Section 45.01. Statute Incorporated by Reference.

RCW 9.91.010 (denial of civil rights--terms defined).

Section 45.02. Operating Railroad, Vehicle, etc., While Intoxicated. Every person who, being employed upon any railway, as engineer, motorman, gripman, conductor, switch tender, fireman, bridge tender, flagman or signalman, or having charge of stations, starting, regulating or running trains upon a railway, or being employed as captain, or being the driver of any animal or vehicle upon any public highway, street, or other public place, shall be intoxicated while engaged in the discharge of any such duties, shall be guilty of a misdemeanor.

CHAPTER 46. HARRASSMENT.

Section 46.01. Statutes Incorporated by Reference.

RCW 9A.46.020(1) (definition).
RCW 9A.46.030 (place where committed).
RCW 9A.46.040 (court's--ordered requirements upon person charged with crime--violation).
RCW 9A.46.060 (crimes included in harrassment).
RCW 9A.46.080 (order restricting contact--violation).
RCW 9A.46.090 (non-liability of peace officer).
RCW 9A.46.100 (convicted, time when).

CHAPTER 47. DOMESTIC VIOLENCE.

Section 47.01. Statutes Incorporated by Reference.

RCW 10.99.020 (definitions).
RCW 10.99.030 (law enforcement officers--powers, duties).
RCW 10.99.040 (restrictions upon and duties of the court).
RCW 10.99.045 (appearances by defendant--orders prohibiting contact).
RCW 10.99.050 (restriction or prohibition of contact

with victim--violation--written order).
RCW 10.99.055 (enforcement of orders against defendants).
RCW 10.99.060 (procedures to institute criminal
proceedings-- notification of victim).
RCW 10.99.070 (liability of police officers).
RCW 26.50.010 (definitions).
RCW 26.50.110(1)(2)(3) (violation of order):

CHAPTER 48. LIE DETECTORS.

Section 48.01. Statutes Incorporated by Reference.

RCW 49.44.120 (requiring lie detector tests).
RCW 49.44.130 (offense--person).

CHAPTER 49. MANDATORY SEAT BELT USE.

Section 49.01. Statute Incorporated by Reference.

RCW 46.16.688 (safety belts, use required--exemptions).

CHAPTER 50. OFFENSES RELATING TO SCHOOLS, SCHOOL PERSONNEL.

Section 50.01. Statutes Incorporated by Reference.

RCW 28A.87.010 (abusing or insulting teachers, liability
for).
RCW 28A.87.020 (attendance, false reports of).
RCW 28A.87.041 (compulsory attendance act,
superintendent's report--penalty for false or failure to
report).
RCW 28A.27.080 (compulsory attendance act,
suprintendent's report, failure to report).
RCW 28A.87.055 (willfully disobeying the school
administrative personnel or refusing to leave public
property, violations).
RCW 28A.87.060 (disturbing school, school activities or
meetings).
RCW 28A.87.070 (examination questions--disclosing).
RCW 28A.87.090 (certain corrupt practices of school
officials).
RCW 28A.87.120 (defacing or injuring school property).
RCW 28A.87.130 (property failure of officials or employees
to account for, mutilation by).
RCW 28A.87.140 (teachers abuse of pupil).

CHAPTER 51. VOTING -- CAMPAIGNING.

Section 51.01. Statutes Incorporated by Reference.

RCW 29.51.020 (acts prohibited in vicinity of polling place --
prohibited practices as to ballots). RCW 29.85.275 (political
advertising, removing or defacing).

CHAPTER 52. FOOD STAMPS, RESELLING OR PURCHASING.

Section 52.01. Statute Incorporated by Reference.

RCW 9.91.120 (food stamps and food purchased with stamps, reselling or purchasing).

CHAPTER 53. MOTOR VEHICLE -- DEALERS AND SALES PERSONS LICENSES.

Section 53.01. Statutes Incorporated by Reference.

RCW 46.70.021 (license required for dealers, salesmen or manufacturers).

RCW 46.70.090 (dealer and manufacturer license plates -- use).

CHAPTER 54. MOTOR VEHICLE WRECKER.

Section 54.01. Statutes Incorporated by Reference.

RCW 46.80.010 (definitions).

RCW 46.80.020 (license required).

RCW 46.80.080 (records to be kept).

RCW 46.80.130 (place of business must be exclusively used -- wall, fence, or hedge required).

RCW 46.80.150 (inspection of licensed premises and records, duty of police).

CHAPTER 55. LITTER CONTROL AND RECYCLING ACT.

Section 55.01 Statutes Incorporated by Reference.

RCW 70.93.030 (definitions)

RCW 70.93.060 (littering prohibited).

RCW 70.93.180 (all fines deposited in litter control account).

RCW 70.93.230 (violations not to exceed \$50).

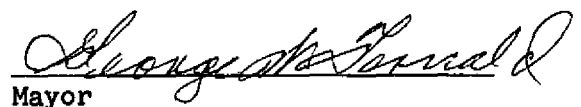
CHAPTER 56. EFFECTIVE DATE

Section 56.01 Effective Date.

This Ordinance shall become effective five (5) days after its passage and publication as required by law.

PASSED by the Council this 26th day of January, 1987.

APPROVED this 26th day of January, 1987.


Mayor


Clerk



Proof of Publication

STATE OF WASHINGTON, }
County of Walla Walla }

Kenneth L. Hatch, being first duly sworn
upon oath deposes and says:

I am controller
of the Walla Walla Union-Bulletin, Inc., Publisher of the
WALLA WALLA UNION
WALLA WALLA DAILY BULLETIN

approved as a legal newspaper by order of the Superior Court of
the State of Washington, in and for Walla Walla County; as such
officer I make this affidavit on behalf of said publisher.

The legal notice, a true copy
of which is annexed hereto, was published in the regular issues (and
not in supplement form) of said newspaper, once each week for a
period of one day ~~consecutive weeks~~, commencing on the
6th day of March, 1987, and
ending on the 6th day of March, 1987,
both dates inclusive, and said newspaper was regularly distributed to
its subscribers during all of said period. The full amount of the fee

charged for the foregoing publication is the sum of \$ 35.49;
which amount has been paid in full.

Kenneth L. Hatch

Subscribed and sworn to before me this 10th day of

March, 1987.

James J. Gustaf
Notary Public in and for the State of Washington
Residing at Walla Walla, Washington

ORDINANCE NO. 596

An Ordinance approving the transfer and assignment of the rights to construct, operate, and maintain a community antenna television system in the City of College Place, Washington.

THE CITY COUNCIL OF THE CITY OF COLLEGE PLACE, DOES ORDAIN AS FOLLOWS:

WHEREAS, pursuant to Section 6 of Ordinance No. 538, amended by Ordinance 580, McCaw Cablevision Operating Limited Partnership Walla Walla County ("McCaw"), the present holder of the community antenna television (CATV) franchise rights throughout the City of College Place, has applied for consent to transfer and assign its rights under said Ordinance to Cooke CableVision Inc., a Nevada corporation ("Buyer").

WHEREAS, it appears to the City Council of the City of College Place that Buyer is qualified to construct, own, operate and maintain the system it is acquiring in conformity with Ordinance No. 538.

NOW, THEREFORE, the request of McCaw for transfer and assignment to Buyer of the rights and obligations as Franchisee to the above-referenced franchise is approved, with the further right of Buyer to assign its interests under the Franchise for security purposes only to such financial institutions as may be selected by Buyer to finance the acquisition and operation of the cable system.

This Ordinance shall be effective only upon the completion of the sale of substantially all of McCaw's assets to Buyer, and if such sale is not consummated, this Ordinance shall be of no force or effect whatsoever.

Buyer, by its signature hereon, agrees to be bound by the terms and conditions of this Ordinance, which are accepted in full.

PASSED BY THE CITY COUNCIL OF THE CITY OF COLLEGE PLACE AND APPROVED BY THE MAYOR THIS 23rd DAY OF February, 1987.

CITY OF COLLEGE PLACE, WASHINGTON
GEORGE W. FERNALD, Mayor

ATTEST:
FAYE FARNSWORTH, City Clerk
(Pub. Eve. March 6, 1987)