

ORDINANCE NO. 22-3976

AN ORDINANCE OF THE CITY OF KELSO, WASHINGTON AMENDING CHAPTER 9.04 KMC TO AMEND SECTION 9.04.010 TO ADD RCW 9.41.305 TO THE LIST OF STATUTES ADOPTED BY REFERENCE INTO THE KELSO MUNICIPAL CODE AND CORRECTING A CLERICAL ERROR.

WHEREAS, pursuant to RCW 35A.13.180, the City adopts Washington State criminal statutes by reference for purposes of prosecution in the City's municipal court via Cowlitz County District Court and periodically amends the list of state laws incorporated by reference into the City's municipal code; and

WHEREAS, in March of 2022, the Washington State Legislature adopted ESHB 1630, effective on June 9, 2022, and codified in part at RCW 9.41.305; and

WHEREAS, this amendment adds any city, town, county, or other municipal buildings used in connections with meetings of the governing body or any location of a public meeting or hearing of the governing body to the locations where it is prohibited to knowingly open carry a firearm or other weapon; and

WHEREAS, the amendment further requires the City to post signs notifying the public of the restrictions and makes the first violation a misdemeanor and subsequent violations a gross misdemeanor; and

WHEREAS, the City Council wishes to update the City's list of statutes adopted by reference and to also correct one typographical error at concerning the adoption of RCW 91.56.010;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF KELSO, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. **Public Interest**. The Kelso City Council finds it to be in the public interest to adopt this ordinance to incorporate the updated state law criminal provisions in the City's municipal code.

Section 2. **Amending KMC 9.04.010**. That Section 9.04.010 of the Kelso Municipal Code is hereby amended as follows:

KMC 9.04.010. Pursuant to the authority contained in RCW 35A.13.180, there is hereby adopted by this reference the following Washington State statutes as though each was set forth in full herein, together with any and all amendments hereafter made to said statutes by the Legislature:

7.80.160 Notice, failure to sign, nonappearance—Failure to satisfy penalty.
9.03.010 Abandoning, discarding refrigeration equipment.
9.03.020 Permitting unused equipment to remain on premises.
9.03.040 Keeping or storing equipment for sale—Defense.
9.40.100 (1) Tampering with fire alarm or equipment—False alarm.
9.41.180 Setting spring trap.
9.41.230 Aiming or discharging firearms.
9.41.250 Dangerous weapons.
9.41.260 Dangerous exhibitions.
9.41.270 Carry or exhibit dangerous weapon.
9.41.280 Carrying dangerous weapons on school facilities.
9.41.305 Open carry of weapons prohibited on state capitol grounds.
9.45.062 Failure to deliver leased personal property.
9.45.240 Fraud—Telephone service.
9.46.170 Gambling commission—False entries or refusal to produce records.
9.46.185 Aid and abet gambling violation.
9.46.190 Fraud or deceit—Gambling.
9.46.195 Obstruction of public servant—Gambling.
9.46.196 Cheating other participant—Gambling.
9.46.198 Working in gambling activity without license.
9.46.240 Gambling information, transmitting or receiving.
9.61.230 Telephone calls to harass.
9.61.240 Permit telephone calls to harass.
9.61.250 Where deemed committed.
9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.
9.91.025 Unlawful bus conduct.
9.91.060 Leaving children unattended in parked automobile.
9A.36.041 Assault in the fourth degree.
9A.36.050 Reckless endangerment.
9A.36.070 Coercion.
9A.36.150 Interfering with the reporting of domestic violence.
9A.40.070 Custodial interference—Second degree.
9A.44.130 Sex/kidnapping offender registration.
9A.44.132 Sex/kidnapping offender – Fail to register.
9A.46.020 Harassment definition.
9A.46.030 Place where committed.
9A.46.040 Court-ordered requirements upon person charged.
9A.46.060 Crimes included in harassment.
9A.46.080 Order restricting contact—Violation.
9A.46.110 Stalking.
9A.48.050 Reckless burning in the second degree.
9A.48.090 Malicious mischief in the third degree.
9A.50.020 Interfere with health care facility.
9A.50.030 Penalty.
9A.52.060 Burglar tools.
9A.52.070 Criminal trespass—First degree.
9A.52.080 Criminal trespass—Second degree.

- 9A.52.100 Vehicle prowling—Second degree.
- ~~9A.56.010~~ and
- 9A.56.020 Theft—Definitions and defense.
- 9A.56.050 Theft—Third degree.
- 9A.56.060 Unlawful issuance of bank checks.
- 9A.56.170 Possessing stolen property—Third degree.
- 9A.56.180 Obscuring identification of machine.
- 9A.56.220 Theft of cable television services.
- 9A.56.270 Shopping cart theft.
- 9A.60.040 Criminal impersonation.
- 9A.72.040 False swearing.
- 9A.72.150 Tampering with physical evidence.
- 9A.76.020 Obstructing a public servant.
- 9A.76.030 Refusing to summon aid for a peace officer.
- 9A.76.040 Resisting arrest.
- 9A.76.050 Rendering criminal assistance—Definition.
- 9A.76.060 Rendering criminal assistance—Relative.
- 9A.76.070 Rendering criminal assistance—First degree.
- 9A.76.080 Rendering criminal assistance—Second degree.
- 9A.76.090 Rendering criminal assistance—Third degree.
- 9A.76.100 Compounding.
- 9A.76.130 Escape—Third degree.
- 9A.76.160 Introducing contraband.
- 9A.76.175 Making false or misleading statement to a public servant.
- 9A.84.010 Riot.
- 9A.84.020 Failure to disperse.
- 9A.84.030 Disorderly conduct.
- 9A.84.040 False reporting.
- 9A.88.010 Indecent exposure.
- 9A.88.030 Prostitution.
- 9.68A.090 Communication with minor for immoral purposes.
- 10.14.120 Anti-harassment—Civil temporary order.
- 10.14.170 Civil anti-harassment.
- 10.99.040 District court protection order.
- 10.99.050 Violation—Condition of sentence.
- 26.28.080 Selling or giving tobacco to minors.
- 26.28.085 Applying tattoo to a minor.
- 26.50.110 Superior court—Protection order—Violation.
- 13.32A.080 Harboring runaway.
- 46.16.010 (2) Trip permit violation.
- 66.44.200 Selling liquor to intoxicated person.
- 66.44.270 Furnish, possess, use alcohol—Minor.
- 69.50.4013 Possession of controlled substance—Penalty—Possession of useable marijuana or marijuana-infused product.
- 69.50.4014 Possession of forty grams or less of marijuana—Penalty.
- 69.50.412 Prohibited acts: E—Penalties.
- 69.50.420 Violation—Juvenile driving privileges.

- 69.50.425 Misdemeanor violations—Minimum penalties.
- 69.50.445 Opening package of or consuming marijuana, useable marijuana, or marijuana-infused product in view of general public—Penalty.
- 70.155.080 Possession of tobacco by minors.

Section 4. **Corrections.** The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. **Severability.** Any provision of this ordinance or its application to any person, legal entity, or circumstance is held invalid; the remainder of the ordinance or its application to other persons, legal entities, or circumstances is not affected.

Section 6. **Effective Date.** This ordinance shall be in full force and effect five (5) calendar days after adoption and publication pursuant to law.

ADOPTED by the City Council and **SIGNED** by the Mayor this 19th day of July, 2022.

ATTEST/AUTHENTICATION:



CITY CLERK



MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY

PUBLISHED: Sat., July 23, 2022