

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5622

AN ORDINANCE defining criminal conduct and other offenses, the liability therefore and the defenses thereto, enumerating specific crimes and punishment therefore; repealing Title 10 and 10A of the Bellevue City Code and enacting a new Title 10, entitled "Criminal Code"; and providing for savings, severability and for an effective date.

WHEREAS, section 39.34.180 of the Revised Code of Washington ("RCW") has, since 1996, made Washington municipalities responsible for the prosecution of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions; and

WHEREAS, the City has enacted many local criminal code sections that are identical, or nearly identical, to existing state criminal law statutes; and

WHEREAS, RCW 35.21.180 of the Revised Code of Washington ("RCW") permits the City to adopt by reference sections of the RCW; and

WHEREAS, other than the locally enacted criminal code provisions, the City has mirrored numerous RCW sections; however, many other state statutes relating to criminal conduct are only found in the RCW; and

WHEREAS, replacing the current criminal code with a simplified criminal code that incorporates RCW criminal code sections by reference rather than restating them as local code sections would benefit police officers, prosecutors, and court staff and is in the public interest; and

WHEREAS, this ordinance will protect the health, safety, and welfare of the citizens of Bellevue; now, therefore,

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

Section 1. Repeal. The following Ordinances codified in Titles 10 and 10A of the Bellevue City Code are hereby repealed: 5271; 5238, Sections 2 through 9; 5230; 5229; 5172; 5161; 5074; 5018; 4988; 4963; 4894; 4890 Section 2; 4796; 4773; 4736; 4691; 4601; 4489; 4460; 4322; 4282; 4280; 4211; 4096; 3905; 3893; 3550, Sections 1 through 4; 3516, Sections 1 through 27.

Section 2. Adoption. There is hereby added to the Bellevue City Code a new Title 10, entitled "Criminal Code", which may be cited as such and will consist of the following Chapters and Section(s):

TITLE 10 CRIMINAL CODE

Chapters:

- 10.00 PRELIMINARY ARTICLE**
- 10.02 ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH**
- 10.03 ADOPTION OF SPECIFIC RCW SECTIONS**
- 10.04 OFFENSES AGAINST PUBLIC MORALS**
- 10.06 MISCELLANEOUS OFFENSES**

Chapter 10.00 PRELIMINARY ARTICLE

Sections:

- 10.00.010 Preliminary article.**
- 10.00.020 Jurisdiction.**
- 10.00.010 Preliminary article.**

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

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

C. As used in this title, "BCC" shall mean the Bellevue City 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 Bellevue. Whenever the word "state" shall appear in any statute adopted by reference in this title, the word "city" shall be substituted therefore; 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 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 future tense; the masculine includes 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 not more than one (1) year, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000), or by both such imprisonment and fine.

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 ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars (\$1,000), or by both such imprisonment and fine.

10.00.020 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 without the city which affects persons or property within the city which, if committed within the city would be a crime.

Chapter 10.02 ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH

Sections:

10.02.010 Adoption of RCW sections not specifically set forth.

10.02.010 Adoption of RCW sections not specifically set forth.

A. With the exception of the RCW section set forth in subsection (C) of this section, and 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 chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection (A) of this chapter and of chapter 10.00 of this title.

C. The following RCW section is not adopted by the city of Bellevue:

RCW 9A.16.110 Defending against violent crime – Reimbursement.

Chapter 10.03 ADOPTION OF SPECIFIC RCW SECTIONS

Sections:

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

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

10.03.030 Chapter 7.80, "Civil Infractions"- Adoption by reference.

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

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

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

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

10.03.080 Title 26 RCW, "Domestic Relations" – Adoption by reference.

10.03.090 Chapter 28A.635 RCW, "Offenses Relating to School Property and Personnel" – Adoption by reference.

10.03.100 Chapter 46.80 RCW, "Vehicle Wreckers" - Adoption by reference.

10.03.110 Title 66 RCW, "Alcohol Beverage Control" – Adoption by reference.

10.03.120 Title 69 RCW, "Food, Drugs, Cosmetics and Poisons" – Adoption by reference.

10.03.130 Title 70 RCW, "Public Health and Safety" – Adoption by reference.

10.03.010 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.

7.03.020 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.

10.03.030 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.

10.03.040 Title 9 RCW, 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 9.12.010	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.
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.
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 9.27.015	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 arrester.
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.
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.
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 9.47A.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 9.62.010	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.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 RCW 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 bus conduct.
RCW 9.91.060	Leaving children unattended in a parked automobile.
RCW 9.91.110	Metal Buyers – Records of purchases – Penalty.
RCW 9.91.140	Food stamps – Unlawful sale.
RCW 9.91.160	Personal protection spray devices.
RCW 9.91.170	Interfering with dog guide or service animal.

10.03.050 Title 9A RCW, 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.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.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.
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.48.110	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.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, or lease-purchased 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.84.040	False reporting.
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.

10.03.060 Title 10 RCW, 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 10.99.040	Duties of court – No-contact order.
RCW 10.99.050	Victim contact - Restriction, prohibition - Violation, penalties - Written order – Procedures - Notice of change.
RCW 10.99.070	Liability of peace officers.
RCW 10.99.080	Penalty assessment.

10.03.070 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.
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10.03.080 Title 26 RCW, 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 - Interviews of children - Records - Risk assessment process-Reports to legislature.
RCW 26.44.040	Reports - Oral, written - Contents.
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.

10.03.090 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.
RCW 28A.635.110	Violations under RCW 28A.635.090 and RCW 28A.635.100 – Disciplinary authority exception.

10.03.100 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.

10.03.110 Title 66 RCW, 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 – Exhibition of effects – Exceptions.
RCW 66.44.280	Minor applying for permit.
RCW 66.44.290	Minor purchasing or attempting to purchase liquor.
RCW 66.44.300	Treats, gifts, purchases of liquor for or from minor, or holding out minor as at least twenty-one, 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 eighteen years and over permitted to enter and remain upon licensed premises during employment.
RCW 66.44.318	Employees aged eighteen to twenty-one stocking, merchandising, and handling beer and wine.
RCW 66.44.325	Unlawful transfer to a minor of an identification of age.
RCW 66.44.328	Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card – Penalty.
RCW 66.44.340	Employees eighteen years and over allowed to sell and handle beer and wine for certain licensed employers.
RCW 66.44.350	Employees eighteen 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.

10.03.120 Title 69 RCW, 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.
RCW 69.41.050	Labeling requirements.
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 69.43.110	Ephedrine, pseudoephedrine, phenylpropanolamine-Sales restrictions-Penalty.
RCW 69.43.120	Ephedrine, pseudoephedrine, phenylpropanolamine-Possession of more than fifteen 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 69.50.202	Nomenclature.
RCW 69.50.4014	Possession of forty grams or less of marihuana - 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 imprisonment.

10.03.130 Title 70 RCW, 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 70.155.010	Definitions.
RCW 70.155.080	Purchasing, possessing, or obtaining tobacco by persons under the age of eighteen - Civil infraction - Courts of jurisdiction.
RCW 70.155.105	Delivery sale of cigarettes - Requirements, unlawful practices - Penalties - Enforcement.

10.03.140 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 74.34.021	Vulnerable adult - Definition.
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 10.04 OFFENSES AGAINST PUBLIC MORALS

Sections:

10.04.010	Definitions
10.04.020	Lewd Act
10.04.030	Limitations
10.04.040	Urinating in Public

10.04.010 Definitions

For the purpose of this chapter:

- (a) "Lewd Act" means public:
 - 1. Exposure of any portion of the human anus or genitals, including display of the male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 - 2. Exposure of the female breast lower than the upper edge of the areola; or
 - 3. Touching, caressing or fondling of the male or female genitals or female breast, whether clothed or naked; or
 - 4. Simulated acts of human sex, including intercourse, or copulation, sodomy, or masturbation of oneself or of one person by another.
- (b) "Public" or "public display" means easily visible from a public thoroughfare or from property of others, or in a public place in a manner so obtrusive as to make it difficult for an unwilling person to avoid exposure.
- (c) "Sexual conduct" means sexual intercourse or sexual contact.
- (d) "Sexual intercourse" means:
 - 1. Its ordinary meaning, occurring upon any penetration, however slight; or
 - 2. Any penetration of the vagina or anus, however slight, by an object, when committed by one person on another, whether such persons of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes: or
 - 3. 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.
- (e) "Sexual contact" means:
 - 1. Any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party.

2. Masturbation, manual or instrumental, of oneself in the presence of another, or of one person by another.

10.04.020 Lewd act.

Every person who intentionally performs any lewd act in a public place knowing that such conduct is likely to cause reasonable affront and alarm is guilty of a misdemeanor.

10.04.030 Limitations.

(a) This chapter shall not be construed to prohibit:

1. Plays, operas, musicals, or other dramatic works which are not obscene;

2. Classes, seminars, and lectures held for serious scientific or educational purposes;

(b) Whether or not the conduct is obscene shall be judged by consideration of the following factors:

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

1. That the activity appeals to a prurient interest in sex; and
2. The conduct depicts or describes in a patently offensive way conduct as defined in BCC 10.04.010(a); and
3. The conduct taken as a whole lacks serious literary, artistic, political or scientific value.

10.04.40 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. Every person who violates this section shall be guilty of a misdemeanor.

Chapter 10.06 MISCELLANEOUS OFFENSES

Sections:

- 10.06.010 Aggressive begging**
- 10.06.020 Disorderly conduct.**
- 10.06.030 Obstruction of extinguishment of fire.**
- 10.06.040 Permitting use of marijuana.**
- 10.06.050 Police dogs - Tormenting.**
- 10.06.060 Private alarm systems.**
- 10.06.070 Prohibition of the conduct of social card games as a commercial stimulant to business.**
- 10.06.080 Provoking assault.**
- 10.06.090 State massage practitioner license required - Violation is misdemeanor - Inspections - Definitions.**

10.06.010 Aggressive begging.

(a) It is a crime for any person to engage in aggressive begging in any public place in the city, as those terms are defined by this section.

(b) Definitions. As used in this section:

1. "Aggressive begging" means to beg with intent to intimidate another person into giving money or goods.
2. "Beg" means to ask for money or goods as a charity, whether by words, bodily gestures, sings or other means.
3. "Intimidate" means to coerce or frighten into submission or obedience.
4. "Public place" means any road, alley, lane, parking area, sidewalk or any place, private or otherwise, adopted to and fitted for vehicular or pedestrian travel, that is in common use by the public with the consent, expressed or implied, of the owner or owners, and further, any public playground, school grounds, recreation grounds, parks, parkways, park drives, park paths and wharves, station grounds and rights-of-way open to the use of the public.

(c) A person who violates this section shall be guilty of a misdemeanor.

10.06.020 Disorderly Conduct.

A person is guilty of disorderly conduct if he or she:

1. Intentionally engages in any conduct which tends to or does disturb the public peace, provoke disorder or endanger the safety of others; or
2. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority; or
3. Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

Any person who violates this section shall be guilty of a misdemeanor.

10.06.030 Obstruction of extinguishment of fire.

It is unlawful for any person:

1. To cut, injure, destroy or obstruct any engine, hose or other fire extinguishing apparatus; or
2. To disobey the lawful orders of a public officer at the scene of a fire; or
3. To otherwise prevent or obstruct the extinguishment of any fire.

Any person who violates this section shall be guilty of a misdemeanor.

10.06.040 Permitting use of marijuana.

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

10.06.050 Police dogs - Tormenting.

It is unlawful for any person to willfully or maliciously torture, torment, harass, beat, kick or strike, any dog used by any police officer in discharging or attempting to discharge any legal duty or power of his office.

10.06.060 Private alarm systems.

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

10.06.070 Prohibition of the conduct of social card games as a commercial stimulant to business.

Any license issued under the authority of the state to engage in any gambling activities shall be legal authority to engage in the gambling activities for which the license was issued throughout the city, except that such a license is not legal authority to engage in the conduct of social card games, as defined in RCW 9.46.0282, as now or hereafter amended, as a commercial stimulant to business which, under the authority given the city by RCW 9.46.295, is prohibited within the city.

10.06.080 Provoking assault.

Every person who shall, by word, sign, or gesture, willfully provoke or attempt to provoke another person to commit an assault as defined by RCW 9A.36.041, shall be guilty of a misdemeanor.

10.06.090 State massage practitioner license required - Violation is misdemeanor - Inspections - Definitions.

It shall be unlawful for any person to practice or represent himself or herself as a massage practitioner in the city of Bellevue without first applying for and receiving a license to practice from the State Department of Licensing pursuant to RCW 18.108.030. Failure to have a license as required by this section shall be a misdemeanor.

To the extent authorized by RCW 18.108.190, city law enforcement personnel shall have the authority to inspect the premises of any business where massages are given.

For purposes of this section, "massage" and "massage practitioner" shall have the meanings set forth in RCW 18.108.010.

Section 3. Savings. Ordinance 3516, as last amended by Ordinance 5374, and as codified as Titles 10 and 10A of the Bellevue City Code, and which titles are repealed and replaced by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

Section 4. Severability. If any one or more chapters, sections, subsections, or sentences of this ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance and the same shall remain in full force and effect.

Section 5. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage.

Passed by the City Council this 19th day of September, 2005, and signed in authentication of its passage this 19th day of September, 2005.

(SEAL)



Connie B. Marshall, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Jeff Torrey, Deputy Prosecuting Attorney

Attest:



Myrna L. Basich, City Clerk

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