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ORDINANCE NO. 73

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, ESTABLISHING A CRIMINAL CODE, ADOPTING BY REFERENCE NUMEROUS CRIMINAL CODE PROVISIONS FROM THE REVISED CODE OF WASHINGTON AND THE KING COUNTY CODE, DEFINING OTHER CRIMINAL OFFENSES, PRESCRIBING PENALTIES FOR CRIMINAL VIOLATIONS WHICH OCCUR WITHIN THE CITY, DECLARING AN EMERGENCY AND SETTING AN EFFECTIVE DATE FOR THIS ORDINANCE.

WHEREAS, the City of Shoreline incorporated on August 31, 1995; and

WHEREAS, pursuant to an interlocal agreement with King County, the City of Shoreline is not required to adopt a criminal code until six months after incorporation; and

WHEREAS, the City of Shoreline needs to adopt a criminal code by February 28, 1996 to preserve the public safety, health and welfare of the community; and

WHEREAS, the City of Shoreline wishes to adopt a criminal code which is similar in content and format with other King County cities which contract with King County for police services to facilitate an interlocal agreement regarding holding in custody first appearance hearings at an in custody calendar conducted by the Seattle Division of the King County District Court at the King County Jail five days per week; and

WHEREAS, by interlocal agreement with King County the City of Shoreline is required to adopt a criminal code which incorporates all criminal offenses defined in the Revised Code of Washington; and

WHEREAS, the City Council finds it essential to the public health, welfare and safety to forbid and prevent conduct that inflicts or threatens to inflict harm to individual or public interests, to safeguard conduct that is without culpability from condemnation as criminal and to give fair warning of the nature of conduct declared to constitute an offense; NOW, THEREFORE,

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

Section 1. Preliminary Statement.

1. This ordinance shall be known as, and may be cited as, the Shoreline Criminal Code.

2. The provisions of this Code shall apply to any offense committed on or after 12:01 a.m. on February 28, 1996.

3. The provisions of this Code do not apply to, or govern the construction of and punishment for any offense committed prior to 12:01 a.m. on February 28, 1996, 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 in the City at the time of the commission thereof in the same manner as if this Code had not been enacted.

4. The sections of the Revised Code of Washington (RCW) and the King County Code (KCC), now in effect or as subsequently amended, specifically enumerated in this ordinance, are adopted by reference in this Code .

5. Section captions are for organizational purposes only and shall not be construed as part of this Code.

Section 2. 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; and
 - D. To differentiate on reasonable grounds between serious and minor offenses, and to prescribe proportionate penalties for each.

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

3. In adopting State statutes by reference, only those crimes and offenses within the jurisdiction of a municipality are intended to be adopted and, in those sections adopted which define both misdemeanors and felonies, only the language applicable to misdemeanors and gross misdemeanors is to be applied.

Section 3. City Criminal Jurisdiction. Any person who commits any offense defined by this Code, in whole or in part, within the corporate limits of the City, is liable to arrest, prosecution and punishment.

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Section 4. Classes of Crimes. An offense defined by this Code, for which a sentence of imprisonment is authorized, constitutes a violation of city ordinance and a crime. Crimes are classified as gross misdemeanors or misdemeanors.

Section 5. Punishment and Restitution.

1. Unless specifically provided otherwise, every person convicted of a gross misdemeanor, or a crime not otherwise classified, shall be punished by imprisonment in jail for a maximum term of not more than one year, or by a fine in an amount of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

2. Unless specifically provided otherwise, every person convicted of a misdemeanor, shall be punished by imprisonment in jail for a maximum term of not more than 90 days, or by a fine in an amount of not more than One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

3. A person who is convicted of a misdemeanor violation of any provision of Chapter 69.50 RCW adopted by reference shall be punished by imprisonment for not less than 24 consecutive hours, and by a fine of not less than Two Hundred Fifty Dollars (\$250.00). On a second or subsequent conviction, the fine shall not be less than Five Hundred Dollars (\$500.00). These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of 40 hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

4. The court may impose restitution as provided in RCW 9A.20.030.

5. In the event there is a conflict in the penalties which can be imposed upon conviction for a specific offense between the provisions of the Shoreline Criminal Code and the Revised Code of Washington, the penalty provisions of the Revised Code of Washington shall apply.

Section 6. Limitation of Action.

1. A gross misdemeanor, or a crime not otherwise classified, may not be prosecuted more than two years after its commission. A misdemeanor may not be prosecuted more than one year after its commission.

2. Periods of limitation toll for any period of time the person charged is not usually and publicly resident within this State.

3. If a complaint or an information filed before the end of a period of limitation is thereafter set aside, then the period is extended by a period equal to the length of time from the filing to the setting aside.

Section 7. Proof Beyond A Reasonable Doubt.

1. Every person charged with an offense is presumed innocent unless proven guilty by competent evidence establishing each element of the offense beyond a reasonable doubt.

2. When an offense has been proven against a person but a reasonable doubt exists as to the degree of the crime, a conviction shall be entered only as to the lowest degree.

Section 8. General provisions: adoption by reference. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.04.050	People capable of committing crimes - culpability of children.
RCW 9A.04.060	Common law to supplement statutes.
RCW 9A.04.070	Who amenable to criminal statutes.
RCW 9A.04.090	Application of general provisions of code.
RCW 9A.04.110	Definitions.
RCW 9.01.055	Citizen immunity if aiding officer.
RCW 9.01.110	Omission, when not punishable.
RCW 9.01.130	Sending letter, when complete.

Section 9. Principles of Liability. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

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

Section 10. Defenses. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.12.010	Defense of Insanity.
RCW 9A.16.010	Definitions.
RCW 9A.16.020	Use of force - When lawful.
RCW 9A.16.030	Homicide - When excusable.

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RCW 9A.16.040	Justifiable homicide or use of deadly force by public officer, peace officer, person aiding.
RCW 9A.16.050	Homicide - By other person - When justifiable.
RCW 9A.16.060	Duress.
RCW 9A.16.070	Entrapment.
RCW 9A.16.080	Action for being detained on mercantile establishment premises for investigation - "Reasonable grounds" - as defense.
RCW 9A.16.090	Intoxication.
RCW 9A.16.100	Use of force on children - Policy - Actions presumed unreasonable.

Section 11. Anticipatory Offenses. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.28.020	Criminal attempt.
RCW 9A.28.030	Criminal solicitation.
RCW 9A.28.040	Criminal conspiracy.

Section 12. Abandoned Refrigeration Equipment. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

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

Section 13. Advertising - Crimes Relating to. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.04.010	False advertising.
RCW 9.04.040	Advertising cures of cost potency - Evidence.
RCW 9.04.090	Advertising fuel prices by service station.

Section 14. Aggressive Begging.

1. Any person who engages in aggressive begging in any public place in the City as those terms are defined by this section is guilty of a misdemeanor.
2. As used in this section:
 - A.. Aggressive begging means to beg with intent to intimidate another person into giving money or goods.
 - B. Begging means to ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.

- C. Intimidate means to coerce or frighten into submission or obedience.
- D. Public place means any road, alley, lane, parking area, sidewalk or any place, private or otherwise, adopted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners; and any public playground, school grounds, recreation grounds, parks, parkways, park drives, park paths and rights-of-way open to the use of the public.

Section 15. Alcoholic Beverage Control. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 66.04.010	Definitions.
RCW 66.20.160	"Card of identification", "licensee", "store employee" defined for certain purposes.
RCW 66.20.170	Card of identification may be accepted as identification card and evidence of legal age.
RCW 66.20.180	Card of identification to be presented on request of licensee.
RCW 66.20.200	Unlawful acts relating to card of identification and certification card - Penalty.
RCW 66.28.090	Licensed premises or banquet permit premises open to inspection Failure to allow, violation.
RCW 66.32	Search and Seizure; Entire Chapter.
RCW 66.44	Enforcement - Penalties; Entire Chapter.

Section 16. Alcoholic Beverage Control - Opening or Consuming Liquor or Possessing Open Container of Liquor in Public Place. Except as provided by Title 66 RCW or section 1 of Ordinance No. 48 relating to Park Rules, any person who possesses an open container of liquor in a public place is guilty of a misdemeanor and shall be fined not more than one hundred dollars; provided, that this provision shall not apply to containers kept in the trunk of a vehicle or in an area of the vehicle not normally occupied by the driver or passengers. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

Section 17. Animals - Crimes Relating to. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.08.020	Diseased animals.
RCW 9.08.030	False certificate of registration of animals - False representation as to breed.
RCW 9.08.070	Pet animals - Taking, concealing, injuring, lulling, etc. - Penalty.
RCW 16.52.080	Transporting or confining an animal in an unsafe manner.
RCW 16.52.090	Docking horses.
RCW 16.52.095	Cutting Ears.

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RCW 16.52.100	Confining animals without food or water.
RCW 16.52.117	Animal fighting.
RCW 16.52.190	Poisoning animals.
RCW 16.52.193	Poisoning animals -strychnine sales, etc.
RCW 16.52.195	Poisoning animals - penalty.
RCW 16.52.207	Animal cruelty in the second degree.
RCW 16.52.300	Dogs or cats used as bait.

Section 18. Assault and Other Crimes Relating to Person. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.36.041	Assault in the fourth degree.
RCW 9A.36.050	Reckless endangerment in the second degree.
RCW 9A.36.070	Coercion.

Section 19. Competitive Bidding. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.18.120	Suppression of competitive bidding.
RCW 9.18.130	Collusion to prevent competitive bidding.
RCW 9.18.140	Penalty.

Section 20. Controlled Substances. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 69.50.101	Definitions.
RCW 69.50.204(d)(13)	Schedule I - Marijuana.
RCW 69.50.309	Containers.
RCW 69.50.401(e)	Prohibited acts: A-Penalties.
RCW 69.50.425	Misdemeanor violators - minimum imprisonment.
RCW 69.50.505	Seizure and forfeiture.
RCW 69.50.506	Burden of proof.
RCW 69.50.509	Search and seizure of controlled substances.

Section 21. Controlled Substances - Drug Paraphernalia - Possession Prohibited. Any person who possesses any drug paraphernalia as defined in Section 22 is guilty of a misdemeanor.

Section 22. Controlled Substances - Definitions.

1. "Drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,

testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, smoking, or otherwise introducing into the human body a controlled substance.

2. A device "designed primarily for" smoking or ingestion set forth in subsection A of this Section is a device which has been fabricated, constructed, altered, adjusted or marked especially for use in the smoking, ingestion or consumption of marihuana, hashish, hashish oil, cocaine or any other "controlled substance", and is peculiarly adapted to such purposes by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding the fact that it might also be possible to use such device for some other purpose.

3. In determining whether an object is drug paraphernalia under this section, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- A. Statements by an owner or by anyone in control of the object concerning its use;
- B. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;
- C. The property of the object, in time and space, to a direct violation of this article;
- D. The proximity of the object to controlled substances;
- E. The existence of any residue of controlled substances on the object;
- F. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonable know, intend to use the object to facilitate a violation of this article; the innocence of an owner, or of anyone in control of the object as to a violation of Section 23 shall not prevent a finding that the object is intended or designed for use as drug paraphernalia;
- G. Instructions, oral or written, provided with the object concerning its use;
- H. Descriptive materials accompanying the object which explain or depict its use;
- I. National and local advertising concerning its use;
- J. The manner in which the object is displayed for sale;
- K. Whether the owner, or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

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- L. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
- M. The existence and scope of legitimate uses for the object in the community; and
- N. Expert testimony concerning its use.

Section 23. Controlled Substances - Minors. No owner, manager, proprietor or other person in charge of any room in any place of business where any device, contrivance, instrument or paraphernalia which is primarily designed for or intended to be used for the smoking, ingestion, or consumption of marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, is sold, or displayed for the purpose of sale, may allow or permit any person under the age of 18 years to be in, remain in, enter or visit such room unless such minor person is accompanied by a parent or legal guardian.

Section 24. Controlled Substances - Minors Excluded. No person under the age of 18 years may be in, remain in, enter or visit any room in any place used for the sale or displaying for sale of devices, contrivances, instruments or paraphernalia which are primarily designed for or intended to be used for the smoking, ingestion or consumption of marijuana, hashish, PCP or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs unless such person is accompanied by a parent or legal guardian.

Section 25. Controlled Substances - Sale and Display Rooms. No person may maintain, in any place of business to which the public is invited, the display for sale or the offering to sell of devices, contrivances, instruments or paraphernalia which are primarily designed for or intended to be used for the smoking, ingestion or consumption of marijuana, hashish, PCP or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. Each entrance to such a room or enclosure shall be posted with a sign in reasonably visible and legible words to the effect that items which are defined as drug paraphernalia under this chapter are being offered for sale in such a room and that minors unless accompanied by a parent or legal guardian are excluded.

Section 26. Controlled Substances - Sale Restriction. No person shall sell or give, or permit to be sold or given to any person under the age of 18 years, any device, contrivance, instrument or paraphernalia which is primarily designed for or intended to be used for the smoking, ingestion or consumption of marijuana, hashish, PCP, or any controlled substance other than prescription drugs and devices to ingest or inject prescription drugs.

Section 27. Controlled Substances - Nuisance. The distribution or possession for the purpose of sale, exhibition or display, in any place of business from which minors are not excluded as set forth in this Code of devices, contrivances, instruments or paraphernalia which

are primarily designed for or intended to be used for the smoking, ingestion or consumption of marijuana, hashish, PCP or any controlled substance other than prescription drugs and devices to ingest or inject prescription drugs, is declared to be a public nuisance and may be abated by the city. This remedy shall be addition to any other remedy provided by the law including the penalty provision applicable for the violation of the terms and provision of this Code.

Section 28. Controlled Substances - Violation; Penalty. Any person convicted of violating Sections 23, 24, 25 or 26 shall be guilty of a misdemeanor. A second or subsequent conviction of any of the foregoing Sections may result in revocation of the business license of the place of business where the violations occurred.

Section 29. Corporations - Crimes Relating To. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.24.010 Fraud in stock subscription.
RCW 9.24.040 Corporation doing business without license.

Section 30. Custodial Interference. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.40.010 Definitions.
RCW 9A.40.070 Custodial interference in the second degree.
RCW 9A.40.080 Custodial interference - Assessment of costs - Defense - Consent defenses, restricted.

Section 31. Discharge of Firearms Prohibited.

1. Any person who knowingly discharges a firearm within the City is guilty of a misdemeanor.
2. The provisions of this section do not apply to:
 - A. A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;
 - B. Law enforcement personnel;
 - C. Security personnel while engaged in official duties; or
 - D. A person utilizing a properly licensed institutional, membership and/or commercial shooting range.

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Section 32. Disorderly Conduct. Any person who engages in disorderly conduct is guilty of a misdemeanor. A person engages in disorderly conduct when that person:

1. Uses abusive language and thereby intentionally creates a risk of assault;
2. Intentionally disrupts any lawful assembly or meeting of persons without authority;
3. Intentionally obstructs vehicular or pedestrian traffic without lawful authority; or
4. Fights by agreement, except as part of an organized athletic event.

Section 33. Disruption of School Activities.

1. Any person who enters or remains in any school building, classroom or upon any school ground, or street sidewalk or public way adjacent thereto, and intentionally causes disruption of the activities of the school is guilty of a gross misdemeanor.

2. As used in this section, "school" has its ordinary meaning and also includes universities, colleges, community colleges and institutions of higher education.

Section 34. Domestic Violence Protection. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 10.99.020	Definitions.
RCW 10.99.030	Law enforcement officers - Training, powers, duties.
RCW 10.99.040	Restrictions upon and duties of court.
RCW 10.99.045	Appearances by defendant - Orders prohibiting contact.
RCW 10.99.050	Restriction or prohibition of contact with victim - Violation, Penalties Written order - Procedures.
RCW 10.99.055	Enforcement of orders against defendants.
RCW 26.50.010	Definitions.
RCW 26.50.020	Commencement of action - Jurisdiction - Venue.
RCW 26.50.030	Petition for an order for protection - Availability of forms and instructional brochures - Fee - Bond not required.
RCW 26.50.040	Application for leave to proceed in forma pauperis.
RCW 26.50.050	Herein - Service - Tune.
RCW 26.50.060	Relief.
RCW 26.50.070	Ex parte temporary order for protection.
RCW 26.50.080	Issuance of order - Assistance of peace officer - Designation of appropriate law enforcement agency.
RCW 26.50.090	Order - Service.
RCW 26.50.100	Order - Transmittal to law enforcement agency - Record in law enforcement information system - Enforceability.

RCW 26.50.110 Violation of order - Penalties.
 RCW 26.50.120 Violation of order - Prosecuting attorney or attorney for municipality may be requested to assist - Cost and attorney's fees.
 RCW 26.50.130 Order - Modification - Transmittal.
 RCW 26.50.140 Peace officer - Immunity.
 RCW 26.50.200 Title to real estate - Effect.
 RCW 26.50.210 Proceedings additional.

Section 35. Dumping of Trash in Waterways. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.36.010 Dumping trash in waterways prohibited.

Section 36. False Alarms - Crimes Relating to; Entire Chapter. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.32 Crimes relating to false alarms; Entire chapter.

Section 37. False Representations. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

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

Section 38. False Swearing and Tampering. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.72.010 Definitions.
 RCW 9A.72.040 False swearing.
 RCW 9A.72.050 Perjury and false swearing - Inconsistent statements - Degree of crime.
 RCW 9A.72.060 Perjury and false swearing - Retraction.
 RCW 9A.72.070 Perjury and false swearing - Irregularities no defense.
 RCW 9A.72.080 Statement of what one does not know to be true.
 RCW 9A.72.140 Jury tampering.
 RCW 9A.72.150 Tampering with physical evidence.

Section 39. Fire Alarms - Crimes Relating to. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.40.040 Operating engine or boiler without spark arrester.
 RCW 9.40.100 Injuring or tampering with fire alarm apparatus or equipment - Sounding false alarm of fire.

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Section 40. Firearms and Dangerous Weapons.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.41.010	Terms defined.
RCW 9.41.050	Carrying pistol.
RCW 9.41.060	Exception to restriction on carrying pistol.
RCW 9.41.070	Issue of licenses to carry - Fee - Revocation - Renewal.
RCW 9.41.080	Delivery to minors and others forbidden.
RCW 9.41.090	Commercial sales regulated - Requirements for delivery - Hold on delivery.
RCW 9.41.0975	Officials and agencies - Immunity, writ of mandamus.
RCW 9.41.098	Forfeiture of firearms, order by courts - Return to owner - Confiscation by law enforcement officer.
RCW 9.41.100	Dealers to be licensed.
RCW 9.41.110	Dealer's licenses, by whom granted and conditions thereof - Wholesale sales excepted - Permits prohibited.
RCW 9.41.120	Certain transfers forbidden.
RCW 9.41.140	Alteration of identifying marks - Exceptions.
RCW 9.41.170	Alien's license to carry firearms - Exceptions.
RCW 9.41.230	Aiming or discharging firearms.
RCW 9.41.240	Use of firearms by minor.
RCW 9.41.250	Dangerous weapons - Evidence.
RCW 9.41.260	Dangerous exhibitions.
RCW 9.41.270	Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful -Penalty - Exceptions.
RCW 9.41.280	Students carrying dangerous weapons on school premises - Penalty Exceptions.
RCW 9.41.300	Firearms prohibited in certain places - Local laws and ordinances Exceptions - Penalty.
RCW 9.41.810	Penalty.

Section 41. Fraud.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.45.060	Encumbered, leased, or rented personal property - Construction.
RCW 9.45.062	Failure to deliver leased personal property - Requisites for prosecution - Construction.
RCW 9.45.070	Mock auctions.
RCW 9.45.080	Fraudulent removal of property.
RCW 9.45.090	Knowingly receiving fraudulent conveyance.

RCW 9.45.100 Fraud in assignment for benefit of creditors.
 RCW 9A.60.010 Definitions.
 RCW 9A.60.040 Criminal impersonation.
 RCW 9A.60.050 False certification.
 RCW 9A.61.010 Defrauding a public utility - Definitions.
 RCW 9A.61.020 Defrauding a public utility.
 RCW 9A.61.050 Defrauding a public utility in the third degree.
 RCW 9A.61.060 Restitution.
 RCW 9.26A.110 Fraud in obtaining telecommunications service - Penalty.

2. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.08.010 Impersonating members of public safety department.
 KCC 12.08.020 Selling or disposing of police badges prohibited.
 KCC 12.08.030 Possessing badge with intent to impersonate officer.
 KCC 12.08.040 Intent to impersonate presumed.
 KCC 12.08.050 Penalty for violation.

Section 42. Gambling Offenses. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.46.190 Violations relating to fraud or deceit.
 RCW 9.46.193 Cities and towns - Ordinance adopting certain sections of chapter Jurisdiction of courts.
 RCW 9.46.195 Obstruction of public servant in administration or enforcement as violation - Penalty.
 RCW 9.46.196 Defrauding or cheating other participant or operator as violation - Causing another to do so as violation - Penalty.
 RCW 9.46.198 Working in gambling activity without license as violation - Penalty.
 RCW 9.46.210 Enforcement - Commission as law enforcement agency.
 RCW 9.46.215 Ownership or interest in gambling device - Penalty - Exceptions.
 RCW 9.46.217 Gambling records - Penalty - Exceptions.
 RCW 9.46.222 Professional gambling in the third degree.
 RCW 9.46.231 Gambling devices, real and personal property - Seizure and forfeiture.
 RCW 9.46.235 Slot machines, antique - Defenses concerning - Presumption created.
 RCW 9.46.240 Gambling information, transmitting or receiving as violation - Penalty.
 RCW 9.46.250 Gambling property or premises - Common nuisances, abatement Termination of mortgage, contract or leasehold interests, licenses Enforcement.
 RCW 9.46.260 Proof of possession as evidence of knowledge of its character.

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Section 43. Harassment. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.46.010	Legislative finding.
RCW 9A.46.020	Definition - penalties.
RCW 9A.46.030	Place where committed.
RCW 9A.46.040	Court-ordered requirements upon person charged with crime -Violation.
RCW 9A.46.050	Arrestment - No-contact order.
RCW 9A.46.060	Crimes included in harassment.
RCW 9A.46.070	Enforcement of orders restricting contact.
RCW 9A.46.080	Order restricting contact - Violation.
RCW 9A.46.090	Nonliability of peace officer.
RCW 9A.46.100	"Convicted," time when.
RCW 9A.46.110	Stalking.
RCW 9.61.230	Telephone calls to harass, intimidate, torment, embarrass.
RCW 9.61.240	Telephone calls to harass, intimidate, torment or embarrass Permitting telephone to be used.
RCW 9.61.250	Telephone calls to harass, intimidate, torment or embarrass Offense, where deemed committed.

Section 44. Inhaling Toxic Fumes. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.47A.010	Definition.
RCW 9.47A.020	Unlawful inhalation - Exception.
RCW 9.47A.030	Possession of certain substances prohibited, when.
RCW 9.47A.040	Sale of certain substances prohibited, when.
RCW 9.47A.050	Penalty.

Section 45. Juries - Crimes Relating to. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.51.010	Misconduct of officer drawing jury.
RCW 9.51.020	Soliciting jury duty.
RCW 9.51.030	Misconduct of officer in charge of jury.

Section 46. Littering and Pollution. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 70.93.060	Littering.
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Section 47. Miscellaneous Crimes. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.91.010 Denial of civil rights - Terms defined.
RCW 9.91.025 Unlawful bus conduct.
RCW 9.91.060 Leaving children unattended in parked automobile.
RCW 9.91.090 Fraudulent destruction of insured property.
RCW 9.91.110 Metal buyers - Records of purchases - Penalty.
RCW 9.91.130 Disposal of trash in charity donation receptacle.

Section 48. Misconduct in Signing a Petition. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.44.080 Misconduct in signing a petition.

Section 49. Obstructing, Governmental Operation. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.76.010 Definitions.
RCW 9A.76.020 Obstructing a public servant.
RCW 9A.76.030 Refusing to summon aid for a peace officer.
RCW 9A.76.040 Resisting arrest.
RCW 9A.76.050 Rendering criminal assistance - Definition of terms.
RCW 9A.76.060 Relative defined.
RCW 9A.76.070 Rendering criminal assistance in the first degree.
RCW 9A.76.080 Rendering criminal assistance in the second degree.
RCW 9A.76.090 Rendering criminal assistance in the third degree.
RCW 9A.76.100 Compounding.
RCW 9A.76.130 Escape in the third degree.
RCW 9A.76.160 Introducing contraband in the third degree.
RCW 9A.76.170 Bail jumping.
RCW 9.62.010 Malicious prosecution.
RCW 9.62.020 Instituting suit in name of another.

Section 50. Official Misconduct. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.80.010 Official misconduct.

Section 51. Public Disturbance. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.84.010 Riot.
RCW 9A.84.020 Failure to disperse.
RCW 9A.84.040 False reporting.
RCW 9.27.015 Interference, obstruction of any court building or residence - Violations.

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Section 52. Public Nuisances. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

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

Section 53. Reckless Burning and Malicious Mischief. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.48.010 Definitions.
RCW 9A.48.050 Reckless burning in the second degree.
RCW 9A.48.060 Reckless burning - Defense.
RCW 9A.48.090 Malicious mischief in the third degree.
RCW 9A.48.100 Malicious mischief - "Physical damage" defined.

Section 54. Roadside Stands. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.28.010 Unlawful to erect structures along roads.
KCC 12.28.020 Required distance from right-of-way.
KCC 12.28.030 Nuisance declared - authority of engineer.
KCC 12.28.040 Violation - Misdemeanor.

Section 55. Sexual Offenses.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.44.010 Definitions.
RCW 9A.44.030 Defenses to prosecution under this chapter.
RCW 9A.44.096 Sexual misconduct with a minor in the second degree.
RCW 9A.88.010 Indecent exposure.
RCW 9A.88.030 Prostitution.
RCW 9A.88.050 Prostitution - Sex of parties immaterial - No defense.
RCW 9A.88.090 Permitting prostitution.
RCW 9A.88.110 Patronizing a prostitute.
RCW 9.68.130 "Sexually explicit material" - Defined - Unlawful display.

2. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

- KCC 12.56.010 "Body Studios" Defined.
- KCC 12.56.020 Operation prohibited.
- KCC 12.56.030 Penalty.

Section 56. Sexual Offenses - Unlawful Acts of Prostitution or Pandering.

1. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

- KCC 12.63.010 Unlawful acts.
- KCC 12.63.020 Known prostitute, panderer deferred.
- KCC 12.63.070 Public Nuisance.
- KCC 12.63.080 Evidence.
- KCC 12.63.090 Additional evidence.

2. Any single conviction under this Section within any period of 12 months shall be a misdemeanor. Any second or subsequent conviction under this Section within any period of 12 months from a first or prior conviction of the same or similar offense shall be a gross misdemeanor.

3. The court may suspend all or a portion of the term of imprisonment or fine on condition that the convicted person never enter into, or be present in, any anti-prostitution emphasis area during the term of any such suspension or deferral. The court may further require AIDS testing and counseling, as a condition of suspension or deferral pursuant to RCW 70.24.350, at the defendant's expense; provided, that King County, as agent for the City pursuant to Interlocal Agreement, may require such testing and counseling as provided in RCW 70.24.360 upon imprisonment in jail of any such convicted person.

4. The following described areas of the City are designated to be anti-prostitution emphasis areas and enhanced penalties shall be applied in event of conviction of unlawful acts of prostitution, prostitution loitering, permitting prostitution or pandering, or patronizing a prostitute, within the said areas, pursuant to this Ordinance, in order to assure elimination of all prostitution and prostitution-related activity within these areas:

A. An area hereby referred to as the Aurora Avenue SOAP (Stay Out of Areas of Prostitution) Area which is geographically defined as that area extending along Aurora Avenue North between 145th Street and 205th Streets and extending in an East-West direction two blocks on either side of Aurora Avenue North.

B. Any other area found by the Judge of the District Court to warrant designation as an anti-prostitution emphasis area when specifically set forth and identified in a court order naming a particular defendant.

5. The presence of any person within a designated area in violation of court imposed conditions of release or conditions of suspension or deferral of any sentence shall be a gross misdemeanor and any such person may be apprehended and arrested without the necessity for any warrant or additional court order.

Section 57. Special Offenses Relative to Minors.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.68A.011	Definition.
RCW 9.68A.080	Processors of depictions of minors engaged in sexually explicit conduct - report required.
RCW 9.68A.090	Communication with a minor for immoral purposes.
RCW 9.68A.120	Seizure and forfeiture of property.
RCW 9.68A.140	Definitions.
RCW 9.68A.150	Allowing minor on premises of live erotic performance.
RCW 9.68A.160	Penalty.
RCW 9.69.100	Duty of witness of offense against child or any violent offense Penalty.
RCW 26.28.080	Selling or giving tobacco to minors -- belief of representative capacity, no defense -- Penalty

2. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.78.030	Written consent required to supply airgun and slingshot to minor.
KCC 12.78.040	Written consent to be kept as evidence.
KCC 12.78.050	Violation - Misdemeanor.

Section 58. Telephone Credit Cards. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.26A.090	Telephone company credit cards - Publishing numbers or code "Publishes" defined.
RCW 9.26A.100	Definition.
RCW 9.26A.110	Fraud in obtaining telecommunications service - Penalty.
RCW 9.26A.120	Fraud in operating coin-box telephone or other receptacle.
RCW 9.26A.130	Penalty for manufacture or sale of slugs to be used for coin.

Section 59. Theft and Possession of Stolen Property. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.56.010	Definitions.
RCW 9A.56.020	Theft - Definition, defense.
RCW 9A.56.050	Theft in the third degree.
RCW 9A.56.060	Unlawful issuance of checks or drafts.
RCW 9A.56.100	Theft and larceny equated.
RCW 9A.56.140	Possessing stolen property - Definition - Access, devices, presumption.
RCW 9A.56.170	Possessing stolen property in the third degree.
RCW 9A.56.180	Obscuring identify of a machine.
RCW 9A.56.220	Theft of cable television services.
RCW 9A.56.230	Unlawful sale of cable television services.
RCW 9A.56.240	Forfeiture and disposal of device used to commit violation.
RCW 9A.56.260	Connection of channel converter.
RCW 9A.56.270	Shopping cart theft.

Section 60. Throwing Objects at or from Moving Vehicles.

1. Any person who throws, pushes, rolls, drops, swings or otherwise propels or projects any object, thing or substance in such a manner as to strike or be likely to strike any moving vehicle on the public highways or streets is guilty of a misdemeanor.

2. Any person who throws, pushes, rolls, drops, swings or otherwise propels or projects any object, thing or substance from a moving vehicle on the public highways or streets in such a manner as to strike or be likely to strike another moving vehicle on the public highways or streets or a pedestrian is guilty of a misdemeanor.

Section 61. Trademarks And Other Marks. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.16.030	Counterfeiting trademark, brand, etc.
RCW 9.16.040	Displaying goods with false trademark.
RCW 9.16.050	When deemed affixed.
RCW 9.16.060	Fraudulent registration of trademark.
RCW 9.16.070	Form and similitude defined.
RCW 9.16.080	Sales of petroleum products improperly labeled or by wrong grade.
RCW 9.16.090	Sales of petroleum products improperly labeled or by wrong grade - Penalty for violations.
RCW 9.16.100	Use of words "sterling silver", etc.
RCW 9.16.110	Use of words "coin silver, etc.
RCW 9.16.120	Use of word "sterling' on mounting.
RCW 9.16.130	Use of the words "coin silver on mounting.
RCW 9.16.140	Unlawfully marking articles made of gold.
RCW 9.16.150	"Marked, stamped or branded", defined.

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Section 62. Trespass and Prowling. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.52.010	Definitions.
RCW 9A.52.060	Making or having burglar tools.
RCW 9A.52.070	Criminal trespass in the first degree.
RCW 9A.52.080	Criminal trespass in the second degree.
RCW 9A.52.090	Criminal trespass - Defenses.
RCW 9A.52.100	Vehicle prowling in the second degree; provided, that motor home shall also be covered by this provision.
RCW 9A.52.120	Computer trespass in the second degree.
RCW 9A.52.130	Computer trespass - Commission of other crime.

Section 63. Unlawful Use of Air, Potato or Paintball Guns: Penalty.

1. Any person who points or shoots an air, potato or paintball gun at any person or property of another, or who aims or discharges such weapon in the direction of the person or residence of another, while within such range as to cause or inflict injury to the person or damage the property of another, is guilty of a misdemeanor and, in addition to any other punishment imposed, the court shall order the weapon to be confiscated, and disposed of in accordance with statutes or ordinances governing the disposal of confiscated or found weapons.

2. "Air gun" means: air gun, air pistol, air rifle, BB gun and toy or other guns designed or 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 substances a distance of more than 25 feet with sufficient force to break windows or inflict injury upon persons or animals.

3. "Potato gun" means any gun, pistol, rifle, or toy designed or modified and used to propel, by compressed air or spring-loaded plunger, any potato a distance of more than 25 feet with sufficient force to break windows or inflict injury upon persons or animals.

4. "Paintball gun" means any gun, pistol, rifle, or toy designed or modified and used to propel, by compressed air or spring-loaded plunger, paint a distance of more than 25 feet with sufficient force to break windows or inflict injury upon persons or animals.

Section 64. Urinating in Public. Any person who 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, shall be subject to a civil fine not to exceed Two Hundred Fifty Dollars (\$250.00) for a first offense. For second and subsequent offenses, the person shall be guilty of a misdemeanor.

Section 65. Vehicles Resembling Police or Fire Vehicles. Any person who operates a motor vehicle painted and exhibiting decals, numbers, name or insignia which simulate a city or

county police or fire department vehicle, or city vehicle, without prior authorization from the police chief, fire chief, city manager, or their designees is guilty of a misdemeanor.

Section 66. Violating Right of Privacy. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

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

Section 67. Violation of Court Ordered Probation. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

KCC 12.150.010	Definitions.
KCC 12.150.020	Arrest without warrant.

Section 68. Construction. Any references to "county" or to "King County" in the King County Code provisions adopted by reference herein shall be construed to mean the "City of Shoreline" for purposes of this Criminal Code unless the context clearly requires otherwise .

Section 69. Declaration of Emergency. The City Council finds that an emergency exists and that to protect the health, safety and welfare of the community, this Ordinance must be in full force and effect at 12:01 a.m. on February 28, 1996.

Section 70. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason or should any portion of this ordinance be preempted by state or federal law or regulation such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 71. Copies to be Available. A copy of each portion of the Revised Code of Washington and the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

Section 72. Certified copies to be furnished to Court. The City Clerk is directed to provide at city expense to the Court Administrators of the Shoreline and Seattle Divisions of the

King County District Court adequate numbers of certified copies of this Ordinance to permit enforcement of this Ordinance.

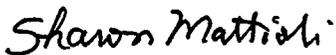
Section 73. Effective Date and Publication. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. The City Council finding that an emergency exists this ordinance shall take effect and be in full force on February 28, 1996 at 12:01 a.m.

PASSED BY THE CITY COUNCIL ON FEBRUARY 26, 1996.



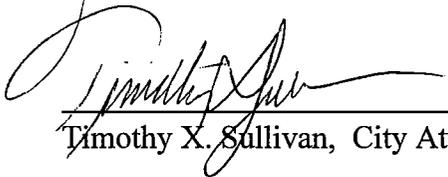
Mayor Connie King

ATTEST:



Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan, City Attorney

Date of Publication: February 29, 1996
Effective Date: February 28, 1996