

Title 9
PUBLIC PEACE, MORALS AND WELFARE

Chapters:

- 9.04 Adoption of State Criminal Statutes**
- 9.08 Controlled Substances**
- 9.12 Discrimination in Housing**

Chapter 9.04
ADOPTION OF STATE CRIMINAL STATUTES

Sections:

- 9.04.010 Generally.**
- 9.04.011 Adoption of state laws--1994.**
- 9.04.020 City penalties same as state.**
- 9.04.030 RCW's available to the public.**
- 9.04.040 Warrant checks authorized.**

9.04.010 Generally.

The subject matter of this chapter is legislation enacted by the State Legislature during the 1987 session. References herein may be to Senate Bill (SB), House Bill (HB), or chapters of laws enacted, and all references whether to chapter or origin of a bill is for convenience only; and the enactment as lawfully signed by the Governor and as subsequently codified, shall control. Where an enactment does not become effective until after the effective date of the ordinance codified in this chapter, the effective date of the enactment for the city shall be as stated in the enactment itself. (Ord. 196 §1, 1987)

9.04.011 Adoption of state laws--1994.

There is adopted by reference all provisions of any enactment of the State Legislature up to and through the year 1994, not previously adopted by reference, and establishing a misdemeanor or gross misdemeanor for criminal behavior, otherwise enforceable by the state within the city, to become a misdemeanor or gross misdemeanor of the city, and to the extent otherwise enforceable by the state, shall likewise be enforceable by the city, through the municipal court, its police department, its prosecuting authority, all in the same manner and fashion as such enactment may be enforced or prosecuted in the name of the state. (Ord. 243.A §1, 1994; Ord. 243 §1, 1991)

9.04.020 City penalties same as state.

The maximum or minimum penalty for an act that constitutes a crime under city law shall be the same as the penalty prescribed for that crime under state law. (Ord. 243.A §2, 1994)

9.04.030 RCW's available to the public.

The enactments of the State Legislature adopted by reference in Section 9.04.011 establishing a misdemeanor or gross misdemeanor for criminal behavior are available in the Revised Code of Washington. A copy of the Revised Code of Washington containing such enactments shall be made available for the use and examination by the public. (Ord. 243.A §3, 1994)

9.04.040 Warrant checks authorized.

A. Whenever any person is detained for any infraction, misdemeanor or gross misdemeanor, a law enforcement officer may continue to detain the individual for a reasonable period of time necessary to identify the person, to do a warrant check of the person, and complete and issue any notice of violation or criminal charge.

B. Any person requested to identify himself or herself to a law enforcement officer pursuant to an investigation of an infraction, misdemeanor or gross misdemeanor violation has a duty to identify himself or herself, give his or her current address, and sign an acknowledgement of receipt of the notice of violation. (Ord. 286 §1, 1997)

Chapter 9.08
CONTROLLED SUBSTANCES

Sections:

- 9.08.010** **Civil penalty.**
9.08.020 **Remittance of penalty.**
9.08.030 **Adoption of state provisions.**

9.08.010 **Civil penalty.**

There is imposed in addition to any fine, penalty, forfeiture or penalty otherwise provided for violations of RCW Ch. 69.50, Uniform Controlled Substances Act, a civil penalty in the amount of one hundred dollars for each and every separate violation of said Act, where such violation shall constitute a misdemeanor or gross misdemeanor and be otherwise prosecutable by the city through the district court. (Ord. 169 §1, 1985)

9.08.020 **Remittance of penalty.**

A. The civil penalty imposed in this chapter shall be remittable to the city's drug fund for use for such purpose as budgeted by the city council. The clerk is authorized to issue payments, not to exceed the sum of moneys received from payments of the penalty imposed in this chapter, to the chief of police, or his designate, for the exclusive use of enforcing the provisions of Chapter 69.50 RCW, Uniform Controlled Substances Act. Before any payment is made there shall be submitted in writing a statement by the recipient stating:

1. That the moneys received will only be used in accordance with this chapter;
2. That the purchase is necessary for preparation of a criminal proceeding;
3. That the recipient will account in writing within forty-eight hours after expenditure to the clerk with a written statement showing:
 - a. Case number,
 - b. Amount of expenditure,
 - c. What was purchased,
 - d. Balance returned to the city.

B. Prior city council approval shall not be required for payments made in compliance with the foregoing, but the amount and date of expenditures shall be listed on the next claims payment report to the council. (Ord. 339 §1, 2006; Ord. 169 §2, 1985)

9.08.030 **Adoption of state provisions.**

Chapter 69.50 RCW and any and all remedies provided therein and available to the city, is adopted, in total, to be made a part of the laws of the city. (Ord. 169 §3, 1985)

Chapter 9.12
DISCRIMINATION IN HOUSING

Sections:

- 9.12.010 Policy generally.**
- 9.12.020 Refusal to negotiate or close sale prohibited.**
- 9.12.030 Contract requirements.**
- 9.12.040 Filing of claims.**
- 9.12.050 Action on complaints.**
- 9.12.060 Exclusions.**
- 9.12.070 Violation—Penalty.**

9.12.010 Policy generally.

It is declared to be the policy of the city in the exercise of its police power for maintenance of the public safety, public health and public welfare, to provide equal residential opportunity to all persons regardless of race, color, religion, ancestry, national origin or sex, and toward that end to prohibit associated discrimination in residential use, ownerships, sale, and/or rental by any person, including real estate brokers, real estate salesmen and agents, and owners of real property. (Ord. 28.4.A §1, 1975; Ord. 28.4 §1, 1968)

9.12.020 Refusal to negotiate or close sale prohibited.

Any act by any person involved in the operation or transfer of ownership of property to refuse to provide lawful services or to consummate property arrangements or sale, including the refusal to negotiate for any of the above, on the basis of race, color or religion, ancestry, national origin or sex of any individual applicant shall be considered unlawful discrimination and shall constitute a violation of this chapter. (Ord. 28.4.A §2, 1975; Ord. 28.4 §2, 1968)

9.12.030 Contract requirements.

All contracts for rental, lease or sale of any lot, house, or premises intended for residential use shall be conditioned upon the failure of any person to file, within ten days of the date of execution of such instrument, a claim for preemptive consideration on the basis of unlawful discrimination. Upon the filing of such claim and subsequent determination by a court of competent jurisdiction that unlawful discrimination did occur, as provided in Section 9.12.050 of this chapter, the seller and his representative (owners, managers, agents) shall be responsible for making full restitution for any damages proved by a complainant or by the city under this chapter. A certified copy of any such contract/agreement and associated instruments shall be furnished to the city within twenty-four hours of a demand therefor. (Ord. 28.4 §3, 1968)

9.12.040 Filing of claims.

Any person who believes he has been discriminated against in violation of Section 9.12.020 of this chapter may seek relief in the following manner:

- A. File a signed complaint within ten days of any such occurrence with the city police attesting to all

details believed to be pertinent to the situation alleged to constitute a violation of this chapter;

B. Specify his particular interest and present purposes as pertains to relief sought (i.e., actual rental or purchase of specific property, consideration of same, or simply prosecution by authorities);

C. If purchase or rental is sought, complainant shall:

1. Prove financial responsibility as pertains to ability to meet payments and fees involved (endorsement by a licensed lending institution or employer),

2. Prove availability for occupancy consistent with terms advertised,

3. List damages anticipated, if any, if present purposes as pertains to the property concerned are not achieved. (Ord. 28.4 §4, 1968)

9.12.050 Action on complaints.

A. Upon the filing of a complaint claiming unlawful discrimination, the city shall immediately notify the owners of record of the filing of said complaint and require transmittal of a certified copy of any and all other pertinent instruments, if any there be, executed within the preceding ten days by said owners or their representatives. Said certified instruments shall, upon receipt, be reviewed to ascertain that the alleged violation of Section 9.12.020 of this chapter, as detailed in accordance with Section 9.12.040 of this chapter, did in fact occur prior to but within ten days of the execution of instruments in conflict with the purposes specified by the complainant; otherwise, investigation by the city shall immediately be terminated, deposits refunded and the complaint considered closed. If certified instruments indicate a contract/agreement has been executed within the ten-day period following the alleged violation of Section 9.12.020 of this chapter, the city shall file an application for a temporary restraining order in a court of competent jurisdiction to interrupt all proceedings associated with said subsequent contract/agreement, until a hearing can be held in municipal court to ascertain whether a violation of Section 9.12.020 did in fact occur. Said hearing shall be requested in the municipal court within ten days of the date of receipt by the city of said certified instruments or of the filing of the complaint, whichever is later. Upon a finding by the municipal court of failure by the city to prove a violation of Section 9.12.020 of this chapter, said restraining order, if any, shall be dismissed and the complaint closed.

B. Alternatively, upon a finding that a violation did in fact occur, such affirmative findings shall comprise just cause for a claim for preemptive consideration, and the proceedings shall be amended to require the violators of Section 9.12.020 of this chapter to show cause why the restraining order on the unlawful contract/agreement should not be made permanent, and the complainant's application be considered and/or accepted. (Ord. 28.4 §5, 1968)

9.12.060 Exclusions.

Nothing in this chapter shall be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants of property on the basis of facts other than race, color, religion, ancestry, national origin, or sex. (Ord. 28.4.A §3, 1975; Ord. 28.4 §6, 1968)

9.12.070 Violation--Penalty.

A violation of this chapter shall be a misdemeanor and may be prosecuted as a criminal action with a

Brier Municipal Code

fine not to exceed two hundred fifty dollars or may be redressed by a civil action, at the option of the city. Each act of unlawful discrimination which occurs with a different complainant and/or different property shall constitute a separate offense and may be punishable as such. (Ord. 28.4.A §4, 1975: Ord. 28.4 §7, 1968)