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01/31/91

ORDINANCE

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4238

AN ORDINANCE regarding the Criminal Code; amending Section 12 (Part) of Ordinance No. 3516, and Bellevue City Code 10A.04.080; and amending Section 12 (Part) of Ordinance No. 3561, and Bellevue City Code 10A.04.110.

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

Section 1. Section 12 (Part) of Ordinance No. 3516, and Bellevue City Code 10A.04.080, are amended to read as follows:

10A.04.080 Limitation of Actions.

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

Section 2. Section 12 (Part) of Ordinance No. 3516, and Bellevue City Code 10A.04.110 are amended to read as follows:

In this title unless a different meaning plainly is required:

1. "Acted" includes, where relevant, omitted to act;
2. "Actor" includes, where relevant, a person failing to act;
3. "Benefit" is any given or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;
4. "Bodily injury" or "physical injury" means physical pain, illness, or an impairment of physical condition;
5. "Building," in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;
6. "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle"

- as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury;
7. "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;
  8. "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;
  9. "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;
  10. "Indicted" and "indictment" include "informed against" and "information," and "informed against" and "information" include "indicted" and "indictment";
  11. "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;
  12. "Malice" and "maliciously" shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;
  13. "Offense" means a misdemeanor or gross misdemeanor;
  14. "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers of functions of a public officer;
  15. "Omission" means a failure to act;
  16. "Peace officer" means a duly appointed city, county, or state law enforcement officer;
  17. "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;
  18. "Person," "he," and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;
  19. "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;
  20. "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

21. "Prisoner" includes any person held in custody under process of law, or under lawful arrest;
22. "Property" means anything of value, whether tangible or intangible, real or personal;
23. "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become an officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;
24. "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;
25. "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;
26. "Threat" means to communicate, directly or indirectly the intent:
  - a. To cause bodily injury in the future to the person threatened or to any other person; or
  - b. To cause physical damage to the property of a person other than the actor; or
  - c. To subject the person threatened or any other person to physical confinement or restraint; or
  - d. To accuse any person of a crime or cause criminal charges to be instituted against any person; or
  - e. To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or
  - f. To reveal any information sought to be concealed by the person threatened; or
  - g. To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
  - h. To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or
  - i. To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
  - j. To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships;
27. "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;
28. Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter

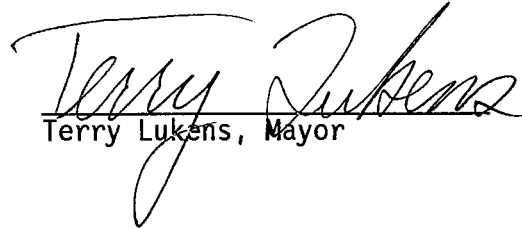
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genders; and in the singular shall include the plural; and in the plural shall include the singular.

Section 3. This ordinance shall be in force and take effect thirty (30) days after passage by the Council.


PASSED by the City Council this 8<sup>th</sup> day of April, 1991, and signed in authentication of its passage this 8<sup>th</sup> day of April, 1991.

(SEAL)

  
Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard L. Andrews, City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published April 12, 1991