

ORDINANCE NO. 29-20

AN ORDINANCE of the City of Richland amending Richland Municipal Code Title 9: Crime by creating new Sections 9.04.085: Cyberstalking; 9.04.110: Criminal mistreatment – Fourth degree; 9.12.120: Unlawful possession of a legend drug; and 9.24.075: Purchase or consumption of liquor by an intoxicated person.

WHEREAS, the City of Richland has need, from time to time, to amend the Richland Municipal Code (RMC) to promote the health, safety, and general welfare of the citizens of Richland; and

WHEREAS, the City of Richland shares concurrent jurisdiction with Benton County for the prosecution of misdemeanor and gross misdemeanor offenses within city limits; and

WHEREAS, the City is authorized to pursue criminal prosecution of misdemeanor and gross misdemeanor crimes occurring in the City of Richland only so long as the City has adopted an ordinance prohibiting specified conduct and setting a penalty that involves criminal sanction; and

WHEREAS, the City of Richland has determined to adopt ordinances to prohibit conduct that is currently unlawful under state law so that it may exercise jurisdiction over the prosecution of said offenses, as opposed to referring the cases to the Benton County Prosecuting Attorney's Office for charging decisions.

NOW, THEREFORE, BE IT ORDAINED by the City of Richland as follows:

Section 1. Chapter 9.04 of the Richland Municipal Code, entitled Crimes Against Persons, as first enacted by Ordinance No. 99-76, and last amended by Ordinance No. 20-11, is hereby amended to read as follows:

**Chapter 9.04
CRIMES AGAINST PERSONS**

Sections:

- 9.04.010 Simple assault.**
- 9.04.020 Harassment.**
- 9.04.030 Intimidation.**
- 9.04.040 Provoking assault.**
- 9.04.045 Use of force – When allowed.**
- 9.04.050 Harassing telephone calls.**
- 9.04.060 Solicitation of a minor.**
- 9.04.070 Reckless endangerment – Second degree.**
- 9.04.080 Stalking – Penalties.**

9.04.085 Cyberstalking.

9.04.090 Coercion.

9.04.100 Leaving a child in the care of a sex offender.

9.04.110 Criminal Mistreatment – Fourth degree.

9.04.010 Simple assault.

A. No person may intentionally use, or threaten to use by purposeful words or acts, unlawful physical force against the person of another.

B. A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, or custodial assault, he or she assaults another.

C. Any defense available to a person charged with the crime of “assault in the fourth degree” under RCW 9A.36.041 shall also be a defense to the crime of simple assault under this section.

D. Any crime charged under this section shall be a gross misdemeanor.

9.04.020 Harassment.

A. It is unlawful for any person, without lawful authority, to knowingly threaten:

1. To cause bodily injury immediately or in the future to the person threatened or to any other person; or

2. To cause physical damage to the property of a person other than the actor; or

3. To subject the person threatened or any other person to physical confinement or restraint; or

4. To maliciously do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety.

B. The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

C. Every person convicted of a violation of the provisions of this section shall be guilty of harassment, a gross misdemeanor.

9.04.030 Intimidation.

A. It is unlawful for any person to carry, exhibit or display any instrument or weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons; provided, however, that this section shall not apply to nor affect:

1. Any act committed by a person while in his place of abode or fixed place of business;
2. Any peace officer;
3. Any person lawfully acting in self-defense or acting in the lawful defense of another;
4. Any person making or assisting in making a lawful arrest for the commission of a felony;
or
5. Any person engaged in military activities authorized by state or federal government.

B. Every person convicted of a violation of the provisions of this section shall be guilty of intimidation, a misdemeanor.

9.04.040 Provoking assault.

It is unlawful for any person to willfully provoke or attempt to provoke, by word, sign or gesture, another person to commit an assault or breach of the peace. Every person convicted of a violation of the provisions of this section shall be guilty of provoking assault, a misdemeanor.

9.04.045 Use of force – When allowed.

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

- A. Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting the officer and acting under the officer's direction;
- B. Whenever necessarily used by a person arresting one who has committed a felony and delivering him or her to a public officer competent to receive him or her into custody;
- C. Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than is necessary;
- D. Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;
- E. Whenever used by a carrier of passengers or the carrier's authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped

and the force used is not more than is necessary to expel the offender with reasonable regard to the offender's personal safety;

F. Whenever used by any person to prevent a mentally ill, mentally incompetent or mentally disabled person from committing an act dangerous to any person, or in enforcing necessary restraint for the protection or restoration to health of the person, during such period only as is necessary to obtain legal authority of the restraint or custody of the person.

9.04.050 Harassing telephone calls.

A. It is unlawful for any person, with intent to harass, intimidate, torment or embarrass any other person, to make a telephone call to such other person:

1. Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or
2. Use any lewd, lascivious, profane, indecent or obscene words or language, or suggesting the commission of any lewd or lascivious act; or
3. Threaten to inflict injury on the person or property of the person called or any member of his family; or
4. Without purpose of legitimate communication.

B. Any offense committed by use of a telephone as set forth in this section may be deemed to have been committed either at the place from which the telephone call or calls were made or at the place where the telephone call or calls were received. Every person convicted of a violation of the provisions of this section shall be guilty of making harassing telephone calls, a gross misdemeanor.

9.04.060 Solicitation of a minor.

It is unlawful for any person to solicit, entice, or otherwise communicate with a child under the age of 18 years for immoral purposes. Every person convicted of a violation of the provisions of this section shall be guilty of solicitation of a minor, a gross misdemeanor, except if:

- A. The person has previously been convicted under this section or of a felony sexual offense under Chapter 9.68A, 9A.44, or 9A.64 RCW; or
- B. Any other felony sexual offense in this or any other state; or
- C. The person communicates with a minor or with someone the person believes to be a minor for immoral purposes through the sending of electronic communication.

9.04.070 Reckless endangerment – Second degree.

A person is guilty of reckless endangerment in the second degree when he or she recklessly engages in conduct not amounting to reckless endangerment in the first degree as defined by RCW 9A.36.045, but which creates a substantial risk of death or serious physical injury to another person. Reckless endangerment is a gross misdemeanor.

9.04.080 Stalking – Penalties.

A. A person commits the crime of stalking if, without lawful authority and under circumstances not amounting to a felony attempt of another crime:

1. He or she intentionally and repeatedly follows another person to that person's home, school, place of employment, business, or any other location, or follows the person while the person is in transit between locations; and

2. The person being followed is intimidated, harassed, or placed in fear that the stalker intends to injure the person or property of the person being followed or of another person. The feeling of fear, intimidation, or harassment must be one that a reasonable person in the same situation would experience under all the circumstances; and

3. The stalker either:

a. Intends to frighten, intimidate, or harass the person being followed; or

b. Knows or reasonably should know that the person being followed is afraid, intimidated, or harassed even if the stalker did not intend to place the person in fear or intimidate or harass the person;

4. A person who commits the crime of stalking under this subsection (A) is guilty of a gross misdemeanor except under the conditions defined in subsection (E) of this section.

B. It is not a defense to the crime of stalking in this section where:

1. Under subsection (A)(3)(a) of this section the stalker was not given actual notice that the person being followed did not want the stalker to contact or follow the person; or

2. Under subsection (A)(3)(b) of this section the stalker did not intend to frighten, intimidate, or harass the person being followed.

C. It shall be a defense to the crime of stalking that the defendant is a licensed private detective acting within the capacity of his or her license as provided by Chapter 18.165 RCW.

D. Attempts to contact or follow the person after being given actual notice that the person does not want to be contacted or followed constitute prima facie evidence that the stalker intends to intimidate or harass the person.

E. A person who stalks another person is guilty of a gross misdemeanor, except that the person is guilty of a Class C felony if any of the following applies:

1. The stalker has previously been convicted in this state or any other state of any crime of harassment as defined in RMC 9.04.020, of the same victim or members of the victim's family or household member or any person specifically named in a no-contact order or no-harassment order; or
2. The person violates a court order issued pursuant to RMC 9.07.020 or RCW 9A.46.040 protecting the person being stalked; or
3. The stalker has previously been convicted of a gross misdemeanor or felony stalking offense for stalking another person; or
4. The stalker was armed with a deadly weapon as defined in RCW 9.94A.825 while stalking the person; or
5. The stalker's victim is or was a law enforcement officer, judge, juror, attorney, victim advocate, legislator, or community corrections officer, and the stalker stalked the victim to retaliate against the victim for an act the victim performed during the course of official duties, or to influence the victim's performance of official duties; or
6. The stalker's victim is a current, former, or prospective witness in an adjudicative proceeding, and the stalker stalked the victim to retaliate against the victim as a result of the victim's testimony or potential testimony.

F. Definitions as used in this section:

1. "Follows" means deliberately maintaining visual or physical proximity to a specific person over a period of time. A finding that the alleged stalker repeatedly and deliberately appears at the person's home, school, place of employment, business, or any other location to maintain visual or physical proximity to the person is sufficient to find that the alleged stalker follows the person. It is not necessary to establish that the alleged stalker follows the person while in transit from one location to another.
2. "Harasses" means unlawful harassment as defined in RMC 9.04.020 or RCW 10.14.020.
3. "Protective order" means any temporary or permanent court order prohibiting or limiting violence against, harassment of, contact or communication with, or physical proximity to another person.
4. "Repeatedly" means on two or more separate occasions.

9.04.085 Cyberstalking.

A. A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:

1. Using any lewd, lascivious, indecent, or obscene words, images, or language, or suggesting the commission of any lewd or lascivious act;

2. Anonymously or repeatedly whether or not conversation occurs; or

3. Threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

B. Cyberstalking is a gross misdemeanor, except as provided in subsection (3) of this section.

C. Cyberstalking is a class C felony if either of the following applies:

1. The perpetrator has previously been convicted of the crime of harassment, as defined in RCW 9A.46.060, with the same victim or a member of the victim's family or household or any person specifically named in a no-contact order or no-harassment order in this or any other state; or

2. The perpetrator engages in the behavior prohibited under subsection (1)(c) of this section by threatening to kill the person threatened or any other person.

D. Any offense committed under this section may be deemed to have been committed either at the place from which the communication was made or at the place where the communication was received.

E. For purposes of this section, "electronic communication" means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. "Electronic communication" includes, but is not limited to, electronic mail, internet-based communications, pager service, and electronic text messaging.

9.04.090 Coercion.

A. A person is guilty of coercion if by use of a threat he or she compels or induces a person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he or she has a legal right to engage in.

B. "Threat" as used in this section means:

1. To communicate, directly or indirectly, the intent to immediately use force against any person who is present at the time; or

2. Threats as defined in RCW 9A.04.110(27)(a) through (f) as those subsections may be amended from time to time.

3. Coercion is a gross misdemeanor.

9.04.100 Leaving a child in the care of a sex offender.

A. A person is guilty of the crime of leaving a child in the care of a sex offender if the person is (1) the parent of a child; (2) entrusted with the physical custody of a child; or (3) employed to provide to the child the basic necessities of life, and leaves the child in the care or custody of another person who is not a parent, guardian, or lawful custodian of the child, knowing that the person is registered or required to register as a sex offender under the laws of this state, or a law or ordinance in another jurisdiction with similar requirements, because of a sex offense against a child.

B. It is an affirmative defense to the charge of leaving a child in the care of a sex offender under this section, that the defendant must prove by a preponderance of the evidence, that a court has entered an order allowing the offender to have unsupervised contact with children, or that the offender is allowed to have unsupervised contact with the child in question under a family reunification plan, which has been approved by a court, the department of corrections, or the department of social and health services in accordance with department policies.

C. Leaving a child in the care of a sex offender is a misdemeanor.

9.04.110 Criminal mistreatment – Fourth degree.

A. A person is guilty of the crime of criminal mistreatment in the fourth degree if the person is the parent of a child, is a person entrusted with the physical custody of a child or other dependent person, is a person who has assumed the responsibility to provide to a dependent person the basic necessities of life, or is a person employed to provide to the child or dependent person the basic necessities of life, and either:

1. With criminal negligence, creates an imminent and substantial risk of bodily injury to a child or dependent person by withholding any of the basic necessities of life; or

2. With criminal negligence, causes bodily injury or extreme emotional distress manifested by more than transient physical symptoms to a child or dependent person by withholding the basic necessities of life.

B. For purposes of this section, "a person who has assumed the responsibility to provide to a dependent person the basic necessities of life" means a person other than: (a) A government agency that regularly provides assistance or services to dependent persons, including but not limited to the department of social and health services; or (b) a good samaritan as defined in RCW 9A.42.010.

C. Criminal mistreatment in the fourth degree is a misdemeanor.

Section 2. Chapter 9.12 of the Richland Municipal Code, entitled Miscellaneous Crimes, as first enacted by Ordinance No. 99-76, and last amended by Ordinance No. 40-15, is hereby amended to read as follows:

**Chapter 9.12
MISCELLANEOUS CRIMES**

Sections:

- 9.12.010 Conspiracy.**
- 9.12.020 Riot.**
- 9.12.030 Failure to disperse.**
- 9.12.040 Unlawful discharge of a laser in the second degree.**
- 9.12.050 *Repealed.***
- 9.12.055 Illegal dumping.**
- 9.12.060 Abandoned refrigerators.**
- 9.12.070 Cold storage lockers.**
- 9.12.080 Hunting.**
- 9.12.090 Tormenting or harassing birds and animals.**
- 9.12.100 *Repealed.***
- 9.12.110 Computer trespass second degree.**
- 9.12.120 Unlawful possession of legend drug.**

9.12.010 Conspiracy.

It is unlawful for any person, with intent that conduct constituting a crime be performed, to agree with one or more persons to engage in or cause the performance of such conduct. Every person who is convicted of a violation of the provisions of this section shall be guilty of conspiracy. When an object of the conspiratorial agreement is a Class C felony, as defined by the laws of the state of Washington, Chapter 9A.28 RCW, conspiracy is a gross misdemeanor. When an object of the conspiratorial agreement is another misdemeanor or gross misdemeanor, conspiracy is a misdemeanor.

9.12.020 Riot.

It is unlawful for any person, acting with three or more persons, to knowingly and unlawfully use or threaten to use force, or in any way participate in the use of such force against any other person or against property. Every person who is convicted of a violation of the provisions of this section shall be guilty of riot, a gross misdemeanor, unless the actor is armed with a deadly weapon, which is a Class C felony under Chapter 9A.84 RCW.

9.12.030 Failure to disperse.

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

9.12.040 Unlawful discharge of a laser in the second degree.

RCW 9A.49.030 is 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.

9.12.050 Impersonating public officer.

Repealed by Ord. 20-11.

9.12.055 Illegal dumping.

It is unlawful for any person to bury, burn, dump, collect, remove, or in any other manner dispose of or deposit refuse upon any street, alley, public place, or private property within the city other than as provided in Chapter 15.12 RMC; except, that this section shall not be taken to prohibit maintenance of any compost heap upon private property in a manner not constituting a nuisance. Every person who is convicted of a violation of the provisions of this section shall be guilty of illegal dumping, a misdemeanor.

9.12.060 Abandoned refrigerators.

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

9.12.070 Cold storage lockers.

A. It is unlawful for any person, either as owner or operator, or as agent for the owner or operator, to maintain or operate any cold storage locker or cold storage room unless the same is equipped with the following:

1. An emergency bell clearly audible to persons on the outside of the cold storage enclosure and operable from the inside of the locker or room. The operating mechanism on the inside of the locker or room shall be clearly posted with the words "emergency bell";
2. Two or more separate electric lights of at least 10 watts each, located on the inside of the locker or room immediately adjacent to the operating mechanism of the emergency bell required in subsection (A)(1) of this section.

B. Every person convicted of a violation of the provisions of this section shall be guilty of a misdemeanor.

9.12.080 Hunting.

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

9.12.090 Tormenting or harassing birds and animals.

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

9.12.100 Violation of court orders.

Repealed by Ord. 20-11.

9.12.110 Computer trespass second degree.

A. A person is guilty of computer trespass in the second degree if the person, without authorization, intentionally gains access to a computer system or electronic database of another under circumstances not constituting the offense in the first degree.

B. Computer trespass in the second degree is a gross misdemeanor.

9.12.120 RCW Section Adopted – Unlawful possession of a legend drug.

Section 69.41.030 of the Revised Code of Washington pertaining to Possession of legend drug without prescription or order prohibited, as now or hereafter amended, is hereby adopted by reference as a part of this chapter in all respects as though the Section were set forth herein in full.

Section 3. Chapter 9.24 of the Richland Municipal Code, entitled Alcoholic Beverages, as first enacted by Ordinance No. 99-76, and last amended by Ordinance No. 18-12, is hereby amended to read as follows:

**Chapter 9.24
ALCOHOLIC BEVERAGES**

Sections:

- 9.24.010 Exercise of police power.**
- 9.24.020 Definitions.**
- 9.24.030 License required to sell.**
- 9.24.040 Acting without necessary license unlawful.**
- 9.24.050 Possession of contraband liquor.**
- 9.24.060 Manufacture – Operating still.**
- 9.24.070 Purchase, possession, or consumption by minors prohibited.**
- 9.24.075 Purchase or consumption of liquor by an intoxicated person.**
- 9.24.080 Other illegal sales.**
- 9.24.090 Procuring liquor for ineligible person prohibited.**
- 9.24.100 Taking orders for liquor prohibited.**
- 9.24.110 Use of false or fraudulent identification.**
- 9.24.120 Public consumption prohibited.**
- 9.24.140 Age of employees.**
- 9.24.150 Inspection.**

9.24.160 Allegation of violation.

9.24.170 Violation – Penalties.

9.24.010 Exercise of police power.

This chapter is in exercise of the police power of the city of Richland as an aid to the enforcement of the liquor control statutes of the state of Washington and shall be liberally construed for that purpose.

9.24.020 Definitions.

The definitions provided in RCW 66.04.010 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.

9.24.030 License required to sell.

A. No person shall offer to sell, or possess or keep with intent to sell, any liquor unless he is duly licensed by the State Liquor Control Board to sell the same at the time and place where sold, offered, possessed or kept, and licensed to sell such liquor to a class of person to which any person to whom he sells or offers to sell belongs.

B. The possession of spirits in a place not licensed to sell spirits but licensed to sell other liquor shall be presumptive evidence that the spirits are kept for the purpose of sale.

C. The possession of liquor by a principal or an agent on premises registered with the Federal District Director of Internal Revenue as a place at which any branch of retail liquor trade is conducted shall be presumptive evidence of intent of such person to sell liquor at such place.

9.24.040 Acting without necessary license unlawful.

It is unlawful for any person to do any act for which a license is required by RCW Title 66 or by any regulation of the board without having such license.

9.24.050 Possession of contraband liquor.

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

9.24.060 Manufacture – Operating still.

Except as permitted by statute, no person shall manufacture liquor except for home consumption. No person shall operate any still for the manufacture of liquor.

9.24.070 Purchase, possession, or consumption by minors prohibited.

A. Except in the case of liquor given or permitted to be given to a person under the age of 21 years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or used in connection with

religious services, no person shall give or otherwise supply liquor to any person under the age of 21 years or permit any person under that age to consume liquor on his premises or on any premises under his control.

B. No person under the age of 21 years shall acquire or have in his possession or purchase, drink, or consume liquor, except in the case of liquor given or permitted to be given to such person by his parent or guardian for beverage or medicinal purposes or administered to him by his physician or dentist for medicinal purposes, or used in connection with religious services.

C. No person under the age of 21 years shall attempt to obtain any liquor contrary to the provisions of this section.

D. It is unlawful for any person under the age of 21 years to be or remain in any public place after having consumed liquor as evidenced by:

1. The odor of intoxicants on the breath; or

2. Observations by the officer through other sense perception; except in the case of liquor given or permitted to be given to a person under the age of 21 years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, or used in connection with religious services. "Public place or places" is defined in RCW 66.04.010(35). Any person under the age of 21 years who is found to have consumed liquor shall be presumed to have consumed the same within the city limits of the city of Richland.

9.24.075 Purchase or consumption of liquor by an intoxicated person.

No person who is apparently under the influence of liquor may purchase or consume liquor on any premises licensed by the board. Any person who violates RMC 9.24.075 shall be guilty of an infraction as provided in RMC 66.44.200.

9.24.080 Other illegal sales.

No person shall sell liquor to any person apparently intoxicated.

9.24.090 Procuring liquor for ineligible person prohibited.

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

9.24.100 Taking orders for liquor prohibited.

Except as provided in RCW 66.26.050, no person shall canvass for, solicit, receive, or take orders for the purchase or sale of any liquor, or act as agent for the purchase or sale of liquor.

9.24.110 Use of false or fraudulent identification.

No person shall use or present any false, forged, or counterfeited identification or other papers or things or any identification papers issued to identify another person inducing any other person to sell any liquor to him.

9.24.120 Public consumption prohibited.

Except as permitted by RCW Title 66 and this chapter and any amendments hereof, no person shall in any public place open any package containing liquor or consume liquor, or break any seal used by the board to seal a container of liquor. Any person who violates any provision of RMC 9.24.120 shall be guilty of an infraction as provided in RMC 66.44.100.

9.24.140 Age of employees.

RCW 66.20.300(2) is 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.

9.24.150 Inspection.

All licensed premises shall at all times be open to inspection by any authorized police officer.

9.24.160 Allegation of violation.

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

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

9.24.170 Violation – Penalties.

It is unlawful for any person to violate any provision of this chapter. Any person violating any provisions of this chapter shall be guilty of a misdemeanor. Any person violating any provisions of RMC 9.24.070(A) shall be guilty of a gross misdemeanor.

Section 4. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 5. Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

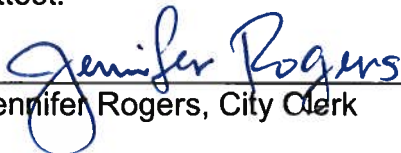
Section 6. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including but not limited to the correction of scrivener's errors/clerical errors, section numbering, references, or similar mistakes of form.

PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 6th day of October, 2020.




Ryan Lukson, Mayor

Attest:



Jennifer Rogers, City Clerk

Approved as to form:



Heather Kintzley, City Attorney

Date Published: October 11, 2020