

ORIGINAL

CITY OF REDMOND, WASHINGTON

ORDINANCE NO. 761

AN ORDINANCE, relating to crimes and offenses; adopting certain state statutes by reference; and repealing Ordinance No. 581, adopted June 6, 1972, Ordinance No. 467, adopted May 7, 1968, and Ordinance No. 9, adopted January 29, 1913.

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

Section 1. General Provisions. The following statutes of the state of Washington (RCW) are hereby adopted by reference:

RCW 9.01.055	Citizen immunity if aiding officer
RCW 9.01.110	Omission, when not punishable
RCW 9.01.130	Sending letter, when complete
RCW 9A.04.010	Title, effective date, application, severability captions.
RCW 9A.04.020	Purposes - principles of construction
RCW 9A.04.040	Classes of crime
RCW 9A.04.050	People capable of committing crimes (capability of children)
RCW 9A.04.060	Common law to supplement statutes
RCW 9A.04.070	Who amenable to criminal statutes
RCW 9A.04.080	Limitations of actions
RCW 9A.04.090	Application of general provisions of the code
RCW 9A.04.100	Proof beyond a reasonable doubt
RCW 9A.04.110	Definitions

Section 2. Principles of Liability. The following statutes of the state of Washington (RCW) are hereby adopted by reference:

RCW 9A.08.010	General requirements of culpability
RCW 9A.08.020	Liability of conduct of another complicity
RCW 9A.08.030	Criminal liability of corporations and persons acting under a duty to act in their behalf

Section 3. Abandoned refrigeration equipment. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.03.010	Abandoning, discarding, refrigeration equipment
RCW 9.03.020	Permitting unused equipment to remain on premises
RCW 9.03.030	Violation of RCW 9.03.010 or 9.03.020
RCW 9.03.040	Keeping or storing equipment for sale

Section 4. Advertising, crimes relating to. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.04.010	False advertising
RCW 9.04.020	Advertising divorce business
RCW 9.04.030	Advertising cures of venereal diseases, lost vitality -- monthly regulators
RCW 9.04.040	----- Evidence

Section 5. Alcoholic beverage control -- enforcement. The following statutes of the State of Washington are hereby 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 officers
- 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 mash
- 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 66.44.230 Admitting, employing, or furnishing liquor to previously convicted or intoxicated person or common drunkard
- RCW 66.44.240 Drinking in public conveyance -- Penalty against carrier
- RCW 66.44.250 ----- Penalty against individual
- RCW 66.44.270 Furnishing liquor to minors -- Possession, use
- RCW 66.44.280 Minor applying for permit
- RCW 66.44.290 Minor purchasing liquor
- RCW 66.44.300 Treating minor, etc., in public place where liquor sold
- RCW 66.44.310 Minors frequenting taverns -- Misrepresentation of age -- Classification of licenses
- RCW 66.44.315 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

Section 6. Unlawful for minor to be in public after consumption. It shall be unlawful for any person under the age of twenty-one to be or remain in any public place after having consumed a noticeable quantity of an alcoholic beverage.

Section 7. Animals, crimes relating to. The following statutes of the State of Washington are hereby 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 9.08.050 Shooting or poisoning livestock

Section 8. Anticipatory offenses. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9A.28.020(1),(2),(3)(e) Criminal attempt
RCW 9A.28.030 Criminal Solicitation
RCW 9A.28.040(1)(2),(3)(e) Criminal conspiracy

Section 9. Arson, reckless burning, and malicious mischief and crimes relating to fire. The following statutes of the State of Washington are hereby 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 9A.48.090 Malicious mischief in the third degree
RCW 9.61.160 Threats to bomb or injure property
RCW 9.61.170 -----Hoax no defense
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 10. Burglary and Trespass. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9A.52.060 Making or having burglary tools
RCW 9A.52.080 Criminal trespass in the second degree
RCW 9A.52.090 Criminal trespass -- defenses
RCW 9A.52.100 Vehicle prowling

Section 12. Disturbances, riot and unlawful assembly. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.27.015 Interference, obstruction of any court, building or residence -- Violations

Section 12. Escape. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.31.090 Escaped prisoner recaptured

Section 13. False representations. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.38.010 False representation concerning credit
RCW 9.38.020 False representation concerning title

Section 14. Firearms and dangerous weapons. The following statutes of the State of Washington are hereby 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 licenses to carry
 RCW 9.41.080 Delivery to minors and others forbidden
 RCW 9.41.090 Sales regulated -- Application to purchase
 -- Grounds for denial
 RCW 9.41.093 Exemptions
 RCW 9.41.095 Denial of application -- Appeal
 RCW 9.41.100 Dealer's licenses, by whom granted and
 conditions thereof -- Wholesale sales
 excepted -- Permits prohibited
 RCW 9.41.120 Certain transfers forbidden
 RCW 9.41.130 False information forbidden
 RCW 9.41.140 Alteration of identifying marks prohibited
 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 producing
 bodily harm, carrying, exhibiting, displaying
 or drawing unlawful -- Penalty -- Exceptions

Section 15. Frauds and swindles. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.45.040 Frauds on innkeeper
 RCW 9.45.060 Encumbered, leased or rented personal property
 RCW 9.45.062 Failure to deliver leased personal property --
 Requisites for presentation -- Construction
 RCW 9.45.070 Mock auctions
 RCW 9.45.080 Fraudulent removal of property
 RCW 9.45.090 Knowingly receiving fraudulent conveyance
 RCW 9.45.100 Fraud in assignment for benefit of creditors
 RCW 9.45.120 Using false weights and measures
 RCW 9.45.150 Concealing foreign matter in merchandise
 RCW 9.45.180 Fraud in operating coin-box telephone or
 other receptacle
 RCW 9.45.190 Penalty for manufacture or sale of slugs to
 be used for coin
 RCW 9.45.240 Fraud in obtaining telephone or telegraph
 service
 RCW 9.45.250 Fraud in obtaining cable television services
 RCW 9A.60.040 Criminal impersonation
 RCW 9A.60.050 False certification

Section 16. Glue sniffing. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.47A.010 Glue sniffing -- definition
 RCW 9.47A.020 Unlawful inhalation -- exception
 RCW 9.47A.030 Possession of certain glue prohibited, when
 RCW 9.47A.040 Sale of certain glue, prohibited, when

Section 17. Larceny. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.54.130 Restoration of stolen property -- Duty of officers

Section 18. Libel and slander. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.58.010 Libel, what constitutes
 RCW 9.58.020 How justified or excused -- Malice, when
 presumed

RCW 9.58.030 Publication defined
 RCW 9.58.040 Liability of editors and others
 RCW 9.58.050 Report of proceedings privileged
 RCW 9.58.070 Privileged communications
 RCW 9.58.080 Furnishing libelous information
 RCW 9.58.090 Threatening to publish libel
 RCW 9.58.100 Slander of financial institution
 RCW 9.58.110 Slander of woman
 RCW 9.58.120 Testimony necessary to convict

Section 19. Malicious prosecution -- Abuse of process. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.62.010 Malicious prosecution
 RCW 9.62.020 Instituting suit in name of another

Section 20. Nuisance. The following statutes of the State of Washington are hereby 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
 RCW 9.66.060 Throwing or depositing debris or waste upon public or private property or waters
 RCW. 9.66.070 -----Penalty -- Removal by violater

Section 21. Obscenity. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.68.010 Obscene literature, shows, etc. -- Exception
 RCW 9.68.015 ----- Exemptions
 RCW 9.68.020 Prohibited publications
 RCW 9.68.030 Indecent articles, etc.
 RCW 9.68.040 Using indecent or vulgar language, 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 projectionist 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 22. Obstructing Justice, Criminal Assistance, Introducing Contraband. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.69.100 Withholding knowledge of felony involving violence -- Penalty
 RCW 9A.76.010 Definitions
 RCW 9A.76.020 Obstructing a Public Servant
 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 - Definition 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)(e) Bail Jumping

Section 23. Privacy, violating right of. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.73.010 Divulging telegram
RCW 9.73.020 Opening sealed letter
RCW 9.73.030 Intercepting, recording or divulging private communication -- Consent required -- Exceptions
RCW 9.73.070 ----- Persons and activities excepted
RCW 9.73.090 Police and fire personnel exempted from RCW 9.73.030 - 9.73.080 -- Standards
RCW 9.73.100 Recordings available to defense counsel

Section 24. Riot, Failure to Disperse and Disorderly Conduct. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9A.84.010(1)(2)(b) Riot
RCW 9A.84.020 Failure to Disperse
RCW 9A.84.030 Disorderly Conduct
RCW 9A.84.040 False Reporting

Section 25. Sex crimes, Public Indecency, Prostitution. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9A.88.010 Public Indecency
RCW 9A.88.020 Communication with a Minor for Immoral purposes
RCW 9A.88.030 Prostitution
RCW 9A.88.050 Prostitution - No Defense
RCW 9A.88.090 Permitting Prostitution

Section 26. Theft. The following statutes of the State of Washington are hereby adopted by reference:

RCW 2A.56.010 Definitions
RCW 9A.56. Theft -- Definition, defense
RCW 9A.56.050 Theft in third degree
RCW 9A.56.060 (1)(3) Unlawful issuance of checks or drafts
RCW 9A.56.180 Obscuring identity of a machine

Section 27. Trespass. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.83.010 Trespass on railway track
RCW 9.83.020 Trespass on double track
RCW 9.83.020 Exceptions
RCW 9.83.040 Signs or warnings
RCW 9.83.060 Trespass upon another's land
RCW 9.83.070 Malicious trespass -- Penalty
RCW 9.83.080 Criminal trespass -- Penalty -- Defense

Section 28. United States and State Flags, crimes relating to. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.86.010 "Flag," etc., defined
RCW 9.86.020 Improper use of flag prohibited
RCW 9.86.030 Desecration of flag
RCW 9.86.040 Application of provisions

Section 29. Vagrancy. The following statutes of the State of Washington are hereby adopted by reference:

RCW 9.87.010 Vagrancy
RCW 9.87.020 False representation of physical defects

Section 30. Miscellaneous crimes. The following statutes of the State of Washington are hereby 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 Metal buyers -- Records of purchases -- Penalty

Section 31. Construction. In adopting the foregoing state statutes by reference, only those crimes and offenses within the jurisdiction of a non-charter city are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

Section 32. Severability. If any provision of this ordinance, the state statutes adopted by reference, the jurisdiction and applicability of the subject matter to enforcement by non-charter code cities, or its application to any person or circumstance is held invalid, the remainder of the ordinance and state statutes adopted by reference, or the application of the provision to other persons or circumstances is not affected.

Section 33. Copies of state statutes adopted to be kept on file. Pursuant to RCW 35A.12.140, the City Clerk shall authenticate and record a copy of the state statutes herein adopted by reference along with this adopting ordinance, and shall maintain on file not less than three copies of such state statutes in the form the same were adopted by this ordinance.

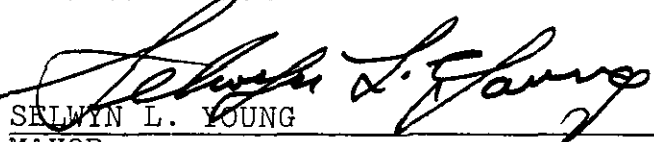
Section 34. Penalties for violations. Any person violating any of the provisions of this ordinance and the State statutes hereby adopted by reference shall, upon conviction thereof, be punished as provided in Section 1.01.110 of the Redmond Municipal Code.

Section 35. Repeal. Ordinance No. 581, adopted June 6, 1972, Ordinance No. 467, adopted May 7, 1968, and Ordinance No. 9, adopted January 29, 1913, are hereby repealed.

Section 36. Effective date. This ordinance shall take effect and be in force five (5) days after the date of its publication in the manner provided by law.

PASSED by the Council of the City of Redmond, Washington, at a regular meeting thereof, and APPROVED by the Mayor this 19th day of April, 1977.

CITY OF REDMOND

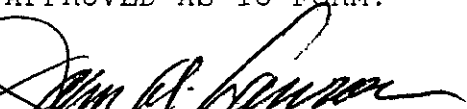

SELWYN L. YOUNG
MAYOR

ATTEST:



PAUL F. KUSAKABE
CITY CLERK

APPROVED AS TO FORM:



JOHN D. LAWSON
CITY ATTORNEY

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