

ORIGINAL

6/13/85
0532c

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3516

AN ORDINANCE enacting revised penal codes, Bellevue City Code Title 10 and Title 10A; recodifying Bellevue City Code Sections 10.16.150, 10.24.010 through 10.24.060, and 10.26.010 through 10.26.040; and repealing Bellevue City Code Sections 10.02.010-.090; 10.04.010-.150; 10.06.020-.060; 10.08.010-.100; 10.10.020-.070; 10.12.010-.190; 10.14.010-.090; 10.16.010-.140; 10.16.160; 10.18.010-.070; 10.20.010-.300; and 10.22.010-.100.

WHEREAS, the existing Bellevue Penal Code contains misdemeanor and gross misdemeanor offenses which State law now declares to be felony offenses; and

WHEREAS, it is necessary that the City's penal ordinances be clear, unambiguous and not in conflict with State law; and

WHEREAS, it is important that the City's penal ordinance give fair warning of conduct declared to be criminal; and

WHEREAS, adoption of a revised Penal Code will assist law enforcement personnel in the enforcement of penal ordinances; now therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. There is hereby added to the Bellevue City Code a new Title 10 to be entitled "Criminal Offenses and Penalties" which may be cited as such and which will consist of the following chapters:

Section 2. There is hereby added to the Bellevue City Code Chapter 10.01 to be entitled "General Provisions" which may be cited as such and will consist of the following section(s):

10.01.130 Sending letter, when complete.

Whenever any ordinance makes the sending of a letter criminal, the offense shall be deemed complete from the time it is deposited in any post office or other place, or delivered to any person, with intent that it shall be forwarded; and the sender may be proceeded against in the county wherein it was so deposited or delivered, or in which it was received by the person to whom it was addressed.

6/13/85
0532c

Section 3. There is hereby added to the Bellevue City Code Chapter 10.23 to be entitled "Contempt" which may be cited as such and will consist of the following section(s):

10.23.010 Criminal contempt.

Every person who shall commit a contempt of court of any one of the following kinds shall be guilty of a misdemeanor:

- (1) Disorderly, contemptuous or insolent behavior committed during the sitting of the court, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due to its authority; or
- (2) Behavior of like character in the presence of a referee, while actually engaged in a trial or hearing pursuant to an order of court, or in the presence of a jury while actually sitting in the trial of a cause or upon an inquest or other proceeding authorized by law; or
- (3) Breach of the peace, noise or other disturbance directly tending to interrupt the proceedings of a court, jury or referee; or
- (4) Wilful disobedience to the lawful process or mandate of a court; or
- (5) Resistance, wilfully offered, to its lawful process or mandate; or
- (6) Contumacious and unlawful refusal to be sworn as a witness or, after being sworn, to answer any legal and proper interrogatory; or
- (7) Publication of a false or grossly inaccurate report of its proceedings; or
- (8) Assuming to be an attorney or officer of a court or acting as such without authority.
(Ord. 2085 § 2 (part), 1974; prior code § 10.16.130)

Section 4. There is hereby added to the Bellevue City Code Chapter 10.40 to be entitled "Fire Alarm Equipment" which may be cited as such and will consist of the following section(s):

10.40.100 Injuring or tampering with fire alarm apparatus or equipment - Sounding false alarm of fire.

6/13/85
0532c

Any person who wilfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who wilfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or state fire marshal official.

Section 5. There is hereby added to the Bellevue City Code Chapter 10.41 to be entitled "Firearms and Dangerous Weapons" which may be cited as such and will consist of the following section(s):

- 10.41.010 Terms defined.
- 10.41.050 Carrying a pistol.
- 10.41.060 Exception to restriction on carrying pistol.
- 10.41.080 Delivery to minors and others forbidden.
- 10.41.130 False information in obtaining pistol.
- 10.41.140 Alteration of identifying marks - Exceptions.
- 10.41.150 Exemptions.
- 10.41.160 General penalties.
- 10.41.230 Aiming or discharging firearms.
- 10.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawfully - Penalty - Exceptions.
- 10.41.280 Dangerous weapons.
- 10.41.300 Use of bow and arrows, traps and similar weapons prohibited - Exceptions.
- 10.41.310 Air gun defined.
- 10.41.010 Terms defined.

6/13/85
0532c

- (1) "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.
- (2) "Crime of violence" as used in this chapter means:
 - (a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, burglary in the second degree, and robbery in the second degree;
 - (b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, which is comparable to a felony classified as a crime of violence in subsection (2) (a) of this section; and
 - (c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under subsection (2) (a) or (b) of this section.
- (3) "Firearm" as used in this chapter means a weapon or device from which a projectile may be fired by an explosive such as gunpowder.
- (4) "Commercial seller" as used in this chapter means a person who has a federal firearms license.
(Ord. 1690 § 1, 1971; prior code § 10.20.010.)

10.41.050 Carrying a pistol.

- (1) Except in the person's place of abode or fixed place of business, a person shall not carry a pistol concealed on his or her person without a license to carry a concealed weapon.
- (2) A person who is in possession of an unloaded pistol shall not leave the unloaded pistol in a vehicle unless the unloaded pistol is locked within the vehicle and concealed from view from outside the vehicle.
- (3) A person shall not carry or place a loaded pistol in any vehicle unless the person has a license to carry a concealed weapon

6/13/85
0532c

and: (a) the pistol is on the licensee's person, (b) the licensee is within the vehicle at all times that the pistol is there, or (c) the licensee is away from the vehicle and the pistol is locked within the vehicle and concealed from view from outside the vehicle. (Ord. 1690 § 3, 1971; prior code § 10.20.040.)

10.41.060 Exception to restriction on carrying pistol.

The provisions of B.C.C. 10.41.050 shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law enforcement officers, or to members of the army, navy or marine corps of the United States or of the national guard or organized reserves when on duty, or to regularly enrolled members of any organization duly authorized to purchase or receive such weapons from the United States or from this state, or to regularly enrolled members of clubs organized for the purpose of target shooting or modern and antique firearm collecting or to individual hunters: Provided, such members are at, or are going to or from their places of target practice, or their collector's gun shows and exhibits, or are on a hunting, camping or fishing trip, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using, or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or to a place of repair or back to his home or place of business or in moving from one place of abode or business to another.

(Ord. 1690 § 4, 1971; prior code § 10.20.050.)

10.41.080 Delivery to minors and other forbidden.

No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

(Ord. 1690 § 6, 1971; prior code § 10.20.070.)

10.41.130 False information in obtaining pistol.

No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the pistol, give false information or offer false evidence of his identity.

(Ord. 43 § 7.13, 1953; prior code § 10.20.120.)

6/13/85
0532c

10.41.140 Alteration of identifying marks - Exceptions.

No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefore do not have the markings on the barrels of the original manufacturers who are no longer in business.

(Ord. 43 § 7.12, 1953; prior code § 10.20.110.)

10.41.150 Exemptions.

B.C.C. 10.41.010 through 10.41.140 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

(Ord. 43 § 7.14, 1953; prior code § 10.20.130.)

10.41.160 General penalties.

Except as otherwise provided, any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

(Ord. 1281 §1 (part), 1968; prior code § 10.20.300)

10.41.230 Aiming or discharging firearms.

Every person who shall aim any gun, pistol, revolver or other firearm, whether loaded or not, at or towards any human being, or who shall wilfully discharge any firearm, air gun or other weapon, or throw any deadly missile in a public place, or in any place where any person might be endangered thereby, although no injury results, shall be guilty of a misdemeanor.

(Ord. 43 § 7.19, 1953; prior code §§ 10.20.180, 10.20.200.)

10.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful - Penalty - Exceptions.

(1) It shall be unlawful for anyone to carry, exhibit, display or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of

6/13/85
0532c

producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(2) Any person violating the provisions of subsection (1) above shall be guilty of a gross misdemeanor.

(3) Subsection (1) of this section shall not apply to or affect the following:

(a) Any act committed by a person while in his place of abode or fixed place of business;

(b) Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order, or to make arrests for offenses, while in the performance of such duty;

(c) Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another, or for the purpose of protecting another against the use of such unlawful force by a third person;

(d) Any person making or assisting in making a lawful arrest for the commission of a felony; or

(e) Any person engaged in military activities sponsored by the federal or state governments.
(Ord. 1428 § 1 (part), 1969; Ord. 1690 § 9, 1971; prior code § 10.20.230, 10.20.240, 10.20.250.)

10.41.280 Dangerous weapons.

A. Every person who manufactures, sells or disposes of or has in his possession any instrument, martial arts weapon, or other weapon of the kind usually known as blackjack, slung shot, nunchuku, throwing star, sandclub or metal knuckles or spring blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens or falls or is ejected into position by the force of gravity, or by an outward, downward or centrifugal thrust or movement; who shall furtively carry with intent to conceal any dagger, dirk, pistol or other dangerous weapon; or who uses any contrivance or device for suppressing the noise of any firearm, is guilty of a gross misdemeanor.

6/13/85
0532c

B. Subsection A shall not apply to any of the following:

1. The possession of a nunchaku, throwing star or other martial arts weapon on the premises of a school which holds a regulatory or business license and teaches the arts of self-defense;

2. The manufacture of a nunchaku, throwing star or other martial arts weapon for sale to, or the sale of a nunchaku, throwing star or other martial arts weapon to, a school which holds a regulatory or business license and teaches the arts of self-defense.

C. "Nunchaku" means any device consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means.

D. "Throwing star" means any device which is a multi-pointed, metal object designed to embed upon impact.

(Ord. 43 § 7.18, 1953; Ord. 1154 § 1, 1968; Ord. 3066 § 2, 1981; Ord. 3197 § 1, 1982; prior code § 10.20.170.)

10.41.300 Use of bow and arrows, traps and similar weapons prohibited - Exceptions.

A. It is unlawful for any person to use a bow and arrow or other weapon designed or used for hunting wild animals or wild birds, or to use any trap intended or designed to injure, maim, or kill wild animals or wild birds within the city limits, except as provided in subsection (B) of this section.

B. Subsection (A) of this section shall not affect or apply to the following:

1. The use of bow and arrows with due consideration for the safety of others:

a. At a city-licensed or permitted archery range or meet,

b. Upon and within the private property of the user,

c. Upon and within the private property of another with the property owner's express permission, or

2. The use of traps to capture gophers or moles on the private property of the user; or

6/13/85
0532c

3. Live trapping of a wild animal or wild bird for purposes of transferring it for release in a suitable habitat; or
4. The humane destruction of a dangerous animal or an animal or bird suffering from serious injury or disease. (Ord. 3066 § 1, 1981; prior code § 10.20.185.)

10.41.310 Air gun defined.

As used in this title, the words "air gun" mean and include the following:

Air gun, air pistol, air rifle, BB gun and toy guns of any kind or nature when so designed, contrived, modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB, rock or other hard substance, with sufficient force to break glass or inflict injury upon persons or animals.

(Ord. 132 § 1, 1955; prior code § 10.20.190.)

Section 6. There is hereby added to the Bellevue City Code Chapter 10.45 to be entitled "Frauds and Swindles" which may be cited as such and will consist of the following section(s):

10.45.040 Frauds on innkeeper.

10.45.060 Encumbered, leased or rented personal property - Construction.

10.45.062 Failure to deliver leased personal property - Requisites for prosecution - Construction.

10.45.040 Frauds on innkeeper.

Every person who shall obtain any food, lodging or accommodation at any hotel, restaurant, boarding house or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who shall obtain credit at a hotel, restaurant, boarding house or lodging house by color or aid of any false pretense, representation, token or writing, or who after obtaining board, lodging or accommodation at a hotel, restaurant, boarding house or lodging house, shall abscond or surreptitiously remove his baggage therefrom without paying for such food, lodging or accommodation, shall be guilty of a misdemeanor.

6/13/85
0532c

10.45.060 Encumbered, leased or rented personal property -
Construction.

Every person being in possession thereof, who shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the sale, removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease exists, with intent to hinder, delay, or defraud the secured party of such security agreement, or the holder of such mortgage, lien, or conditional sales contract or the lessor under such lease or renter of [under] such rental agreement, or any assignee of such security agreement, mortgage, lien, conditional sales contract, rental agreement or lease shall be guilty of a gross misdemeanor.

In any prosecution under this section any allegation containing a description of the security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision.

10.45.062 Failure to deliver leased personal property -
Requisites for prosecution - Construction.

Every person being in possession thereof who shall wilfully and without reasonable cause fail to deliver leased personal property to the lessor within ten days after written notice of the expiration of the lease has been mailed to the lessee by registered or certified mail with return receipt requested, mailed to the last known address of the lessee, shall be guilty of a gross misdemeanor: Provided, That there shall be no prosecution under this section unless such lease is in writing, and contains a warning that failure to promptly return the leased property may result in a criminal prosecution, and the notice mailed pursuant to the provisions of this section shall clearly state that the lessee may be guilty of a crime upon his failure to return the property to the lessor within ten days.

In any prosecution under this section, any allegation containing a description of the lease by reference to the date thereof and names of the parties shall be sufficiently definite and certain.

6/13/85
0532c

As used in this section, the term "lease" shall also include rental agreements.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision.

Section 7. There is hereby added to the Bellevue City Code Chapter 10.47A to be entitled "Glue Sniffing" which may be cited as such and will consist of the following section(s):

Sections

- 10.47A.010 Definition.
- 10.47A.020 Unlawful inhalation - Exception.
- 10.47A.030 Possession of certain glue prohibited, when.
- 10.47A.040 Sale of certain glue prohibited, when.
- 10.47A.050 Penalty.

10.47A.010 Definition.

As used in this chapter, the phrase "substance containing a solvent having the property of releasing toxic vapors or fumes" shall mean and include any substance, containing one or more of the following chemical compounds:

- (1) Acetone;
- (2) Amylacetate;
- (3) Benzol or benzene;
- (4) Butyl acetate;
- (5) Butyl alcohol;
- (6) Carbon tetrachloride;
- (7) Chloroform;
- (8) Cyclohexanone;
- (9) Ethanol or ethyl alcohol;
- (10) Ethyl acetate;
- (11) Hexane;
- (12) Isopropanol or isopropyl alcohol;
- (13) Isopropyl acetate;
- (14) Methyl "cellosolve" acetate;
- (15) Methyl ethyl ketone;
- (16) Methyl isobutyl ketone;
- (17) Toluol or toluene;
- (18) Trichloroethylene;
- (19) Tricresyl phosphate;
- (20) Xylol or Xylene; or
- (21) Any other solvent, material substance, chemical or combination thereof, having the property of releasing toxic vapors.

6/13/85
0532c

10.47A.020 Unlawful inhalation - Exception.

It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of substance as defined in B.C.C. 10.47A.010 or to induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction or dulling of the senses of the nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes. This section does not apply to the inhalation of any anesthesia for medical or dental purposes.
(Ord. 1692 § 1 (part), 1971; prior code 20.22.040.)

10.47A.030 Possession of certain glue prohibited, when.

No person may, for the purpose of violating B.C.C. 10.47A.020, use, or possess for the purpose of so using, any substance containing a solvent having the property of releasing toxic vapors or fumes.

10.47A.040 Sale of certain glue prohibited, when.

No person may sell, offer to sell, deliver, or give to any other person any container of a substance containing a solvent having the property of releasing toxic vapors or fumes, if he has knowledge that the product sold, offered for sale, delivered or given will be used for the purpose set forth in B.C.C. 10.47A.020.

10.47A.050 Penalty.

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than thirty days, or by both.
(Ord. 1692 § 1 (part), 1971; prior code § 10.22.050.)

Section 8. There is hereby added to the Bellevue City Code Chapter 10.62 to be entitled "Malicious Prosecution" which may be cited as such and will consist of the following section(s):

10.62.010 Malicious prosecution.

Every person who shall, maliciously and without probable cause therefore, cause or attempt to cause another to be arrested or proceeded against for any crime of which he is innocent if such

6/13/85
0532c

crime be a gross misdemeanor or misdemeanor, shall be guilty of a misdemeanor.

(Ord. 2085 § 2 (part), 1974; prior code § 10.16.120.)

Section 9. There is hereby added to the Bellevue City Code Chapter 10.92 to be entitled "Penalties" which may be cited as such and will consist of the following section(s):

10.92.020 Penalty for misdemeanor when not fixed by ordinance.

10.92.030 Penalty for gross misdemeanor when not fixed by ordinance.

10.92.040 Suspending sentences.

10.92.060 Alternative to a fine - Restitution.

10.92.020 Penalty for misdemeanor when not fixed by ordinance.

Every person convicted of a misdemeanor for which no penalty is prescribed in any ordinance in force at the time of conviction and sentence, shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than ninety days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.

(Ord. 43 § 13.1, 1953; Ord. 1633 § 3, 1971; prior code § 10.02.060.)

10.92.030 Penalty for gross misdemeanor when not fixed by ordinance.

Every person convicted of a gross misdemeanor for which no penalty is prescribed in any ordinance in force at the time of conviction and sentence, shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than one year, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

(Ord. 43 § 13.1, 1953; Ord. 1633 § 3, 1971; prior code § 10.02.060.)

10.92.040 Suspending sentences.

Whenever any person shall be convicted of any crime, the court may in it's discretion, at the time of imposing sentence upon such person, direct that such sentence be stayed and suspended until otherwise ordered by such court, and the sentenced person be placed under the supervision of a probation officer during the

6/13/85
0532c

term of such suspension, upon such terms as the court may determine: Provided, that as a condition to suspension of sentence, the court shall require the payment of the penalty assessment required by RCW 7.68.035: Provided further, that as a condition to suspension of sentence, the court may require the convicted person to make such monetary payments, on such terms as the court deems appropriate under the circumstances, as are necessary (1) to make restitution to any person or persons who may have suffered loss or damage by reason of the commission of the crime in question or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, (2) to pay any fine imposed and not suspended and the court or other costs incurred in the prosecution of the case; and (3) to contribute to a county or interlocal drug fund. If restitution to the victim has been ordered under subsection (1) of this section, the probation officer supervising the probationer shall make a reasonable effort to ascertain whether restitution has been made as ordered. If restitution has not been made, the probation officer shall inform the prosecutor of that violation of the terms of the suspended sentence not less than three months prior to the termination of the suspended sentence. (Ord. 43 § 1.4, 1953; Ord. 1055, 1967; Ord. 2364 § 1 (part), 1976; prior code § 10.02.030.)

10.92.060 Alternative to a fine - Restitution.

(1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof or when the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement, the court, in lieu of imposing the fine authorized for the offense under BCC 10.92.020 or 10.92.030, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. It shall be the duty of the prosecuting attorney to investigate the alternative of restitution, and to recommend it to the court, when the prosecuting attorney believes that restitution is appropriate and feasible. If the court orders restitution, the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct

6/13/85
0532c

a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

(Ord. 2363 § 2 (part), 1976; prior code § 10.02.070.)

Section 10. There is hereby added to the Bellevue City Code Chapter 10.98 to be entitled "Title, Effective date, Application, Severability, Captions," which may be cited as such and will consist of the following section(s):

10.98 Effective date, application, severability, captions.

(1) This title shall be known and may be cited as "Criminal Offenses and Penalties" and shall become effective thirty days after its enactment.

(2) The provisions of this title shall apply to any offense, committed on or after its effective date, which is defined in this title or title 10A, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.

(3) The provisions of this title do not apply to or govern the construction of any punishment for any offense committed prior to its effective date, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

(4) If any provisions of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provisions to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

(5) Chapter, section, and subsection captions are for organizational purposes only and shall not be construed as part of this title.

Section 11. There is hereby added to the Bellevue City Code a new Title 10A, to be entitled "Bellevue Criminal Code" which may be cited as such and will consist of the following Chapters:

6/13/85
0532c

Section 12. There is hereby added to the Bellevue City Code Chapter 10A.04 to be entitled "Preliminary Article" which may be cited as such and will consist of the following section(s):

- 10A.04.010 Title, effective date, application, severability, captions.
- 10A.04.020 Purposes - Principles of construction.
- 10A.04.030 City criminal jurisdiction.
- 10A.04.040 Classes of crimes.
- 10A.04.050 People capable of committing crimes - Capability of children.
- 10A.04.060 Common law to supplement ordinance.
- 10A.04.070 Who amenable to criminal ordinances.
- 10A.04.080 Limitation of actions.
- 10A.04.090 Application of general provisions of the code.
- 10A.04.100 Proof beyond a reasonable doubt.
- 10A.04.110 Definitions.

10A.04.010 Title, effective date, application, severability, captions.

(1) This title shall be known and may be cited as the Bellevue Criminal Code and shall become effective thirty days after its enactment.

(2) The provisions of this title shall apply to any offense, committed on or after its effective date, which is defined in this title or title 10, unless otherwise expressly provided or unless the context otherwise requires, and shall also apply to any defense to prosecution for such an offense.

(3) The provisions of this title do not apply to or govern the construction of and punishment for any offense committed prior to its effective date or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

(4) If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

6/13/85
0532c

(5) Chapter, section, and subsection captions are for organizational purposes only and shall not be construed as part of this title.

(Ord. 43 § 1.1, 1953; prior code § 10.02.010.)

10A.04.020 Purposes - Principles of construction.

(1) The general purposes of the provisions governing the definition of offenses are:

(a) To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;

(b) To safeguard conduct that is without culpability from condemnation as criminal;

(c) To give fair warning of the nature of the conduct declared to constitute an offense;

(d) To differentiate on reasonable grounds between serious and minor offenses, and to prescribe proportionate penalties for each.

(2) The provisions of this title shall be construed according to the fair import of their terms but when the language is susceptible of differing constructions it shall be interpreted to further the general purposes stated in this title.

(Ord. 2363 § 2, 1976; prior code § 10.02.015.)

10.04.030 City criminal jurisdiction.

The following persons are liable to punishment:

1. A person who commits in the city any crime, as defined by city ordinance, in whole or part;

2. A person who commits out of the city any act which, if committed within it, would be theft and is afterward found in the city with any of the stolen property;

3. A person who being out of the city, counsels, causes, procures, aids, or abets another to commit a crime in this city;

4. A person who commits an act without the city which affects persons or property within the city, which, if committed within the city, would be a crime.

(Ord. 2363 § 2 (part), 1976; prior code § 10.02.090.)

6/13/85
0532c

10A.04.040 Class of crimes.

(1) An offense defined by Titles 10 and 10A of the Bellevue City Code for which a sentence of imprisonment is authorized, constitutes a crime. Crimes are classified as gross misdemeanors or misdemeanors.

(2) Unless otherwise specified, a crime is a misdemeanor if it is so designated in Bellevue City Code Titles 10 and 10A if persons convicted thereof may be sentenced to imprisonment for no more than ninety days. Every other crime is a gross misdemeanor.

10A.04.050 People capable of committing crimes - Capability of children.

Children under the age of eight years are incapable of committing crime. Children of eight and under twelve years of age are presumed to be incapable of committing crime, but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect, and to know that it is wrong. Whenever in legal proceedings it becomes necessary to determine the age of a child, he may be produced for inspection, to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians, whose opinions shall be competent evidence upon the question of his age. (Ord. 2364 § 1 (part), 1976; prior code § 10.04.010.)

10A.04.060 Common law to supplement ordinance.

The provisions of the common law relating to the commission of crime and punishment thereof, insofar as not inconsistent with the Constitution and statutes of this state, and ordinances of this city, shall supplement all criminal statutes of this city and all persons offending against the same shall be tried in the courts of this state having jurisdiction of the offense.

10A.04.070 Who amenable to criminal ordinances.

Every person, regardless of whether or not he is an inhabitant of this state, may be tried and punished under the laws of this city for an offense committed by him therein, except when such offense is cognizable exclusively in the courts of the United States. (Ord. 2364 § 1 (part), 1976; prior code § 10.04.020.)

10A.04.080 Limitation of actions.

6/13/85
0532c

Prosecutions for offenses defined as gross misdemeanors may be commenced within two years after their commission, and for all other offenses, within one year after their commission: Provided, that any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one and two years respectively: And further provided, that where a complaint has been filed, within the time limited for the commencement of a criminal action, if the complaint be set aside, the time limitation shall be extended by the length of time from the time of filing of such complaint, to the time such complaint was set aside.

10A.04.090 Application of general provisions of the code.

The provisions of chapters 10A.04 through 10A.28 of this title are applicable to offenses defined by this title or another ordinance, unless this title or such other ordinance specifically provides otherwise.
(Ord. 2363 § 2 (part), 1976; prior code § 10.02.080.).

10A.04.100 Proof beyond a reasonable doubt.

(1) Every person charged with the commission of a crime is presumed innocent unless proved guilty. No person may be convicted of a crime unless each element of such crime is proved by competent evidence beyond a reasonable doubt.

(2) When a crime has been proved against a person, and there exists a reasonable doubt as to which degree he is guilty, he shall be convicted only of the lowest degree.

10A.04.110 Definitions. In this title unless a different meaning plainly is required:

(1) "Acted" includes, where relevant, omitted to act;

(2) "Actor" includes, where relevant, a person failing to act;

(3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;

(4) "Bodily injury" or "physical injury" means physical pain, illness, or an impairment of physical condition;

(5) "Building", in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container,

6/13/85
0532c

or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

(6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury;

(7) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

(8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

(9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

(10) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";

(11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;

(12) "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;

(13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

6/13/85
0532c

- (14) "Omission" means a failure to act;
- (15) "Peace officer" means a duly appointed city, county, or state law enforcement officer;
- (16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;
- (17) "Person", "he", and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;
- (18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;
- (19) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;
- (20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;
- (21) "Property" means anything of value, whether tangible or intangible, real or personal;
- (22) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;
- (23) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;
- (24) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;
- (25) "Threat" means to communicate, directly or indirectly the intent:
- (a) To cause bodily injury in the future to the person threatened or to any other person; or

6/13/85
0532c

- (b) To cause physical damage to the property of a person other than the actor; or
- (c) To subject the person threatened or any other person to physical confinement or restraint; or
- (d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or
- (e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
- (f) To reveal any information sought to be concealed by the person threatened; or
- (g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
- (h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
- (i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
- (j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships.

(26) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

(Ord. 2418 § 1, 1977; 2363 § 1, 1976; prior code § 10.02.020.)

Section 13. There is hereby added to the Bellevue City Code Chapter 10A.08 to be entitled "Principles of Liability" which may be cited as such and will consist of the following section(s):

6/13/85
0532c

- 10A.08.010 General requirements of culpability.
- 10A.08.020 Liability for conduct of another--Complicity.
- 10A.08.030 Criminal liability of corporations and persons acting or under a duty to act in their behalf.

10A.08.010 General requirements of culpability.

(1) Kinds of culpability defined.

- (a) Intent. A person acts with intent or intentionally when he acts with the objective or purpose to accomplish a result which constitutes a crime.
- (b) Knowledge. A person knows or acts knowingly or with knowledge when:
 - (i) He is aware of a fact, facts, or circumstances or result described by a statute or ordinance defining an offense; or
 - (ii) He has information which would lead a reasonable man in the same situation to believe that facts exist which facts are described by a statute or ordinance defining an offense.
- (c) Recklessness. A person is reckless or acts recklessly when he knows of and disregards a substantial risk that a wrongful act may occur and his disregard of such substantial risk is a gross deviation from conduct that a reasonable man would exercise in the same situation.
- (d) Criminal negligence. A person is criminally negligent or acts with criminal negligence when he fails to be aware of a substantial risk that a wrongful act may occur and his failure to be aware of such substantial risk constitutes a gross deviation from the standard of care that a reasonable man would exercise in the same situation.

(2) Substitutes for criminal negligence, recklessness, and knowledge. When a statute or ordinance provides that criminal negligence suffices to establish an element of an offense, such element also is established if a person acts intentionally, knowingly, or recklessly. When recklessness suffices to establish an element, such element also is established if a person acts intentionally or knowingly. When acting knowingly suffices to establish an element, such element also is established if a person acts intentionally.

6/13/85
0532c

(3) Culpability as determinant of grade of offense. When the grade or degree of an offense depends on whether the offense is committed intentionally, knowingly, recklessly, or with criminal negligence, its grade or degree shall be the lowest for which the determinative kind of culpability is established with respect to any material element of the offense.

(4) Requirement of wilfulness satisfied by acting knowingly. A requirement that an offense be committed wilfully is satisfied if a person acts knowingly with respect to the material elements of the offense, unless a purpose to impose further requirements plainly appears.

(Ord. 2364 § 1 (part), 1976; prior code § 10.04.030.)

10A.08.020 Liability for conduct of another--Complicity.

(1) A person is guilty of a crime if it is committed by the conduct of another person for which he is legally accountable.

(2) A person is legally accountable for the conduct of another person when:

- (a) Acting with the kind of culpability that is sufficient for the commission of the crime, he causes an innocent or irresponsible person to engage in such conduct; or
- (b) He is made accountable for the conduct of such other person by this title or by the law defining the crime; or
- (c) He is an accomplice of such other person in the commission of the crime.

(3) A person is an accomplice of another person in the commission of a crime if:

- (a) With knowledge that it will promote or facilitate the commission of the crime, he
 - (i) solicits, commands, encourages, or requests such other person to commit it; or
 - (ii) aids or agrees to aid such other person in planning or committing it; or
- (b) His conduct is expressly declared by law to establish his complicity.

6/13/85
0532c

(4) A person who is legally incapable of committing a particular crime himself may be guilty thereof if it is committed by the conduct of another person for which he is legally accountable, unless such liability is inconsistent with the purpose of the provision establishing his incapacity.

(5) Unless otherwise provided by this title or by the law defining the crime, a person is not an accomplice in a crime committed by another person if:

- (a) He is a victim of that crime; or
- (b) He terminates his complicity prior to the commission of the crime, and either gives timely warning to the law enforcement authorities or otherwise makes a good faith effort to prevent the commission of the crime.

(6) A person legally accountable for the conduct of another person may be convicted on proof of the commission of the crime and of his complicity therein, though the person claimed to have committed the crime has not been prosecuted or convicted or has been convicted of a different crime or degree of crime or has an immunity to prosecution or conviction or has been acquitted. (Ord. 2364 § 1, 1976; prior code § 10.04.040.)

10A.08.030 Criminal liability of corporations and persons acting or under a duty to act in their behalf.

(1) As used in this section:

- (a) "Agent" means any director, officer, or employee of a corporation, or any other person who is authorized to act on behalf of the corporation;
- (b) "Corporation" includes a joint stock association;
- (c) "High managerial agent" means an officer or director of a corporation or any other agent in a position of comparable authority with respect to the formulation of corporate policy or the supervision in a managerial capacity of subordinate employees.

(2) A corporation is guilty of an offense when:

- (a) The conduct constituting the offense consists of an omission to discharge a specific duty of performance imposed on corporations by law; or

6/13/85
0532c

- (b) The conduct constituting the offense is engaged in, authorized, solicited, requested, commanded, or tolerated by the board of directors or by a high managerial agent acting within the scope of his employment and on behalf of the corporation; or
- (c) The conduct constituting the offense is engaged in by an agent of the corporation, other than a high managerial agent, while acting within the scope of his employment and on behalf of the corporation and (i) the offense is a gross misdemeanor or misdemeanor, or (ii) the offense is one defined by a statute or ordinance which clearly indicates a legislative intent to impose such criminal liability on a corporation.

(3) A person is criminally liable for conduct constituting an offense which he performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his own name or behalf.

(4) Whenever a duty to act is imposed by law upon a corporation, any agent of the corporation who knows he has or shares primary responsibility for the discharge of the duty is criminally liable for a reckless or, if a high managerial agent, criminally negligent omission to perform the required act to the same extent as if the duty were by law imposed directly upon such agent. (Ord. 2364 § 1 (part), 1976; prior code § 10.04.050.)

Section 14. There is hereby added to the Bellevue City Code Chapter 10A.12 to be entitled "Insanity" which may be cited as such and will consist of the following section(s):

10A.12.010 Insanity. To establish the defense of insanity, it must be shown that:

(1) At the time of the commission of the offense, as a result of mental disease or defect, the mind of the actor was affected to such an extent that:

- (a) He was unable to perceive the nature and quality of the act with which he is charged; or
- (b) He was unable to tell right from wrong with reference to the particular act charged.

(2) The defense of insanity must be established by a preponderance of the evidence. (Ord. 2364 § 1 (part), 1976; prior code § 10.04.120.)

6/13/85
0532c

Section 15. There is hereby added to the Bellevue City Code Chapter 10A.16 to be entitled "Defenses" which may be cited as such and will consist of the following section(s):

- 10A.16.010 Definitions.
- 10A.16.020 Use of force - When lawful.
- 10A.16.060 Duress.
- 10A.16.070 Entrapment.
- 10A.16.080 Action for being detained on mercantile establishment premises for investigation - "Reasonable grounds" as defense.
- 10A.16.090 Intoxication

- 10A.16.010 Definitions.

In this chapter, unless a different meaning is plainly required:

"Necessary" means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.
(Ord. 2364 § 1 (part), 1976; prior code § 10.04.060.)

- 10A.16.020 Use of force - When lawful.

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

- (1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting him and acting under his direction;
- (2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him to a public officer competent to receive him into custody;
- (3) Whenever used by a party about to be injured, or by another lawfully aiding him, in preventing or attempting to prevent an offense against his person, or a malicious trespass, or other malicious interference with real or personal property lawfully in his possession, in case the force is not more than is necessary;
- (4) Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;

6/13/85
0532c

(5) Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;

(6) Whenever used by a carrier of passengers or his authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is necessary to expel the offender with reasonable regard to his personal safety;

(7) Whenever used by any person to prevent a mentally ill, mentally incompetent, or mentally disabled person from committing an act dangerous to himself or another, or in enforcing necessary restraint for the protection of his person, or his restoration to health, during such period only as is necessary to obtain legal authority for the restraint or custody of his person.
(Ord. 2364 § 1 (part), 1976; prior code § 10.04.070.)

10A.16.060 Duress.

(1) In any prosecution for a crime, it is a defense that:

(a) The actor participated in the crime under compulsion by another who by threat or use of force created an apprehension in the mind of the actor that in case of refusal he or another would be liable to immediate death or immediate grievous bodily injury; and

(b) That such apprehension was reasonable upon the part of the actor; and

(c) That the actor would not have participated in the crime except for the duress involved.

(2) The defense of duress is not available if the actor intentionally or recklessly places himself in a situation in which it is probable that he will be subject to duress.

(3) The defense of duress is not established solely by a showing that a married person acted on the command of his or her spouse.
(Ord. 2364 § 1 (part), 1976; prior code § 10.04.080.)

6/13/85
0532c

10A.16.070 Entrapment.

(1) In any prosecution for a crime, it is a defense that:

(a) The criminal design originated in the mind of law enforcement officials, or any person acting under their direction, and

(b) The actor was lured or induced to commit a crime which the actor had not otherwise intended to commit.

(2) The defense of entrapment is not established by a showing only that law enforcement officials merely afforded the actor an opportunity to commit a crime.

(Ord. 2364 § 1 (part), 1976; prior code § 10.04.090.)

10A.16.080 Action for being detained on mercantile establishment premises for investigation - "Reasonable grounds" as defense.

In any criminal action brought by reason of any person having been detained on or in the immediate vicinity of the premises of a mercantile establishment for the purpose of investigation or questioning as to the ownership of any merchandise, it shall be a defense of such action that the person was detained in a reasonable manner and for not more than a reasonable time to permit such investigation or questioning by a peace officer, by the owner of the mercantile establishment, or by the owner's authorized employee or agent, and that such peace officer, owner, employee, or agent had reasonable grounds to believe that the person so detained was committing or attempting to commit theft or shoplifting on such premises of such merchandise. As used in this section, "reasonable grounds" shall include, but not be limited to, knowledge that a person has concealed possession of unpurchased merchandise of a mercantile establishment, and a "reasonable time" shall mean the time necessary to permit the person detained to make a statement or to refuse to make a statement, and the time necessary to examine employees and records of the mercantile establishment relative to the ownership of the merchandise. (Ord. 2364 § 1 (part), 1976; prior code § 10.04.100.)

10A.16.090 Intoxication.

No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his condition, but whenever the actual existence of any particular mental state is a necessary element to constitute a particular species or degree of crime, the fact of his intoxication may be taken into consideration in determining such mental state.

(Ord. 2364 § 1 (part), 1976; prior code § 10.04.110.)

6/13/85
0532c

Section 16. There is hereby added to the Bellevue City Code Chapter 10A.28 to be entitled "Anticipatory Offenses" which may be cited as such and will consist of the following section(s):

10A.28.020 Criminal attempt.
10A.28.030 Criminal solicitation.
10A.28.040 Criminal conspiracy.

10A.28.020 Criminal attempt.

(1) A person is guilty of an attempt to commit crime if, with intent to commit a specific crime, he does any act which is a substantial step toward the commission of that crime.

(2) If the conduct in which a person engages otherwise constitutes an attempt to commit a crime, it is no defense to a prosecution of such attempt that the crime charged to have been attempted was, under the attendant circumstances, factually or legally impossible of commission.

(3) An attempt to commit a crime is a misdemeanor when the crime attempted is a gross misdemeanor or misdemeanor (Ord. 2364 § 2 (part), 1976; prior code § 10.04.130.)

10A.28.030 Criminal solicitation.

(1) A person is guilty of criminal solicitation when, with intent to promote or facilitate the commission of a crime, he offers to give or gives money or other thing of value to another to engage in specific conduct which would constitute such crime or which would establish complicity of such other person in its commission or attempted commission had such crime been attempted or committed.

(2) Criminal solicitation shall be punished in the same manner as criminal attempt under BCC 10.28.020. (Ord. 2364 § 2 (part), 1976; prior code § 10.04.140.)

10A.28.040 Criminal conspiracy.

(1) A person is guilty of criminal conspiracy when, with intent that conduct constituting a crime be performed, he agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement.

(2) It shall not be a defense to criminal conspiracy that the person or persons with whom the accused is alleged to have conspired:

6/13/85
0532c

- (a) Has not been prosecuted or convicted; or
 - (b) Has been convicted of a different offense; or
 - (c) Is not amenable to justice; or
 - (d) Has been acquitted; or
 - (e) Lacked the capacity to commit an offense.
- (3) Criminal conspiracy is a:
- (a) Misdemeanor when an object of the conspiratorial agreement is a gross misdemeanor or misdemeanor. (Ord. 2364 § 2, 1976; prior code § 10.04.150.)

Section 17. There is hereby added to the Bellevue City Code Chapter 10A.36 to be entitled "Assault and Other Crimes Involving Physical Harm" which may be cited as such and will consist of the following section(s):

- 10A.36.010 Assault.
- 10A.36.020 Simple assault.
- 10A.36.030 Provoking assault.
- 10A.36.050 Reckless endangerment.
- 10A.36.070 Coercion.
- 10A.36.010 Assault.

- (1) A person is guilty of assault when he,
- (a) with intent to cause bodily injury to another person, causes bodily injury to any person; or
 - (b) intentionally places or attempts to place another person in fear or apprehension of bodily injury by
 - (i) any act; or
 - (ii) any act and word or threat
- (2) Assault is a gross misdemeanor. (Ord. 2089 § 1 (part), 1974, Ord. 2365 § 1 (part), 1976; prior code § 10.06.010.)

6/13/85
0532c

10A.36.020 Simple assault.

(1) A person is guilty of simple assault when he intentionally and without permission touches another person and that touching is offensive.

(2) Simple assault is a lesser included offense of assault as defined by Bellevue City Code section 10A.36.010.

(3) Simple assault is a misdemeanor.

10.36.030 Provoking assault.

Every person who shall by word, sign or gesture wilfully provoke or attempt to provoke another person to commit an assault, simple assault or breach of the peace is guilty of a misdemeanor.
(Ord. 43 § 4.3, 1953; prior code § 10.06.030.)

10A.36.050 Reckless endangerment.

(1) A person is guilty of reckless endangerment when he recklessly engages in conduct which creates a substantial risk of death or serious physical injury to another person.

(2) Reckless endangerment is a gross misdemeanor.
(Ord. 2365 § 2 (part), 1976; prior code § 10.06.040.)

10A.36.070 Coercion.

(1) A person is guilty of coercion if, by use of force or threat communicated directly or indirectly, he compels or induces another person to engage in conduct which the latter has a legal right to abstain from, or to abstain from conduct which he has a legal right to engage in.

(2) Coercion is a gross misdemeanor.
(Ord. 2365 § 1 (part), 1976; Ord. 2089 § 1 (part), 1984; prior code § 10.06.020.)

Section 18. There is hereby added to the Bellevue City Code Chapter 10A.48 to be entitled "Reckless Burning and Malicious Mischief" which may be cited as such and will consist of the following section(s):

10A.48.010 Definitions.

10A.48.050 Reckless burning.

6/13/85
0532c

- 10A.48.060 Reckless burning - Defense.
- 10A.48.090 Malicious mischief.
- 10A.48.100 Definition of Section 10A.48.090.
- 10A.48.160 Obstruction of extinguishment of fire.
- 10A.48.010 Definitions.

(1) For the purpose of this chapter, as now or hereinafter amended, unless the context indicates otherwise:

(a) "Building" has the definition in BCC 10A.04.110(5), and where a building consists of two or more units separately secured or occupied, each unit shall not be treated as a separate building;

(b) "Damages", in addition to its ordinary meaning, includes any charring, scorching, burning, or breaking, or agricultural or industrial sabotage, and shall include any diminution in the value of property as a consequence of an act.

10A.48.050 Reckless burning.

(1) A person is guilty of reckless burning if he knowingly causes a fire or explosion, whether on his own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

(2) Reckless burning is a gross misdemeanor.
(Ord. 2368 § 4 (part), 1976; prior code § 10.12.170.)

10A.48.060 Reckless burning - Defense.

(1) In any prosecution for the crime of reckless burning it shall be a defense if the defendant establishes by a preponderance of the evidence that:

(a) No person other than the defendant had a possessory, or pecuniary interest in the damaged or endangered property, or if other persons had such an interest, all of them consented to the defendant's conduct; and

6/13/85
0532c

(b) The defendant's sole intent was to destroy or damage the property for a lawful purpose.
(Ord. 2368 § 4 (part), 1976; prior code § 10.12.180.)

10A.48.090 Malicious mischief.

(1) A person is guilty of malicious mischief if he knowingly and maliciously causes physical damage to the property of another, public or private, under circumstances not amounting to malicious mischief in the first or second degree as defined by RCW 9A.48.070 and RCW 9A.48.080.

(2) Malicious mischief is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars; otherwise, it is a misdemeanor.

(Ord. 2368 § 1 (part), 1976; prior code § 10.12.090.)

10A.48.100 Definition for Section 10A.48.090.

(1) For the purposes of Section 10A.48.090 of this chapter, "physical damage", in addition to its ordinary meaning, includes the alteration, damage, or erasure of records, information, data, or computer programs which are electronically recorded for use in computers, and the cutting, marring, injuring, defacing, spoiling, breaking or destroying of any fence, sidewalk, house, building, tree, plant or other property of another or public property within the city, whether real or personal property, and the defacing, mutilating, tearing down or destroying of any signboard or post within the corporate limits of the city.

(Ord. 2368 § 1 (part), 1976; prior code § 10.12.095.)

10A.48.110 Obstruction of extinguishment of fire.

It is unlawful for any person:

(1) To cut, injure, destroy or obstruct any engine, hose or other fire apparatus; or

(2) To disobey the lawful orders of a public officer at the scene of a fire; or

(3) To otherwise prevent or obstruct the extinguishment of any fire.

(Ord. 2085 § 2 (part), 1976; prior code § 10.16.100.)

Section 19. There is hereby added to the Bellevue City Code Chapter 10A.52 to be entitled "Trespass" which may be cited as such and will consist of the following section(s):

6/13/85
0532c

- 10A.52.010 Definition.
- 10A.52.160 Making and having burglar tools.
- 10A.52.070 Criminal trespass in the first degree.
- 10A.52.080 Criminal trespass in the second degree.
- 10A.52.090 Criminal trespass - defense.
- 10A.52.100 Vehicle prowling.
- 10A.52.010 Definitions.

(1) The following definitions apply in this chapter:

(a) "Premises" includes any building, dwelling, or any real property.

(b) "Enter." The word "enter" when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of his body, or any instrument or weapon held in his hand and used or intended to be used to threaten or intimidate a person or to detach or remove property.

(c) "Enters or remains unlawfully". A person "enters or remains unlawfully" in or upon premises when he is not then licensed, invited, or otherwise privileged to so enter or remain.

(2) A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner. Land that is used for growing an agricultural crop or crops, other than timber, is not unimproved and apparently unused land if a crop of any other sign of cultivation is clearly visible. Similarly, a field fenced in any manner is not unimproved and apparently unused land.

(Ord. 2368 § 4 (part), 1976; prior code § 10.12.155.)

6/13/85
0532c

10A.52.060 Making and having burglar tools.

(1) Every person who makes or mends or causes to be made or mended, or has in his possession in the day or nighttime, any engine, machine, tool, false key, pick lock, bit, nippers or implement adapted, designed or commonly used for the commission of burglary, or other crime, under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a crime, or knowing that the same is intended to be so used, is guilty of a gross misdemeanor. The possession thereof except by a mechanic, artificer or tradesman at and in his established shop or place of business, open to public view, is 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 commission of a crime.

(Ord. 2368 § 1 (part), 1976; 2029 § 1, 1974; prior code § 10.12.160.)

10A.52.070 Criminal trespass in the first degree.

(1) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a building.

(2) Criminal trespass in the first degree is a gross misdemeanor. (Ord. 3033 § 2, 1981; prior code § 10.12.150.)

10A.52.080 Criminal trespass in the second degree.

(1) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in or upon premises of another under circumstances not constituting criminal trespass in the first degree.

(2) Criminal trespass in the second degree is a misdemeanor. Ord. 3033 § 2, 1981; prior code § 10.12.150.)

10A.52.090 Criminal trespass - Defense.

In any prosecution under BCC 10A.52.070 and 10A.52.080 it is a defense that:

(1) A building involved in an offense under BCC 10A.52.070 was abandoned; or

(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

6/13/85
0532c

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.
(Ord. 3033 § 2, 1981; prior code § 10.12.150.)

10A.52.100 Vehicle prowling.

(1) A person is guilty of vehicle prowling if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle other than a motor home, as defined in RCW 46.04.305, or a vessel equipped for propulsion by mechanical means or by sail which has a cabin equipped with permanently installed sleeping quarters or cooking facilities.

(2) Vehicle prowling is a gross misdemeanor.
(Ord. 2368 § 4 (part), 1976; prior code § 10.12.190.)

Section 20. There is hereby added to the Bellevue City Code Chapter 10A.56 to be entitled "Theft" which may be cited as such and will consist of the following section(s):

10A.56.010 Definitions.

10A.56.020 Theft - Definition, defense.

10A.56.050 Theft.

10A.56.060 Unlawful issuance of bank checks or drafts.

10A.56.140 Possessing stolen property - Definition - Credit cards, presumption.

10A.56.170 Possessing stolen property.

10A.56.180 Obscuring identity of a machine.

10A.56.010 Definitions.

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

6/13/85
0532c

- (2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;
- (3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;
- (4) "Deception" occurs when an actor knowingly:
- (a) Creates or confirms another's false impression which the actor knows to be false; or
 - (b) Fails to correct another's impression which the actor previously has created or confirmed; or
 - (c) Prevents another from acquiring information material to the disposition of the property involved; or
 - (d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or
 - (e) Promises performance which the actor does not intend to perform or knows will not be performed.
- (5) "Deprive" in addition to its common meaning, means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;
- (6) "Obtain control over" in addition to its common meaning, means:
- (a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or
 - (b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

6/13/85
0532c

- (7) "Wrongfully obtains" or "exerts unauthorized control" means:
- (a) To take the property or services of another; or
 - (b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto;
- (8) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;
- (9) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;
- (10) "Services" includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;
- (11) "Stolen" means obtained by theft, robbery, or extortion;
- (12) "Value".
- (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.
 - (b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:
 - (i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

6/13/85
0532c

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars.

10A.56.020 Theft - Definition, defense.

(1) "Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him of such property or services.

(2) In any prosecution for theft, it shall be a sufficient defense that the property or service was appropriated openly and avowedly under a claim of title made in good faith, even though the claim be untenable.

(Ord. 2368 § 1 (part), 1976; Ord. 2099 § 1 (part), 1974; prior code §§ 10.12.010; 10.12.020; 10.12.070.)

10A.56.050 Theft.

(1) A person is guilty of theft if he commits theft of property or services which does not exceed two hundred and fifty dollars in value.

6/13/85
0532c

(2) Theft is a gross misdemeanor.
(Ord. 2368 § 1 (part), 1976; Ord. 2099 § 1 (part), 1974; prior code § 10.12.010; 10.12.020; 10.12.070.)

10A.56.060 Unlawful issuance of bank checks or drafts.

(1) A person is guilty of unlawful issuance of bank checks or drafts if:

(A) He issues or passes a check or draft for the payment of money knowing that it will not be honored by the drawee. An issuer is presumed to know that the check or draft would not be paid, if:

(i) The issuer had no account with the drawee at the time the check or draft was issued; or

(ii) Payment was refused by the drawee for lack of funds on a previous check or draft, and issuer had been notified of such refusal and no sufficient deposit was made thereafter by issuer.

(B) He, with the intent to defraud, makes, draws, utters or delivers to another person any check or draft on a bank or other depository for the payment of money and he issues a stop-payment order directing the bank or depository on which the check or draft is drawn not to honor said check, and he fails to make payment of money in the amount of the check or draft or otherwise arrange a settlement agreed upon by the holder of the check within thirty days of issuing said check or draft.

(2) Unlawful issuance of bank checks or drafts is a gross misdemeanor.
(Ord. 2747 § 1, 1979; 2368 § 1 (part), 1976; 2099 § 1 (part), 1974; prior code § 10.12.050.)

10A.56.140 Possessing stolen property - Definition - Credit cards, presumption.

(1) "Possessing stolen property" means knowingly to receive, retain, possess, conceal, or dispose of stolen property knowing that it has been stolen or consciously disregarding a substantial risk that it has been stolen, and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto.

6/13/85
0532c

(2) "Receiving" means acquiring possession, control or title, or lending on the security of the property.

(3) The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of possessing stolen property.

(4) When a person not an issuer or agent thereof has in his possession or under his control stolen credit cards issued in the names of two or more persons, he shall be presumed to know that they are stolen. This presumption may be rebutted by evidence raising a reasonable inference that the possession of such stolen credit cards was without knowledge that they were stolen. (Ord. 2368 § 1 (part), 1976; Ord. 2099 § 1 (part), 1974; prior code § 10.12.030.)

10A.56.170 Possessing stolen property.

(1) A person is guilty of possessing stolen property if he possesses stolen property which does not exceed two hundred fifty dollars in value.

(2) Possessing stolen property is a gross misdemeanor. (Ord. 2368 § 1 (part), 1976; Ord. 2099 § 1 (part), 1974; prior code § 10.12.030.)

10A.56.180 Obscuring identity of a machine.

(1) A person is guilty of obscuring the identity of a machine if he knowingly:

- A. Obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle, machine, engine, apparatus, appliance, or other device with intent to render it unidentifiable; or
- B. Possesses a vehicle, machine, engine, apparatus, appliance, or other device held for sale knowing that the serial number or other identification number or mark has been obscured.

(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

(3) Obscuring the identity of a machine is a gross misdemeanor. (Ord. 2368 § 1 (part), 1976; Ord. 2099 § 2 (part), 1974; prior code § 10.12.060.)

6/13/85
0532c

Section 21. There is hereby added to the Bellevue City Code Chapter 10A.60 to be entitled "Fraud" which may be cited as such and will consist of the following section(s):

10A.60.040 Criminal impersonation.

(1) A person is guilty of criminal impersonation if he:

- A. Assumes a false identity and does an act in his assumed character with intent to defraud another or for any other unlawful purpose; or
- B. Pretends to be a representative of some person or organization or a public servant and does an act in his pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation is a gross misdemeanor.
(Ord. 2099 § 1 (part), 1974; prior code § 10.12.130.)

Section 22. There is hereby added to the Bellevue City Code Chapter 10A.76 to be entitled "Obstructing Governmental Operations" which may be cited as such and will consist of the following section(s):

10A.76.010 Definitions.

10A.76.020 Obstructing a public officer.

10A.76.030 Refusing to summon aid for a peace officer.

10A.76.040 Resisting arrest.

10A.76.050 Interfering with a public officer.

10A.76.200 Police dogs - tormenting.

10A.76.010 Definitions.

(1) "Official detention" means:

- A. Restraint pursuant to a lawful arrest; or
- B. Lawful confinement in the city or county jail; or
- C. Custody for purposes incident to the foregoing including, but not necessarily limited to:

6/13/85
0532c

1. Transportation, or
2. Medical diagnosis or treatment, or
3. Court appearances, or
4. Court orders.

(2) "Suspected violator" means any person who has violated or is suspected of violating the law, or who is the subject of a valid arrest warrant.

(Ord. 2085 § 2 (part), 1974; prior code § 10.16.010.)

10A.76.020 Obstructing a public officer.

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 official powers or duties.

(Ord. 2085 § 1 (part), 1974; prior code § 10.16.030.)

10A.76.030 Refusing to summon aid for a peace officer.

(1) A person is guilty of refusing to summon aid for a peace officer if, upon request by a person he knows to be a peace officer, he unreasonably refuses or fails to summon aid for such peace officer.

(2) Refusing to summon aid for a peace officer is a misdemeanor.
(Ord. 2085 § 2 (part), 1974; prior code § 10.16.050.)

10A.76.040 Resisting arrest.

(1) A person is guilty of resisting arrest if he intentionally prevents or attempts to prevent a peace officer from lawfully arresting him.

(2) Resisting arrest is a misdemeanor.
(Ord. 2085 § 1 (part), 1974; prior code § 10.16.040.)

10A.76.050 Interfering with a public officer.

A person is guilty of interfering with a public officer if he:

(1) Prevents, hinders, or delays the apprehension or prosecution of a suspected violator who the person knows or has probable cause to suspect:

6/13/85
0532c

- A. Has committed a crime or juvenile offense, or
 - B. Is being sought by law enforcement officials for the commission of a crime or juvenile offense, or
 - C. Has escaped from official detention; or
- (2) Harbors or conceals a suspected violator; or
- (3) Warns a suspected violator of impending discovery or apprehension; or
- (4) Provides a suspected violator with money or transportation, disguise or other means of avoiding discovery or apprehension or a weapon; or
- (5) Conceals, alters or destroys any physical evidence that might aid in the discovery or apprehension of a suspected violator; or
- (6) Interferes with, hinders or delays a police dog while it is being used to track, pursue, detain, or apprehend a suspected violator as defined in subsection (1) of this section.
(Ord. 2305 § 2, 1976; 2085 § 2 (part), 1974; prior code § 10.16.020.)

10A.76.200 Police dogs - Tormenting.

It is unlawful for any person to wilfully or maliciously torture, torment, harass, beat, kick or strike, any dog used by any police officer in discharging or attempting to discharge any legal duty or power of his office.
(Ord. 2305 § 3, 1976; prior code § 10.16.160.)

Section 23. There is hereby added to the Bellevue City Code Chapter 10A.84 to be entitled "Public Disturbance" which may be cited as such and will consist of the following section(s):

- 10A.84.010 Unlawful assembly.
- 10A.84.020 Failure to disperse.
- 10A.84.030 Disorderly conduct.
- 10A.84.040 False reporting.
- 10A.84.070 Offenses in public.

6/13/85
0532c

10A.84.080 Disruption of school activities.

10A.84.090 Telephone harassment.

10A.84.010 Unlawful assembly.

Whenever three or more persons assemble with intent:

- 1) To commit any unlawful act by force; or
- 2) To carry out any purpose in such manner as to disturb the public peace; or
- 3) Being assembled, attempt or threaten any act tending toward a breach of the peace, or an injury to persons or property or any unlawful act; such an assembly is unlawful, and every person participating therein by his presence, aid or instigation is guilty of a gross misdemeanor; Provided, that prior to making arrests, an order to disperse is given, and a reasonable time allowed for such dispersion.
(Ord. 43 § 8.3, 1953; prior code § 10.10.020.)

10A.84.020 Failure to disperse.

- 1) Every person who refuses or intentionally fails to disperse or refrain from activity which creates a risk of causing injury to any person or property is guilty of a misdemeanor; Provided, that prior to making arrests an order to disperse was given by a law enforcement officer and a reasonable time was allowed for dispersion.
- 2) No such order shall apply to a news reporter or other person observing or recording the events on behalf of the public press or other news media unless he is physically obstructing lawful efforts by such officer to disperse the parties.
(Ord. 2091 § 3 (part), 1974; prior code § 10.10.030.)

10A.84.030 Disorderly conduct.

A person is guilty of disorderly conduct if he:

- 1) Intentionally engages in any conduct which tends to or does disturb the public peace, provoke disorder or endanger the safety of others; or
- 2) Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or

6/13/85
0532c

3) Intentionally obstructs vehicular or pedestrian traffic without lawful authority.
(Ord. 2367 § 1, 1976; prior code § 10.10.050.)

10A.84.040 False reporting.

Every person who knowingly initiates or circulates a false report or warning of an alleged or impending occurrence of a fire, explosion, crime, catastrophe or other emergency is guilty of false reporting.
(Ord. 2085 § 2 (part), 1974; prior code § 10.16.090.)

10A.84.070 Offenses in public.

It is unlawful for a person in public to:

- 1) Refuse to pay proper fare in a public conveyance; or
- 2) Open or drink any intoxicating liquor in a public conveyance or public place not previously authorized by law; or
- 3) Sell any liquor to any person apparently under the influence of liquor.
(Ord. 2091 § 3 (part), 1974; prior code § 10.10.040.)

10A.84.080 Disruption of school activities.

- 1) A person is guilty of disruption of school activities if he comes into or remains in any school building, classroom or upon any school ground, or street, sidewalk or public way adjacent thereto, without lawful reason, and intentionally causes undue disruption of the activities of the school.
- 2) As used in this section "school," has its ordinary meaning and also includes universities, colleges, community colleges and institutions of higher education.
(Ord. 2091 § 3 (part), 1974; prior code § 10.10.070.)

10A.84.090 Telephone harassment.

(A) Every person who, with intent to disturb, embarrass, harass, intimidate, threaten or torment any other person, shall make a telephone call to such other person,

- (1) Using any lewd, lascivious, profane, indecent or obscene words or language, or suggesting any lewd or lascivious act; or

6/13/85
0532c

(2) Anonymously or repeatedly or at an extremely inconvenient hour, whether or not conversation ensues; or

(3) Threatening to inflict injury on the person or property of the person called or any member of his family; or

(4) Without purpose of legitimate communication.

(B) The foregoing offense shall be deemed committed either at the place where the telephone call or calls were made or at the place where the telephone call or calls were received.

(C) Telephone harassment is a misdemeanor.
(Ord. 961 § 1, 1966; prior code § 10.10.060.)

Section 24. There is hereby added to the Bellevue City Code Chapter 10A.88 to be entitled "Offenses Against Public Morals" which may be cited as such and will consist of the following section(s):

10A.88.010 Definitions.

10A.88.030 Lewd act.

10A.88.040 Urinating in public.

10A.88.050 Prostitution.

10A.88.060 Prostitution loitering.

10A.88.070 Patronizing a prostitute.

10A.88.080 Permitting prostitution.

10A.88.090 Not a defense.

10A.88.010 Definitions.

(1) "Known prostitute or panderer" means a person who, within one year previous to the date of arrest for violation of Section 10A.88.050, has within the knowledge of the arresting officer been convicted of an offense involving prostitution.

(2) "Lewd act" means public:

A. Exposure of any portion of the human anus or genitals;
or

6/13/85
0532c

- B. Exposure of the female breast lower than the upper edge of the areola; or
- C. Touching, caressing or fondling of the male or female genitals or female breast, whether clothed or naked; or
- D. Sexual conduct as defined by B.C.C. 10A.88.010(4).

(3) "Public" or "public display" means easily visible from a public thoroughfare or from property of others, or in a public place in a manner so obtrusive as to make it difficult for an unwilling person to avoid exposure.

(4) "Sexual conduct" means:

- A. Sexual intercourse within its ordinary meaning, occurring upon any penetration, however slight; or
- B. Any penetration of the vagina or anus, however slight, by an object, when committed by one person on another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; or
- C. Any contact between persons involving the sex organs of one person and the mouth or anus of another, whether such persons are of the same or opposite sex; or
- D. Masturbation, manual or instrumental, of one person by another.

(Ord. 2615 § 1, 1978; 2093 § 1 (part), 1974; prior code § 10.08.010.)

10A.88.030 Lewd act.

(1) Every person who intentionally performs any lewd act in a public place or at a place and under circumstances where such act could be observed by any member of the public is guilty of a gross misdemeanor.

(2) The owner, manager or operator of premises open to the public wherein alcoholic beverages are sold, served or consumed is guilty of a gross misdemeanor if he knowingly permits or causes any lewd act on his premises.

(Ord. 2093 § 1 (part), 1974; prior code § 10.08.030.)

6/13/85
0532c

10A.88.035 Lewd act - defense.

It is a defense to any prosecution under B.C.C. 10A.88.030 that the conduct was part of an artistic or dramatic performance. Factors to be considered in determining whether such work is not an artistic or dramatic performance, and thereby excluded from the definition of lewd act, are:

Whether the average person, applying contemporary community standards, would find:

- (A) That the work taken as a whole appeals to the prurient interest in sex; and
- (B) The work depicts or describes in a patently offensive way conduct as defined in B.C.C. 10A.88.010(2); and
- (C) The work, taken as a whole, lacks serious literary, artistic, political or scientific value.

10A.88.040 Urinating in public.

(1) A person is guilty of urinating in public if he intentionally urinates or defecates in a public place, other than a washroom or toilet room, or at a place and under circumstances where such act could be observed by any member of the public;

(2) Urinating in public is a misdemeanor.

10A.88.050 Prostitution.

(1) Every person who engages or agrees or offers to engage in sexual conduct with another person in return for a fee is guilty of prostitution.

(2) Prostitution is a misdemeanor.
(Ord. 2093 § 1 (part), 1974; prior code § 10.08.040.)

10.88.060 Prostitution loitering.

(1) Every person who remains in a public place and intentionally solicits, induces, entices or procures another to commit prostitution is guilty of a misdemeanor.

(2) Among the circumstances which may be considered in determining whether the actor intends such prohibited conduct are that he:

6/13/85
0532c

- A. Repeatedly beckons to, stops or attempts to stop, or engages passersby in conversation; or
- B. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving of arms or any other bodily gesture; or
- C. Is a known prostitute or panderer.
(Ord. 2093 § 1 (part), 1974; prior code § 10.08.050.)

10A.88.070 Patronizing a prostitute.

Every person who:

- (1) Pursuant to a prior understanding, pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him; or
- (2) Pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him; or
- (3) Solicits or requests a known prostitute to engage in sexual conduct with him in return for a fee;

is guilty of a misdemeanor.

(Ord. 2093 § 1 (part), 1974; prior code § 10.08.060.)

10A.88.080 Permitting prostitution.

(1) A person is guilty of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails without lawful excuse to make reasonable effort to halt or abate such use.

(2) Permitting prostitution is a misdemeanor.

(Ord. 2093 § 1 (part), 1974; prior code § 10.08.070.)

10A.88.090 Not a defense.

In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:

- (1) Such persons were of the same sex; or

6/13/85
0532c

- (2) The person who received, agreed to receive or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.
(Ord. 2093 § 1 (part), 1974; prior code § 10.08.090.)

Section 25. There is hereby added to the Bellevue City Code Chapter 10A.90 to be entitled "Offenses Involving Alcohol, Drugs and Minors" which may be cited as such and will consist of the following section(s):

- 10A.90.010 Definitions.
- 10A.90.020 Minors prohibited in taverns.
- 10A.90.030 False identification to obtain liquor.
- 10A.90.040 Unlawful to allow minor where intoxicants served.
- 10A.90.050 Consumption of liquor by minor.
- 10A.90.060 Supplying liquor to minors.
- 10A.90.070 Penalty for violation of 10A.90.050; 10A.90.060.
- 10A.90.080 Leaving child unattended in vehicle.
- 10A.90.090 Leaving child unattended in parked vehicle - Liquor premises.
- 10A.90.100 Marijuana - Possession - Penalty.
- 10A.90.110 Permitting use of marijuana.
- 10A.90.010 Definitions.

The following definitions apply in this chapter:

- (1) "Liquor" means liquor as defined in the Washington State Liquor Act RCW 66.04.010(15).
- (2) "Marijuana" means all parts of the plant of the genus Cannabis L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt,

6/13/85
0532c

derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(3) "Minor" means any person less than twenty-one years of age, unless otherwise specifically designated.

(4) "Parent or guardian" means the parent or legal guardian, or the person or institution that has the care, custody or control of a minor child by consent of the parent or legal guardian or by court action.

(5) "Tavern" means a place where liquor is served.
(Ord. 2100 § 1 (part), 1974; Ord. 2676 § 1, 1979; prior code § 10.14.010.)

10A.90.020 Minors prohibited in taverns.

Except as otherwise provided by RCW 66.44.316 and 66.44.350, it is unlawful for any person under the age of twenty-one years to enter or be found in or about a tavern.

(Ord. 2100 § 2 (part), 1974; prior code § 10.14.020.)

10A.90.030 False identification to obtain liquor.

It is unlawful for anyone knowingly to transfer any identification of age to a person under the age of twenty-one years for the purpose of permitting such person to obtain liquor, or for such person, under twenty-one years of age, to use such identification or make false representations as to his age for the purpose of obtaining liquor.

(Ord. 2100 § 1 (part), 1974; prior code § 10.14.030.)

10A.90.040 Unlawful to allow minor where intoxicants served.

It is unlawful for any person having charge of a public place in the city, as defined by RCW 66.04.010 (23), where intoxicating liquors are served, to admit or to allow any person under twenty-one years of age to remain on the premises contrary to the laws of the state.

(Ord. 2100 § 2 (part), 1974; prior code § 10.14.040.)

10A.90.050 Consumption of liquor by minor.

It is unlawful for any person under the age of twenty-one years to acquire in any manner, consume or have in his possession any liquor except in the case of liquor given or permitted to be given to a

6/13/85
0532c

person under the age of twenty-one years by his parent or guardian and which shall be consumed in the presence or premises of the parent or guardian or administered to him by his physician or dentist for medicinal purposes or used in connection with religious services.

(Ord. 2100 § 2 (part), 1974; prior code § 10.14.070.)

10A.90.060 Supplying liquor to minors.

It is unlawful for any person to give or otherwise supply liquor to any person under the age of twenty-one years, or to permit any person under twenty-one years of age to consume liquor on or in his premises, automobile, trailer or vehicle, or on or in any premises, automobile, trailer or vehicle under his control, except as provided in Section 10A.90.050 of this chapter.

(Ord. 103 § 5, 1955; Ord. 220, 1957; prior code § 10.14.080.)

10A.90.070 Penalty for violation of 10A.90.050; 10A.90.060.

Every person convicted of violating 10A.90.050 or 10A.90.060 shall be punished, for a first offense, by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two months, or both such fine and imprisonment; for a second offense, by a fine not exceeding five hundred dollars, or by imprisonment not exceeding six months, or both such fine and imprisonment; for a third offense, by a fine not exceeding five hundred dollars, or imprisonment for not more than one year, or both such fine and imprisonment.

(Ord. 3195 § 1; Ord. 2100 § 2 (part), 1974; prior code § 10.14.085.)

10A.90.080 Leaving child unattended in vehicle.

It is unlawful for any person, while in charge of a vehicle, to park or wilfully allow such vehicle to stand upon a public highway or in a public place leaving a child under the age of eight years unattended therein; except where another responsible person over twelve years of age has immediate control over such children and is physically present in the vehicle.

(Ord. 2069 § 1, 1974; Ord. 2922 § 19; prior code § 10.14.050.)

10A.90.090 Leaving child unattended in parked vehicle - Liquor premises.

It is unlawful for any person having the care and custody, whether temporary or permanent, of a minor child under the age of twelve years, to leave such child in a parked vehicle unattended by an adult while such person enters a tavern or other premises where

6/13/85
0532c

liquors are dispensed for consumption on the premises.
(Ord. 2100 § 2 (part), 1974; prior code § 10.14.060.)

10A.90.100 Marijuana - Possession - Penalty.

Any person convicted under this chapter of possession of forty grams or less of marijuana is guilty of a misdemeanor.
(Ord. 1692 § 1, 1971; prior code § 10.22.030.)

10A.90.110 Permitting use of marijuana.

Any person who knowingly permits any person to use marijuana on or in his premises, automobile, trailer or vehicle, or on or in any premises, automobile, trailer or vehicle under his control, shall be guilty of a misdemeanor.

Section 26. There is hereby added to the Bellevue City Code Chapter 10A.92 to be entitled "Protective Orders" which may be cited as such and will consist of the following sections(s):

10A.92.010 No contact order.

10A.92.020 Violation of an order of protection.

10A.92.030 Violation of a restraining order.

10A.92.010 No contact order.

(1) Because of the likelihood of repeated violence directed at those who have been victims of domestic violence in the past, when any defendant charged with a crime involving domestic violence is released from custody before trial on bail or personal recognizance, the court authorizing the release may prohibit the defendant from having any contact with the victim. The arresting jurisdiction authorizing the release shall determine whether the defendant should be prohibited from having any contact with the victim. If there is no outstanding restraining or protective order prohibiting the defendant from having contact with the victim, the court authorizing release may issue, by telephone, a no-contact order prohibiting the defendant from having contact with the victim. The no-contact order shall also be issued in writing as soon as possible. If the court has probable cause to believe that the defendant is likely to use or display or threaten to use a deadly weapon as defined in RCW 9A.04.110 or B.C.C. 10A.04.110 in any further acts of violence, the court may also require the defendant to surrender any deadly weapon in the defendant's immediate possession or control, or subject to the defendant's

6/13/85
0532c

immediate possession or control, to the sheriff of the county or chief of police of the municipality in which the defendant resides or to the defendant's counsel for safekeeping.

(2) Wilful violation of a court order issued under subsection (1) of this section is a misdemeanor. The written order releasing the defendant shall contain the court's directives and shall bear the legend: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 10.99 RCW AND BELLEVUE CITY CODE 10.92.020 AND WILL SUBJECT THE VIOLATOR TO ARREST. A certified copy of the order shall be provided to the victim.
(Ord. 3133 § 1, 1982; prior code § 10.06.060.)

10A.92.020 Violation of an order of protection.

(1) Whenever an order for protection is granted under Chapter 26.50 RCW and the respondent or person to be restrained knows of the order, a violation of the restraint provisions or of a provision excluding the person from the residence is a misdemeanor.

(2) A violation of an order for protection shall also constitute contempt of court, and is subject to the penalties prescribed by law.

10A.92.030 Violation of a restraining order.

(1) Whenever a restraining order is issued pursuant to Chapter 26.09 RCW and the person to be restrained knows of the order, a violation of the provisions restricting the person from acts or threats of violence or of a provision excluding the person from the residence is a misdemeanor.

(2) A person is deemed to have notice of a restraining order if:

(a) The person to be restrained or the person's attorney signed the order;

(b) The order recites that the person to be restrained or the person's attorney appeared in person before the court;

(c) The order was served upon the person to be restrained;
or

(d) The peace officer gives the person oral or written evidence of the order by reading from it or handing to the person a certified copy of the original order, certified to be an accurate copy of the original by a notary public or by the clerk of the court.

6/13/85
0532c

(3) It is a defense to prosecution under subsection (1) of this section that the court order was issued contrary to law or court rule.

(4) Restraining orders issued under Chapter 26.09 RCW restraining the person from molesting or disturbing another party or from entering a party's home shall bear the legend: VIOLATION OF THIS ORDER WITH ACTUAL NOTICE OF ITS TERMS IS A CRIMINAL OFFENSE UNDER CHAPTER 26.09 RCW AND WILL SUBJECT A VIOLATOR TO ARREST.
(Ord. 2142 § 1, 1974; prior code § 10.16.140.)

Section 27. There is hereby added to the Bellevue City Code Chapter 10A.96 to be entitled "Miscellaneous Offenses" which may be cited as such and will consist of the following section(s):

10A.96.030 Private alarm systems.

10A.96.040 Peddlers declared nuisance.

10A.96.030 Private alarm systems.

It is unlawful for any person having or conducting a privately owned police signal system or private alarm system to establish or maintain direct electrical, mechanical or other physical connection with any facilities of the Bellevue police department, except that any central station monitoring system or electronic security system or any other private alarm system or signal system may be connected by telephone with the headquarters office of the Bellevue police department by any telephone means compatible with telephone facilities of the Bellevue police department, as approved by the police chief.

(Ord. 2085 § 2 (part), 1974; prior code § 10.16.110.)

10A.96.040 Peddlers declared nuisance.

(1) The practice of being in and upon private residences in the city, by solicitors, peddlers, hawkers, itinerant merchants and transient vendors of merchandise, services or contracts, not having been requested or invited to do so by the owner or owners, occupant or occupants of the private residences, for the purpose of soliciting orders for the sale of goods, wares, merchandise, services or contracts and/or for the purpose of disposing of and/or peddling or hawking the same, is declared to be a nuisance and punishable as such nuisance as a misdemeanor.

(2) The provisions of subsection (1) of this section shall not apply to any farmer, gardener or other person while selling,

6/13/85
0532c

delivering or peddling any fruits, vegetables, berries, butter, eggs, fish, milk, poultry, meats or any other produce or edibles raised, caught, produced or manufactured by such person in any place in the state.

(3) The provisions of subsection (1) of the section shall not apply to any charitable, religious, or nonprofit organization or corporation which has received tax-exempt status under I.R.C. paragraph 501(c)(3), 26 U.S.C.A., as adopted or as hereafter amended.

(4) Any person or organization claiming the exemption listed in subsection (3) above shall file with the finance department of the city a copy of the tax exemption granted by the Internal Revenue Service under the provisions of I.R.C. paragraph 501(c)(3). The finance department shall maintain a list of all organizations who have claimed such exemptions and the list will be kept available for public inspection.

(5) Any person or organization whose exempt status under I.R.C. paragraph 501(c)(3) as amended, is suspended or terminated, shall notify the department of finance within twenty days of such suspension or termination.

(6) The city manager is authorized to promulgate rules and regulations pursuant to this section to enforce or clarify procedures adopted herein.

(Ord. 2099 § 1 (part), 1974; 2391 § 1, 1977; prior code § 10.12.140.)

Section 28. There is hereby added to the Bellevue City Code Chapter 10A.98 to be entitled "Ordinances - Disposition" which may be cited as such and will consist of the following section(s):

10A.98.010 Ordinances repealed.
10A.98.020 Ordinances recodified.
10A.98.030 Savings clause.

10A.98.010 Ordinances Repealed.

The following ordinances are hereby repealed:

- (1) Ordinance 43 § 1.1, 1953, B.C.C. 10.02.010;
- (2) Ordinance 2363 § 2, 1976, B.C.C. 10.02.015;

6/13/85
0532c

- (3) Ordinance 2418 § 1, 1977, Ordinance 2363 § 1, 1976, B.C.C. 10.02.020;
- (4) Ordinance 43 § 1.4; Ordinance 1055, 1967, B.C.C. 10.02.030;
- (5) Ordinance 1663 § 1, 1971, B.C.C. 10.02.040;
- (6) Ordinance 43 § 13.1, 1953 Ordinance 1633 § 3, 1971, B.C.C. 10.02.060;
- (7) Ordinance 2363 § 2, 1976, B.C.C. 10.02.070;
- (8) Ordinance 2363 § 2, 1976, B.C.C. 10.02.080;
- (9) Ordinance 2363 § 2, 1976, B.C.C. 10.02.090;
- (10) Ordinance 2364 § 1, 1976, B.C.C. 10.04.010;
- (11) Ordinance 2364 § 1, 1976, B.C.C. 10.04.020;
- (12) Ordinance 2364 § 1, 1976, B.C.C. 10.04.030;
- (13) Ordinance 2364 § 1, 1976, B.C.C. 10.04.040;
- (14) Ordinance 2364 § 1, 1976, B.C.C. 10.04.050;
- (15) Ordinance 2364 § 1, 1976, B.C.C. 10.04.060;
- (16) Ordinance 2364 § 1, 1976, B.C.C. 10.04.070;
- (17) Ordinance 2364 § 1, 1976, B.C.C. 10.04.080;
- (18) Ordinance 2364 § 1, 1976, B.C.C. 10.04.090;
- (19) Ordinance 2364 § 1, 1976, B.C.C. 10.04.100;
- (20) Ordinance 2364 § 1, 1976, B.C.C. 10.04.110;
- (21) Ordinance 2364 § 1, 1976, B.C.C. 10.04.120;
- (22) Ordinance 2364 § 2, 1976, B.C.C. 10.04.130;
- (23) Ordinance 2364 § 2, 1976, B.C.C. 10.04.140;
- (24) Ordinance 2364 § 2, 1976, B.C.C. 10.04.150;

6/13/85
0532c

- (25) Ordinance 2089 § 1, 1974, Ordinance 2365 § 1, 1976, B.C.C. 10.06.010;
- (26) Ordinance 2089 § 1, 1974, Ordinance 2365 § 1, 1976, B.C.C. 10.06.020;
- (27) Ordinance 43 § 4.3, 1953, B.C.C. 10.06.030;
- (28) Ordinance 2365 § 2, 1976, B.C.C. 10.06.040;
- (29) Ordinance 2365 § 2, 1976, B.C.C. 10.06.050;
- (30) Ordinance 3133 § 1, 1982, B.C.C. 10.06.060;
- (31) Ordinance 2615 § 1, 1978, Ordinance 2093 § 1, 1974, B.C.C. 10.08.010;
- (32) Ordinance 2093 § 1, 1974, B.C.C. 10.08.020;
- (33) Ordinance 2093 § 1, 1974, B.C.C. 10.08.030;
- (34) Ordinance 2093 § 1, 1974, B.C.C. 10.08.040;
- (35) Ordinance 2093 § 1, 1974, B.C.C. 10.08.050;
- (36) Ordinance 2093 § 1, 1974, B.C.C. 10.08.060;
- (37) Ordinance 2093 § 1, 1974, B.C.C. 10.08.070;
- (38) Ordinance 2093 § 1, 1974, B.C.C. 10.08.090;
- (39) Ordinance 2093 § 1, 1974, B.C.C. 10.08.100;
- (40) Ordinance 43 § 8.3, 1953, B.C.C. 10.10.020;
- (41) Ordinance 2091 § 3, 1974, B.C.C. 10.10.030;
- (42) Ordinance 2091 § 3, 1974, B.C.C. 10.10.040;
- (43) Ordinance 2367 § 1, 1976, B.C.C. 10.10.050;
- (44) Ordinance 961, § 1, 1966, B.C.C. 10.10.060;
- (45) Ordinance 2091 § 3, 1974, B.C.C. 10.10.070;
- (46) Ordinance 2368 § 1, 1976, Ordinance 2099 § 1, 1974, B.C.C. 10.12.010;

6/13/85
0532c

- (47) Ordinance 2368 § 1, 1976, Ordinance 2099 § 1, 1974, B.C.C. 10.12.020;
- (48) Ordinance 2368 § 1, 1976, Ordinance 2099 § 1, 1974, B.C.C. 10.12.030;
- (49) Ordinance 2747 § 1, 1979, Ordinance 2368 § 1, 1976, Ordinance 2099 § 1, 1974, B.C.C. 10.12.050;
- (50) Ordinance 2368 § 1, 1976, Ordinance 2099 § 2, 1974, B.C.C. 10.12.060;
- (51) Ordinance 2099 § 1, 1974, B.C.C. 10.12.070;
- (52) Ordinance 43 § 9.6, 1953, B.C.C. 10.12.080;
- (53) Ordinance 2368 § 1, 1976, B.C.C. 10.12.090;
- (54) Ordinance 2368 § 1, 1976, B.C.C. 10.12.095;
- (55) Ordinance 2968 § 1, 1981, Ordinance 2099 § 1, 1974, B.C.C. 10.12.120;
- (56) Ordinance 2099 § 1, 1974, B.C.C. 10.12.130;
- (57) Ordinance 2391 § 1, 1977, Ordinance 2099 § 1, 1974, B.C.C. 10.12.140;
- (58) Ordinance 3033 § 2, 1981, B.C.C. 10.12.150;
- (59) Ordinance 2368 § 4, 1976, B.C.C. 10.12.155;
- (60) Ordinance 2368 § 1, 1976, Ordinance 2029 § 1, 1974, B.C.C. 10.12.160;
- (61) Ordinance 2368 § 4, 1976, B.C.C. 10.12.170;
- (62) Ordinance 2368 § 4, 1976, B.C.C. 10.12.180;
- (63) Ordinance 2368 § 4, 1976, B.C.C. 10.12.190;
- (64) Ordinance 2676 § 1, 1979, Ordinance 2100 § 1, 1974, B.C.C. 10.14.010;
- (65) Ordinance 2100 § 2, 1974, B.C.C. 10.14.020;
- (66) Ordinance 2100 § 1, 1974, B.C.C. 10.14.030;

6/13/85
0532c

- (67) Ordinance 2100 § 2, 1974, B.C.C. 10.14.040;
- (68) Ordinance 2922 § 19, 1980, Ordinance 2069 § 1, 1974, B.C.C. 10.14.050;
- (69) Ordinance 2100 § 2, 1974, B.C.C. 10.14.060;
- (70) Ordinance 2100 § 2, 1974, B.C.C. 10.14.070;
- (71) Ordinance 103 § 3, 1955, Ordinance 220, 1957, B.C.C. 10.14.080;
- (72) Ordinance 3195 § 1, 1982, B.C.C. 10.14.085;
- (73) Ordinance 3195 § 2, 1982, Ordinance 2100 § 2, 1974, B.C.C. 10.14.090;
- (74) Ordinance 2085 § 2, 1974, B.C.C. 10.16.010;
- (75) Ordinance 2305 § 2, 1976, Ordinance 2085 § 2, 1974, B.C.C. 10.16.020;
- (76) Ordinance 2085 § 1, 1974, B.C.C. 10.16.030;
- (77) Ordinance 2085 § 1, 1974, B.C.C. 10.16.040;
- (78) Ordinance 2085 § 2, 1974, B.C.C. 10.16.050;
- (79) Ordinance 2085 § 1, 1974, B.C.C. 10.16.060;
- (80) Ordinance 2085 § 2, 1974, B.C.C. 10.16.070;
- (81) Ordinance 43 § 2.9, 1953, B.C.C. 10.16.080;
- (82) Ordinance 2085 § 2, 1974, B.C.C. 10.16.090;
- (83) Ordinance 2085 § 2, 1974, B.C.C. 10.16.100;
- (84) Ordinance 2085 § 2, 1974, B.C.C. 10.16.110;
- (85) Ordinance 2085 § 2, 1974, B.C.C. 10.16.120;
- (86) Ordinance 2085 § 2, 1974, B.C.C. 10.16.130;
- (87) Ordinance 2141 § 2, 1974, B.C.C. 10.16.140;
- (88) Ordinance 2305 § 3, 1976, B.C.C. 10.16.160;

6/13/85
0532c

- (89) Ordinance 2119 § 1, 1974, B.C.C. 10.18.010;
- (90) Ordinance 2119 § 1, 1974, B.C.C. 10.18.020;
- (91) Ordinance 2119 § 2, 1974, B.C.C. 10.18.030;
- (92) Ordinance 2119 § 1, 1974, B.C.C. 10.18.040;
- (93) Ordinance 2119 § 1, 1974, B.C.C. 10.18.050;
- (94) Ordinance 2119 § 1, 1974, B.C.C. 10.18.060;
- (95) Ordinance 2119 § 2, 1974, B.C.C. 10.18.070;
- (96) Ordinance 1690 § 1, 1971, Ordinance 43 § 7.1, 1953, B.C.C. 10.20.010;
- (97) Ordinance 43 § 7.3, 1953, B.C.C. 10.20.020;
- (98) Ordinance 1690 § 2, 1971, Ordinance 43 § 7.4, 1953, B.C.C. 10.20.030;
- (99) Ordinance 1690 § 3, 1971, Ordinance 43 § 7.5, 1953, B.C.C. 10.20.040;
- (100) Ordinance 1690 § 4, 1971, Ordinance 43 § 7.6, 1953, B.C.C. 10.20.050;
- (101) Ordinance 1690 § 5, 1971, Ordinance 43 § 7.7, 1953, B.C.C. 10.20.060;
- (102) Ordinance 1690 § 6, 1971, Ordinance 43 § 7.8, B.C.C. 10.20.070;
- (103) Ordinance 1690 § 7, 1971, Ordinance 43 § 7.9, B.C.C. 10.20.080;
- (104) Ordinance 43 § 7.10, 1953, B.C.C. 10.20.090;
- (105) Ordinance 1690 § 8, 1971, Ordinance 43 § 7.11, B.C.C. 10.20.100;
- (106) Ordinance 43 § 7.12, 1953, B.C.C. 10.20.110;
- (107) Ordinance 43 § 7.13, 1953, B.C.C. 10.20.120;

6/13/85
0532c

- (108) Ordinance 43 § 7.14, 1953, B.C.C. 10.20.130;
- (109) Ordinance 43 § 7.15, 1953, B.C.C. 10.20.140;
- (110) Ordinance 43 § 7.16, 1953, B.C.C. 10.20.150;
- (111) Ordinance 43 § 7.17, 1953, B.C.C. 10.20.160;
- (112) Ordinance 43 § 7.18, 1953, Ordinance 1154 § 1, 1968,
Ordinance 3066 § 2, 1981, Ordinance 3197 § 1, 1982, B.C.C.
10.20.170;
- (113) Ordinance 43 § 7.19, 1953, B.C.C. 10.20.180;
- (114) Ordinance 3066 § 1, 1981, B.C.C. 10.20.185;
- (115) Ordinance 132 § 1, 1955, B.C.C. 10.20.190;
- (116) Ordinance 132 § 2, 1955, B.C.C. 10.20.200;
- (117) Ordinance 132 § 3, 1955, B.C.C. 10.20.210;
- (118) Ordinance 132 § 4, 1955, B.C.C. 10.20.220;
- (119) Ordinance 1428 § 1, 1969, Ordinance 1690 § 9, 1971, B.C.C.
10.20.230;
- (120) Ordinance 1428 § 1, 1969, Ordinance 1690 § 9, 1971, B.C.C.
10.20.240;
- (121) Ordinance 1428 § 1, 1969, B.C.C. 10.20.250;
- (122) Ordinance 1218 § 1, 1968, B.C.C. 10.20.260;
- (123) Ordinance 1218 § 1, 1968, B.C.C. 10.20.270;
- (124) Ordinance 1218 § 1, 1968, B.C.C. 10.20.280;
- (125) Ordinance 1218 § 1, 1968, B.C.C. 10.20.290;
- (126) Ordinance 1218 § 1, 1968, B.C.C. 10.20.300;
- (127) Ordinance 1692 § 1, 1971, B.C.C. 10.22.010;
- (128) Ordinance 1692 § 1, 1971, B.C.C. 10.22.020;
- (129) Ordinance 1692 § 1, 1971, B.C.C. 10.22.030;

6/13/85
0532c

- (130) Ordinance 1692 § 1, 1971, B.C.C. 10.22.040;
- (131) Ordinance 1692 § 1, 1971, B.C.C. 10.22.050;
- (132) Ordinance 1692 § 1, 1971, B.C.C. 10.22.060;
- (133) Ordinance 1692 § 1, 1971, B.C.C. 10.22.070;
- (134) Ordinance 1692 § 1, 1971, B.C.C. 10.22.080;
- (135) Ordinance 1692 § 1, 1971, B.C.C. 10.22.090;
- (136) Ordinance 1692 § 1, 1971, B.C.C. 10.22.100.

10A.98.020 Ordinances recodified.

The following ordinances are hereby recordified:

- (1) Ordinance 491 § 1 (part), 1962, B.C.C. 10.16.150 is decodified and recodified as 9.24.010.
- (2) Ordinance 2398 § 2, 1977, B.C.C. 10.24.010 is decodified and recodified as B.C.C. 9.20.010.
- (3) Ordinance 2398 § 3, 1977, B.C.C. 10.24.020 is decodified and recodified as B.C.C. 9.20.020.
- (4) Ordinance 2398 § 4, 1977, B.C.C. 10.24.030 is decodified and recodified as B.C.C. 9.20.030.
- (5) Ordinance 2398 § 5, 1977, B.C.C. 10.24.040 is decodified and recodified as B.C.C. 9.20.040.
- (6) Ordinance 2398 § 7, 1977, B.C.C. 10.24.050 is decodified and recodified as B.C.C. 9.20.050.
- (7) Ordinance 2398 § 8, 1977, B.C.C. 10.24.060 is decodified and recodified as B.C.C. 9.20.060.
- (8) Ordinance 2890 § 1, 1980, B.C.C. 10.26.010 is decodified and recodified as B.C.C. 9.22.010.
- (9) Ordinance 1215 § 2, 1968, B.C.C. 10.26.020 is decodified and recodified as B.C.C. 9.22.020.
- (10) Ordinance 1215 § 3, 1968, B.C.C. 10.26.030 is decodified and recodified as B.C.C. 9.22.030.

ORIGINAL

6/13/85
0532c

(11) Ordinance 1215 § 4, 1968, B.C.C. 10.26.040 is decodified and recodified as B.C.C. 9.22.040.

10A.98.030 Savings clause.

The laws repealed by B.C.C. 10A.98.010 are repealed except with respect to rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this ordinance.

Section 29. This ordinance shall take effect and be in force 30 days after enactment by the City Council.

PASSED by the City Council this 24th day of June, 1985, and signed in authentication of its passage this 24th day of June, 1985.

(SEAL)

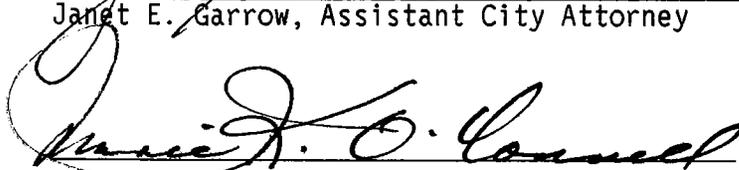

Cary E. Bozeman, Mayor

Approved as to form:

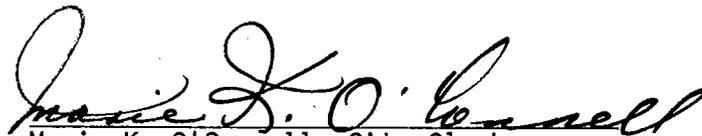
Richard L. Andrews, City Attorney


Susan R. Irwin, City Prosecutor


Janet E. Garrow, Assistant City Attorney



Attest:


Marie K. O'Connell, City Clerk

Published June 29, 1985