

ORDINANCE O-4334

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE AND REPEALING THE EXISTING TITLE 11 OF THE KIRKLAND MUNICIPAL CODE AND REENACTING A NEW TITLE 11 OF THE KIRKLAND MUNICIPAL CODE.

The City Council of the City of Kirkland do ordain as follows:

Section 1. Kirkland Municipal Code ("KMC") Section 1.04.010 is hereby amended to read as follows:

1.04.010 Classes of crime—Penalties.

(a) Any offense defined by this code and any violation of a mandatory provision of this code or any other ordinance of the city constitutes a crime, unless it is a civil ~~infractio~~violation or traffic infraction. Civil ~~infractio~~sviolations include only those ~~infractio~~sviolations specifically designated as such in this code or in any ordinance of the city. Traffic infraction means an offense under the provisions of Title 12 of this code, for which monetary penalty may be imposed pursuant to RCW Chapter 46.63, et seq. Crimes are either misdemeanors or gross misdemeanors.

(b) Gross Misdemeanor. ~~Every crime designated in any section of this code or any other ordinance of the city as a serious crime is a gross misdemeanor. Designation as a serious crime may be by notation with (S) immediately preceding the code section, or by use of the words "serious crime" within the section which establishes the elements of the crime or by listing in Section 1.04.011.~~ Any person convicted of a gross misdemeanor for which no penalty is specifically prescribed shall be punished by imprisonment for up to three hundred sixty-four days ~~for not more than one year~~, or by a fine of not more than five thousand dollars, or by both such imprisonment and fine.

(c) Misdemeanor. Every crime which is not a gross misdemeanor is a misdemeanor. Any crime designated as a simple crime in this code or any other ordinance is a misdemeanor. Any person convicted of a misdemeanor for which no punishment is specially prescribed shall be punished by imprisonment for not more than ninety days or by a fine of not more than one thousand dollars or both such imprisonment and fine.

(d) Notwithstanding the maximum penalties established in this section for gross misdemeanors and misdemeanors, the maximum penalty which may be imposed upon any person convicted of a criminal violation of a city ordinance, including any section of this code shall not exceed the maximum penalty which could be imposed for violation of a state criminal statute having the same elements.

(e) Notwithstanding the penalties established by this chapter, unless specified otherwise, violation of any section contained in Title 14 of this code and Section 11.80.110 are civil infractions and the penalty for

violation shall be an amount established for such violation by ordinance or court rule.

Section 2. Kirkland Municipal Code Sections 1.04.011, 8.04.025 and 12.04.030 are hereby repealed.

Section 3. Kirkland Municipal Code Section 5.19.090 is hereby amended to read as follows:

5.19.090 Penalty.

It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be guilty of a ~~serious crime, which is a~~ gross misdemeanor. Each day of violation shall be considered a separate offense.

Section 4. Kirkland Municipal Code Section 7.32.080 is hereby amended to read as follows:

7.32.080 Unlawful activities.

It is unlawful for the owner, proprietor, manager or person in charge of any massage parlor or public bathhouse, or for any employee of the establishment to knowingly:

(1) Harbor, admit, receive or permit to be or remain in or about such premises, any person under the influence of intoxicating liquor or narcotic drugs or other controlled substances, or any person whose conduct threatens the immediate physical health or safety of any other person lawfully present in the establishment;

(2) Permit, allow or authorize any activity or course of conduct in the establishment in violation of RCW Chapter 9A.88 and Sections 11.20.170 through 11.20.300 of the Kirkland Municipal Code Chapter 11.20 relating to lewd and unlawful public exposure, and prostitution and body studios.

Section 5. A new Kirkland Municipal Code Section 8.04.075 is hereby adopted to read as follows:

8.04.075 Portions of RCW Chapter 16.52 adopted by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 16.52.080 Transporting or confining in unsafe manner—
Penalty.

RCW 16.52.085 Removal of animals for feeding—
Examination—Notice—Euthanasia.

RCW 16.52.200 Sentences—Forfeiture of animals—Liability for
costs—Civil penalty—Education, counseling.

RCW 16.52.207 Animal cruelty in the second degree.

Section 6. Kirkland Municipal Code Title 11 is hereby repealed and reenacted to read as follows:

**Title 11
CRIMINAL CODE**

Chapters:

- 11.04 Preliminary Article**
- 11.08 Adoption of RCW Sections Not Specifically Set Forth**
- 11.12 Adoption of Specific RCW Sections**
- 11.16 Miscellaneous Offenses**
- 11.20 Offenses Against Public Morals**
- 11.24 Nuisances**
- 11.41 Firearms and Weapons**
- 11.52A Burglary and Trespass**
- 11.60 Fireworks**
- 11.64 Littering**
- 11.76 Junk Vehicles**
- 11.80 Park Rules**
- 11.84A Public Disturbance**
- 11.92 City Jail Custodial Care Standards**

**Chapter 11.04
PRELIMINARY ARTICLE**

Sections:

- 11.04.010 Preliminary article.**
- 11.04.020 Jurisdiction.**

11.04.010 Preliminary article.

A. This title shall be known and may be cited as the "Kirkland Criminal Code."

B. As used in this title, "RCW" shall mean the Revised Code of Washington.

C. As used in this title, "KMC" shall mean the Kirkland Municipal Code.

D. If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.

E. By adopting Washington state statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Kirkland. Whenever the word "state" shall appear in any statute adopted by reference in this title, the word "city" shall be substituted therefor; provided, however, the term "city" shall not be substituted for the term "state" in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

F. Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.

G. Any state statute that is adopted by reference in this title and which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.

H. When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.

I. Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.

J. The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of the ordinance codified in this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted. The provisions of this title shall apply to any offense committed on or after its effective date unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.

K. As used in this title, words used in the present tense include the future tense; the masculine includes the feminine and neutral genders; and the singular includes the plural and vice versa.

L. The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

M. Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

1. Gross Misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of up to three hundred sixty-four days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine; or

2. Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 90 days, or by a fine in an amount fixed by the court of not more than \$1,000, or by both such imprisonment and fine.

11.04.020 Jurisdiction.

The following persons are subject to punishment:

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

B. 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;

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

D. A person who commits an act out of the city which affects persons or property within the city which, if committed within the city, would be a crime.

Chapter 11.08

ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH

Sections:

11.08.010 Adoption of RCW sections not specifically set forth.

11.08.010 Adoption of RCW sections not specifically set forth.

A. Notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

B. All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in RCW Chapter 9A.28. The adoption of class C felonies shall be subject to the provisions of subsection A of this section and of KMC Chapter 11.04.

Chapter 11.12

ADOPTION OF SPECIFIC RCW SECTIONS

Sections:

11.12.010 Chapter 2.48 RCW, entitled "State Bar Act" – Adoption by reference.

11.12.020 Chapter 7.21 RCW, entitled "Contempt of Court" – Adoption by reference.

11.12.030 Chapter 7.80 RCW, entitled "Civil Infractions" – Adoption by reference.

11.12.040 RCW Title 9, entitled "Crimes and Punishments" – Adoption by reference.

11.12.050 RCW Title 9A, entitled "Washington Criminal Code" – Adoption by reference.

11.12.060 RCW Title 10, entitled "Criminal Procedure" – Adoption by reference.

11.12.070 Chapter 13.32A RCW, entitled "Family Reconciliation Act" – Adoption by reference.

- 11.12.080 RCW Title 26, entitled "Domestic Relations" – Adoption by reference.
- 11.12.090 Chapter 28A.635 RCW, entitled "Offenses Relating to School Property and Personnel" – Adoption by reference.
- 11.12.100 Chapter 46.80 RCW, entitled "Vehicle Wreckers" – Adoption by reference.
- 11.12.110 RCW Title 66, entitled "Alcoholic Beverage Control" – Adoption by reference.
- 11.12.120 RCW Title 69, entitled "Food, Drugs, Cosmetics, and Poisons" – Adoption by reference.
- 11.12.130 RCW Title 70, entitled "Public Health and Safety" – Adoption by reference.
- 11.12.140 Chapter 74.34 RCW, entitled "Abuse of Vulnerable Adults" – Adoption by reference.

11.12.010 Chapter 2.48 RCW, entitled "State Bar Act" – Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 2.48.180 Definitions – Unlawful practice a crime – Cause for discipline – Unprofessional conduct – Defense – Injunction – Remedies – Costs – Attorneys' fees – Time limit for action.

11.12.020 Chapter 7.21 RCW, entitled "Contempt of Court" – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.21.010 Definitions.
RCW 7.21.020 Sanctions – Who may impose.
RCW 7.21.030 Remedial sanctions – Payment for losses.
RCW 7.21.040 Punitive sanctions – Fines.
RCW 7.21.050 Sanctions – Summary imposition – Procedure.
RCW 7.21.070 Appellate review.

11.12.030 Chapter 7.80 RCW, entitled "Civil Infractions" – Adoption by reference.

For purposes of offenses under this title only, the following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 7.80.120 Monetary penalties – Restitution.

11.12.040 RCW Title 9, entitled "Crimes and Punishments" – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by

reference and shall be given the same force and effect as if set forth herein in full:

- RCW 9.01.055 Citizen immunity if aiding officer, scope – When.
- RCW 9.01.110 Omission, when not punishable.
- RCW 9.01.130 Sending letter, when complete.
- RCW 9.02.050 Concealing birth.
- 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.
- RCW 9.04.010 False advertising.
- RCW 9.04.090 Advertising fuel prices by service stations.
- RCW 9.08.030 False certificate of registration of animals – False representation as to breed.
- RCW 9.08.065 Definitions.
- RCW 9.08.070 Pet animals – Taking, concealing, injuring, killing, etc. – Penalty.
- RCW 9.08.072 Transferring stolen pet animal to a research institution—Penalty
- RCW 9.08.078 Illegal sale, receipt or transfer of pet animals—Separate offenses
- RCW 9.12.010 Barratry.
- RCW 9.12.020 Buying, demanding, or promising reward by district judge or deputy.
- RCW 9.16.005 Definitions.
- RCW 9.16.010 Removing lawful brands.
- RCW 9.16.020 Imitating lawful brand.
- RCW 9.16.030 Counterfeit mark – Intellectual property.
- RCW 9.16.035 Counterfeiting – Penalties.
- RCW 9.16.041 Counterfeit items – Seizure and forfeiture.
- 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 Petroleum products improperly labeled or graded--Penalty.
- RCW 9.16.100 Use of the words "sterling silver," etc.
- RCW 9.16.110 Use of words "coin silver," etc.
- RCW 9.16.120 Use of the word "sterling" on mounting.
- RCW 9.16.130 Use of the words "coin silver" on mounting.
- RCW 9.16.140 Unlawfully marking article made of gold.
- RCW 9.16.150 "Marked, stamped or branded" defined.
- RCW 9.18.080 Offender a competent witness.
- RCW 9.18.120 Suppression of competitive bidding.
- RCW 9.18.130 Collusion to prevent competitive bidding--Penalty.
- RCW 9.18.150 Agreements outside state.
- RCW 9.24.010 Fraud in stock subscription.
- RCW 9.24.040 Corporation doing business without license.
- RCW 9.26A.090 Telephone company credit cards – Prohibited acts.
- RCW 9.26A.100 Definitions.

- 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.
- RCW 9.26A.140 Unauthorized sale or procurement of
telephone records—Penalties—Definitions
- RCW 9.27.015 Interference, obstruction of any court, building,
or residence – Violations.
- RCW 9.35.005 Definitions.
- RCW 9.35.030 Soliciting undesired mail.
- RCW 9.38.010 False representation concerning credit.
- RCW 9.38.015 False statement by deposit account applicant.
- RCW 9.38.020 False representation concerning title.
- RCW 9.40.040 Operating engine or boiler without spark
arrestor.
- RCW 9.40.100 Tampering with fire alarm or fire fighting
equipment – False alarm – Penalties.
- RCW 9.41.010 Terms defined.
- RCW 9.41.040 Unlawful possession of firearms – Ownership,
possession by certain persons—Penalties.
- RCW 9.41.050 Carrying firearms.
- RCW 9.41.060 Exceptions to restrictions on carrying firearms.
- RCW 9.41.090 Dealer deliveries regulated – Hold on delivery.
- RCW 9.41.098 Forfeiture of firearms – Disposition –
Confiscation.
- RCW 9.41.100 Dealer licensing and registration required.
- RCW 9.41.110 Dealer's licenses, by whom granted, conditions,
fees – Employees, fingerprinting and background
checks – Wholesale sales excepted – Permits
prohibited.
- RCW 9.41.140 Alteration of identifying marks – Exceptions.
- RCW 9.41.220 Unlawful firearms and parts contraband.
- RCW 9.41.230 Aiming or discharging firearms, dangerous
weapons.
- RCW 9.41.240 Possession of pistol by person from eighteen to
twenty-one.
- RCW 9.41.250 Dangerous weapons – Penalty—Exemption for
law enforcement officers.
- RCW 9.41.260 Dangerous exhibitions.
- RCW 9.41.270 Weapons apparently capable of producing
bodily harm – Unlawful carrying or handling –
Penalty – Exceptions.
- RCW 9.41.280 Possessing dangerous weapons on school
facilities – Penalty – Exceptions.
- RCW 9.41.300 Weapons prohibited in certain places – Local
laws and ordinances – Exceptions – Penalty.
- RCW 9.41.800 Surrender of weapons or licenses – Prohibition
on future possession or licensing.
- RCW 9.41.810 Penalty.
- RCW 9.44.080 Misconduct in signing a petition.

RCW 9.45.060 Encumbered, leased, or rented personal property – Construction.

RCW 9.45.070 Mock auctions.

RCW 9.45.080 Fraudulent removal of property.

RCW 9.45.090 Knowingly receiving fraudulent conveyance.

RCW 9.45.100 Fraud in assignment for benefit of creditors.

RCW 9.45.270 Fraudulent filing of vehicle report of sale

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.

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.

RCW 9.61.230 Telephone harassment.

RCW 9.61.240 Telephone harassment – Permitting telephone to be used.

RCW 9.61.250 Telephone harassment – Offense, where deemed committed.

RCW 9.61.260 Cyberstalking.

RCW 9.62.010 Malicious prosecution.

RCW 9.62.020 Instituting suit in name of another.

RCW 9.68.015 Obscene literature, shows, etc. – Exemptions.

RCW 9.68.030 Indecent articles, etc.

RCW 9.68.050 “Erotic material” – Definitions.

RCW 9.68.060 “Erotic material” – Determination by court – Labeling – Penalties.

RCW 9.68.070 Prosecution for violation of RCW 9.68.060 – Defense.

RCW 9.68.080 Unlawful acts.

RCW 9.68.100 Exceptions to RCW 9.68.050 through 9.68.120.

RCW 9.68.110 Motion picture operator or projectionist exempt, when.

RCW 9.68.130 “Sexually explicit material” – Defined – Unlawful display.

RCW 9.68A.011 Definitions.

RCW 9.68A.080 Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.

RCW 9.68A.090 Communication with minor for immoral purposes – Penalties.

RCW 9.68A.103 Permitting commercial sex abuse of a minor— Penalty.

RCW 9.68A.110 Certain defenses barred, permitted.

RCW 9.68A.120 Seizure and forfeiture of property.

RCW 9.68A.150 Allowing minor on premises of live erotic performance – Definitions – Penalty.

RCW 9.69.100 Duty of witness of offense against child or any violent offense – Penalty.

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 9.73.050 Admissibility of intercepted communication in evidence.
- RCW 9.73.070 Persons and activities excepted from chapter.
- RCW 9.73.080 Penalties.
- RCW 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080 – Standards – Court authorizations – Admissibility.
- RCW 9.73.100 Recordings available to defense counsel.
- RCW 9.73.110 Intercepting, recording, or disclosing private communications – Not unlawful for building owner – Conditions.
- RCW 9.91.010 Denial of civil rights – Terms defined.
- RCW 9.91.020 Operating railroad, steamboat, vehicle, etc., while intoxicated.
- RCW 9.91.025 Unlawful transit conduct.
- RCW 9.91.060 Leaving children unattended in parked automobile.
- RCW 9.91.130 Disposal of Trash in charity donation receptacle
- RCW 9.91.140 Food stamps – Unlawful sale.
- RCW 9.91.142 Food stamps--Trafficking
- RCW 9.91.160 Personal protection spray devices.
- RCW 9.91.170 Interfering with dog guide or service animal.
- RCW 9.91.175 Interfering with search and rescue dog

11.12.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 9A.04.020 Purposes – Principles of construction.
- RCW 9A.04.040 Classes of crimes.
- RCW 9A.04.050 People capable of committing crimes – Capability of children.
- RCW 9A.04.060 Common law to supplement statute.
- RCW 9A.04.070 Who amenable to criminal statutes.
- RCW 9A.04.080 Limitation of actions.
- RCW 9A.04.090 Application of general provisions of the code.
- RCW 9A.04.100 Proof beyond a reasonable doubt.
- RCW 9A.04.110 Definitions.
- RCW 9A.08.010 General requirements of culpability.
- RCW 9A.08.020 Liability for conduct of another – Complicity.
- RCW 9A.08.030 Corporate and personal liability.
- RCW 9A.12.010 Insanity.
- RCW 9A.16.010 Definitions.
- RCW 9A.16.020 Use of force – When lawful.
- 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.

RCW 9A.20.010 Classification and designation of crimes.

RCW 9A.20.030 Alternative to a fine—Restitution.

RCW 9A.28.020 Criminal attempt.

RCW 9A.28.030 Criminal solicitation.

RCW 9A.28.040 Criminal conspiracy.

RCW 9A.36.041 Assault in the fourth degree.

RCW 9A.36.050 Reckless endangerment.

RCW 9A.36.070 Coercion.

RCW 9A.36.150 Interfering with the reporting of domestic violence.

RCW 9A.36.160 Failing to summon assistance

RCW 9A.36.161 Failing to summon assistance--Penalty

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 defense, restricted.

RCW 9A.42.010 Definitions.

RCW 9A.42.035 Criminal mistreatment in the third degree.

RCW 9A.42.037 Criminal mistreatment in the fourth degree.

RCW 9A.42.040 Withdrawal of life support systems.

RCW 9A.42.045 Palliative care.

RCW 9A.42.050 Defense of financial inability.

RCW 9A.42.080 Abandonment of a dependent person in the third degree--Exception.

RCW 9A.42.090 Abandonment of a dependent person – Defense.

RCW 9A.42.110 Leaving a child in the care of a sex offender.

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.44.130 Registration of sex offenders and kidnapping offenders – Procedures – Definition – Penalties.

RCW 9A.44.170 Custodial sexual misconduct in the second degree.

RCW 9A.44.180 Custodial sexual misconduct – Defense.

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 Arraignment – No-contact order.

RCW 9A.46.060 Crimes included in harassment.

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 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.
RCW 9A.48.105 Criminal street gang tagging and graffiti.
RCW 9A.48.110 Defacing a state monument.
RCW 9A.49.001 Findings.
RCW 9A.49.010 Definitions.
RCW 9A.49.030 Unlawful discharge of a laser in the second
degree.
RCW 9A.49.050 Exclusions.
RCW 9A.50.010 Definitions.
RCW 9A.50.020 Interference with health care facility.
RCW 9A.50.030 Penalty.
RCW 9A.50.070 Protection of health care patients and
providers.
RCW 9A.52.010 Definitions.
RCW 9A.52.050 Other crime in committing burglary
punishable.
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.
RCW 9A.52.120 Computer trespass in the second degree.
RCW 9A.52.130 Computer trespass – Commission of other
crime.
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.56.096 Theft of rental, leased, lease-purchased or
loaned property.
RCW 9A.56.140 Possessing stolen property – Definition –
Presumption.
RCW 9A.56.170 Possessing stolen property in the third degree.
RCW 9A.56.180 Obscuring the identity of a machine.
RCW 9A.56.220 Theft of subscription 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.
RCW 9A.56.330 Possession of another's identification.
RCW 9A.60.010 Definitions.
RCW 9A.60.045 Criminal impersonation in the second degree.
RCW 9A.60.050 False certification.
RCW 9A.61.010 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 and costs.
 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.72.085 Unsworn statements, certification.
 RCW 9A.72.140 Jury tampering.
 RCW 9A.72.150 Tampering with physical evidence.
 RCW 9A.76.010 Definitions.
 RCW 9A.76.020 Obstructing a law enforcement officer.
 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 term.
 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 9A.76.175 Making a false or misleading statement to a public servant.
 RCW 9A.80.010 Official misconduct.
 RCW 9A.84.010 Riot.
 RCW 9A.84.020 Failure to disperse.
 RCW 9A.84.030 Disorderly Conduct
 RCW 9A.84.040 False reporting.
 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 9A.88.120 Additional fee assessments.
 RCW 9A.88.130 Additional requirements.
 RCW 9A.88.140 Vehicle impoundment—Fees and fine.

11.12.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by

reference and shall be given the same force and effect as if set forth herein in full:

- RCW 10.14.120 Disobedience of order – Penalties.
- RCW 10.14.170 Criminal penalty.
- RCW 10.99.010 Purpose – Intent.
- RCW 10.99.020 Definitions.
- RCW 10.99.030 Law enforcement officers—Training, powers, duties—Domestic violence reports
- RCW 10.99.040 Duties of court – No-contact order.
- RCW 10.99.045 Appearances by Defendant—Defendant's history--No-contact order
- RCW 10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures – Notice of change.
- RCW 10.99.055 Enforcement of orders
- RCW 10.99.060 Prosecutor's notice to victim—Description of available procedures.
- RCW 10.99.070 Liability of peace officers.
- RCW 10.99.080 Penalty assessment.

11.12.070 Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference.

The following RCW section, as currently enacted or as hereafter amended or recodified from time to time, is hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 13.32A.080 Unlawful harboring of a minor – Penalty – Defense – Prosecution of adult for involving child in commission of offense.

11.12.080 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 26.09.300 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.
- RCW 26.10.220 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.
- RCW 26.26.138 Restraining order – Knowing violation – Penalty – Law enforcement immunity.
- RCW 26.28.080 Selling or giving tobacco to minor – Belief of representative capacity, no defense – Penalty.
- RCW 26.28.085 Applying tattoo to a minor – Penalty.
- RCW 26.44.020 Definitions.
- RCW 26.44.030 Reports – Duty and authority to make – Duty of receiving agency – Duty to notify – Case

- planning and consultation – Penalty for unauthorized exchange of information – Filing dependency petitions – Investigations--Interviews of children – Records – Risk assessment process.
- RCW 26.44.040 Reports – Oral, written – Contents.
- RCW 26.44.050 Abuse or neglect of child—Duty of law enforcement agency or department of social and health services—Taking child into custody without court order, when
- RCW 26.44.060 Immunity from civil or criminal liability – Confidential communications not violated – Actions against state not affected – False report, penalty.
- RCW 26.44.063 Temporary restraining order or preliminary injunction – Enforcement – Notice of modification or termination of restraining order.
- RCW 26.44.067 Temporary restraining order or preliminary injunction – Contents – Notice – Noncompliance – Defense – Penalty.
- RCW 26.44.080 Violation – Penalty.
- RCW 26.44.150 Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child – Penalty for violating court order.
- RCW 26.50.110 Violation of order – Penalties.
- RCW 26.50.140 Peace officers – Immunity.
- RCW 26.52.010 Definitions.
- RCW 26.52.050 Peace officer immunity.
- RCW 26.52.070 Violation of foreign orders – Penalties.

11.12.090 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty.
- RCW 28A.635.030 Disturbing school, school activities or meetings – Penalty.
- RCW 28A.635.090 Interference by force or violence – Penalty.
- RCW 28A.635.100 Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful--Penalty.
- RCW 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception.

11.12.100 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 46.80.010 Definitions.
- RCW 46.80.080 Records – Penalty.

11.12.110 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 66.04.010 Definitions.
- RCW 66.20.200 Unlawful acts relating to card of identification and certification card – Penalties.
- RCW 66.28.200 Keg registration – Special endorsement for grocery store licensee – Requirements of seller.
- RCW 66.28.210 Keg registration – Requirements of purchaser.
- RCW 66.28.220 Keg registration – Identification of containers – Rules – Fees – Sale in violation of rules unlawful.
- RCW 66.28.230 Keg registration – Furnishing to minors – Penalties.
- RCW 66.44.010 Local officers to enforce law – Authority of board – Liquor enforcement officers.
- RCW 66.44.040 Sufficiency of description of offenses in complaints, information, process, etc.
- RCW 66.44.060 Proof of unlawful sale establishes prima facie intent.
- RCW 66.44.070 Certified analysis is prima facie evidence of alcoholic content.
- RCW 66.44.080 Service of process on corporation.
- RCW 66.44.090 Acting without license.
- RCW 66.44.100 Opening or consuming liquor in a public place – Penalty.
- RCW 66.44.120 Unlawful use of seal.
- RCW 66.44.130 Sales of liquor by drink or bottle.
- RCW 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal – Unlawful operation, possession of still or mash.
- RCW 66.44.150 Buying liquor illegally.
- RCW 66.44.160 Illegal possession, transportation of alcoholic beverages.
- RCW 66.44.170 Illegal possession of liquor with intent to sell – Prima facie evidence, what is.
- RCW 66.44.175 Violations of law.
- RCW 66.44.180 General penalties – Jurisdiction for violations.
- RCW 66.44.200 Sales to persons apparently under the influence of liquor – Purchases or consumption by persons apparently under the influence of liquor on

- licensed premises – Penalty – Notice – Separation of actions.
- RCW 66.44.210 Obtaining liquor for ineligible person.
- RCW 66.44.240 Drinking in public conveyance – Penalty against carrier – Exception.
- RCW 66.44.250 Drinking in public conveyance – Penalty against individual – Restricted application.
- RCW 66.44.270 Furnishing liquor to minors – Possession, use--Penalties--Exhibition of effects – Exceptions.
- RCW 66.44.280 Minor applying for permit.
- RCW 66.44.290 Minor purchasing or attempting to purchase liquor--Penalty.
- RCW 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least 21, in public place where liquor sold.
- RCW 66.44.310 Minors frequenting off-limits area – Misrepresentation of age – Penalty – Classification of licensees.
- RCW 66.44.316 Certain persons 18 years and over permitted to enter and remain upon licensed premises during employment.
- RCW 66.44.318 Employees aged 18 to 21 stocking, merchandising, and handling beer and wine.
- RCW 66.44.325 Unlawful transfer to a minor of age identification.
- RCW 66.44.328 Preparation or acquisition and supply to persons under age 21 of facsimile of official identification card – Penalty.
- RCW 66.44.340 Employees 18 years and over allowed to sell and handle beer and wine for certain licensed employers.
- RCW 66.44.350 Employees 18 years and over allowed to serve and carry liquor, clean up, etc., for certain licensed employers.
- RCW 66.44.370 Resisting or opposing officers in enforcement of title.

11.12.120 RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 69.41.010 Definitions.
- RCW 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited – Exceptions--Penalty.
- RCW 69.41.050 Labeling requirements--Penalty.
- RCW 69.41.300 Definitions.
- RCW 69.41.320 Practitioners – Restricted use – Medical records.

- RCW 69.41.350 Penalties.
- RCW 69.43.010 Report to state board of pharmacy – List of substances – Modification of list – Identification of purchasers – Report of transactions – Penalties.
- RCW 69.43.105 Ephedrine, pseudoephedrine, phenylpropanolamine—Sales restrictions—Record of Transaction--Exceptions--Penalty
- RCW 69.43.110 Ephedrine, pseudoephedrine, phenylpropanolamine – Sales restrictions – Electronic sales tracking system--Penalty.
- RCW 69.43.120 Ephedrine, pseudoephedrine, phenylpropanolamine – Possession of more than 15 grams – Penalty – Exceptions.
- RCW 69.43.130 Exemptions – Pediatric products – Products exempted by the state board of pharmacy.
- RCW 69.50.101 Definitions.
- RCW 69.50.102 Drug paraphernalia – Definitions.
- RCW 69.50.201 Enforcement of Chapter—Authority to change schedules of controlled substances
- RCW 69.50.202 Nomenclature.
- RCW 69.50.204 Schedule I
- RCW 69.50.206 Schedule II
- RCW 69.50.208 Schedule III
- RCW 69.50.210 Schedule IV
- RCW 69.50.212 Schedule V
- RCW 69.50.4014 Possession of 40 grams or less of marijuana – Penalty.
- RCW 69.50.4016 Provisions not applicable to offenses under RCW 69.50.410.
- RCW 69.50.404 Penalties under other laws.
- RCW 69.50.407 Conspiracy.
- RCW 69.50.412 Prohibited acts: E – Penalties.
- RCW 69.50.4121 Drug paraphernalia – Selling or giving – Penalty.
- RCW 69.50.425 Misdemeanor violations – Minimum penalties.
- RCW 69.50.505 Seizure and Forfeiture
- RCW 69.50.506 Burden of proof; liabilities
- RCW 69.50.509 Search and seizure of controlled substances

11.12.130 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 70.74.010 Definitions.
- RCW 70.74.160 Unlawful access to explosives.
- RCW 70.74.295 Abandonment of explosives.
- RCW 70.74.300 Explosive containers to be marked – Penalty.
- RCW 70.74.310 Gas bombs, explosives, stink bombs, etc.
- RCW 70.74.400 Seizure and forfeiture.

RCW 70.93.060 Littering prohibited—Penalties—Litter cleanup
restitution payment
RCW 70.155.010 Definitions.
RCW 70.155.080 Purchasing, possessing by persons under
the age of 18 – Civil infraction – Courts of
jurisdiction.

**11.12.140 Chapter 74.34 RCW, entitled “Abuse of Vulnerable
Adults” – Adoption by reference.**

The following RCW sections, as currently enacted or as hereafter
amended or recodified from time to time, are hereby adopted by
reference and shall be given the same force and effect as if set forth
herein in full:

RCW 74.34.020 Definitions.
RCW 74.34.053 Failure to report – False reports – Penalties.
RCW 74.34.145 Protection of vulnerable adults – Notice of
criminal penalties for violation – Enforcement under
RCW 26.50.110.

**Chapter 11.16
MISCELLANEOUS OFFENSES**

Sections:

**11.16.010 Making a false or misleading statement to a
police officer**

**11.16.010 Making a false or misleading statement to a police
officer.**

It is unlawful for any person to knowingly make a false or misleading
statement to a police officer. For the purposes of this section, “material
statement” means a written or oral statement reasonably likely to be
relied upon by a police officer in the discharge of his or her official
powers or duties.

**Chapter 11.20
OFFENSES AGAINST PUBLIC MORALS**

Sections:

11.20.010 Definitions.
11.20.020 Lewd act.
11.20.030 Location of performers providing certain
forms of entertainment and patrons restricted.
11.20.040 Lewd act—Exemptions.
11.20.050 Lewd act—Affirmative defenses.

11.20.060 Public display of sexually explicit material.**11.20.070 Urinating in public.****11.20.080 Facilitating offense.****11.20.010 Definitions.**

As used in this chapter, the following words and terms shall have the meaning set forth in this section:

(1) "Exposed" means the state of being revealed, exhibited or otherwise rendered open to public view.

(2) "Expressive dance" means any dance which, when considered in the context of the entire performance, constitutes an expression of theme, story or ideas, but excluding any dance such as, but not limited to, common barroom-type topless dancing which, when considered in the context of the entire performance, is presented primarily as a means of displaying nudity as a sales device or for other commercial exploitation without substantial expression of theme, story or ideas, and the conduct appeals to the prurient interests, depicts sexual conduct in a patently offensive way, and lacks serious literary, artistic, political or scientific value.

(3) "Lewd act" means public:

(A) Exposure of any portion of the human anus, genitals or pubic region; or

(B) Exposure of the female breasts 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) Masturbation; or

(E) Sexual conduct as defined by subsection 7 of this section.

(4) "Person" means and includes natural persons of either sex, firms, corporations, and all associations of natural persons, whether acting by themselves or by an agent, servant, or employee.

(5) "Public" or "public display" means easily audible or 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 observer, should one arrive, to avoid the observation.

(6) "Public place" means any place in which the general public has a right to be present, and any area open to public view, whether or not conditioned upon payment of a fee, and includes, but is not limited to, buildings open to the general public, whether or not access is restricted according to age, including those in which food or drink is served, or entertainment provided. Also, public place is an entire area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not) and buildings open to the general public including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(7) "Sexual contact" 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.

(8) "Sexually explicit material" means any pictorial or three-dimensional material depicting human sexual intercourse, masturbation, sodomy (i.e., bestiality or oral or anal intercourse), direct physical stimulation of unclothed genitals, flagellation or torture in the context of sexual relationship; provided, however, that works of art or of anthropological significance shall not be deemed to be within the foregoing definition. In determining whether material is prohibited for public display under this definition, such material shall be adjudged without regard to any covering which may be affixed or printed over the material in order to obscure genital areas in a depiction otherwise falling within the definition of this section.

11.20.020 Lewd act.

Every person who intentionally performs any lewd act in a public place or in public is guilty of a gross misdemeanor.

11.20.030 Location of performers providing certain forms of entertainment and patrons restricted.

(a) Every entertainer who shall appear in any public place while unclothed or with any portion of the crack of the buttocks, the genitals, pubic region or female breasts below the upper edge of the areola exposed, where such activity is lawful, shall confine himself or herself to a stage or other surface that is raised at least eighteen inches above the level of the floor upon which the closest patrons are seated or standing, and not closer than six feet from the nearest patron. Violation of this section is a gross misdemeanor.

(b) No person or patron who enters a public place wherein nude entertainment is permitted, as described in Section 11.20.030, shall go within six feet of the raised stage. Violation of this section is a gross misdemeanor.

11.20.040 Lewd act—Exemptions.

The prohibitions set forth in Section 11.20.020 shall not apply to any:

- (1) "Expressive dance" as defined in Section 11.20.010;
- (2) Play, opera, musical, or other dramatic work; or
- (3) Class, seminar or lecture conducted for a scientific or educational purpose;

11.20.050 Lewd act—Affirmative defenses.

It is an affirmative defense to a prosecution for violation of Section 11.20.020 that the nudity or other public exposure, when considered in the context in which presented, provided actual literary, artistic, political or scientific value and was not provided for commercial or

sexual exploitation or with an emphasis on an appeal to a prurient interest.

11.20.060 Public display of sexually explicit material.

(a) A person is guilty of displaying sexually explicit material if he or she knowingly places such material upon public display, or if he or she knowingly fails to take prompt action to remove a display from property in his possession after learning of its existence.

(b) Material is placed upon public display if it is placed on or in a billboard, viewing screen, theater marquee, newsstand, display rack, window, showcase, display case or similar place so that sexually explicit material is easily visible from a public thoroughfare or from the property of others.

(c) Public display of sexually explicit material is a misdemeanor.

11.20.070 Urinating in public.

A person is guilty of urinating in public if he or she 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. Violation of this section is a misdemeanor.

11.20.080 Facilitating offense.

It is unlawful for the owner, lessee, manager, operator or other person in charge of any public place to knowingly permit, encourage or cause to be committed, whether by commission or omission, any offense prohibited by this chapter upon the premises. Violation of this section is a misdemeanor.

**Chapter 11.24
NUISANCES**

Sections:

- 11.24.010 Definitions.
- 11.24.020 Public nuisance defined.
- 11.24.030 Violation of city or state law—Found to be in violation of federal law.
- 11.24.040 Determination of public nuisance by director.
- 11.24.050 Administrative abatement of nuisance on public property authorized—Procedure.
- 11.24.060 Administrative abatement of nuisance on private property authorized—Procedures—Order—Review.
- 11.24.070 Abatement by city—Safeguards.
- 11.24.080 Abatement—Cost—Collection.
- 11.24.090 Public nuisance—Criminal offense.
- 11.24.100 Remedies—Cumulative—Not exclusive.

11.24.010 Definitions.

(a) "Costs" means, but is not limited to, contract expense and city employee labor expense incurred in abating a nuisance, a rental fee

for city equipment used in abatement, costs of storage, disposal or destruction, legal expenses and attorneys' fees associated with civil judicial enforcement of abatement orders or in seeking abatement orders, and any other costs incurred by the city excluding, however, fees and expenses associated with appeals authorized by this chapter or by state law.

(b) "Director" means Kirkland's director of planning and community development, the chief of police or either of their designees.

(c) "Graffiti" means unauthorized markings, visible from premises open to the public, that have been placed upon any property through the use of paint, ink, dye or any other substance capable of marking property.

(d) "Responsible parties" means, as applicable, the owners of the property constituting the nuisance, the owners of the property upon which the nuisance is occurring and any other persons, corporations or other entities responsible for creating, allowing, maintaining or continuing the nuisance.

11.24.020 Public nuisance defined.

Every act done, every omission to perform a duty and any property allowed to remain in place which unreasonably:

(1) Annoys, injures or endangers the health, welfare, safety, comfort or repose of members of the public in any manner, including but not limited to:

(a) Depositing or disposing of any garbage, waste, litter, or other offensive material in any public park, street, alley, highway or other private or public area within the city;

(b) Performing any trade, employment, or manufacture in the city which results in offensive odors, hazardous wastes, or other annoyances and which annoys, injures or is offensive or detrimental to the health, welfare or safety of employees or to members of the public;

(c) Burning any material so as to cause or permit the smoke, ashes, soot, or gases arising from such burning to become discomforting or annoying, or to injure or endanger the health, welfare or safety of any person or neighborhood;

(d) Maintaining or using any building, house, room, or other structure or vehicle for the purpose of lewd acts or prostitution as defined in Chapter 11.20;

(e) Maintaining or using any house, room, booth, or other structure as a place of resort where disorderly persons are allowed to congregate, or in which drunkenness is carried on or permitted;

(f) Beginning, maintaining, permitting or abandoning any excavation which is detrimental to the health, welfare or safety of the public;

(g) Storing, maintaining, or using, in or upon any public or private place in the city so as to be offensive or injurious to the health, welfare or safety of the public, or unpleasant or disagreeable to the adjacent residences or persons, any unsound, putrid or unwholesome substance; any structure, drain, sewer or septic tank; or any noxious, offensive, hazardous or otherwise dangerous chemicals or substances;

(h) Maintaining or operating premises, buildings and vehicles whereon or wherein intoxicating liquor is manufactured, sold, furnished, or consumed, in violation of the laws of the state or the ordinances of the city;

(i) Permitting or maintaining vacant, unused or unoccupied buildings and structures within the city in a manner detrimental to the health, welfare or safety of the public;

(j) Discarding, abandoning or leaving in any place accessible to children any refrigerator, icebox or deep-freeze locker having a capacity of one and one-half cubic feet or more, or any other container manufactured, custom-made or homemade, designed for storage, which has not had the door or latching mechanism removed to prevent the latching or locking of the door;

(k) Placing or maintaining any sign, poster or other advertising matter of any nature upon a telephone or other poles, trees, sidewalks, streets, signs, traffic signs or other traffic-control devices or other structures or places within streets, alleys or other public places or rights-of-way;

(l) Maintaining buildings, vehicles or other structures, or any parts thereof, wherein any gambling, as defined by RCW 9.46.020, may be found, and any gambling device, as defined by RCW 9.46.020, may be found, except as licensed and within the scope of the license required under state or city law;

(m) Permitting irrigation or other water to run by or on any street, alley or other public place so as to cause settling or damage to the street, alley or other public place, or to cause annoyance, damage or hazard to any user of the street, alley or other public place; or

(n) Writing graffiti or allowing graffiti to remain in place;

(2) Offends public decency; or

(3) Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a public park, street, alley, highway, or other public area, shall constitute a public nuisance. Where the meaning of any of the foregoing terms is not obvious, they shall have that meaning as provided under the common law.

11.24.030 Violation of city or state law—Found to be in violation of federal law.

(a) Any business within the city that is operated either in violation of city or state law or has been found to be in violation of federal law is declared to be a public nuisance.

(b) Any act, omission, or property which includes, causes, or involves one or more violations of any city ordinance adopted to further the public interest in protecting, maintaining, or restoring the physical and natural environment is declared to be a public nuisance.

11.24.040 Determination of public nuisance by director.

The director shall determine whether the act, omission or property complained of, or otherwise discovered, constitutes a public nuisance. Standards developed by the director for making these determinations shall be consistently applied.

11.24.050 Administrative abatement of nuisance on public property authorized—Procedure.

(a) A public nuisance found upon a right-of-way, public easement or other public property shall be abated summarily by the director by removal and disposal or destruction at the director's discretion.

(b) Private property removed and not disposed or destroyed may be held by the city or its designee for thirty days from the date removed. Thereafter, if the property is unclaimed, the property may be sold by auction and the proceeds from the sale may be retained by the city. The owner of the property may claim the property until sold by paying all costs incurred by the city and designee in removing and holding the property.

11.24.060 Administrative abatement of nuisance on private property authorized—Procedures—Order—Review.

(a) Upon the discovery of a public nuisance on private property that does not constitute an immediate threat to the public health, welfare or safety, the director shall issue an order of abatement to the appropriate responsible parties identifying the nuisance and applicable code section violated, imposing a civil fine of not more than five thousand dollars and the date by which it must be paid, ordering a method of abatement, the date by which abatement must be accomplished, and containing notice of any right of appeal.

(b) In case of a failure to abate or to appeal, the director shall notify the appropriate responsible parties that the city will abate the nuisance, the date abatement will occur, and that the city will assess the cost of abatement and any fine levied jointly and severally against the responsible parties, the subject property or both; provided, that in cases of immediate necessity as determined by the director, prior notification under this subsection may be dispensed with and the director shall provide the notice after the abatement has occurred. Such notice shall state the date the abatement occurred, the amount due the city for costs incurred in abating the nuisance, any fines levied and identifying the sources as provided in Section 11.24.080 from which such costs and fines may be satisfied.

(c) An order of abatement or any notice required herein shall be served upon the appropriate responsible parties as determined by the director.

(1) Such service may be done personally, by certified mail to the last known address of each person to whom the order or notice applies, by posting the real property upon which the nuisance is occurring or by certified mail to the owner of the real property at the address appearing on the tax rolls for King County.

(2) In the event any of these persons cannot be found or no address can be obtained after reasonable effort, and posting would violate any law or would be impracticable, upon a written finding of the foregoing by the director, the order or notice may be given by publication once in the city's official newspaper as designated pursuant to Chapter 1.08.

(d) An order of abatement, including fine, may be appealed to the hearing examiner using the procedures provided in KZC 170.40(5)(b) and (d), (6)(a) and (7).

(1) The hearing examiner may sustain the order and fine, modify the order and fine or dismiss the order and fine; provided, that whenever the order is sustained or modified, the hearing examiner shall establish a new date for abatement or affirm the original date. When appropriate, the hearing examiner may also require that the appellant post a bond to secure performance of the abatement by the appellant.

(2) A sustained or modified order shall also provide that in the event the appellant does not abate the nuisance by the date provided in the order, the director may abate the nuisance in any reasonable manner without further notice and that any costs and fines may be satisfied by the sale of any property obtained by the abatement or collected directly from the appellant or other responsible parties previously notified of the order of abatement.

(e) The decision of the hearing examiner may be appealed to the city council using the procedures provided in KZC 150.80(2) through (4) and KZC 150.95 through 150.125. Whenever an order of abatement is affirmed or modified, the council shall establish a new date for abatement or affirm the original date and provide that in the event the appellant does not abate the nuisance by the date provided in the order, the director may abate the nuisance in any reasonable manner without further notice and that any costs and fines may be satisfied by the sale of any property obtained by the abatement or collected directly from the appellant or other person(s) responsible for the nuisance that were previously notified of the order of abatement.

(f) Notwithstanding the foregoing, the director may summarily abate a public nuisance on private property without prior notice using the procedures set forth in Section 11.24.050 whenever it is:

(1) Of such a character and so situated that it can be abated without the invasion or destruction of property or the prejudice of any right; or

(2) Of such character as to constitute an imminent threat to the public health, welfare or safety.

11.24.070 Abatement by city—Safeguards.

Any abatement of a nuisance by the city must be implemented with due care so as to minimize risk of injury to persons or unnecessary destruction of property. In all cases the city employee abating the nuisance is authorized to employ such assistance and adopt such means as may be necessary to effect the abatement of the nuisance.

11.24.080 Abatement—Cost—Collection.

(a) At the director's discretion, the costs of abatement and fines shall be a lien against and collected from the sale of the property constituting the nuisance, the responsible parties, who shall be jointly and severally liable for the costs, or both.

(b) The city shall maintain an account of all costs incurred in performing an abatement.

(c) In addition to other powers given in this chapter to collect abatement costs, the city attorney may bring suit for recovery of the costs of any abatement in any court of competent jurisdiction, in the

name of the city, against the subject property or the responsible parties.

11.24.090 Public nuisance—Criminal offense.

(a) Any person who creates, causes, allows, maintains, or continues a public nuisance is guilty of a misdemeanor.

(b) Additionally, any person(s) subject to a final order of abatement who fails to abate the nuisance as provided in a final order of abatement shall be guilty of a gross misdemeanor, and each day the nuisance is maintained shall be a separate offense.

(c) In addition to such other penalties as may be imposed, a court entering a judgment of guilty under subsection (a) or (b) of this section may order as a condition of sentence: (1) the abatement of the public nuisance on such terms and conditions as may be just and equitable; and (2) the reimbursement of the city for any abatement costs as defined in this chapter.

(d) For purposes of subsection (b) of this section, a "final order" means an order of abatement that was not appealed or an order of abatement affirmed on appeal and from which affirmance no further appeal is or could be taken.

11.24.100 Remedies—Cumulative—Not exclusive.

The remedies provided in this chapter, including but not limited to fines, recovery of costs and criminal prosecution, are not exclusive and the city retains the right to pursue all other rights or remedies that might be available. Further, the remedies provided in this chapter, and any other rights or remedies available, are cumulative and any or all may be pursued concurrently or at any separate time.

**Chapter 11.41
FIREARMS AND WEAPONS**

Sections:

- 11.41.055 Dangerous weapons**
- 11.41.075 Disposition of confiscated and forfeited firearms**
- 11.41.140 Air gun defined**
- 11.41.150 Possession of air guns**
- 11.41.160 Exceptions**
- 11.41.170 Penalty for violations of air gun regulations**

11.41.055 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, slingshot, nunchaku, throwing star, sand club 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 misdemeanor.

(b) Subsection (a) of this section 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 multipointed, metal object designed to embed upon impact.

11.41.075 Disposition of confiscated and forfeited firearms.

Firearms taken into the custody of the Kirkland police department shall be disposed of as follows:

(1) Firearms illegal for any person to possess shall be destroyed.

(2) Antique firearms and firearms recognized as curios, relics, and firearms of particular historical significance by the United States Treasury Department Bureau of Alcohol, Tobacco, and Firearms are exempt from destruction and shall be disposed of by auction or trade to licensed dealers.

(3) The Kirkland police department may retain a maximum of ten percent of legal forfeited firearms for agency use.

(4) All other firearms that are judicially forfeited or forfeited due to a failure to make a claim under RCW 63.32.010 shall be destroyed.

11.41.140 Air gun defined.

As used in this chapter, "air gun" means and includes 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, gas, electricity, or spring loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB (metal or plastic), paint ball, rock or other hard substance a distance of more than twenty-five feet with sufficient force to break windows or inflict injury upon persons or animals.

11.41.150 Possession of air guns.

(a) Except as hereinafter provided, it is unlawful:

(1) For any person under eighteen years of age to carry or shoot any air gun within the city when not in the presence of his parent or other adult in loco parentis and under the direction and control of such adult;

(2) For any parent or person in loco parentis to allow, give or permit the possession of any air gun, falling within the definition contained in Section 11.41.140, to any child under the age of eighteen years, except under the provisions of subsection (a)(1) of this section;

(3) For any person to point or shoot an air gun at any person or property of another, or to aim or discharge such weapons in the direction of the person or residence of another, while within such range as would make possible injury to the person or damage the property of another;

(4) For any person to point or shoot an air gun in the direction of, while within such range as to kill, injure, or disturb any nongame bird or harmless bird or songbird;

(5) For any merchant to sell or rent any air guns to minors under eighteen years of age, except when such minor is in the presence of his parent or other adult in charge of such child.

(b) Provided further, that the provisions of subsections (a)(3) and (4) of this section shall not prohibit the use of such weapons by a person over eighteen years of age, when such use is reasonably necessary and represents reasonable force in the protection of the person or property of the user or another.

11.41.160 Exceptions.

The provisions of Section 11.41.150(a)(1) and (2) shall not apply:

(1) When such minor is possessing or using such weapons on a gun range or game course operated or conducted by any school, educational institution or other regulated group, pursuant to rules and regulations provided by the chief of police or city ordinance and licensed by the city; or

(2) When such minor is carrying such weapon unloaded and otherwise properly dismantled, to and from such licensed or authorized course; or

(3) When confined to an area within the property of the parents of such minor which complies with the regulations relating to private practice or target ranges or game courses as promulgated by the chief of police.

11.41.170 Penalty for violations of air gun regulations.

Any person convicted of violation of the provisions of Sections 11.41.150 and 11.41.160 shall be guilty of a misdemeanor, and the weapon so used in violation of the provisions hereof shall be confiscated by the court.

Chapter 11.52A BURGLARY AND TRESPASS

11.52A.110 Unlawful entry into motor vehicle.

It shall be unlawful for any unauthorized person to enter and remain in a motor vehicle without the permission of the owner or person entitled to the possession thereof.

11.52A.120 Making or having auto theft tools.

(1) Every person who shall make or mend or cause to be made or mended, or have in his possession, any engine, machine, tool, false key, pick lock, slim jim, bit, nippers, or implement adapted, designed, or commonly used for the commission of auto prowling or auto theft under circumstances evincing an intent to use or employ, or allow the same to be used or employed in the commission of an auto theft, or knowing that the same is intended to be so used, shall be guilty of making or having auto theft tools.

(2) Making or having auto theft tools is a gross misdemeanor.

Chapter 11.60 FIREWORKS

Sections:

11.60.010 Definitions.

11.60.020 Sale of fireworks unlawful.

11.60.030 Possession, use and discharge of fireworks unlawful.

11.60.040 Permit required to display fireworks.

11.60.050 Permit fees.

11.60.060 Issuance—Nontransferable—Voiding.

11.60.070 Application for public display permit.

11.60.080 Standards for public fireworks.

11.60.090 Use of fireworks in public parks and on public land.

11.60.100 Special effects for entertainment media.

11.60.110 Nonprohibited acts—Signal purposes, forest protection.

11.60.120 Construction.

11.60.130 Enforcement.

11.60.010 Definitions.

The definitions of Chapter 70.77 RCW as now stated or hereafter amended shall govern the construction of this chapter, when applicable. RCW 70.77.120 through and including RCW 70.77.230 as now stated or hereinafter amended, is adopted by this reference and a copy of such shall be kept on file in the office of the city clerk for public use and inspection. In addition, the following terms are defined:

(1) **Dangerous Fireworks.** Any fireworks not defined as "consumer fireworks" under the provisions of RCW 70.77.136.

11.60.020 Sale of fireworks unlawful.

It is unlawful for any person, firm or corporation to sell any fireworks within the city; provided, that this prohibition does not apply to duly authorized public displays.

11.60.030 Possession, use and discharge of fireworks unlawful.

Except as authorized by state license and city permit granted pursuant to RCW 70.77.260(2) (public display) or RCW 70.77.311(2) (use by group or individual for religious or other specific purpose on approved date and at an approved location), it is unlawful for any person, firm, or corporation to engage in the retail sale of, or to sell, possess, use, transfer, discharge or explode any fireworks of any kind within the city. Violation of this section, to the extent it also constitutes a violation of RCW 70.77.488, RCW 70.77.510 or RCW 70.77.515, shall constitute a gross misdemeanor. Otherwise, violation of this section shall constitute a misdemeanor.

11.60.040 Permit required to display fireworks.

It is unlawful for any person, firm or corporation to hold, conduct or engage in a public display of fireworks within the city without first having obtained and being the holder of a valid permit issued pursuant to the provisions of this chapter.

11.60.050 Permit fees.

The fee for a public display permit for the public display of fireworks shall be one hundred dollars, payable in advance.

11.60.060 Issuance—Nontransferable—Voiding.

Each public display permit issued pursuant to this chapter shall be valid for the specific authorized public display event only, shall be used only by the designated permittee and shall be nontransferable. Any transfer or unauthorized use of a permit is a violation of this chapter and shall void the permit granted in addition to all other sanctions provided in this code.

11.60.070 Application for public display permit.

Applications for a permit to hold, conduct, or operate a public display of fireworks as defined under Chapter 70.77 RCW shall be made to the building official for a permit. Such a permit shall also require the approval of the fire chief or his/her duly appointed representative. Applications shall be made at least fourteen days prior to the scheduled event. Applicants shall meet all qualifications and requirements of state law regarding public display of fireworks and all fire and safety requirements as set forth in the standards for public display and, in particular, shall hold a pyrotechnic operator license issued by the state of Washington as defined by Chapter 70.77 RCW and Chapter 212-17 WAC.

11.60.080 Standards for public fireworks.

All public fireworks displays shall conform to the following minimum standards and conditions:

(1) All public fireworks displays must be planned, organized, and discharged by a state-licensed pyrotechnician.

(2) A permit must be obtained from the city and approved by the fire chief or designee prior to any display of public fireworks. The permit shall include the name of the applicant and his address, the name of the pyrotechnician and his address, the exact location, date and time of the proposed display, the number, type and class of fireworks to be displayed, the manner in which the fireworks are being stored prior to the public fireworks display.

(3) The applicant for a public display of fireworks permit shall include with the application evidence of a bond issued by an authorized surety or a certificate of public liability insurance. Such bond or certificate shall conform to the requirements set forth in RCW 70.77.285 and 70.77.355.

(4) A drawing shall be submitted with the application to the fire chief showing a plan view of the fireworks discharge site and the surrounding area within a five-hundred-foot radius. The drawing shall include all structures, fences, barricades, streets, fields, streams, and any other significant factors that may be subjected to ignition or that may inhibit firefighting capabilities.

(5) When, in the discretion of the fire chief, such requirement is necessary to preserve the public health, safety and welfare, the permit may, at the direction of the fire chief or designee, require that a Kirkland fire pumper and a minimum of three firefighters shall be on site thirty minutes prior to and after the conclusion of the display. All compensation for fire personnel and apparatus will be paid by the applicant in an amount calculated according to the Washington State Chiefs Association's fee schedule and shall be designated to the Kirkland fire and life safety district.

(6) All combustible debris and trash shall be removed by the applicant from the area of discharge for a distance of three hundred feet in all directions.

(7) Applicant shall dispose of all unfired or "dud" fireworks in a safe manner.

(8) Applicant shall provide the fireworks discharge site a minimum of two 2A-rated pressurized water fire extinguishers and one fire blanket.

(9) The permit may be immediately revoked at any time deemed necessary by the fire chief or designee due to any noncompliance, weather conditions such as extremely low humidity or wind factor. The display may also be canceled by accidental ignition of combustible or flammable material in the vicinity due to fall debris from the display.

(10) Areas of public access shall be determined by the fire chief or designee and maintained by the applicant in an approved manner.

11.60.090 Use of fireworks in public parks and on public land.

It shall be unlawful for any person to discharge or possess any fireworks upon public land or in any public park owned by the city of Kirkland; provided, however, nothing herein shall be deemed to limit the authority of the city to allow event display of special fireworks under a permit issued in accordance with the provisions of this chapter. Violation of this section shall constitute a misdemeanor.

11.60.100 Special effects for entertainment media.

This chapter does not prohibit the assembling, compounding, use and display of special effects of whatever nature by any person engaged in the production of motion pictures, radio or television productions, theatricals or operas when such use and display is a necessary part of the production and such person possesses a valid permit issued by the city of Kirkland to purchase, possess, transport or use such fireworks.

11.60.110 Nonprohibited acts—Signal purposes, forest protection.

This chapter does not prohibit the use of flares or fuses in connection with the operation of motor vehicles, railroads, or other transportation agencies for signal purposes or illumination or for use in forest protection activities.

11.60.120 Construction.

This chapter is intended to implement Chapter 70.77 RCW, and shall be construed in connection with that law and any and all rules or regulations issued pursuant thereto.

11.60.130 Enforcement.

The fire chief, or designee, in coordination with the building official, is authorized to enforce all provisions of this chapter and, in addition to criminal sanctions or civil remedies, he/she may revoke any permit issued pursuant to this chapter upon any failure or refusal of the permittee to comply with the orders and directives of the fire chief or designee, and/or to comply with any provisions of this code relating to temporary structures.

**Chapter 11.64
LITTERING**

Sections:

- 11.64.010 Declaration of purpose
- 11.64.020 Definitions
- 11.64.030 Enforcement
- 11.64.040 Littering prohibited—penalties
- 11.64.050 Notice to public of contents of this chapter
- 11.64.060 Litter receptacles—distribution, placement, violations and penalties
- 11.64.070 Litter bags—violations and penalties
- 11.64.080 Removal of litter from receptacles—responsibility
- 11.64.090 Violations—penalties

11.64.010 Declaration of purpose

The purpose of this Chapter is to protect the public health, safety and welfare, and to control and remove litter and garbage from the City to the maximum practical extent possible. The intent of this Chapter is to add to and to coordinate existing litter control and removal efforts of private and public entities and individuals, and not to terminate or supplant such efforts.

11.64.020 Definitions

As used in this Chapter, unless the context indicates otherwise, the following words shall have the meanings set forth below:

(1) "Litter" means and includes all types of garbage, refuse, trash, and waste material;

(2) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle of any person, and is not limited to the State approved litter bag but must be similar in size and capacity;

(3) "Litter receptacle" means an appropriately sized and shaped litter storage and collection receptacle intended to be used for the purpose of containing litter deposited therein, and includes but is not limited to those containers approved by the Department of Ecology as to standards as to size, shape, capacity, and color and bearing the State anti-litter symbol;

(4) "Person" means any industry, public or private corporation, copartnership, association, firm, individual or other entity whatsoever;

(5) "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings. Public place also means any area that is used or held out for use by the public whether owned or operated by public or private interests, and shall include lakes, rivers, streams and other waterways;

(6) "Vehicle" means every device in, upon, or by which any person or property is or may be transported, including devices used exclusively upon stationary rails or tracks. Vehicle also means any boat, ship, vessel, barge, or other floating craft.

11.64.030 Enforcement

City law enforcement officers, code enforcement officers, and those employees otherwise duly delegated and vested with enforcement authority all shall enforce the provisions of this Chapter and all rules and regulations adopted hereunder. Additionally, litter violations on private property may also be deemed a nuisance subject to abatement as provided in Chapter 11.24 of this code, or such other process as is provided in the City's codes.

11.64.040 Littering prohibited—penalties

(1) No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the City or upon private property in the City not owned by him or her or in the waters of this City whether from a vehicle or otherwise, including but not limited to any public highway, public park, beach, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When such property is designated by the City for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or

(b) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2) Except as provided in RCW 70.93.060(4) and RCW 7.80.120(1)(a), any person discarding, throwing or dropping litter from any motor vehicle shall be guilty of a misdemeanor.

(3) Except as provided in subsection 6 of this section, it is a class 3 civil infraction as provided in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.

(4) It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(5) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court shall distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the law enforcement agency investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.

(6) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this section, potentially dangerous litter in any amount.

(7) Any person who deposits, abandons or discards any vehicle or motor vehicle parts, fluids or accessories, upon any public property or upon the private property of another without permission shall be guilty of a gross misdemeanor.

11.64.050 Notice to public of contents of this chapter

Pertinent portions of this Chapter, or pertinent notices, may be posted along the public streets and highways of the City and at all entrances to City parks, recreational areas, at all public beaches, and at all other public places in the City where persons are likely to be

informed of the existence and content of this Chapter and the penalties for violating its provision.

11.64.060 Litter receptacles—distribution, placement, violations and penalties

(1) Litter receptacles shall be of an appropriate size and design pursuant to standards adopted by the City or by the State Department of Ecology, and shall bear an anti-litter symbol as designed and adopted by the State Department of Ecology, or other suitable identification as a litter receptacle in accordance with WAC 173-310-050.

(2) Litter receptacles of the appropriate size and design, pursuant to City or State standards, shall be placed along the public streets and highways of this City and shall further be placed at all parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, boat launching areas, beaches and bathing areas and at such other public places within the City as may be specified by rule or regulation adopted by the City Manager, or designee.

(3) It shall be the responsibility of any persons owning or operating any establishments or public places in which such litter receptacles are required by this Section to procure and place such receptacles at their own expense on the premises.

(4) Violation of this Section shall be a Class 3 civil infraction pursuant to RCW 7.80.120. Any person violating the provisions of this Section or rules or regulations adopted thereunder, shall be subject to an infraction for each day of violation.

11.64.070 Litter bags—violations and penalties

The owner of any vehicle who fails to keep and use a litter bag in his or her vehicle shall be guilty of a violation of this Section and shall be subject to penalties as provided in this Chapter.

11.64.080 Removal of litter from receptacles—responsibility

Responsibility for the removal of litter from receptacles placed on private or public property which is used by the public shall remain the responsibility of the owner or the person in possession of such property.

11.64.090 Violations—penalties

Every violation of this Chapter for which no penalty is specially provided shall be punished by a Class 3 civil infraction pursuant to RCW 7.80.120.

**Chapter 11.76
JUNK VEHICLES***

Sections:

11.76.010 Purpose.

11.76.015 Definition of director.

11.76.020 Definition of junk vehicle.

11.76.030 Notice of violation and order to correct – Certification of vehicles as junk.

11.76.040 Exceptions.

11.76.050 Hearings.

11.76.060 Determination of responsibility.

11.76.070 Abatement and removal.

11.76.080 Costs of removal and disposal – Recovery.

11.76.090 Subsequent violation – Misdemeanor.

* For provisions relating to impoundment of abandoned or unauthorized vehicles, see Chapter 12.40.

11.76.010 Purpose.

This chapter establishes procedures for the abatement and removal of junk vehicles, as public nuisances, from private property, pursuant to RCW 46.55.240.

11.76.015 Definition of director.

“Director” means Kirkland’s director of planning and community development, the chief of police, or either of their designees.

11.76.020 Definition of junk vehicle.

“Junk vehicle” means a vehicle certified by notice of violation and corrective order under Section 11.76.030 as meeting at least three of the following requirements:

- (1) Is three years old or older;
- (2) Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield or missing wheels, tires, motor, or transmission;
- (3) Is apparently inoperable; or
- (4) Has a fair market value equivalent only to the approximate value of the scrap in it.

11.76.030 Notice of violation and order to correct – Certification of vehicles as junk.

(a) Whenever the director, or the director’s designee, determines that a vehicle, vehicles, or parts thereof are junk vehicles, a notice of violation and order to correct shall be served upon the owner of the property upon which the vehicle is located and the last registered owner of the vehicle (unless the vehicle is in such condition that identification numbers are not available to determine ownership or the owner of the land has denied the certifying individual entry to the land to obtain the vehicle identification number). The notice of violation and order to correct shall:

- (1) Separately identify each vehicle and certify that each vehicle is a “junk vehicle” as defined in Section 11.76.020;
- (2) State that the vehicle must be removed and establish a date, at least fifteen days from the day the notice is served or mailed, for compliance;
- (3) Clearly denote the city’s authority to impound.

(b) The notice of violation and order to correct shall be served either by (i) personal service; or (ii) certified mail with a five-day return receipt requested.

(c) Whenever possible, a copy of the notice of violation and order to correct shall be posted at a conspicuous place on the property.

(d) The notice of violation and order to correct shall state that a public hearing may be requested before the city hearing examiner and that if no hearing is requested within fifteen days from the date of the postmark of the notice or personal service of the notice, the junk vehicle will be removed.

(e) If a request for hearing is received within fifteen days of the postmark, a notice of hearing giving the time, location and date of such hearing on the question of abatement and removal of the vehicle, vehicles or parts thereof as a public nuisance shall be mailed, by certified mail with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of each vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership or the owner of the land has denied the certifying individual entry to the land to obtain the vehicle identification number.

11.76.040 Exceptions.

This chapter shall not apply to a vehicle, vehicles, or parts thereof that:

(1) Are completely enclosed within a building in a lawful manner where they are not visible from the street or other public or private property; or

(2) Are stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and which is fenced according to RCW 46.80.130.

11.76.050 Hearings.

Hearings under this chapter shall be heard by the city hearing examiner. The hearing examiner shall determine whether the city has proven by a preponderance of evidence that the vehicle, vehicles or vehicle parts are junk vehicles subject to abatement. The decision of the hearing examiner may be appealed to the Kirkland municipal court for final judgment.

11.76.060 Determination of responsibility.

(a) The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and may deny responsibility for the presence of the vehicle on the land stating the reason for such denial.

(b) If it is determined at the hearing that the vehicle was placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in its presence, then costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located nor otherwise be collected from the land owner.

(c) Nothing in this chapter shall relieve the property owner from any civil penalties which may accrue from any zoning code violation related

to the improper placement, parking, or storage of vehicles or parts thereof.

11.76.070 Abatement and removal.

After a hearing has been held, if requested consistent with this chapter, or after the time for compliance has passed, if no hearing has been requested, the vehicle, vehicles, or parts thereof shall be removed at the request of the director or the director's designee. The vehicle, vehicles, or parts thereof so removed shall be disposed of at a licensed vehicle wrecker with notice to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.

11.76.080 Costs of removal and disposal – Recovery.

The costs of removal and disposal shall be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership complied with RCW 46.12.101, or against the owner of the property on which the vehicle is stored, subject to the provisions of Section 11.76.060.

11.76.090 Subsequent violation – Misdemeanor.

Any subsequent violations of this chapter shall be subject to the abatement procedures provided for herein, and, in addition, any person receiving subsequent notices of violation and corrective orders shall be guilty of a misdemeanor.

Chapter 11.80 PARK RULES

Sections:

- 11.80.010 Title of chapter.
- 11.80.020 Police power.
- 11.80.030 Definitions.
- 11.80.040 Posting signs, posters and notices.
- 11.80.050 Injury to park property unlawful.
- 11.80.060 Animals at large prohibited.
- 11.80.070 Firearms and explosives.
- 11.80.080 Teasing, annoying or injuring animals prohibited.
- 11.80.090 Certain vocations and loudspeakers prohibited.
- 11.80.100 Business activities in parks
- 11.80.110 Watercraft.
- 11.80.120 Emergency aid by watercraft.
- 11.80.130 Riding vehicles and animals.
- 11.80.140 Camping areas.
- 11.80.150 Practicing and playing games.
- 11.80.160 Depositing refuse and litter.
- 11.80.180 Permit for assemblies required.
- 11.80.190 Races prohibited.
- 11.80.200 Building fires.

- 11.80.210 Intoxicating liquors and drugs prohibited.**
- 11.80.220 Adoption of rules and regulations by director.**
- 11.80.230 Aiding and abetting violations.**
- 11.80.250 Parks closed between ten p.m. or eleven p.m. and dawn.**

11.80.010 Title of chapter.

This chapter may be cited as the park rules for the city of Kirkland.

11.80.020 Police power.

This chapter is hereby declared to be an exercise of the police power of the city for the public peace, health, safety and welfare and its provisions are to be liberally construed.

11.80.030 Definitions.

The terms herein used, unless clearly contrary to or inconsistent with the context in which used, shall be construed as follows:

(1) "Director" means the director of the parks and recreation department of the city as established by Chapter 3.68.

(2) "Park" means and includes all city parks and all areas within the boundaries of a city park, including structures, regardless of whether the area is under the management and control of the park and recreation department.

(3) "Park board" means the board of park commissioners as established and created by Chapter 3.36.

(4) Wherever consistent with the context of this chapter, words in the present, past or future tenses shall be construed to be interchangeable with each other and words in the singular number shall be construed to include the plural.

11.80.040 Posting signs, posters and notices.

(a) It is unlawful for any person, without prior written permission of the director, to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, railing, post or structure within any park; provided, that the director may permit the erection of temporary directional signs or decorations on occasions of public celebration and picnics.

(b) It is unlawful for any person, without prior written permission of the director, to use, place or erect any signboard, sign, billboard, bulletin board, post, pole, or device of any kind for advertising in any park, or to place or erect in any park a permanent or temporary structure of any kind; provided, that before granting any such permit, the director shall establish general rules and regulations pertaining hereto, including provisions pertaining to removal, protection of the city park department and its employees, protection of the interests of the general public, and of persons using said park.

11.80.050 Injury to park property unlawful.

It is unlawful for any person to remove, destroy, mutilate or deface any structure, or any part of any structure, or any fixture therein, or attached thereto, or any monument, statue, vase, fountain, wall, fence, railing, vehicle, bench, shrub, tree, fern, plant, flower, lighting system or sprinkling system, or any other property lawfully located within any park.

11.80.060 Animals at large prohibited.

The provisions of Chapter 8.04 of the Kirkland Municipal Code, including all portions of the King County Code adopted by reference, shall apply in all parks. It is unlawful for any person to allow or permit any animal owned by him or within his possession or under his control to run at large in any park or enter any designated swimming area located therein. The director, acting pursuant to Section 11.80.220, may adopt rules prohibiting dogs or other types of domesticated animals from entering certain parks or certain portions of parks after consultation with the city council.

11.80.070 Firearms and explosives.

It is unlawful to shoot, fire or explode any firearms, fireworks, firecracker, torpedo or explosive of any kind or to shoot or fire any air gun, bows and arrows, B.B. gun, or use any slingshot or other propelling device wherein the applied human energy or force is artificially aided, directed or added to in any park, except in such designated recreational areas as may be by the department of park and recreation be developed and provided for such activities.

11.80.080 Teasing, annoying or injuring animals prohibited.

It is unlawful for any person in any park, in any manner to tease, annoy, disturb, molest, catch, injure or kill or to throw any stone or missile of any kind at or strike with any stick or weapon any animal, bird or fowl; or to catch any fish or feed any fowl except at those places as may be so designated for the catching of fish or the feeding of fowl by the director.

11.80.090 Certain vocations and loudspeakers prohibited.

It is unlawful to sell, solicit or peddle in any park without first obtaining a written permit from the director. It is also unlawful to operate or use any loudspeaker or sound amplification devices in any park without first obtaining a written permit from the director.

11.80.100 Business activity in parks.

It is unlawful to conduct any type of business activity in any park without first entering into a concession contract according to the rules and regulations of the park and recreation department therefor with the

city. As used in this section, "business activity" shall include, but not be limited to, the following:

- (a) Sale of food, beverages or merchandise;
- (b) Providing classes or other forms of instruction for a fee or other valuable consideration; or
- (c) Use of park facilities for advertising any business, product or service.

11.80.110 Watercraft.

It is unlawful for any person to have, keep or operate any boat, float, raft or other watercraft in or upon any bay, lake, slough, river, or creek, within the limits of any park, or to land the same at any point upon the shores thereof bordering upon any park, except at such places as shall be set apart for such purposes by the director and so designated by signs.

11.80.120 Emergency aid by watercraft.

It is unlawful for any person to land or dock a boat at any swimming dock or float, nor shall any boat be allowed within a swimming area except in an emergency involving rescue or lifesaving.

11.80.130 Riding vehicles and animals.

It is unlawful for any person to ride or drive any vehicle or animal over or through any park except along and upon the park drive parkways, park boulevards, and bicycle paths, or at a speed in excess of the posted speed limit or in excess of fifteen miles per hour where no speed limit is so posted or to stand or park any vehicle in any park except in areas designated for such purpose by the director and so posted by signs, or to stand or park any vehicle between the hours of eleven p.m. and seven a.m. of the following day except in such areas as may be designated for such purpose by the director and so posted by signs.

11.80.140 Camping areas.

It is unlawful for any person or group of persons to "camp out" in any park except at places set aside for such purposes by the director and so designated by signs.

11.80.150 Practicing and playing games.

It is unlawful for any person to practice or play golf, baseball, cricket, lacrosse, polo, archery, hockey, tennis, badminton or other games of like character or to hurl or propel any missile except at places set apart and developed for such purposes by the department of park and recreation and so designated by the director.

11.80.160 Depositing refuse and litter.

It is unlawful for any person to throw any refuse, litter, broken glass, crockery, nails, shrubbery, trimmings, junk or advertising matter in any park or to deposit any waste or abandoned material therein except in designated receptacles.

11.80.180 Permit for assemblies required.

It is unlawful for any person to hold, sponsor, or participate in any organized assembly without first giving to the director, notice thereof and obtaining therefrom, his written permit to do so. Such notice shall be given at least seventy-two hours prior to the date established for such assembly. Pursuant to Chapter 3.68 and Section 11.80.220, the director is hereby ordered to establish forthwith such rules and regulations pertaining to the issuance of assembly permits as shall permit the fullest peaceful utilization of the parks by all of the general public (including such persons attending such assemblies and such other persons utilizing the park, but not in attendance at such assembly) as shall be reasonably possible and consistent with the health, safety, and general welfare. In this connection, and in addition to the conduct requirements of this chapter, such rules and regulations may require the deposit of "cleanup" undertakings, the furnishing of waste and sanitary conveniences and effective plans for traffic and crowd control and management.

11.80.190 Races prohibited.

It is unlawful for any person in any park to engage in conduct or hold any trials or competitions for speed, endurance or hill climbing involving any vehicle, boat, aircraft or animal, except at specified places and times designated for such activities by the director upon his determination that:

(1) Adequate provision has been made to insure that the health and safety of participants in and spectators of any such activities will not be subject to undue hazard;

(2) Such activities will be conducted in such a manner as to minimize potential damage to public or private property;

(3) Such activities will not constitute a public nuisance; and

(4) Such activities will not unduly interfere with the use of park facilities by the general public.

11.80.200 Building fires.

It is unlawful for any person to build any fire in any park except in such areas as may be designated by the director and such designation is clearly defined by signs posted in such area.

11.80.210 Intoxicating liquors and drugs prohibited.

It is unlawful for any person to possess a container of any alcoholic beverage, whether opened or unopened, while in any city park. Any person having a container within one's immediate reach or control (such as at a bench, picnic table, blanket, or motor vehicle where that person is sitting) within a city park may be considered to be in possession of the container for the purposes of this section. A person is exempt from this section to the extent that his/her actions are in accordance with a parks department special alcohol permit.

11.80.220 Adoption of rules and regulations by director.

The director shall have the power, pursuant to Chapter 3.68, to promulgate and adopt reasonable rules and regulations pertaining to the operation, management and use of the parks, and shall post the same in conspicuous places in the parks. Such rules and regulations shall include a procedure for granting blanket permits encompassing any particulars of this chapter to locally and nationally recognized organizations or associations. Such rules and regulations may include the establishment of hours during which any park or portion thereof as designated by signs located within the designated portion, shall be closed to the general public; such closures may be for reasons of public safety, welfare and convenience, or for reasons of park maintenance. It is unlawful for any person to violate or fail to comply with any park rule or regulation duly adopted and posted by the department.

11.80.230 Aiding and abetting violations.

Any person participating in a violation of any provision of this chapter whether directly committing the act or omitting to do the thing constituting the offense or who aids or abets the same, and whether present or absent, and anyone who directly or indirectly counsels, encourages, hires, commands, induces, or otherwise procures another to commit such offense, shall be proceeded against and prosecuted as such.

11.80.250 Parks closed between ten p.m. or eleven p.m. and dawn.

The provisions of this section shall apply to all parks, improved and unimproved, within the city or owned by the city.

A. Except as otherwise provided herein, all waterfront parks, including vehicle parking areas within the parks, within the city or owned by the city shall be closed to the general public between the hours of ten p.m. and dawn of the following day.

B. Except as otherwise provided herein, all other parks, including vehicle parking areas within the parks, within the city or owned by the

city, shall be closed to the general public between the hours of eleven p.m. and dawn of the following day.

C. It is unlawful for any person, other than a police officer or authorized park department employee, to enter into or remain within a park within the city or owned by the city at any time between the closing hour designated above and dawn of the following day.

D. For the purposes of this section, "dawn" means the time of official sunrise for the particular day as published by the U.S. Weather Service.

Chapter 11.84A PUBLIC DISTURBANCE

Sections:

11.84A.030 Disorderly conduct.

11.84A.050 Liquor in public

11.84A.060 False aid calls and false fire alarms—Civil remedy

11.84A.070 Public disturbance noises.

11.84A.030 Disorderly conduct.

RCW 9A.84.030 is hereby adopted by reference. In addition, a person is guilty of disorderly conduct if he or she:

- (1) Intentionally engages in a fight in a public place or way open to the public;
- (2) Intentionally uses unlawful force or violence on the person of another; or
- (3) Intentionally conducts himself or herself in a manner which disturbs the public peace, provokes disorder or endangers the safety of others.

Disorderly conduct under this section is a misdemeanor.

11.84A.050 Liquor in public.

It is unlawful for any person to open a container or possess an opened container of intoxicating liquor in a way open to the public or a public place other than a public place specifically identified and posted as a place where intoxicating liquor may be consumed. Violation of this section shall constitute a misdemeanor.

11.84A.060 False aid calls and false fire alarms—Civil remedy.

Any person committing those acts described in RCW 9A.84.010 shall be liable for damages in a civil action for actual costs incurred in proceeding under this section. It is provided that any such person proceeded against under this section need not be shown to have had actual knowledge that the information reported, conveyed or circulated was false, but rather that said information lacked a reasonable and

justifiable basis from which an ordinarily prudent person could conclude that it was true.

11.84A.070 Public disturbance noises.

It is unlawful for any person to cause, or for any person in possession of property to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

(1) The frequent, repetitive or continuous sounding of any horn or siren attached to a motor vehicle, except as a warning of danger or as specifically permitted or required by law;

(2) The creation of frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residential district, so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

(3) Yelling, shouting, hooting, whistling or singing on or near the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time and place so as to unreasonably disturb or interfere with the peace, comfort and repose of owners or possessors of real property;

(4) The creation of frequent, repetitive or continuous sounds which emanate from any building, structure, apartment or condominium, which unreasonably interferes with the peace, comfort and repose of owners or possessors of real property, such as sounds from musical instruments, audio sound systems, band sessions or social gatherings;

(5) Sound from any motor vehicle audio sound systems, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the vehicle itself;

(6) Sound from portable audio equipment, such as tape players, radios and compact disc players, operated at a volume so as to be audible greater than fifty feet from the source, and if not operated upon the property of the operator;

(7) The foregoing provisions shall not apply to regularly scheduled events at parks, such as public address systems for baseball games or park concerts.

Provided, that the foregoing enumeration of acts and noises not be construed as excluding other acts and noises which offend the public peace.

**Chapter 11.92
CITY JAIL CUSTODIAL CARE STANDARDS**

Sections:

11.92.010 Adoption.

11.92.020 Definitions.

11.92.010 Adoption.

The Custodial Care Standards for Holding Facilities, as adopted by the board of directors of the Washington Association of Cities in the format prepared and approved by the Washington Association of Sheriffs and Police Chiefs, are hereby adopted by this reference, to be the custodial care standards for the Kirkland city jail, which jail facility is classified as a holding facility. A copy of said standards, as adopted herein by reference, shall be authenticated and recorded by the Kirkland city clerk. Not less than one copy of said standards, herein adopted by reference, shall be filed in the office of the Kirkland city clerk for use by the public. Not less than one copy thereof shall also be maintained in the offices of the Kirkland police department.

11.92.020 Definitions.

The following words or phrases as used in the custodial care standards, adopted by reference in Section 11.92.010 herein, shall mean:

(1) "Body cavity" means the stomach or rectum of a person and the vagina of a female person. For the purposes of this chapter, the mouth is not a body cavity.

(2) "Body cavity search" means the touching or probing of a person's body cavity, whether or not there is actual penetration of the body cavity.

(3) "Chief law enforcement officer" means the Kirkland chief of police.

(4) "Contraband" means any substance or item not specifically permitted by jail administration.

(5) "Director of the department of corrections" means the uniformed police officer designated by the chief law enforcement officer to be the officer in charge of the Kirkland jail facility.

(6) "Strip search" means having a person remove or arrange some or all of his or her clothing so as to permit an inspection of the genitals, buttocks, anus, or undergarments of the person or breasts of a female person.

Section 7. Kirkland Municipal Code Section 14.44.040 is hereby amended to read as follows:

14.44.040 Vessels and watercraft not to be used for habitation.

(a) No boat, vessel, watercraft or houseboat moored in or off the shoreline of Kirkland shall be used as a place of habitation.

(b) It shall be unlawful for the owner and/or operator of any public or private marina, dock or other moorage facility within the city of Kirkland to permit or allow the moorage at such facility of any boat, vessel, watercraft or houseboat in violation of subsection (a).

(c) Any violation of subsection (a) shall be a gross misdemeanor~~serious crime~~. Any violation of subsection (b) shall be a misdemeanor~~simple crime~~. Each day that a violation of either subsection (a) or (b) continues shall be considered a separate offense.

Section 8. The "Serious Crime Designation," as set forth in former KMC 11.04A.130, former KMC 1.04.010, and former KMC 1.04.011, in which an "S" was placed before a code section to describe

a "serious crime," is hereby abolished. Crimes defined in this code shall be either misdemeanors or gross misdemeanors according to the provisions of this code or state law. In addition to the crimes defined in Title 11, the Serious Crime Designation shall be removed from the caption of Section 7.48.017 of the Kirkland Municipal Code.

Section 9. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance, or the application of the provision to other persons or circumstances is not affected.

Section 10. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication pursuant to Section 1.08.017, Kirkland Municipal Code in the summary form attached to the original of this ordinance and by this reference approved by the City Council.

Passed by majority vote of the Kirkland City Council in open meeting this 15th day of November, 2011.

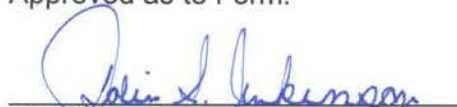
Signed in authentication thereof this 15th day of November, 2011.


MAYOR

Attest:


City Clerk

Approved as to Form:


City Attorney

PUBLICATION SUMMARY
OF ORDINANCE NO. O-4334

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO THE CRIMINAL CODE AND REPEALING THE EXISTING TITLE 11 OF THE KIRKLAND MUNICIPAL CODE AND REENACTING A NEW TITLE 11 OF THE KIRKLAND MUNICIPAL CODE.

SECTION 1. Amends KMC Section 1.04.010 related to classes of crime penalties and removes the "serious crime" designation.

SECTION 2. Repeals KMC Sections 5.19.090, 8.04.025 and 12.04.030.

SECTION 3. Amends KMC Section 5.19.090 related to penalties and removes the reference to serious crime.

SECTION 4. Amends KMC Section 7.32.080 related to unlawful activities.

SECTION 5. Adds a new KMC Section 8.04.075 entitled "Portions of RCW Chapter 16.52 adopted by reference."

SECTION 6. Repeals and reenacts KMC Title 11 entitled "Criminal Code."

SECTION 7. Amends KMC Section 14.44.040 related to vessels and watercraft not to be used for habitation and removes the "serious crime" designation.

SECTION 8. Removes the "Serious Crime Designation" from the KMC.

SECTION 9. Provides a severability clause for the ordinance.

SECTION 10. Authorizes publication of the ordinance by summary, which summary is approved by the City Council pursuant to Section 1.08.017 Kirkland Municipal Code and establishes the effective date as five days after publication of summary.

The full text of this Ordinance will be mailed without charge to any person upon request made to the City Clerk for the City of Kirkland. The Ordinance was passed by the Kirkland City Council at its meeting on the 15th day of November, 2011

I certify that the foregoing is a summary of Ordinance O-4334 approved by the Kirkland City Council for summary publication.



City Clerk