

ORDINANCE NO. 2022-_____

AN ORDINANCE amending the City of Yakima Municipal Code Chapter 5.49, Chapter 6.45, Chapter 6.47, Chapter 6.68, and Chapter 6.75 for the purpose of removal of archaic statutory language, removal of duplicative statutes, and/or updating statutes.

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. The following section of Chapter 6.45 of the City of Yakima Municipal Code is hereby repealed:

~~**6.45.025 — Unlawful bus conduct — Harassment — Penalties.**~~

~~(1) — A person is guilty of unlawful bus conduct if while on or in a municipal transit vehicle as defined by RCW 46.04.355 or in or at a municipal transit station and with knowledge that such conduct is prohibited, he or she:~~

~~(a) — Except while in or at a municipal transit station, smokes or carries a lighted or smoldering pipe, cigar, or cigarette;~~

~~(b) — Discards litter other than in a designated receptacle;~~

~~(c) — Plays any radio, recorder, or other sound-producing equipment except that nothing herein shall prohibit the use of such equipment when connected to earphones that limit the sound to individual listeners or the use of communication device by an employee of the owner or operator of the municipal transit vehicle or municipal transit station;~~

~~(d) — Spits or expectorates;~~

~~(e) — Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others except that nothing herein shall prevent a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law;~~

~~(f) — Intentionally obstructs or impedes the flow of municipal transit vehicles or passenger traffic, hinders or prevents access to municipal transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services; or~~

~~(g) — Intentionally disturbs others by engaging in loud, raucous, unruly, harmful, or harassing behavior.~~

~~(2) — For the purposes of this section, “municipal transit station” means all facilities, structures, lands, interest in lands, air rights over lands, and rights of way of all kinds that are owned, leased, held, or used by a municipality as defined in RCW 35.58.272 for the purpose of providing public transportation services, including, but not limited to, park and ride lots, transit centers and tunnels, and bus shelters.~~

~~(3) It is unlawful for any person, group or assemblage of persons whose standing, remaining or being congregated upon a municipal transit station shall obstruct, prevent or interfere with the free and unobstructed use of such municipal transit station by other persons, to fail or refuse to move on or disperse upon being ordered so to do by any police officer of the city of Yakima.~~

~~(4) A violation of this section is a misdemeanor. In to any other penalty provided by law, the violator may be required to remain away from municipal transit stations and/or buses for a period of up to one year from the date of conviction. (Ord. 2003-15 § 1, 2003: Ord. 98-3 § 24, 1998).~~

Section 2. The following section, 6.47.040, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.47.040 Trespass at night to eavesdrop or observe.

A. ~~It is unlawful for A~~any person ~~to who~~ during the nighttime goes upon the land of another and near any residence located upon said land without invitation and without lawful reasons therefor, or ~~who to~~ approaches at any time the dwelling, residence or apartment of another for the purpose of or with the intent to spy, eavesdrop or observe the interior or persons within any such dwelling or residence, ~~is declared to be a disorderly person.~~

B. A violation of this section is a misdemeanor.

Section 3. The following section, 6.47.050, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.47.050 Refusal to leave premises of another.

A. ~~It is unlawful for A~~any person ~~who to~~ refuses to leave the premises occupied by another person or their agent, after being ordered to leave the premises by the legal occupant thereof, ~~is declared to be a disorderly person.~~

B. ~~A violation of this section~~~~Refusal to leave premises of another~~ is a misdemeanor.

Section 4. The following section, 6.68.140, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.68.140 Unlawful possession of tools and devices.

A. It is unlawful for any person to make or mend, or cause to be made or mended, or have in his possession, in the day or nighttime, any engine, tool, machine, device or implement, adapted, designed or commonly used to trip, cheat, defraud or operate without the use of money, vending machines, pinball machines or other coin-operated machines, under circumstances evidencing an intent to use or employ, or allow the same to be used or employed, in such operation, or knowing that the same is intended to be so used. The possession thereof except by a mechanic, artificer or tradesman, at and in his established

shop or place of business, open to public view, shall be prima facie evidence that such possession was had with intent to use or employ or allow the same to be used or employed in the tripping, cheating, defrauding or operating such coin-operated devices without the use of money or coins, ~~is declared to be a disorderly person.~~

B. ~~A~~ violation of this section is a misdemeanor.

Section 5. The following section, 6.75.025, of the City of Yakima Municipal Code is hereby amended to read as follows:

6.75.025 Receipt of items from the occupant of a motor vehicle at certain intersections prohibited.

A. The purpose of this section is to promote the city's fundamental interest in public health and safety, by regulating conduct that occurs at high accident and/or high volume intersections and to provide for the free flow of motor vehicle traffic on roadways in the city. The city council finds that the intersections listed in subsection D of this section are high accident and/or high traffic volume intersections and to receive any item from the occupant of a motor vehicle upon a roadway within these intersections presents a threat to public safety and the free and safe flow of motor vehicle traffic.

B. For purposes of this section, the following definitions apply:

1. "Item" means any physical object.
2. "Permitted parking area" means an area in which parking a vehicle is authorized.
3. "Receive" means to acquire or collect any item from the occupant of a motor vehicle that is located in the roadway.
4. "Roadway" means that portion of the road designed or ordinarily used for vehicular travel within the city. This definition excludes private roads and private property. This definition also excludes areas where parking is permitted in the city.

C. It shall be unlawful to violate any prohibitions set forth below within the areas listed in subsection D of this section:

1. No person shall receive any item from an occupant of any motor vehicle when the vehicle is located in the roadway.
2. This section shall not apply to the receipt of any item with the occupant of a motor vehicle on private property or in a permitted parking area.
3. This section shall not apply to any law enforcement officer acting within the scope of his or her official duty.
4. This section shall not apply to the receipt or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle, or where the occupant is experiencing a medical emergency.

D. Conduct described in subsection (C)(1) of this section is prohibited within two hundred fifty feet of the following high accident and/or high volume intersections:

- a. South 1st Street and Washington Avenue.
- b. South 1st Street and Nob Hill Boulevard.
- c. South 1st Street and Walnut Street.
- d. South 1st Street and Mead Avenue.
- e. South 1st Street and West Yakima Avenue.
- f. South 40th Avenue and West Nob Hill Boulevard.
- g. South 40th Avenue and Tieton Drive.
- h. South 40th Avenue and Summitview Avenue.
- i. South 16th Avenue and Tieton Drive.
- j. South 16th Avenue and West Nob Hill Boulevard.
- k. South 16th Avenue and West Washington Avenue.
- l. North 40th Avenue and Fruitvale Boulevard.
- m. North 40th Avenue and West Lincoln Avenue.
- n. North 40th Avenue and River Road/Powerhouse Road.
- o. North 40th Avenue and Englewood.
- p. South 3rd Avenue and West Nob Hill Boulevard.
- q. South 3rd Avenue and East Walnut Street.
- r. South Fair Avenue and East Nob Hill Boulevard.
- s. South 18th Street and East Nob Hill Boulevard.
- t. North 16th Avenue and West Lincoln Avenue.
- u. North 16th Avenue and Summitview Avenue.
- v. North 16th Avenue and Fruitvale Boulevard.
- w. North 16th Avenue and West Yakima Avenue.
- x. Front Street and Yakima Avenue.
- y. South 64th Ave and Nob Hill Boulevard.
- z. North 1st Street and East I Street.

E. The ~~city prosecutor legal department~~ shall review updated high accident and high volume traffic studies every three years and shall report to the ~~city council public safety committee~~ City Manager or his/her designee on any statistical changes.

Section 6. The following section, 5.49.080, of the City of Yakima Municipal Code is hereby amended to read as follows:

5.49.080 Unlawful acts—Penalty.

A. Any person who knowingly fails or refuses to comply with any provisions of this chapter or with any rule or regulation promulgated by the director of finance and budget, or supplies false or fraudulent information in required declarations or statements, or aids and abets any violation of this chapter, is guilty of a misdemeanor and upon conviction shall be punished in accordance with YMC 5.01.010.

B. The failure to accurately remit amounts due and payable within the time prescribed by subsection B of YMC 5.49.040 shall be deemed both a criminal and civil violation of this chapter. Any fine imposed under this section shall be in addition to the taxes and penalties required by this chapter.

C. Any officer, director or manager of any organization conducting any gambling activity taxed by this chapter shall be jointly and severally liable for the payment of any tax, penalty or fine imposed hereunder.

D. The following statutes, codified in the Revised Code of Washington, and their successors are adopted by reference:

RCW 9.46.170 False or misleading entries or statements, refusal to produce records, as violations—Penalty.

RCW 9.46.190 Violations relating to fraud or deceit—Penalty.

RCW 9.46.195 Obstruction of public servant in administration or enforcement as violation—Penalty.

RCW 9.46.196 ~~Defrauding or cheating other participant or operator as violation—Causing another to do so as violation—Penalty~~ Cheating—Defined.

RCW 9.46.1962 Cheating in the second degree.

RCW 9.46.198 Working in gambling activity without license as violation—Penalty.

RCW 9.46.200 Action for money damages due to violations—Interest—Attorneys' fees—Evidence for exoneration.

Subsections (1), (2), (3) and (5) only of RCW 9.46.230 Seizure and disposition of gambling devices—Owning, buying, selling, etc., gambling devices or records—Penalties.

RCW 9.46.240 Gambling information, transmitting or receiving as violation—Penalty.

Section 7. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 18th day of January, 2022.

ATTEST:

Janice Deccio, Mayor

Sonya Claar Tee, City Clerk

Publication Date: _____

Effective Date: _____