

**CITY OF WHITE SALMON**

**ORDINANCE 2021-07-1081**

**AN ORDINANCE REPEALING WSMC CHAPTER 9.04 IN ITS ENTIRETY AND  
ADOPTING A NEW WSMC CHAPTER 9.04 ADOPTING STATE CRIMINAL  
STATUTES BY REFERENCE**

**WHEREAS**, the City of White Salmon wishes to update the state criminal codes it adopts by reference; and

**WHEREAS**, for efficiency, the previous WSMC Chapter 9.04 should be repealed and replaced in its entirety by a new WSMC Chapter 9.04.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITE SALMON, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** WSMC Chapter 9.04 is repealed in its entirety and replaced by a new WSMC Chapter 9.04 as identified in Exhibit A attached hereto and by this reference incorporated herein.

**SECTION 2 – EFFECTIVE DATE.** This ordinance shall take effect five (5) days after its publication according to law.

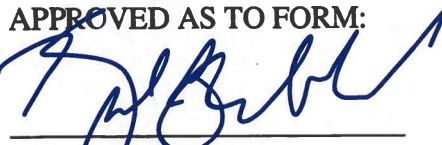
**PASSED** by the Council for the City of White Salmon at a regular meeting this 21<sup>st</sup> day of July, 2021.

  
\_\_\_\_\_  
Marla Keethler, Mayor of White Salmon

ATTEST:

  
\_\_\_\_\_  
Jan Brending  
City Clerk/Treasurer

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kenneth B Woodrich  
City Attorney

**Exhibit "A"**

**CHAPTER 9.04 STATE CRIMINAL STATUTES ADOPTED**

**| 9.04.010 Adoption by reference.**

A. The following statutes of the state of Washington are adopted by reference:

RCW 9.01.055 Citizen immunity of aiding officer

RCW 9.01.110 Omission, when not punishable

RCW 9.01.120 Civil remedies preserved

RCW 9.01.130 Sending letter, when complete

RCW 9.01.160 Application to existing civil rights

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 9.04.040 Advertising cures of sexual potency--Evidence

RCW 9.04.050 False, misleading, deceptive advertising

RCW 9.04.070 False, misleading, deceptive advertising--Penalty--Other remedies and penalties not applicable

RCW 9.04.080 False, misleading, deceptive advertising--Assurance of discontinuance of unlawful practice

RCW 9.04.090 Advertising fuel prices by service station

RCW 9.05.010 Criminal anarchy defined

RCW 9.05.040 Permitting premises to be used for assemblage of anarchists

- RCW 9.05.150 Publishing matter including breach of peace
- RCW 9.05.160 Liability of editors and others
- RCW 9.08.020 Diseased animals
- RCW 9.08.030 False certificate of registration of animals--False representation as to breed
- RCW 9.08.065 Animals, crimes relating to--Definitions
- RCW 9.08.070 Pet animals--Taking, concealing, injuring, killing, etc.--Penalty
- RCW 9.12.010 Barratry
- RCW 9.12.020 Buying, demanding, or promising reward by district judge or deputy
- RCW 9.16.020(2) Imitating lawful brand
- RCW 9.16.030 Counterfeiting trademark, brand, etc.
- RCW 9.16.040 Displaying goods with false trademark
- 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 Sales of petroleum products improperly labeled or by wrong grade
- RCW 9.16.090 Sales of petroleum products improperly labeled or by wrong grade--Penalty for violations
- RCW 9.16.100 Use of the words "sterling silver"
- 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 mountings
- 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

RCW 9.18.140 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 Telecommunications crime--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.900 Severability--1990 c11

RCW 9.27.015 Interference, obstruction of any court, building, or residence--Violation

RCW 9.31.090 Escaped prisoner recaptured

RCW 9.38.010 False representation concerning credit

RCW 9.38.015(1) 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(1) Tampering with fire alarm or firefighting equipment--False alarm--Penalties

- RCW 9.44.080 Misconduct in signing a petition
- 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 9.45.070 Mock auction
- 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 9.45.122 Measurement of commodities--Public policy
- RCW 9.46.170 False or misleading entries or statements, refusal to produce records
- RCW 9.46.185 Causing person to violate rule or regulation
- RCW 9.46.190 Violations relating to fraud or deceit
- RCW 9.46.195 Obstruction of public servant--Penalty
- RCW 9.46.196 Cheating
- RCW 9.46.198 Working in gambling activity without license as violation--Penalty
- RCW 9.46.217 Gambling records--Penalty--Exceptions
- RCW 9.46.222 Professional gambling in the third degree
- RCW 9.46.240 Gambling information, transmitting or receiving
- RCW 9.47A.020 Unlawful inhalation--Exception
- RCW 9.47A.030 Possession of substances prohibited, when
- RCW 9.47A.040 Sale of certain substances prohibited
- RCW 9.47A.050 Penalty

- RCW 9.61.230 Telephone harassment
- RCW 9.61.240 Telephone harassment--Permitting telephone to be used
- RCW 9.61.250 Telephone harassment--Offense, where deemed committed
- RCW 9.62.010 Malicious prosecution
- RCW 9.62.020 Instituting suit in name of other
- RCW 9.66.010 Public nuisance
- RCW 9.66.020 Unequal damage
- RCW 9.66.030 Maintaining or permitting nuisance
- RCW 9.66.040 Abatement of nuisance
- RCW 9.66.050 Deposit of unwholesome substance
- 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 9.38.060--Defense
- RCW 9.68.080 Unlawful acts
- RCW 9.68.090 Civil liability of wholesaler or wholesaler-distributor
- RCW 9.68.100 Exceptions to RCW 9.68.040 through 9.68.120
- RCW 9.68.110 Motion picture operator or projectionist exempt, when
- RCW 9.68.120 Provisions of RCW 9.68.050 through 9.68.120 exclusive
- RCW 9.68.130 "Sexually explicit material"--Defined--Unlawful display

- RCW 9.68A.080 Processors of depictions of minor engaged in sexually explicit conduct--Report required
- RCW 9.68A.090 Communication with minor for immoral purposes
- RCW 9.68A.140 Sexual exploitation of children--Definitions
- RCW 9.68A.150 Allowing minor on premises of live erotic performance
- RCW 9.68A.160 Penalty
- RCW 9.69.100 Duty of witness of offense against child or any violent offense--Penalty
- RCW 9.73.010 Divulging telegram
- RCW 9.73.080 Intercepting, recording, or divulging private communications--Penalty
- 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
- RCW 9.86.050 Penalty
- RCW 9.91.010 Denial of civil rights--Terms defined
- RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated
- RCW 9.91.060 Leaving children unattended in parked automobile
- RCW 9.91.110 Metal buyers--Records of purchases--Penalty
- RCW 9.91.130 Disposal of trash in charity donation receptacle
- RCW 9.91.140 Food stamps
- RCW 9.91.160 Personal protection spray devices
- RCW 9.92.020 Punishment of gross misdemeanor when not fixed by statute

- RCW 9.92.030 Punishment of misdemeanor when not fixed by statute
- RCW 9.92.070 Payment of fine and costs in installments
- RCW 9A.04.020 Purposes--Principles of construction
- RCW 9A.04.040 Classification of crimes
- RCW 9A.04.050 People capable of committing crimes (capability of children)
- RCW 9A.04.060 Common law to supplement statutes
- RCW 9A.04.070 Who amenable to criminal statutes
- RCW 9A.04.090 Applications of general provisions of 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 Criminal liability of corporations and persons acting or under a duty to act in their behalf
- 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 in the second degree
- RCW 9A.36.070 Coercion
- RCW 9A.36.150 Interfering with the reporting of domestic violence



RCW 9A.40.070 Custodial interference in the second degree

RCW 9A.42.080 Abandonment of a dependent person in the third degree

RCW 9A.42.090 Abandonment of a dependent person--Defense

RCW 9A.44.130 Registration of sex offenders--Procedures--Definition--Penalties

RCW 9A.46.020 Harassment 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.46.070 Enforcement of orders restricting contact

RCW 9A.46.080 Order restricting contact--Violation

RCW 9A.46.090 Nonliability of peace officer

RCW 9A.46.110 Stalking

RCW 9A.48.010 Arson, reckless burning, and malicious mischief--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.50.010 Interference with health care facilities or providers--Definitions

RCW 9A.50.020 Interference with health care facilities

RCW 9A.50.030 Penalty

- RCW 9A.52.010 Burglary and trespass--Definitions
- RCW 9A.52.060 Making or having burglar tools
- RCW 9A.52.070 Criminal trespass in the first degree
- RCW 9A.52.080 Criminal trespass in the second degree
- RCW 9A.52.090 Criminal trespass--Defenses
- RCW 9A.52.100 Vehicle prowling in the second degree
- RCW 9A.52.120 Computer trespass in the second degree
- RCW 9A.52.130 Computer trespass--Commission of other crimes
- RCW 9A.56.050 Theft in the third degree
- RCW 9A.56.060 Unlawful issuance of checks or drafts
- RCW 9A.56.140 Possessing stolen property--Definition--Access devices, presumption
- RCW 9A.56.170 Possessing stolen property in the third degree
- RCW 9A.56.180 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.60.010 Fraud--Definition
- RCW 9A.60.040 Criminal impersonation
- RCW 9A.60.050 False certification
- RCW 9A.61.010 Defrauding a public utility--Definition
- 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 Perjury and Interference with official proceedings--Definition
- RCW 9A.72.040 False swearing
- RCW 9A.72.060 Perjury and false swearing--Retraction
- RCW 9A.72.070 Perjury and false swearing--Irregularities no defense
- RCW 9A.72.080 Statement of what one does not know to be true
- RCW 9A.72.140 Jury tampering
- RCW 9A.72.150 Tampering with physical evidence
- RCW 9A.76.010 Obstructing governmental operation--Definition
- 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.80.020 Failure to disperse

RCW 9A.84.040 False reporting

RCW 9A.88.030 Prostitution

RCW 9A.88.050 Prostitution--Sex of parties immaterial--No defense

RCW 9A.88.060 Promoting prostitution--Definitions

RCW 9A.88.090 Permitting prostitution

RCW 9A.88.110 Patronizing a prostitute

RCW 9A.88.120 Additional fee assessment

RCW 10.14.120 Disobedience of order--Penalty

RCW 10.14.170 Criminal penalty

Chapter 10.22 RCW Compromise of misdemeanors

RCW 10.66.090(1) Penalties

RCW 10.99.020 Definitions

RCW 10.99.100 Sentencing--Factors--Defendant's criminal history

RCW 16.52.011--.350 Prevention of cruelty to animals

RCW 26.09.300(1) 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 26.28.060 Child labor--Penalty

RCW 26.28.070 Certain types of employment prohibited--Penalty

RCW 25.28.080 Selling or giving tobacco to minor--Belief of representative capacity, no defense--Penalty

RCW 26.28.085 Applying tattoo to a minor--Penalty

RCW 26.44.030 Abuse of children and adult dependent persons--Report--Duty and authority to make--Duty of receiving agency--Duty to notify--Case planning and consultation--Penalty for unauthorized exchange of information--Filing dependency petitions--Interviews of children--Records--Risk assessment process--Reports to legislature

RCW 26.44.040 Reports--Oral, written--Contents

RCW 26.44.063 Temporary restraining order or preliminary injunction--Enforcement

RCW 26.44.080 Violation--Penalty

RCW 26.50.010--210 Domestic violence prevention

RCW 66.04.010 Alcoholic beverage control--Definition

RCW 66.20.200 Unlawful acts relating to card of identification and certification card--Penalties

RCW 66.20.210 Licensee's immunity to prosecution or suit--Certification card as evidence of good faith

RCW 66.24.481 Public place or club--License or permit required--Penalty

RCW 66.28.080 Permit for music and dancing upon licensed premises

RCW 66.28.090 Licensed premises or banquet permit premises open to inspection--Failure to allow, violation enforcement--Penalties

RCW 66.44.010 Local officers to enforce law--Authority of board--Liquor enforcement officers

RCW 66.44.040 Sufficiency of description of offenses in complaints, informations, process, etc.

RCW 66.44.050 Description of offense in words of statutes--Proof required

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 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 Violation of law
- RCW 66.44.180 General penalties--Jurisdiction for violations
- RCW 66.44.200 Sales to person apparently under the influence of liquor
- RCW 65.44.210 Obtaining liquor of 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 65.44.265 Candidates giving or purchasing liquor on election day prohibited
- RCW 66.44.270 Furnishing liquor to minors--Possession, use--Exhibition of effects--Exceptions
- RCW 66.44.280 Minor applying for permit
- RCW 66.44.290 Minor purchasing or attempting to purchase liquor

- RCW 66.44.291 Minor purchasing or attempting to purchase liquor--Penalty against persons between ages of eighteen and twenty, inclusive
- RCW 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least twenty-one, 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 person eighteen years and over permitted to enter and remain upon licensed premises during employment
- RCW 66.44.320 Sales of liquor to minors a violation
- RCW 66.44.325 Unlawful transfer to a minor of an identification of age
- RCW 66.44.328 Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card--Penalty
- RCW 66.44.365 Juvenile driving privileges--Alcohol or drug violations
- RCW 66.44.370 Resisting or opposing officers in enforcement of title
- RCW 69.36.010 Washington Caustic Poison Act of 1929--Defined
- RCW 69.36.020 Misbranded sales, etc., prohibited--Exceptions
- RCW 69.36.060 Penalty
- RCW 69.38.010 "Poison" defined
- RCW 69.38.020 Exemptions from chapter
- RCW 69.38.030 Condemnation of misbranded packages
- RCW 69.38.040 Enforcement--Approval of labels
- RCW 69.38.050 Duty to prosecute
- RCW 69.38.060 Penalty
- RCW 69.41.010 Definitions

- RCW 69.41.020 Prohibited acts--Information not privileged communication
- RCW 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited--Exceptions
- RCW 69.41.040 Prescriptions requirements
- RCW 69.41.042 Record requirements
- RCW 69.41.065 Violations--Juvenile driving privileges
- RCW 69.41.070(3), (5), (7), (8)(a) Penalties
- RCW 69.50.101 Definitions
- RCW 69.50.102 Enforcement of chapter--Authority to change schedules of controlled substances
- RCW 69.50.204(C)(14) Schedule I, Hallucinogenic substances--Marijuana
- RCW 69.50.401(e) Prohibited acts: A--Penalties
- RCW 69.50.407 Conspiracy
- RCW 69.50.408 Second or subsequent offenses
- RCW 69.50.412 Prohibited acts: E--Penalties
- RCW 69.50.420 Violations--Juvenile driving privileges
- RCW 69.50.425 Misdemeanor violations--Minimum imprisonment

B. Construction. In constructing the statutes adopted by reference in subsection A of this section, references to “this section,” “this chapter” and “this title” shall be deemed to refer to the appropriate section, chapter or title of the Revised Code of Washington.

Any reference to “Sheriff” shall be deemed amended to read “chief of police.”

C. Definitions. Definition of all terms used in the statutes adopted by reference in subsection A of this section shall be the same as those set forth in the definitions section of the chapter of the Revised Code of Washington wherein the same are used.



**D. Defenses.** In all proceedings brought under the White Salmon Municipal Code, the defendant shall be entitled to use all defenses allowable under the laws of the state of Washington pertaining to the crime charged.