

ORDINANCE NO. 2025-13

AN ORDINANCE OF THE CITY OF RICHLAND, WASHINGTON, AMENDING CHAPTER 9.12 OF THE RICHLAND MUNICIPAL CODE RELATED TO MISCELLANEOUS CRIMES TO ADD RMC 9.12.130: POSSESSION OF ANOTHER'S IDENTIFICATION.

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 9.12 of the Richland Municipal Code, entitled Miscellaneous Crimes, as first enacted by Ordinance No. 99-76, and last amended by Ordinance No. 2022-18, 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9.12.050 *Repealed.*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9.12.100 *Repealed.*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9.12.120 *Repealed.*

9.12.130 Possession of another's identification.

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 RMC Title 15; 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.

Repealed by Ord. 2023-01.

9.12.130 Possession of another’s identification.

A. A person is guilty of possession of another's identification if the person knowingly possesses personal identification bearing another person's identity, when the person possessing the personal

identification does not have the other person's permission to possess it, and when the possession does not amount to a violation of RCW 9.35.020.

B. This section does not apply to:

1. A person who obtains, by means other than theft, another person's personal identification for the sole purpose of misrepresenting his or her age;

2. A person engaged in a lawful business who obtains another person's personal identification in the ordinary course of business;

3. A person who finds another person's lost personal identification, does not intend to deprive the other person of the personal identification or to use it to commit a crime, and takes reasonably prompt steps to return it to its owner; and

4. A law enforcement agency that produces or displays counterfeit credit or debit cards, checks or other payment instruments, or personal identification for investigative or educational purposes.

C. In a proceeding under this section that is related to an identity theft under RCW 9.35.020, the crime will be considered to have been committed in any locality where the person whose means of identification or financial information was appropriated resides, or in which any part of the offense took place, regardless of whether the defendant was ever actually in that locality.

D. A violation of this section is a gross misdemeanor.

Section 2. This Ordinance shall take effect the day following its publication in the official newspaper of the City of Richland.

Section 3. 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 4. 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.

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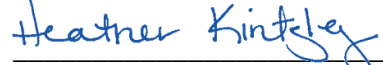
PASSED by the City Council of the City of Richland, Washington, at a regular meeting on the 6th day of May, 2025.


Theresa Richardson, Mayor

Attest:


Jennifer Rogers, City Clerk

Approved as to Form:


Heather Kintzley, City Attorney

First Reading: April 15, 2025
Second Reading: May 6, 2025
Date Published: May 11, 2025