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ORDINANCE NO. 50  
CITY OF LYNNWOOD

RECORDED

# 195

Sec.  
12.1

& Sec. 1.7

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 LYNNWOOD DO ORDAIN AS FOLLOWS:

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

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. Costs of prosecution shall include any or all of the following: cost of docketing, cost of issuing the warrant, cost for mileage in processing the warrant, a fee for a Personal Recognizance Bond, costs for witness fees. In default of such payment he shall be imprisoned until such fine and costs of prosecution are 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 Mayor or City Supervisor when performing the official duties of any of said officers.

1.7 CRIMES CLASSIFIED. A misdemeanor is a crime punishable by a fine of not more than \$100.00 or by imprisonment in the City jail for not more than 30 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 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.

2.6 RESCUING PRISONERS. Every person who shall 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.

2.7 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.

2.8 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.

2.9 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.

2.10 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 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 or to attest or affirm, 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 upon conviction thereof shall be punished for a gross misdemeanor, PROVIDED HOWEVER that the use of force under the provisions of R.C.W. 9:11:040 shall be excused.

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 gross misdemeanor.

4.3 PROVOKING ASSAULT. Every person who shall, by word, 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 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.

5.2 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 1 of this chapter, shall be guilty of a misdemeanor.

5.3 POSSESSION OF GAMBLING DEVICES. Every person who shall have in his possession or shall permit to be placed or kept in any building, house trailer, 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.

5.4 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 this City, or upon the result of any lot, chance, casualty or uncertain or contingent event whatever, shall be guilty of a misdemeanor.

**5.5 ALLOWING BUILDING TO BE USED.** Every person being in possession or control of any tent, house trailer, 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.

**5.6 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, device 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. After 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.

**5.7 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 public place, street or

or meeting, or commit any assault or breach of the peace, shall be guilty of a misdemeanor.

5.8 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.

5.9 INDECENT LANGUAGE, PRACTICES AND DRUNKENNESS. Any person who shall use in the presence of any person in any public place 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.

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

#### CHAPTER VI. FIREARMS

6.1 "CRIME OF VIOLENCE" DEFINED. "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 kidnapping.

6.2 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.

6.3 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.

6.4 EXCEPTION. The provisions of the preceding section shall not apply to law-enforcement officers, 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 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.

6.5 ISSUES OF LICENSE TO CARRY. The Chief of Police shall upon application fo 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.

6.6 DELIVERY TO MINORS AND OTHERS 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.

6.7 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, birthplace, 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.

**6.8 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.

**6.9 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. He 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.

**6.10 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, obliterated, shall be prima facie evidence that the possessor has changed, altered,

removed or obliterated the same.

6.11 FALSE INFORMATION FORBIDDEN. Any person who 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 shall be guilty of a misdemeanor.

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

6.13 DANVEROUS 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 sling shot, sand club, or metal knuckles; shall furtively carry, or conceal any dagger, dirk, or other dangerous weapon; or who shall use any contrivance of device for suppressing the noise of any firearm, shall be guilty of a gross misdemeanor.

#### CHAPTER VII. CRIMES AGAINST THE PUBLIC PEACE

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

7.2 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 convicted of a violation of this section shall be fined not more than \$100.00 or confined not more than 30 days in jail.

#### CHAPTER VIII. CRIMES AGAINST PROPERTY

8.1 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, device, bunco game or fortune-telling; or

(3) having any property in his possession, custody or control, as bailee, factor, pledgee, servant, agent, employee, trustee, executor, administrator, guardian or officer of any person, estate, association or corporation 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 or 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.

8.2 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.

8.3 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.

8.4 FRAUDS ON INNKEEPER. Every person who shall obtain any food, lodging or accommodation at any hotel, motel, 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, motel, 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, motel, 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.

8.5 MALICIOUS MISCHIEF. 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 throw any dangerous missile at any train, engine, bus, car or other vehicle; shall be guilty of a misdemeanor.

8.6 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 Snohomish or State of Washington, within the corporate limits of the City shall be guilty of a misdemeanor.

#### CHAPTER IX. VAGRANCY

##### 9.1 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) healty 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) persons, having no visible means of support, or a person 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 X. MINORS

10.1 CURFEW LAW. No person or persons under the age of 18 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 10 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 \$15.00. Provided, that the provisions of this section 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; Provided further that the provision of this section shall not apply to any child or children who are gainfully employed between the hours of 10 o'clock P. M. and 5 o'clock A. M. or are in transit to or from such employment along the shortest course between the place of employment and such child or children's place of abode.

10.2 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. <sup>fine.</sup>

10.3 UNLAWFUL FOR PROPRIETOR TO ALLOW MINORS WHERE INTOXICATING LIQUORS ARE 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 XI. PENALTY, REPEAL, CONSTITUTIONALITY AND EFFECTIVE DATE

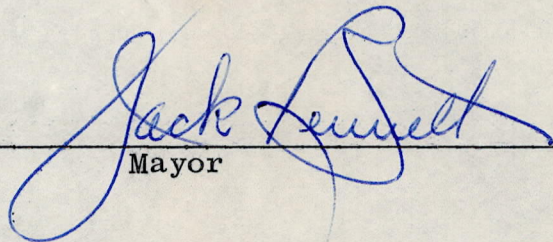
12.1 PENALTY. Except as otherwise specifically provided herein, any person violating this Ordinance or any section or

provision thereof, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$100.00 or by imprisonment not to exceed 30 days, or by both such fine and imprisonment.

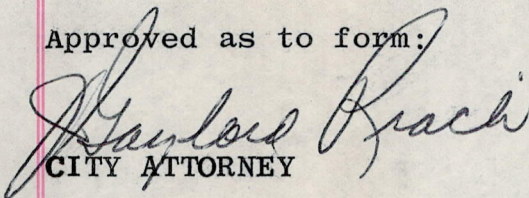
12.2 PARTIAL INVALIDITY OF ORDINANCE. That if any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of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

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

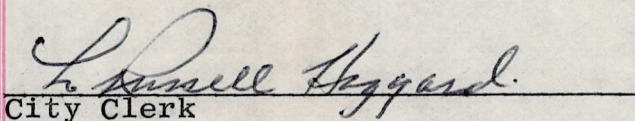
PASSED by the City Council of the City of Lynnwood, Washington this 12th day of November, 1959, and approved this 12th day of November, 1959.

  
\_\_\_\_\_  
Mayor

Approved as to form:

  
CITY ATTORNEY

ATTEST:

  
\_\_\_\_\_  
City Clerk