

AN ORDINANCE establishing a penal code, defining certain conduct, acts or omissions constituting misdemeanors and prescribing penalties therefor.

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

CHAPTER I.

GENERAL PROVISIONS & DEFINITIONS

1.1 This ordinance shall be referred to and known as the "Bellevue Penal Code", and reference to the City herein shall mean the City of Bellevue.

1.2 WORDS. Unless the context thereof shall indicate to the contrary, words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter genders shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural.

1.3 DEFINING PERSON. The word "person" used in this ordinance shall, when necessary, be held and construed to mean and include natural persons of either sex, associations, copartnerships, and corporations, whether acting by themselves or by servant, agent or employee; the singular number shall, when necessary, be held and construed to include the plural, and the masculine pronoun to include the feminine.

1.4 COSTS OF PROSECUTION. Whenever anyone is convicted of an offense under any section of this Penal Code, or section of any other City ordinance, in addition to the fine imposed he must pay the costs of prosecution. In default of such payment he shall be imprisoned until such fine is paid or worked out on a basis of three (\$3.00) dollars per each day of imprisonment.

1.5 VIOLATION OF ORDINANCE A MISDEMEANOR. The violation of any ordinance of the City shall be deemed a misdemeanor and may be prosecuted by the authorities of the City in the name of the people of the State of Washington, or may be redressed by civil action at the option of said authorities of the City, or both.

1.6 PUBLIC OFFICER DEFINED. A public officer, as used herein, shall comprise: police officers, fire chief, City health officer, City street, sewer and water superintendents, and City engineer or their duly authorized deputies, or by the City Manager when performing the functions of any of said officers.

1.7 CRIMES CLASSIFIED. A misdemeanor is a crime punishable by a fine of not more than \$250.00, or by imprisonment in the City jail for not more than 90 days, or both. A gross misdemeanor is a crime punishable by a fine of not more than \$300.00, or by imprisonment in the City jail for not more than 90 days, or both.

CHAPTER II.

CRIMES BY OR AGAINST PUBLIC OFFICERS

2.1 INTERFERING WITH PUBLIC OFFICERS. Every person who, by means of any threat, force or violence, shall attempt to deter or prevent any executive or administrative officer from performing any duty imposed upon him by law, or who shall knowingly resist by force or violence any executive or administrative officer in the performance of his duty, shall be guilty of a misdemeanor.

2.2 OBSTRUCTING PUBLIC OFFICERS. Every person who, after due notice, shall refuse or neglect to make or furnish any statement, report or information lawfully required by him by any public officer, or who, in such statement, report or information shall make any willfully untrue, misleading or exaggerated statement, or who shall willfully hinder, delay or obstruct any public officer in the discharge of his official powers or duties, shall be guilty of a misdemeanor.

2.3 RESISTING PUBLIC OFFICERS. Every person who, in any case or under any circumstances not otherwise specially provided for, shall willfully resist, delay or obstruct a public officer in discharging or attempting to discharge any legal duty of his office, shall be guilty of a misdemeanor.

2.4 REFUSAL TO MAKE ARREST OR TO AID OFFICER. Every person who, after having been lawfully commanded by any magistrate to arrest another person, shall willfully neglect or refuse so to do; and every person who, after having been lawfully commanded to aid an officer in arresting any person, or in retaking any person who has escaped from lawful custody, or in executing any lawful process, shall willfully neglect or refuse to aid such officer, shall be guilty of a misdemeanor.

2.5 NEGLECT OR REFUSAL TO RECEIVE A PERSON INTO CUSTODY. Every City officer who, in violation of any legal duty, shall willfully neglect or refuse to receive a person into his official custody or into a prison under his charge, shall, in a case where no other punishment is specially provided by law, be guilty of a misdemeanor.

2.6 TAKING PROPERTY FROM AN OFFICER. Every person who shall take from the custody of any officer or other person any personal property in his charge under any process of law, or who shall willfully injure or destroy such property, shall be guilty of a misdemeanor.

2.7 RESCUING PRISONERS. Every person who shall, by force or fraud, rescue from lawful custody, or from an officer or person having him in lawful custody, a prisoner held upon a charge, arrest, commitment, conviction or sentence for any crime, shall be guilty of a misdemeanor.

2.8 AIDING PRISONER TO ESCAPE. Every person, who with intent to effect or facilitate the escape of a prisoner, whether such escape shall be effected or attempted or not, shall convey or send into a prison any disguise, instrument, weapon or other thing, or aid or assist a prisoner in escaping or attempting to escape from the lawful custody of a sheriff or other officer or person, shall be guilty of a misdemeanor if such prisoner is held upon a charge, arrest, commitment, conviction or a sentence for any crime.

2.9 ESCAPED PRISONER RECAPTURED. Every person in custody, under sentence of imprisonment for any crime, who shall escape from custody, may be recaptured and imprisoned for a term equal to the unexpired portion of the original term.

2.10 OBSTRUCTION OF EXTINGUISHMENT OF FIRE. Every person who, with intent to prevent or obstruct the extinguishment of any fire, shall cut or remove any bell rope, wire or other apparatus for communicating an alarm of fire, or cut, injure or destroy any engine, hose, or other fire apparatus, or otherwise prevent or obstruct the extinguishment of any fire, shall be guilty of a gross misdemeanor.

2.11 OBSTRUCTING FIREMEN. Every person who at the burning of any building shall be guilty of any disobedience to the lawful orders of a public officer or fireman or of resistance to or interference with the lawful efforts of any fireman, or company of firemen to extinguish the same, or of disorderly conduct likely to interfere with the extinguishment thereof, or who shall forbid, prevent or dissuade others from assisting to extinguish such fire, shall be guilty of a misdemeanor.

CHAPTER III.

3.1 MALICIOUS PROSECUTION. Every person who shall maliciously and without probable cause therefor cause or attempt to cause another to be arrested or proceeded against for any crime of which he is innocent shall be guilty of a misdemeanor.

3.2 CRIMINAL CONTEMPT. Every person who shall commit a contempt of court of any one of the following kinds shall be guilty of a misdemeanor.

(1) Disorderly, contemptuous or insolent behavior committed during the sitting of the court or City Council, in its immediate view and presence and directly tending to interrupt its proceedings or to impair the respect due to its authority; or

(2) Breach of the peace, noise, or other disturbance directly tending to interrupt the proceedings of a court, jury or referee, or City Council meetings; or

(3) Contumacious and unlawful refusal to be sworn as a witness, or after being sworn, to answer any legal and proper interrogatory.

CHAPTER IV.

CRIMES AGAINST THE PERSON

4.1 ASSAULT. Every person who, with intent to inflict bodily harm or to create an apprehension thereof, shall attempt or offer, with force and violence, to do a corporeal hurt to another, shall be guilty of an assault and shall be punished for a misdemeanor unless such assault or use of force is excused under the provisions of Revised Code of Washington, Section 9.11.040.

4.2 ASSAULT AND BATTERY. Assault and battery is the unlawful beating of another, or a consummated attempt to unlawfully touch, strike, beat or wound another person. Every person convicted of an assault and battery shall be guilty of a misdemeanor.

4.3 PROVOKING ASSAULT. Every person who shall, by work, sign or gesture, willfully provoke, or attempt to provoke another person to commit an assault or breach of the peace, shall be guilty of a misdemeanor.

CHAPTER V.

CRIMES AGAINST MORALITY, DECENCY, ETC.

5.1 OBSCENE LITTERATURE--OBSCENE ACT. Every person who--
(1) shall sell, lend, or give away, or have in his possession with intent to sell, lend, give away or show any obscene or indecent book, magazine, pamphlet, newspaper, story paper, writing, picture, drawing, photograph, or any article or instrument of indecent or immoral character; or, who shall design, copy, draw, photograph, print, utter, publish or otherwise prepare such a book, picture, drawing paper or other article; or write or print any circular, advertisement or notice of any kind, or give oral information stating when, where, how or of whom such an indecent or obscene article or thing can be purchased or obtained; or

(2) Shall sell, lend, give away or have in his possession with intent to sell, lend, give away or show any book, pamphlet, magazine, newspaper or other printed paper devoted to the publication, or largely made up of criminal news, police reports, accounts of criminal deeds or pictures and stories of deeds of bloodshed, lust or crime; or

(3) Shall exhibit within the view of any minor any of the books, papers or other things hereinbefore enumerated; or

(4) Shall hire, use or employ, or having custody or control of his person, shall permit any minor to sell, give away or in any manner distribute any article hereinbefore mentioned; or

(5) Shall cause to be performed or exhibited or engage in the performance or exhibition of any obscene, indecent or immoral show, act or performance;

shall be guilty of a misdemeanor.

5.2 GAMBLING--CONDUCTING GAMBLING. Every person who shall open, conduct, carry on or operate, whether as owner, manager, agent, dealer, clerk, or employee, and whether for hire, or not, any gambling game or game of chance, played with cards, dice or any other device, or any scheme or device whereby any money or property or any representative of either may be bet, wagered or hazard upon any chance or any uncertain or contingent event, shall be guilty of a misdemeanor.

5.3 GAMBLING. Every person who shall bet, wager or hazard any money or property, or any representative of either, upon any game, scheme or device, opened, conducted, carried on or operated in violation of section 2 of this chapter, shall be guilty of a misdemeanor.

5.4 POSSESSION OF GAMBLING DEVICES. Every person who shall have in his possession or shall permit to be placed or kept in any building or boat, or part thereof, leased or occupied by him, any table, slot machine or any other article, device or apparatus of a kind commonly used for gambling, or operated for the losing or winning of any money or property, or any representative of either, shall be guilty of a misdemeanor.

5.5 POOL SELLING AND BOOKMAKING. Every person, whether acting in his own behalf, or as an agent, servant or employee of another person, within or without this City, who shall sell any pool, make any book, or receive, record, register, transmit or forward any bet or wager, or any money or property or thing of value designed or intended to be bet, wagered or hazarded, upon the result of any contest or trial of skill, speed or endurance between men or beasts, whether such contest or trial take place within or outside of this City, or upon the result of any lot, chance, casualty or uncertain or contingent event whatever, shall be guilty of a misdemeanor.

5.6 ALLOWING BUILDING TO BE USED. Every person being in possession or control of any tent, building, float or vessel, or part thereof, who shall knowingly permit the same, or any part thereof, to be used for gambling, swindling, pool selling, or bookmaking, or for betting, wagering or hazarding money or property, or any representative of either, upon any game, scheme or device, or upon the result of any lot, chance or uncertain or contingent event whatever, shall be guilty of a misdemeanor.

5.7 SEIZURE AND DISPOSITION OF GAMBLING DEVICES. It shall be the duty of all police officers to search for and seize all tables, slot machines, or other articles, machine, devise or apparatus of the kind commonly used for gambling, or operated for the winning or losing money or property, or any representative of either, upon any chance or uncertain or contingent event. If in the judgment of the Police Judge any of such articles may be useful as evidence in the trial of any case, he may order the same held for such trial; otherwise, he shall order the same to be forthwith destroyed. And the final hearing and disposition of any case in which any of said articles may be held or used as evidence, whether such case result in a conviction or acquittal, the Police Judge having jurisdiction of such case shall forthwith order all such articles destroyed.

5.8 DISTURBING RELIGIOUS ASSEMBLIES. Every person who shall disturb any religious society or congregation, when met together for public worship, by making a noise or by rude and indecent behavior within their place of worship, or so near the same as to disturb the order or solemnity of the meeting, shall be guilty of a misdemeanor.

5.9 DRUNKENNESS. Every person who shall become intoxicated by voluntarily drinking intoxicating liquors, and who, while intoxicated shall loiter about any place where intoxicating liquors are sold or kept for sale, or create any disturbance or use any profane or indecent language in any private or public place, street or meeting, or commit any assault or breach of the peace, shall be guilty of a misdemeanor.

5.10 PROHIBITING DRINKING IN PUBLIC CONVEYANCES. Every person who shall drink any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, shall be guilty of a misdemeanor.

5.11 INDECENT LANGUAGE, PRACTICES AND DRUNKENNESS. Any person who shall use in the presence of any person any indecent or vulgar language, or who shall appear upon any public road or street, or in any or upon any public place or conveyance in any indecent, drunken or maudlin condition or boisterous manner shall be guilty of a misdemeanor.

5.12 BAWDY HOUSE. Whoever shall, within the City limits, keep a bawdy house, or house of prostitution, or assignation house, or shall permit any building, house or tenement under his or her control to be used for such purposes, shall, upon conviction thereof, be fined not less than \$20.00 nor more than \$300.00, or imprisoned not less than 10 nor more than 90 days, or by both such fine and imprisonment; PROVIDED, that both the landlord who knowingly permits his premises to be so used and the manager of such house shall be liable for punishment as hereinbefore provided for a violation of this ordinance.

5.13 INDECENT EXPOSURE. Every person who shall knowingly make an indecent and public exposure of his or her person shall be guilty of a misdemeanor.

5.14 INMATES, SOLICITORS, VISITORS IN BAWDY HOUSES. Every person who is an inmate of, or who solicits for, or who visits a bawdy house, shall be guilty of a misdemeanor; PROVIDED, that this section does not apply to those having lawful business in such a house.

5.15 STANDING STALLION, ETC. Any person who shall stand any stallion, jackass, bull or boar within the corporate limits of this City, unless the same be concealed from public view, and clear from any improper exhibition, shall be subject to a fine of not more than \$50.00.

CHAPTER VI.

CRIMES AGAINST PUBLIC HEALTH AND SAFETY

6.1 PUBLIC NUISANCE. A public nuisance is a crime against the order and economy of the City. Every building, place or premises

- (a) wherein any gambling, swindling game or device, bookmaking, pool selling or any agency therefor shall be conducted, or any article, apparatus or device useful therefor, shall be kept; or
- (b) wherein any fighting between men or animals or birds shall be conducted; or
- (c) wherein any intoxicating liquors are kept for unlawful use, sale or distribution; or
- (d) where vagrant resort; and
- (e) wherein cattle, hogs, sheep or other animals are slaughtered, shall be a public nuisance.

6.2 Every act done and every omission to perform a duty, which act or omission

- (a) shall annoy, injure or endanger the safety, health, comfort, or repose of any considerable number of persons; or
 - (b) shall offend public decency; or
 - (c) shall unlawfully interfere with, befoul, obstruct, or tend to obstruct, or render dangerous for passage, a public park, square, street, alley, sidewalk or highway; or
 - (d) shall in any way render a considerable number of persons insecure in life or the use of property,
- shall be a public nuisance.

6.3 (a) Any person who shall allow or permit upon any premises owned, occupied or controlled by them, any substance detrimental to health or any accumulation of filth, rubbish, garbage, decaying animal matter or vegetable matter or any animal or human excrement shall be guilty of committing a public nuisance.

(b) Penalty For Failure To Comply With Notice--If within 3 days after receiving a notice in writing for the abatement of any nuisance detrimental to health, or removal of rubbish or other offensive materials mentioned in this act, signed by the City Health Officer, the person owning, occupying or controlling such premises shall fail, neglect or refuse to remove the same, such nuisance may be removed or abated by order of the Health Officer of the City, and the person on whom such notice for the removal was served, in addition to incurring the penalty in this ordinance provided shall become indebted to the City for the damages, costs and charges incurred by the City in the removal of such nuisance. Such costs and charges to be recovered by a civil action brought by said City against said person so served with such notice.

6.4 MAINTAINING OR PERMITTING NUISANCE. Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed; or who shall willfully omit or refuse to perform any legal duty relating to the removal of such nuisance; and every person who shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance, shall be guilty of a misdemeanor.

6.5 ABATEMENT OF NUISANCE. The magistrate before whom there may be pending any proceeding for a violation of section 2, except such nuisance as is defined in Section 1-2 hereof, shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the Chief of Police at the cost of the defendant.

6.6 KEEPING EXPLOSIVES UNLAWFULLY. Every person who shall make or keep any explosive or combustible substance in the City, or carry it through the streets thereof, in a quantity, or manner prohibited by law, or by City ordinance; and every person, who, by careless, negligent or unauthorized use or management of any such explosive or combustible substance, shall injure or cause injury to the person or property of another, shall be guilty of a misdemeanor.

6.7 SMOKING, WHERE PROHIBITED. Every person who shall light a pipe, cigar or cigarette in, or who shall enter with a lighted pipe, cigar or cigarette, any mill or other building on which is posted in a conspicuous place over and near each principal entrance a notice in plain, legible characters, stating that no smoking is allowed in such building shall be guilty of a misdemeanor.

6.8 DEPOSIT OF UNWHOLESOME SUBSTANCE. Every person who shall deposit, leave or keep, on or near a highway or route of public travel, on land or water, any unwholesome substance; or who shall establish, maintain or carry on, upon or near a highway or route of public travel, on land or water, any business, trade or manufacture which is noisome or detrimental to the public health; or who shall deposit or cast into the lake or rivers within the City limits the offal from or the dead body of any animal, shall commit a public nuisance.

6.9 ALLOWING VICIOUS ANIMAL AT LARGE. Every person having the care or custody of any animal known to possess any vicious or dangerous tendencies, who shall allow the same to escape or run at large in any place or manner liable to endanger the safety of any person shall be guilty of a misdemeanor; and any person may lawfully kill such animal when reasonably necessary to protect his own or the public safety.

6.10 DISEASED ANIMALS--DISPOSAL OF CARCASSES. Every person owning or having in charge any animal that has died or been killed on account of disease shall immediately bury the carcass thereof at least 3 feet underground at a place approved by the City Health Officer, or cause the same to be consumed by fire. No person shall sell or offer to sell or give away the carcass of any animal which died or was killed on account of disease. Every violation of any provision of this section shall be a misdemeanor.

6.11 DOOR OF PUBLIC BUILDINGS TO SWING OUTWARD. The doors of all theatres, school buildings, churches, public halls, or places used for public entertainments, exhibitions or meetings, which are used exclusively or in part for admission to or egress from the same or any part thereof, shall be so hung and arranged as to open outwardly

and during any exhibition, entertainment or meeting, shall be kept unlocked and unfastened, and in such condition that in case of danger or necessity, immediate escape from such building shall not be prevented or delayed; and every agent or lessee of any such building who shall rent the same or allow it to be used for any of the aforesaid public purposes without having the doors thereof hung and arranged as hereinbefore provided, shall commit a public nuisance.

6.12 MAINTAINING OR PERMITTING NUISANCE. Every person who shall commit or maintain a public nuisance, for which no special punishment is prescribed; or who shall willfully omit or refuse to perform any legal duty relating to the removal of such nuisance; and every person who shall let, or permit to be used, any building or boat, or portion thereof, knowing that it is intended to be, or is being used, for committing or maintaining any such nuisance, shall be guilty of a misdemeanor.

6.13 ABATEMENT OF NUISANCE. The magistrate before whom there may be pending any proceeding for a violation of section 2, except such nuisance as is defined in section 1-2 thereof, shall, in addition to any fine or other punishment which it may impose for such violation, order such nuisance abated, and all property unlawfully used in the maintenance thereof destroyed by the Chief of Police at the cost of the defendant.

6.14 KEEPING EXPLOSIVES UNLAWFULLY. Every person who shall make or keep any explosive or combustible substance in the City, or carry it through the streets thereof, in a quantity or manner prohibited by law, or by City ordinance; and every person who, by careless, negligent or unauthorized use or management of any such explosive or combustible substance, shall injure or cause injury to the person or property of another, shall be guilty of a misdemeanor.

CHAPTER VII.

FIREARMS

7.1. "SHORT FIREARM" AND "CRIME OF VIOLENCE" DEFINED. "Short Firearm" as used in this Ordinance means any firearm with a barrel less than 12 inches in length.

"Crime of Violence" as used in this Ordinance means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnaping.

7.2. COMMITTING CRIME WHILE ARMED. If any person shall commit or attempt to commit a crime of violence when armed with a pistol or other lethal weapon, he shall be punished, in addition to the punishment provided for the crime, by a fine of not more than \$300.00 and be imprisoned for 90 days or both.

7.3. BEING ARMED PRIMA FACIE EVIDENCE OF INTENT. In the trial of a person for committing or attempting to commit a crime of violence, the fact that he was armed with a pistol or other lethal weapon and he had no license or lawful authority to carry the same shall be prima facie evidence of his intention to commit said crime of violence.

7.4. CERTAIN PERSONS FORBIDDEN TO POSSESS ARMS. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

7.5. CARRYING PISTOL. No person shall carry a pistol in any vehicle or conceal on or about his person, except in his place of abode or fixed place of business, without a license as provided by law.

7.6. EXCEPTION. The provisions of the preceding section shall not apply to marshals, sheriffs, prison or jail wardens or their deputies, policemen or other law-enforcement officers, or to members of the army, navy, marine corps, or coast guard of the United States or of the national guard or organized reserves when on duty, or to regularly enrolled members of (any organization duly authorized to purchase or receipt such weapons from the United States or from this state, or to regularly enrolled members of) clubs organized for the purpose of target shooting and affiliated with a national shooting organization; Provided, such members are at or going to or from their places of assembly or target practice, or to officers or employees of the United States duly authorized to carry a concealed pistol, or to any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of any such person having in his possession, using or carrying a pistol in the usual or ordinary course of such business, or to any person while carrying a pistol unloaded and in a secure wrapper from the place of purchase to his home or place of business or in moving from one place of abode or business to another.

7.7. ISSUES OF LICENSE TO CARRY. The Chief of Police shall upon application of any person issue a license to such person to carry a pistol in a vehicle or concealed on or about his person within this state for not more than one year from date of issue, if it appears that the applicant has good reason to fear any injury to his person or property, or has other proper reason for carrying a pistol, and that he is a suitable person to be so licensed. The

license shall be in triplicate, in form to be prescribed by the state director of licenses, and shall bear the name, address, description and signature of the licensee and the reason given for desiring a license. The original thereof shall be delivered to the licensee, the duplicate shall within 7 days be sent by registered mail to the director of licenses and the triplicate shall be preserved for 6 years, by the authority issuing said license. The fee for such license shall be \$2.00 of which the sum of \$1.00 shall be paid into the state treasury.

7.8 DELIVERY TO MINORS AND OTHER FORBIDDEN. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.9 SALES REGULATED. No seller shall deliver a pistol to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, birth place, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within 6 hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the chief of police; and the duplicate duly signed by the seller shall within 7 days be sent by him with his address to the director of licenses; the triplicate he shall retain for 6 years. This section shall not apply to sales at wholesale.

7.10 DEALERS TO BE LICENSED. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110.

7.11 CERTAIN TRANSFERS FORBIDDEN. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Ordinance.

7.12 ALTERATION OF IDENTIFYING MARKS PROHIBITED. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

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

7.14 EXCEPTIONS. This ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.15 MACHINE GUNS--PROHIBITION. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.16 MACHINE GUN DEFINED. For the purpose of this Ordinance a machine gun is defined as any firearm or weapon known known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

7.17 MACHINE GUNS OR PARTS CONTRABAND. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

7.18 DANGEROUS WEAPONS--EVIDENCE. Every person who shall manufacture, sell or dispose of or have in his possession any instrument or weapon of the kind usually known as slung shot, sand club, or metal knuckles; shall furtively carry, or conceal any dagger, dirk, knife, or other dangerous weapon; or who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a gross misdemeanor.

7.19 DISCHARGING FIREARMS IN CITY. Any person who shall within the limits of the City fire off or discharge any gun, pistol or firearm of any kind without lawful authority shall be guilty of a gross misdemeanor.

CHAPTER VIII.

CRIMES AGAINST THE PUBLIC PEACE

8.1 DISTURBING MEETING. Every person who, without authority of law, shall wilfully disturb any assembly or meeting not unlawful in its character, shall be guilty of a misdemeanor.

8.2 RIOT, DEFINED. Whenever three or more persons, having assembled for any purpose, shall disturb the public peace by using force or violence to any other person, or to property, or shall threaten or attempt to commit such disturbance, or to do any unlawful act by the use of force or violence, accompanied with the power of immediate execution of such threat or attempt, they shall be guilty of a riot, punishable as a gross misdemeanor.

8.3 UNLAWFUL ASSEMBLY. Whenever three or more persons shall assemble with intent--

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

8.4 OFFENSES IN PUBLIC CONVEYANCES. Every person who shall wilfully use profane, offensive, or indecent language or engage in any quarrel in any public conveyance, or interfere with or annoy any passenger therein, or, having refused to pay the proper fare, shall fail to leave any such conveyance upon demand, or, with intent to avoid the payment of fare shall ride upon any car or engine not commonly used for carriage of passengers, shall be guilty of a misdemeanor.

8.5 DISORDERLY CONDUCT. Any conduct not herein specifically described which tends to or does disturb the public peace, provoke disorder, or endanger the safety of others, shall be unlawful, and any person guilty of a violation of this section shall be fined not more than \$100.00 dollars or confined not more than 30 days in jail.

CHAPTER IX.

CRIMES AGAINST PROPERTY

9.1 LARCENY. Every person who, with intent to deprive or defraud the owner thereof--(1) shall take, lead or drive away the property of another; or

(2) shall obtain from the owner or another the possession of or title to any property, real or personal, by color or aid of any order for the payment or delivery of property or money or any check or draft, knowing that the maker or drawer of such order, check or draft was not authorized or entitled to make or draw the same, or by color or aid of any fraudulent or false representation, presentation or pretense or by any false token or writing or by any trick, devise, bunco game or fortune-telling; or

(3) having any property in his possession, custody or control, as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian or officer of any person, estate, association or corporation or as a public officer, or a person authorized by agreement or by competent authority to take or hold such possession, custody or control, or as a finder thereof, shall secrete, withhold or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto; or

(4) having received any property by reason of mistake, shall with knowledge of such mistake secrete, withhold or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto; and

(5) every person who, knowing the same to have been so appropriated, shall bring into this city or buy, sell, receive or aid in concealing or withholding any property wrongfully appropriated, whether within or outside of the City in such manner as to constitute larceny under the provisions of this Ordinance--

steals such property and shall be guilty of larceny. Whoever commits larceny is guilty of a misdemeanor.

9.2 TAKING MOTOR VEHICLE WITHOUT PERMISSION. Every person who shall without the permission of the owner or persons entitled to the possession thereof intentionally take or drive away any automobile or motor vehicle, whether propelled by steam, electricity or internal combustion engine, the property of another, shall be deemed guilty of a misdemeanor, and every person voluntarily riding in or upon said automobile or motor vehicle with knowledge of the fact that the same was unlawfully taken shall be deemed equally guilty with the person taking or driving said automobile or motor vehicle and shall be deemed guilty of a misdemeanor.

9.3 UNLAWFUL ISSUANCE OF BANK CHECKS OR DRAFTS. Any person who shall with intent to defraud make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or depository, to meet said check, in full upon its presentation, shall be guilty of a misdemeanor. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank for the payment of such check or draft, and the uttering or delivery of such check or draft to another person, without such fund or credit to meet the same, shall be prima facie evidence of an intent to defraud.

9.4 MOTOR SERIAL NUMBER--PURCHASE, SALE OR POSSESSION, WHEN ALTERED. Whoever knowingly buys, sells, receives, disposes of, conceals, or has in his possession any motor vehicle or motor boat from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealment or misrepresenting the identity of said motor vehicle or motor boat shall be guilty of a misdemeanor.

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

9.6 USING FALSE WEIGHTS AND MEASURES. Every person who shall injure or defraud another by using, with knowledge that the same is false, a false weight, measure or other apparatus for determining the quantity of any commodity or article of merchandise, or by knowingly misrepresenting the quantity thereof bought or sold; or who shall retain in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it or permit it to be used or placed in violation of the foregoing provisions of this section, shall be guilty of a misdemeanor.

9.7 MALICIOUS MICHIEF. Every person who, in such manner as might, if not discovered, endanger the safety of any person or property, or shall in any manner interfere, tamper with, damage or obstruct any public or private property not his own; and every person who shall discharge any firearm or throw any dangerous missile at any train, engine, bus, car or other vehicle; shall be guilty of a misdemeanor.

9.8 UNLAWFUL INTERFERENCE WITH GAS, ELECTRIC, STEAM OR WATER APPLIANCE. Every person who, with intent to injure or defraud, shall--

(1) break or deface the seal of any gas, electric, steam or water meter; or

(2) obstruct, alter, injure or prevent the action of any meter or other instrument used to measure or register the quantity of gas, electricity, steam or water supplied to a consumer thereof; or

(3) make any connections by means of a wire, pipe, conduit or otherwise with any wire, main or pipe used for the delivery of gas, electricity, steam or water to a consumer thereof in such manner as to take gas, electricity, steam or water from said wire, main or pipe without its passage through the meter or other instrument provided for registering the amount or quantity consumed; or use any gas, electricity, steam or water so obtained; or

(4) make any connection or reconnection with such wire, main or pipe, or turn on or off, or in any manner interfere with any valve, stop-cock or other appliances connected therewith; or

(5) prevent by the erection of any device or construction, or by any other means, free access to any meter or other instrument for registering or measuring the amount of gas, electricity, steam or

water consumed, or interfere with, obstruct or prevent, by any means, the reading or inspection of such meter or instrument, by any person, company or coporation owning the same;

shall be guilty of a misdemeanor.

9.9. INJURING PROPERTY. Any person who shall cut, mar, injure, deface, spoil, break or destroy any fence, sidewalk, house, building, tree, plant, or other property of another, or public property within the City, whether real or personal property; or any person who, without municipal authority, shall deface, mutilate, tear down, or destroy any signboard or post, erected and set up by the authorities of the City, County of King or State of Washington, within the corporate limits of the City shall be guilty of a misdemeanor.

CHAPTER X.

VAGRANCY

10.1 VAGRANCY. Every

(1) person who asks or receives any compensation, gratuity or reward for practicing fortune telling, palmistry or clairvoyance; or

(2) person who keeps a place where lost or stolen property is concealed; or

(3) person practicing or soliciting prostitution or keeping or working in a house of prostitution; or

(4) common drunkard found in any place where intoxicating liquors are sold or kept for sale, or in an intoxicated condition; or

(5) common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or

(6) healthy person who solicits alms; or

(7) lewd, disorderly or dissolute person; or

(8) person who wanders about the streets at late or unusual hours of the night without any visible or lawful business; or

(9) person who lodges in any barn, shed, shop, outhouse, vessel, car, saloon or other place not kept for lodging purposes, without the permission of the owner or person entitled to the possession thereof; or

(10) habitual user of opium, morphine, marijuana, alkaloid, cocaine or alpha or beta cocaine, or any derivation, mixture or preparation of any of them or any habit-forming drug; or

(11) person having no visible means of support, who does not seek employment nor, although physically able, work when employment is offered to him--

is a vagrant, and is guilty of a misdemeanor.

CHAPTER XI.

MINORS

11.1 CURFEW LAW. No person or persons under the age of 14 years shall be permitted to walk, ride, play, loaf, or lounge in any street, road, alley or public park or plaza within the city limits between the hours of 9 o'clock p.m. and 5 o'clock a.m. Any parent or guardian or other person in authority who shall permit a child or children to violate the provisions of this section shall, when convicted, be deemed guilty of a misdemeanor, and be fined in any sum not exceeding \$5.00. Provided, that the provisions of this Ordinance shall not apply to any child or children who are in company of a parent or other adult having custody of him or them as the case may be, nor to a child or children who may be sent for medicine, medical or other assistance in case of accident or sickness, or other necessary errand by a parent or guardian, while in such service.

11.2 MINORS ON MOVING TRAINS. It shall be unlawful for any minor to get on or off, to get on or catch hold of, to run along side of or in front of, or attempt to get on or catch hold of or alight from any railroad train, railroad engine, or railroad car in the city while the same is in motion.

11.3 PROHIBITING MINORS WHERE INTOXICANTS ARE SOLD. It shall be unlawful for any person under the age of 21 years to loiter in or about or to be found in any tavern under a penalty of \$10.00.

11.4 UNLAWFUL FOR PROPRIETOR TO ALLOW MINORS WHERE INTOXICATING LIQUORS SOLD. Any person having charge of a public place in the city, where intoxicating liquors are served, who shall admit to or allow any minor to remain in the premises contrary to the laws of the State of Washington, shall be guilty of a misdemeanor.

CHAPTER XII.

TRESPASS

12.1 TRESPASS UPON ANOTHER'S LAND. Every person who goes upon the land of another with the intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act, or enters upon the inclosed land of another for the purpose of hunting or fishing without having first obtained permission of the owner or occupant of such land, or enters upon any land of another bounded on one or more sides by water when notices not to trespass thereon have been posted as often as every seven hundred feet on or near the other boundaries thereof for either of such purposes, or wilfully goes or remains upon any land after having been warned by the owner or occupant thereof not to trespass thereon, shall be guilty of a misdemeanor.

Inclosed land for the purpose of this section means any land fenced either with a lawful fence or with such a fence as is usually used in the neighborhood of such land.

12.2 MALICIOUS TRESPASS--PENALTY. Every person who maliciously or michievously injures ordestroys, or causes to be injured or destroyed any property of another, or any public property, shall be deemed guilty of a malicious trespass, and on conviction thereof, be fined not exceeding \$300, to which may be added imprisonment not exceeding 90 days in jail.

CHAPTER XIII.

PENALTY, REPEAL, CONSTITUTIONALITY AND EFFECTIVE DATE

13.1 PENALTY. Except as otherwise specifically provided herein, any person violating this Ordinance or any section or provision thereof, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$250.00 or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

13.2 PARTIAL INVALIDITY OF ORDINANCE That if any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

13.3. This Ordinance shall be in full force and effect five days from and after its passage, approval and legal publication.

PASSED by the City Council of the City of BELLEVUE Washington, this 10th day of NOVEMBER, 1953, and approved this 10th day of NOVEMBER, 1953.

[Signature]
Mayor
[Signature]
Councilman
[Signature]
Councilman

Approved as to form:

[Signature]
City Attorney

(SEAL)

ATTEST:

[Signature]
Clerk

FILED
CITY OF BELLEVUE
DATE November 12, 1953
CITY CLERK [Signature]

Date of Publication: November 12-1953