

## ORIGINAL

RPB:jrv  
10/30/84

ORDINANCE NO. 1216

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, AMENDING TITLE 9 OF THE REDMOND MUNICIPAL CODE ENTITLED "PUBLIC PEACE, MORALS AND WELFARE" BY REPEALING OUTDATED SECTIONS AND ADDING NEW CRIMES NOT PREVIOUSLY CODIFIED.

WHEREAS, the Redmond City Council finds that there are several outdated provisions in Title 9 of the Redmond Municipal Code which need to be repealed and that there are new crimes and increased penalties adopted by the Washington State Legislature which should be added to Title 9, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 9.04.050 of the Redmond Municipal Code is hereby amended as follows: (1) to delete reference to RCW 66.44.230 because it was repealed by the Washington State Legislature; (2) to add RCW 66.44.291, entitled Minor Purchasing or Attempting to Purchase Liquor--Penalties; (3) to add RCW 66.44.370, entitled Resisting or Opposing Officers in Enforcement of Title; and (4) to change the RCW section number governing musicians eighteen years and older permitted to enter and remain upon licensed premises during employment from RCW 66.44.315 to RCW 66.44.316 because it was renumbered by the Washington State Legislature. Section 9.04.050 is hereby amended to read as follows:

9.04.050 Alcoholic beverage control--Enforcement.  
The following statutes of the state of Washington are adopted by reference and wherever the word "title" or words "this title" are used therein the same shall be construed to mean and refer to RCW Title 66 and "this act" shall mean and refer to the Washington State Liquor Act:

RCW 66.04.010	Definitions
RCW 66.28.080	Permit for music and dancing upon licensed premises
RCW 66.28.090	Licensed premises open for inspection--Failure to allow
RCW 66.44.010	Local officers to enforce law--authority of board--Liquor enforcement offi-

cers

RCW 66.44.040 Sufficiency of description of offenses in complaints, informations, process, etc.

RCW 66.44.050 Description of offense in words of statutes--Proof required

RCW 66.44.060 Proof of unlawful sale establishes prima facie intent

RCW 66.44.070 Certified analysis is prima facie evidence of alcoholic content

RCW 66.44.080 Service of process on corporation

RCW 66.44.090 Acting without license

RCW 66.44.100 Opening or consuming liquor in public places

RCW 66.44.120 Unlawful use of seal

RCW 66.44.130 Sales of liquor by drink or bottle

RCW 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal--Unlawful operation, possession of still or marsh

RCW 66.44.150 Buying liquor illegally

RCW 66.44.160 Illegal possession, transportation of alcoholic beverages

RCW 66.44.170 Illegal possession of liquor with intent to sell--Prima facie evidence, what is

RCW 66.44.175 Violations of law

RCW 66.44.200 Sales to persons apparently under the influence of liquor

RCW 66.44.210 Obtaining liquor for ineligible person

RCW 66.44.240 Drinking in public conveyance--Penalty against carrier

RCW 66.44.250 -----Penalty against individual

RCW 66.44.280 Minor applying for permit

RCW 66.44.290 Minor purchasing liquor

RCW 66.44.291 Minor purchasing or attempting to purchase liquor--Penalties

RCW 66.44.300 Treating minor, etc., in public place where liquor sold

RCW 66.44.310 Minors frequenting tavern--Misrepresentation of age--Classification of licenses

RCW 66.44.316 Musicians eighteen years and older permitted to enter and remain upon licensed premises during employment

RCW 66.44.325 Unlawful transfer to a minor of an identification of age

RCW 66.44.340 Employees eighteen years and over allowed to sell and carry beer and wine for class E and/or F licensed employees

RCW 66.44.370 Resisting or opposing officers in enforcement of title

Section 2. Section 9.04.070 of the Redmond Municipal Code is hereby amended to repeal adoption by reference of RCW 9.08.050 because this provision has been repealed by the Washington State Legislature and to add adoption by reference of RCW 9.08.070 Dog--Taking, concealing, injuring, killing, etc.--Penalty. Section 9.04.070 is hereby amended to read as follows:

9.04.070 Animals, crimes relating to. The following statutes of the state of Washington are adopted by reference:

RCW 9.08.010 Allowing vicious animal at large  
RCW 9.08.020 Diseased animals  
RCW 9.08.030 False certificate of registration of animals--False representation as to breed  
RCW 9.08.070 Dogs--Taking, concealing, injuring, killing, etc.--Penalty

Section 3. Section 9.04.090 of the Redmond Municipal Code is hereby amended to delete the references to RCW 9.61.160 and 9.61.170 because threats to bomb or injure property now constitutes a felony under state law. Section 9.04.090 is hereby amended to read as follows:

RCW 9.04.090 Arson, reckless burning, and malicious mischief and crimes relating to fire. The following statutes of the state of Washington are adopted by reference:

RCW 9.40.040 Operating engine or boiler without spark arrester  
RCW 9.40.100 Injuring or tampering with fire alarm apparatus or equipment--Sounding false alarm of fire  
RCW 9A.48.050 Reckless burning  
RCW 9.61.190 Carrier or racing pigeons--Injury to  
RCW 9.61.200 \_\_\_\_\_ Removal or alteration of identification  
RCW 9.61.230 Telephone calls to harass, intimidate, torment or embarrass  
RCW 9.61.240 -----Permitting telephone to be used  
RCW 9.61.250 -----Offense, where deemed committed

Section 4. There is hereby added to the Redmond Municipal Code a new Section 9.04.095 to read as follows:

RCW 9.04.095 Injury or Destruction of Property. It is unlawful for any person to wantonly destroy, cut, alter, remove, deface, mark or write upon, or in any manner injure any window, fence, gate, bridge, dwelling, house, engine house, building, awning, railing or any other property, public or private, not his own.

Section 5. There is hereby added to the Redmond Municipal Code a new Section 9.04.101 to read as follows:

9.04.101 Placing a person in fear or apprehension by threat.

A. Every person who shall intentionally place or attempt to place another person in reasonable fear or apprehension of bodily harm by means of a threat shall be guilty of a misdemeanor.

B. For purposes of this section, "threat" means to communicate, directly or indirectly, by act, word or deed, whether written, spoken or otherwise communicated, the intent to imminently:

1. Cause bodily injury to the person threatened or any other person; or
2. Cause physical damage to the property of a person other than the person making the threat; or
3. Subject the person theatedned or any other person to physical confinement or restraint.

Section 6. Section 9.04.100 of the Redmond Municipal Code is hereby amended to include RCW 9A.48.100(1) Malicious mischief--Physical damage defined. Section 9.04.100 is hereby amended to read as follows:

9.04.100 Assault and other crimes involving physical harm. The following statutes of the state of Washington are adopted by reference:

- RCW 9A.36.040 Simple assault
- RCW 9A.36.050 Reckless endangerment
- RCW 9A.36.070 Coercion
- RCW 9A.48.060 Reckless burning--Defenses
- RCW 9A.48.090 Malicious mischief in the third degree
- RCW 9A.48.100(1) Malicious mischief--Physical damage defined

Section 7. Section 9.04.130 of the Redmond Municipal Code is hereby amended to add the crime of escape in the third degree. Section 9.04.130 is hereby amended to read as follows:

9.04.130 Escape. The following statutes of the state of Washington are adopted by reference:

- RCW 9.31.090 Escaped prisoner recaptured
- RCW 9A.76.130 Escape in the third degree

Section 8. Section 9.04.150 of the Redmond Municipal Code is hereby amended: (1) to adopt by reference the state law governing the confiscation of firearms by law enforcement; and (2) to add RCW 9.41.280, Students Carrying Dangerous Weapons. Section 9.04.150 is hereby amended to read as follows:

9.04.150 Firearms and dangerous weapons. The following statutes of the state of Washington are adopted by reference:

RCW 9.41.010 Terms defined  
 RCW 9.41.050 Carrying pistol  
 RCW 9.41.060 Exception  
 RCW 9.41.070 Issuance of license to carry  
 RCW 9.41.080 Delivery to minors and others for-  
 bidden  
 RCW 9.41.090 Sales regulated--Application to pur-  
 chase--Grounds for denial  
 RCW 9.41.093 Exemptions  
 RCW 9.41.095 Denial of application--Appeal  
 RCW 9.41.098 Forfeiture of firearms, order by  
 courts--Return to owner--Confiscation  
 by law enforcement officer  
 RCW 9.41.100 Dealer's licenses, by whom granted and  
 condition thereof--Wholesale sales ex-  
 cepted--Permits prohibited  
 RCW 9.41.120 Certain transfers prohibited  
 RCW 9.41.130 False information forbidden  
 RCW 9.41.140 Alteration of identifying marks pro-  
 hibited  
 RCW 9.41.150 Exceptions  
 RCW 9.41.160 Penalties  
 RCW 9.41.170 Alien's license to carry firearms--  
 Exception  
 RCW 9.41.230 Aiming or discharging firearms  
 RCW 9.41.240 Use of firearms by minor  
 RCW 9.41.250 Dangerous weapons--Evidence  
 RCW 9.41.260 Dangerous exhibitions  
 RCW 9.41.270 Weapons apparently capable of pro-  
 ducing bodily harm, carrying exhibit-  
 ing, displaying or drawing unlawful--  
 Penalty--Exceptions  
 RCW 9.41.280 Students carrying dangerous weapons on  
 school property

Section 9. Section 9.04.210 of the Redmond Municipal  
 Code is hereby amended to delete the adoption by reference of  
 RCW 9.66.060 - Throwing or Depositing Debris, and RCW  
 9.66.070 - Penalty, because these sections have been repealed  
 by the Washington State Legislature. Section 9.04.210 is  
 hereby amended to read as follows:

9.04.210 Nuisance. The following statutes of the  
 state of Washington are adopted by reference:

RCW 9.66.010 Public nuisance  
 RCW 9.66.020 Unequal damage  
 RCW 9.66.030 Maintaining or permitting nuisance  
 RCW 9.66.040 Abatement of nuisance  
 RCW 9.66.050 Deposit of unwholesome substance

Section 10. Section 9.04.220 of the Redmond Munic-  
 ipal Code is hereby amended to delete the adoption by refer-  
 ence of RCW 9.68.010, 9.68.015, 9.68.020 and 9.68.040 govern-  
 ing obscene literature, shows, etc. and using vulgar language  
 because the Washington State Legislature has repealed these

provisions and the section is amended to add a new section governing obscene literature, shows, etc. Section 9.04.220 is hereby amended to read as follows:

9.04.220 Obscenity. The following statutes of the state of Washington are adopted by reference:

RCW 9.68.015	Obscene literatures, shows, etc.-- Exemptions
RCW 9.68.030	Indecent articles, etc.
RCW 9.68.050	"Erotic material"--Definitions
RCW 9.68.060	-----Determination by court--Labeling --Penalties
RCW 9.68.070	Prosecution for violation of RCW 9.68.060--Defense
RCW 9.68.080	Unlawful acts
RCW 9.68.100	Exceptions to provisions of RCW 9.68.050 through 9.68.120
RCW 9.68.110	Motion picture operator or project- ionist exempt, when
RCW 9.68.120	Provisions of RCW 9.68.050 through 9.68.120 exclusive
RCW 9.68.130	"Sexually explicit material"--Defined --Unlawful display

Section 11. Section 9.04.230 of the Redmond Municipal Code is hereby amended to repeal that portion of the section adopting RCW 9A.76.020 because a portion of it was ruled unconstitutional and renumbering the RCW section governing bail jumping to conform to the state statute. Section 9.04.230 is hereby amended to read as follows:

9.04.230 Obstructing justice, criminal assistance, introducing contraband. The following statutes of the state of Washington are adopted by reference:

RCW 9.69.100	Withholding knowledge of felony in- volving violence--Penalty
RCW 9A.76.010	Definitions
RCW 9A.76.030	Refusing to summon aid for a peace officer
RCW 9A.76.040	Resisting arrest
RCW 9A.76.050	Rendering criminal assistance--Defini- tion of terms
RCW 9A.76.090	Rendering criminal assistance in the third degree
RCW 9A.76.160	Introducing contraband in the third degree
RCW 9A.76.170(1)(2)(d)	Bail jumping

Section 12. There is hereby added to the Redmond Municipal Code a new section 9.04.235 to read as follows:

9.04.235 Obstructing public officers. It is unlawful for any person to make any wilfully untrue, misleading or exaggerated statement, or to wilfully hinder, delay or obstruct any public officer in the discharge of his or her official powers or duties.

Section 13. Section 9.04.260 of the Redmond Municipal Code is hereby amended to delete the adoption by reference of RCW 9A.88.020 because it was repealed and substitute RCW 9A.44.110, and add RCW 9A.44.120. Section 9.04.260 is hereby amended to read as follows:

9.04.260 Public indecency--Sex crimes. The following statutes of the state of Washington are adopted by reference:

RCW 9A.88.010	Public indecency
RCW 9A.44.110	Communication with a minor for immoral purposes
RCW 9A.44.120	Admissibility of child's statement --Conditions

Section 14. Section 9.04.270 of the Redmond Municipal Code is hereby amended to delete the adoption by reference of RCW 9A.56.090 because it has been repealed by the Washington State Legislature and to add the adoption by reference of subsections (2) and (5) to RCW 9A.56.060. Section 9.04.270 is hereby amended to read as follows:

9.04.270 Theft. The following statutes of the state of Washington are adopted by reference:

RCW 9A.56.010	Definitions
RCW 9A.56.020	Theft--Definition, defense
RCW 9A.56.050	Theft in third degree
RCW 9A.56.060(1)(2)(3)(5)	Unlawful issuance of checks or drafts
RCW 9A.56.140	Possessing stolen property--Definition, credit cards, presumption
RCW 9A.56.170	Possessing stolen property in the third degree
RCW 9A.56.180	Obscuring identity of a machine

Section 15. Section 9.04.280 of the Redmond Municipal Code is hereby repealed because the Washington State Legislature has repealed the provisions adopted by reference in this section.

Section 16. Section 9.04.300 of the Redmond Municipal Code is hereby repealed because the Washington State Legislature has repealed the provisions adopted by reference in this section.

Section 17. Chapter 9.08 of the Redmond Municipal Code "Curfew for Minors" is hereby repealed.

Section 18. Section 9.04.310 of the Redmond Municipal Code is hereby amended to adopt by reference the State law governing littering. Section 9.04.310 is hereby amended to read as follows:

9.04.310 Miscellaneous crimes. The following statutes of the state of Washington are adopted by reference:

RCW 9.91.010 Denial of civil rights-- Terms defined  
RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated  
RCW 9.91.060 Leaving children unattended in parked automobile  
RCW 9.91.110 Meal buyers--Records of purchases-- Penalty  
RCW 70.93.060 Littering

Section 19. Section 9.04.330 of the Redmond Municipal Code is hereby repealed to delete adoption by reference of RCW 9A.20.020 and RCW 9A.20.030.

Section 20. There is hereby added to the Redmond Municipal Code a new Section 9.48.090 to read as follows:

9.48.090 Possession prohibited. No person shall possess any drug paraphenalia as defined in RCW 69.50.102 with the intent to use or employ the same for manufacturing and/or consuming controlled substances.

Section 21. Section 9.04.360 of the Redmond Municipal Code is hereby amended to read as follows:

9.04.360 Penalties for violations. Any person violating any of the provisions of this chapter and the state statutes hereby adopted by reference shall, upon conviction thereof, be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 22. Section 9.12.160 of the Redmond Municipal Code is hereby amended to read as follows:

9.12.160 Penalty for violations. Any person violating or failing to comply with any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 23. Section 9.16.020 of the Redmond Municipal Code is hereby amended to read as follows:

9.16.020 Penalty for violations. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and, upon



conviction thereof, shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 24. Section 9.24.030 of the Redmond Municipal Code is hereby amended to read as follows:

9.24.030 Penalty for violations. Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 25. Section 9.36.300 of the Redmond Municipal Code is hereby amended to read as follows:

9.36.300 Penalty for violations. Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 26. Section 9.40.060 of the Redmond Municipal Code is hereby amended to read as follows:

9.40.060 Penalty for violation -- abatement of nuisance. Any person violating or failing to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code. In addition, the court may order such nuisance abated by causing removal of such junk, either by the defendant or other person or by the use of City employees at the defendant's expense, or such nuisance may be abated as provided by law.

Section 27. Section 9.44.120 of the Redmond Municipal Code is hereby amended to read as follows:

9.44.120 Penalties. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 28. Section 9.48.080 of the Redmond Municipal Code is hereby amended to read as follows:

9.48.080 Penalty for violating Sections 9.48.040 - 9.48.080. Any person violating any of the provisions of Sections 9.48.040 - 9.48.080 shall, upon conviction thereof, be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 29. Section 9.52.240 of the Redmond Municipal Code is hereby amended to read as follows:

9.52.240 Penalty for violations. The violation of any of the rules and regulations set forth herein or as adopted pursuant to Section 9.52.230 constitutes a misdemeanor under and, upon conviction thereof,

shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 30. Section 9.60.070 of the Redmond Municipal Code is hereby amended to read as follows:

9.60.070 Penalties for violations. Anyone violating or failing to comply with any of the provisions of this chapter, upon conviction thereof, shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 31. Section 9.64.110 of the Redmond Municipal Code is hereby amended to read as follows:

9.64.110 Penalty for violations. Any person who commits, attempts to commit, conspires to commit, or aids and abets in the commission of any act which is in violation of the provisions of this chapter, whether individually or in connection with one or more persons and whether as principal, agent, or accessory or who falsely, fraudulently, forcefully or willfully induces, causes, coerces, requires, permits or directs others to commit such violation, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 32. Section 9.68.030 of the Redmond Municipal Code is hereby amended to read as follows:

9.68.030 Penalties for violations. Any person violating any of the provisions of this chapter shall be punished as provided in Chapter 9.80 of the Redmond Municipal Code.

Section 33. Section 9.72.030 of the Redmond Municipal Code is hereby amended to read as follows:

9.72.030 Penalties. Violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable as set forth in Chapter 9.80 of the Redmond Municipal Code.

Section 34. There is hereby added to the Redmond Municipal Code a new Chapter 9.80, entitled Penalties, to read as follows:

9.80.100 Penalty. Any person violating any of the provisions of Title 9 shall be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00) or by imprisonment in jail for a term not exceeding one (1) year, or by both such fine and imprisonment.

9.80.200 Authorized sentence of offenders. The following statute of the state of Washington is adopted by reference:

RCW 9A.20.030 Alternative to fine --  
Restitution.

Section 35. The Title of Chapter 9.04 is hereby  
amended to read as follows:

Chapter 9.04 Crimes Against Persons and Property.

Section 36. This ordinance shall be in full force  
and effect thirty (30) days after passage and publication by  
posting as provided by law.

CITY OF REDMOND:

*Doreen Marchione*  
MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:

*Doris A. Schaible*  
CITY CLERK, DORIS A. SCHAIBLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY *James C. Martin*

FILED WITH THE CITY CLERK:	November 1, 1984
PASSED BY THE CITY COUNCIL:	November 6, 1984
SIGNED BY THE MAYOR:	November 6, 1984
POSTED:	November 8, 1984
EFFECTIVE DATE:	December 8, 1984
ORDINANCE NO. <u>1216</u>	