

ORDINANCE NO. 2011-019

AN ORDINANCE OF THE CITY OF ARLINGTON, WASHINGTON  
REPEALING, AMENDING, AND ADDING CERTAIN SECTIONS TO TITLE 9 OF THE  
ARLINGTON MUNICIPAL CODE REGARDING PEACE, MORALS, AND SAFETY

WHEREAS, the City of Arlington, Washington has the authority to adopt ordinances for the general welfare of its citizens; and

WHEREAS, certain provisions of the Arlington Municipal Code are outdated and require revision; and

WHEREAS, the City Council of the City of Arlington adopted some revisions to Arlington Municipal Code Title 9 in March 2010; and

WHEREAS, the City Council of the City of Arlington has requested further revisions to Arlington Municipal Code Title 9;

NOW, THEREFORE, the City Council of the City of Arlington, Washington does hereby ordain as follows:

Section 1. Arlington Municipal Code section 9.12.010 is amended to read as follows:

**9.12.010 - Statute adopted.**

The following state statutes, including all future amendment additions or deletions, are adopted by reference:

- (1) RCW 9.68A.090, Communicating with a minor for immoral purposes.
- (2) RCW 9A.42.037, Criminal mistreatment in the fourth degree.
- (3) RCW 13.32A.080, Unlawful harboring of a minor-Penalties-Defense-Prosecution of adult for involving child in commission of offense.

Section 2. Arlington Municipal Code section 9.28.010 is amended to read as follows:

**9.28.010 - Theft, unauthorized issuance of bank checks and possession of stolen property.**

The following state statutes, including all future amendments, additions or deletions, are adopted by reference:

- (1) RCW 9A.56.010, Definitions.
- (2) RCW 9A.56.020, Theft—Definition, defense.
- (3) RCW 9A.56.050, Theft in third degree.
- (4) RCW 9A.56.060, (1), (2), (3), (5), Unlawful issuance of checks or drafts.
- (5) RCW 9A.56.063, Making or possessing motor vehicle theft tools.
- (6) RCW 9A.56.096, Theft of rental, leased, lease-purchased, or loaned property.
- (7) RCW 9A.56.140, Possessing stolen property—Definition—Presumption.
- (8) RCW 9A.56.170, Possessing stolen property in the third degree.

- (9) RCW 9A.56.220, Theft of cable television services.
- (10) RCW 9A.56.230, Unlawful sale of cable television services.
- (11) RCW 9A.56.240, Forfeiture and disposal of device used to commit violation.
- (12) RCW 9A.56.270, Shopping cart theft.

Section 3. Arlington Municipal Code section 9.36.030 is amended to read as follows:

**9.36.030 - Obstructing justice, criminal assistance, introducing contraband and related offenses.**

The following state statutes, including all future amendments, additions or deletions, are adopted by reference:

- (1) RCW 9.69.100, Duty of witness of offense against child or any violent offense—Penalty.
- (2) RCW 9A.72.010, Definitions.
- (3) RCW 9A.72.040, False swearing.
- (4) RCW 9A.72.060, Perjury and false swearing—Retraction.
- (5) RCW 9A.72.070, Perjury and false swearing—Irregularities no defense.
- (6) RCW 9A.72.080, Statement of what one does not know to be true.
- (7) RCW 9A.72.140, Jury tampering.
- (8) RCW 9A.72.150, Tampering with physical evidence.
- (9) RCW 9A.76.010, Definitions.
- (10) RCW 9A.76.020, Obstructing a law enforcement officer.
- (11) RCW 9A.76.030, Refusing to summon aid for a peace officer.
- (12) RCW 9A.76.040, Resisting arrest.
- (13) RCW 9A.76.050, Rendering criminal assistance—Definition of terms.
- (14) RCW 9A.76.060, Relative defined.
- (15) RCW 9A.76.080, Rendering criminal assistance in the second degree.
- (16) RCW 9A.76.090, Rendering criminal assistance in the third degree.
- (17) RCW 9A.76.100, Compounding.
- (18) RCW 9A.76.160, Introducing contraband in the third degree.
- (19) RCW 9A.76.170, Bail jumping.
- (20) RCW 9A.76.175, Making a false or misleading statement to a public servant.
- (21) RCW 9A.84.030, Disorderly conduct.
- (22) RCW 9A.84.040, False reporting.

Section 4. Arlington Municipal Code section 9.40.010 is amended to read as follows:

**9.40.010 – Statutes adopted.**

The following state statutes, including all future amendments, additions or deletions, are adopted by reference:

- (1) RCW 69.50.101, Definitions.
- (2) RCW 69.50.102, Drug paraphernalia – Definitions.
- (3) RCW 69.50.201, Authority to control.
- (4) RCW 69.50.202, Nomenclature.
- (5) RCW 69.50.204 Marijuana defined as a controlled substance.

- (6) RCW 69.50.309, Containers.
- (7) RCW 69.50.401 Possession of 40 grams or less of marijuana prohibited.
- (8) RCW 69.50.412, Prohibited acts: E—Penalties.
- (9) RCW 69.50.505, Seizure and forfeiture.
- (10) RCW 69.50.506, Burden of proof; liabilities
- (11) RCW 69.50.509, Search and seizure of controlled substances

Section 5. Arlington Municipal Code section 9.44.010 is amended to read as follows:

**9.44.010 - Adoption of statutes.**

The following state statutes, including all future amendments, additions or deletions, are adopted by reference:

- (1) RCW 66.04.010, Definitions.
- (2) RCW 66.20.200, Unlawful acts relating to card of identification and certification card.
- (3) RCW 66.20.210, Licensee's immunity to prosecution or suit—Certification card as evidence of good faith.
- (4) RCW 66.28.090, Licensed premises or banquet permit premises open to inspection—Failure to allow, violation.
- (5) RCW 66.44.010, Local officers to enforce law—Authority of board—Liquor enforcement officers.
- (6) RCW 66.44.040, Sufficiency of description of offenses in complaints, information, process, etc.
- (7) RCW 66.44.050, Description of offense in words of statutes—Proof required.
- (8) RCW 66.44.060, Proof of unlawful sale establishes prima facie intent.
- (9) RCW 66.44.070, Certified analysis is prima facie evidence for alcoholic content.
- (10) RCW 66.44.080, Service of process on corporation.
- (11) RCW 66.44.090, Acting without license.
- (12) RCW 66.44.100, Opening or consuming liquor in public—Penalty.
- (13) RCW 66.44.120, Unlawful use of seal.
- (14) RCW 66.44.130, Sale of liquor by drink or bottle.
- (15) RCW 66.44.140, Unlawful sale, transportation of spirituous liquor without stamp or seal—Unlawful operation, possession of still or mash.
- (16) RCW 66.44.150, Buying liquor illegally.
- (17) RCW 66.44.160, Illegal possession, transportation of alcoholic beverages.
- (18) RCW 66.44.170, Illegal possession of liquor with intent to sell—Prima facie evidence, what is.
- (19) RCW 66.44.175, Violations of law.
- (20) RCW 66.44.180, General penalties—Jurisdiction for violation.
- (21) RCW 66.44.200, Sales to persons apparently under the influence of liquor.
- (22) RCW 66.44.210, Obtaining liquor for ineligible person.
- (23) RCW 66.44.240, Drinking in public conveyance—Penalty against carrier—Exception.
- (24) RCW 66.44.250, Drinking in public conveyance—Penalty against individual—Restricted application.
- (25) RCW 66.44.270, Furnishing liquor to minors – Possession, use—Penalties—Exhibition of effects—Exceptions.

- (26) RCW 66.44.280, Minor applying for permit.
- (27) RCW 66.44.290, Minor purchasing or attempting to purchase liquor.
- (28) RCW 66.44.300, Treating minor, etc, in public place where liquor sold.
- (29) RCW 66.44.310, Minor frequenting off-limits area—Misrepresentation of age—Penalty—Classification of licenses.
- (30) RCW 66.44.325, Unlawful transfer to a minor of an identification of age.
- (31) RCW 66.44.328, Preparation or acquisition and supply to persons under age twenty-one of facsimile or official identification card—Penalty.
- (32) RCW 66.44.340, Employees eighteen years and over allowed to sell and handle beer and wine for Class E and/or Class F employers.
- (33) RCW 66.44.350, Employees eighteen years and over allowed to serve and carry liquor, clean up, etc., for Class A, C, D and/or H licensed employers.
- (34) RCW 66.44.370, Resisting or opposing officers in enforcement of title.

Section 6. Arlington Municipal Code section 9.44.020 is hereby repealed in its entirety.

Section 7. Arlington Municipal Code section 9.52.010 is amended to read as follows:

**9.52.010 - Conduct prohibited.**

The following state statutes, including all future amendments, additions or deletions, are adopted by reference:

- (1) RCW 9.91.010, Denial of civil rights—Terms defined.
- (2) RCW 9.91.020, Operating railroad, steamboat, vehicle, etc., while intoxicated.
- (3) RCW 9.91.025, Unlawful bus conduct.
- (4) RCW 9.91.110, Meal buyers—Records of purchases—Penalty.
- (5) RCW 9.03.010, Abandoning, discarding refrigeration equipment.
- (6) RCW 9.03.020, Permitting unused equipment to remain on premises.
- (7) RCW 9.03.030, Violation of RCW 9.03.010 or 9.03.020.
- (8) RCW 9.03.040, Keeping or storing equipment for sale.
- (9) RCW 16.52.011, Definitions—Principles of liability.
- (10) RCW 16.52.080, Transporting or confining in unsafe manner—Penalty.
- (11) RCW 16.52.085, Removal of animals for feeding—Examination—Notice—Euthanasia.
- (12) RCW 16.52.095, Cutting ears—Misdemeanor.
- (13) RCW 16.52.100, Confinement without food and water—Intervention by others.
- (14) RCW 16.52.110, Old or diseased animals at large.
- (15) RCW 16.52.117, Animal fighting—Owners, trainers, spectators—Exceptions.
- (16) RCW 16.52.165, Punishment—Conviction of misdemeanor.
- (17) RCW 16.52.180, Limitations on application of chapter.
- (18) RCW 16.52.185, Exclusions from chapter.
- (19) RCW 16.52.190, Poisoning animals.
- (20) RCW 16.52.193, Poisoning animals—Strychnine sales—Records—Report on suspected purchases.
- (21) RCW 16.52.195, Poisoning animals—Penalty.
- (22) RCW 16.52.200, Sentences—Forfeiture of animals—Liability for costs—Civil

- penalty—Education, counseling.
- (23) RCW 16.52.207, Animal cruelty in the second degree.
  - (24) RCW 9.46.196, Cheating—Defined.
  - (25) RCW 9.46.1962, Cheating in the second degree.
  - (26) RCW 9.61.260, Cyberstalking.

Section 8. Severability. If any such provision, section, or part of this ordinance shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 9. Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of Arlington and APPROVED by the Mayor  
this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF ARLINGTON

\_\_\_\_\_  
Margaret Larson, Mayor

ATTEST:

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Kristin Banfield, City Clerk

APPROVED AS TO FORM:

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Steven J. Peiffle, City Attorney

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