

CITY OF LYNNWOOD

ORDINANCE NO. 861

AN ORDINANCE AMENDING THE CRIMINAL CODE AND ORDINANCES FOR THE CITY OF LYNNWOOD, ADOPTING CERTAIN STATE STATUTES BY REFERENCE, AND SETTING PENALTIES AND PRESCRIBING PUNISHMENT THEREFORE, AND REPEALING CERTAIN SECTIONS OF ORDINANCE NUMBER 33, 50, 178, 481, 635, 651, 653, 707, 731, AND 798 AND LMC 10.04 AND ALL OTHER ORDINANCES AND SECTIONS OF ORDINANCES IN CONFLICT THEREWITH.

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

SECTION 1. ADOPTION BY REFERENCE

The following statutes are hereby adopted by reference as and for a portion of the criminal ordinance of this city as if set forth in full herein with the exception of the penalty provisions thereof which are superseded by the penalty provisions of this ordinance as set forth in Section 9; any reference to felonies or classification of felonies shall refer to the statutes of the State of Washington for definition and prosecution.

R.C.W. 9A.04.050
R.C.W. 9A.04.060
R.C.W. 9A.04.070
R.C.W. 9A.04.080
R.C.W. 9A.04.100
R.C.W. 9A.04.110

R.C.W. 9A.08.010
R.C.W. 9A.08.020
R.C.W. 9A.08.030

R.C.W. 9A.12.010

R.C.W. 9A.16.010
R.C.W. 9A.16.020
R.C.W. 9A.16.030
R.C.W. 9A.16.040
R.C.W. 9A.16.050
R.C.W. 9A.16.060
R.C.W. 9A.16.070
R.C.W. 9A.16.080
R.C.W. 9A.16.090

R.C.W. 9A.28.020
R.C.W. 9A.28.030
R.C.W. 9A.28.040

R.C.W. 9A.36.050
R.C.W. 9A.36.070

R.C.W. 9A.40.050

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R.C.W. 9A.48.010
R.C.W. 9A.48.050
R.C.W. 9A.48.060
R.C.W. 9A.48.090
R.C.W. 9A.48.100

R.C.W. 9A.52.010
R.C.W. 9A.52.040
R.C.W. 9A.52.050
R.C.W. 9A.52.060
R.C.W. 9A.52.070
R.C.W. 9A.52.080
R.C.W. 9A.52.090
R.C.W. 9A.52.100

R.C.W. 9A.56.010
R.C.W. 9A.56.020
R.C.W. 9A.56.050
R.C.W. 9A.56.060
R.C.W. 9A.56.140
R.C.W. 9A.56.150
R.C.W. 9A.56.170
R.C.W. 9A.56.180

R.C.W. 9A.60.010
R.C.W. 9A.60.040
R.C.W. 9A.60.050

R.C.W. 9A.72.010
R.C.W. 9A.72.140
R.C.W. 9A.72.150

R.C.W. 9A.76.010
R.C.W. 9A.76.020
R.C.W. 9A.76.030
R.C.W. 9A.76.040
R.C.W. 9A.76.050
R.C.W. 9A.76.060
R.C.W. 9A.76.070
R.C.W. 9A.76.080
R.C.W. 9A.76.090
R.C.W. 9A.76.100
R.C.W. 9A.76.130
R.C.W. 9A.76.160
R.C.W. 9A.76.170

R.C.W. 9A.80.010

R.C.W. 9A.84.010
R.C.W. 9A.84.020
R.C.W. 9A.84.030
R.C.W. 9A.84.040

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R.C.W. 9A.88.010
R.C.W. 9A.88.020
R.C.W. 9A.88.030
R.C.W. 9A.88.050
R.C.W. 9A.88.090

SECTION 2. AMENDMENTS TO WASHINGTON STATUTES AUTOMATICALLY INCLUDED.

- (1) The amendment, addition or repeal by the Washington Legislature of any section of any of the adopted statutes shall be deemed to amend this ordinance and the statutes contained herein which are adopted by reference in conformity with the amendment, addition or repeal, and it shall not be necessary for the legislative authority of this city to take any action with respect to such addition, amendment, or repeal as provided by R.C.W. 35A.12.140.

SECTION 3. ASSAULT

- (1) Every person who shall commit an assault or an assault and battery not amounting to assault in either the first, second or third degree as provided by R.C.W. 9A.36 shall be guilty of assault; a person is guilty of assault when:
- (a) with intent to cause bodily injury, he causes bodily injury to any person; or
 - (b) he unlawfully and knowingly beats, touches or strikes, any other person; or
 - (c) he unlawfully and intentionally places or attempts to place another person in fear of bodily injury; or
 - (d) he, 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.
 - (e) attempts to unlawfully use force or inflict bodily injury on another, accompanied with apparent present ability to give effect to the attempt if not prevented.

- (2) In any prosecution for assault, it is an affirmative defense that the use of force is lawful under the provision of R.C.W. 9A.16.

Assault is a gross misdemeanor

SECTION 4. OFFENSES BY AND AGAINST JUVENILES

Definitions

- (a) R.C.W. 13.04.010 as now or hereafter amended is hereby adopted by reference as if set forth in full herein.
- (b) "Liquor" means liquor as defined in the Washington State Liquor Act (R.C.W. 66.04.010(16)).

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(2) Undressing

- (a) It is unlawful for purposes of sexual gratification to remove or cause a minor to remove an article of the minor's clothing thereby exposing a portion of his body not customarily exposed.
- (b) In any prosecution under Paragraph (a) of this section, it is an affirmative defense that if the minor is at least fourteen (14) years old the actor is less than three (3) years older.

(3) Contributing to Dependency or Delinquency

It is unlawful for anyone, by act or omission, knowingly to encourage, cause or contribute to the dependency or delinquency of a minor.

- (4) R.C.W. 26.28.080 as now or hereafter amended is hereby adopted by reference as if set forth in full herein.
- (5) Except as otherwise provided, violation of this section and LMC 10.04.540-.590 shall be a misdemeanor, provided that penalties and punishments for offenses involving alcohol or liquor shall not exceed those established by R.C.W. 66.44.180 as now or hereafter amended.
- (6) The proscriptions contained in this section and LMC 10.04.540 - .590 shall not apply where permitted, allowed or authorized by R.C.W. 66.44 or another statute or state law.

SECTION 5. WEAPONS CONTROL

(1) Definitions

- (a) "dangerous knife" means any knife having a blade more than three and one-half inches in length, or any dagger, sword, bayonet, bolo knife, machete, straight-edge razor, or razor blade not in a package, dispenser, or shaving appliance.

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(2) Unlawful Use of Weapons

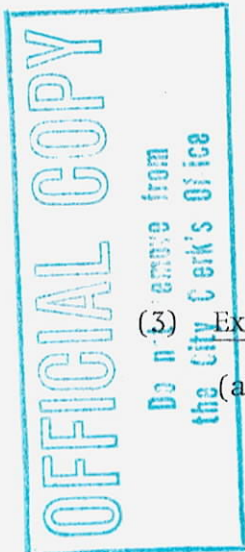
- (a) It is unlawful for anyone knowingly to:

- (1) Carry concealed on his person or in any vehicle any dangerous knife, or deadly weapon or to sell or give away to any person under eighteen years of age any dangerous knife or deadly weapon, or for any such person to purchase or possess any such dangerous knife or deadly weapon; or
- (2) Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm.

(3) Exemptions

- (a) The proscriptions of subsection (2)(a)(1) relating to dangerous knives shall not apply to:

- (1) Individual licensed hunters or fishermen while on a hunting, camping or fishing trip;



(2) Any person carrying such knife in a secure wrapper from or to the place of purchase or a place of repair to or from his home or place of business, or in moving from one place of abode or business to another, or while in his place of abode, or fixed place of business.

(b) L.M.C. 10.04.410 shall not apply to or affect:

- (1) Peace officers, or military personnel while in the performance of their official duties;
- (2) Regularly enrolled members of any club or organization organized for the purpose of practicing shooting at targets upon established target ranges, whether public or private, while such members are at, or are going to or from such target ranges;
- (3) Regularly enrolled members of any club or organization organized for the purpose of collecting modern or antique firearms while such members are at, or are going to or from a gun collector's show or exhibit;
- (4) Individual licensed hunters or fishermen while on a hunting, camping, or fishing trip;
- (5) Any person engaged in the business of manufacturing, repairing, or dealing in firearms or the agent or representative of such person, having in his possession, using or carrying a pistol in the usual or ordinary course of such business;
- (6) Any person carrying a pistol unloaded and in a secure wrapper from or to the place of purchase or a place of repair to or from his home or place of business, or in moving from one place of abode or business, to another.

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(4) Discharging Firearm or Explosive -- Exceptions.

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It is unlawful to fire or discharge any cannon, gun, pistol, revolver or other firearm or to fire or explode or set off any squib, firecracker, torpedo or other thing containing powder, or other explosive material, in any public place, or in any place where any person might be endangered thereby, except on days of public celebration or jubilee, and then only as permitted by law. This section shall not apply to the following: Licensed shooting galleries; airplane ordinance testing and proving grounds used in the manufacture of aircraft; rifle or pistol practice ranges located, established, used and patrolled by the armed forces of the United States, by the State of Washington, or by the police department; the discharge of any firearm in the performance of official duties or in the course of employment or in civilian sports by any person having a permit or lawful right to carry such firearm; or to the lawful use of explosives for blasting or construction or demolition work.

(5) Penalty.

A violation of this section and L.M.C. 10.04.360 - .530 is a misdemeanor.

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SECTION 6. PROCEDURES

(1) Arrests, Citations

- (a) A peace officer may arrest a person without a warrant if the officer has probable cause to believe that such person has:
- (1) Committed a crime in the officer's presence; or
 - (2) Committed a crime not in the officers presence if allowed by R.C.W. 10.31.100 as now or hereafter amended, which statute is hereby adopted by reference as if set forth in full herein and made applicable to police officers of the City of Lynnwood.
- (b) Whenever a person is arrested for a violation of the law, the arresting officer, or any other authorized peace officer, may serve upon the arrested person a citation and notice to appear, in lieu of continued custody, as provided by the criminal rules for justice court, as now or hereafter amended.
- (c) Warrants shall issue and bail be set for persons who violate their promise to appear in court as provided by the Criminal Rules for Justice Court, as now or hereafter amended, and in all other respects, except as otherwise provided. The Criminal Rules for Justice Court shall apply to procedures relating to arrest, citations, warrants, and other criminal proceedings.

SECTION 7. OBSTRUCTING A POLICE OFFICER

Every person who,

- (1) without lawful excuse shall refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public officer, or
- (2) in any such statement or report shall make any knowingly untrue statement to a public officer, or
- (3) shall knowingly hinder, delay, or obstruct any public officer in the discharge of his official powers or duties;

shall be guilty of a misdemeanor.

SECTION 8. CLASSIFICATION OF OFFENSES

(1) Criminal offenses are classified as either gross misdemeanors or misdemeanors.

(2) Punishment for offenses -

- (a) A gross misdemeanor may be punished by a fine not to exceed five hundred (\$500) dollars or imprisonment in the City Jail not to exceed six (6) months or by both fine and imprisonment.
- (b) A misdemeanor may be punished by a fine not to exceed five hundred (\$500) dollars or imprisonment in the City Jail not to exceed 90 days or by both fine and imprisonment.

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(c) Alternative to a Fine - Restitution.

- (1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon conviction thereof the court, in addition to imposing the fine authorized for the offense, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. In such case the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms, "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.
 - (2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.
- (d) Upon a judgment for fine and costs rendered on a conviction of a violation, execution may be issued against the property of a defendant and returned in the same manner as in civil actions.
- (e) A court may, in its discretion, treat any intentional failure to comply with a court order in respect to fines or costs or both, upon conviction of a violations, as civil contempt.
- (f) Cost of Prosecution.

Whether 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 dollars per each day of imprisonment.

SECTION 9. FILING OF ORDINANCE

Incident to the adoption of this ordinance, copies of the text of the adopted statutes shall be filed in the office of the City Clerk, as required by R.C.W. 35A.12.140 for use and examination by the public.

In addition, the office of the City Clerk is authorized to codify and number the sections and subsections of this ordinance to provide for uniformity and consistency with existing codifications and ordinances.

SECTION 10. The following ordinances and parts of ordinances, and all ordinances or parts of ordinances in conflict herewith, are each hereby repealed:

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Ord. 50, Sec. 1.3 - LMC 10.04.030 Person defined. "Person," as used in this chapter, when necessary, means and includes 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.

Ord. 50, Sec. 1.6 - LMC 10.04.040 Public Officer Defined. "Public Officer," as used herein, comprises: Police officers, fire chief, city health officer, city street, sewer and water superintendents and the city engineer or their duly authorized deputies, or the mayor or city supervisor when performing the official duties of any of said officers.

Ord. 653, Sec. 1 - LMC 10.04.070 Interference with public officer. Every person who, after notice of the identity of a public officer, wilfully hinders, delays, or obstructs any public officer in the discharge of his official powers or duties, shall be guilty of a misdemeanor.

Ord. 635, Sec. 2 - LMC 10.04.080 Obstructing justice. Any person violating any of the following provisions shall be guilty of a misdemeanor:

A. OBSTRUCTING PUBLIC OFFICER. Every person who, by means of any threat, force, or violence, knowingly attempts to deter or prevent any public officer from performing any duty imposed upon him by law, or who knowingly resists by force or violence any executive or administrative officer in the performance of his duty; or

B. DESTROYING EVIDENCE. Every person who, with intent to conceal the commission of any crime, or to protect and conceal the identity of any person committing the same, or with intent to delay or hinder the administration of the law or to prevent the production thereof at any time, in any court or before any officer, tribunal, judge or magistrate, wilfully destroys, alters, erases, obliterates or conceals any book, paper, record, writing, instrument or thing; or

C. TAMPERING WITH WITNESSES. Every person who wilfully prevents or attempts to prevent, by persuasion, threats or otherwise, any person from appearing before any court, or officer authorized to subpoena witnesses, as a witness in any action, proceeding or investigation, with intent thereby to obstruct the course of justice.

Ord. 50, Sec. 2.3 LMC 10.04.090 Resisting public officers. Every person who, in any case or under any circumstances not otherwise specially provided for, shall wilfully 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.

Ord. 50, Sec. 2.4 LMC 10.04.110 Refusal to make arrest or to aid officer. Every person who, after having been lawfully commanded by any magistrate to arrest another person, shall wilfully 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 wilfully neglect or refuse to aid such officer, shall be guilty of a misdemeanor.

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Ord. 178, Sec. 5 - LMC 10.04.120 Escape from custody. Any person confined in a prison or city jail, or being in the lawful custody of an officer or other person, who escapes or attempts to escape from such prison or custody while being held on a charge, conviction or sentence of a misdemeanor, shall be guilty of a misdemeanor.

Ord. 178, Sec. 6 - LMC 10.04.130 Aiding prisoner to escape. Any 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 to a prisoner any information or aid, or convey or send into prison or jail any disguises, instrument, weapon or other thing, or aid or assist a prisoner in escaping or attempting to escape from the lawful custody of an officer or other person, shall be guilty of a misdemeanor.

Ord. 50, Sec. 2.6 - LMC 10.04.140 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.

Ord. 50, Sec. 4.1 - LMC 10.04.190 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.

Ord. 50, Sec. 4.2 - LMC 10.04.200 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.

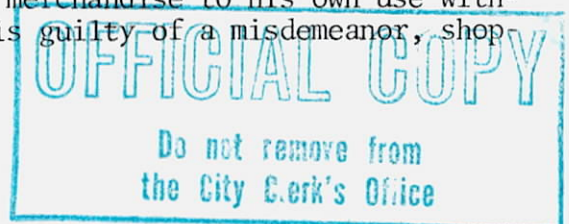
Ord. 178, Sec. 21 - LMC 10.04.220 Coercion. Any person who, with intent to compel another to do or abstain from doing an act which such other person has a right to do, or abstain from doing, shall wrongfully and unlawfully:

- (a) Use violence or inflict injury upon such other person or any of his family, or upon his property, or threaten such violence or injury; or
- (b) Deprive such person of any tool, implement or clothing, or to hinder him in the use of same; or
- (c) Attempt to intimidate such person by threat or force;

shall be guilty of a misdemeanor.

Ord. 178, Sec. 2 - LMC 10.04.240 Shoplifting. A person who wilfully takes possession of any goods, wares, or merchandise with a value of less than seventy-five dollars offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the seller, with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price therefor is guilty of a misdemeanor, shoplifting.

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Ord. 50, Sec. 8.1 - LMC 10.04.250 Larceny. Every person who, with intent to deprive or defraud the owner thereof:

- (a) Shall take, lead or drive away the property of another; or
- (b) 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 drawee 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 fortunetelling; or
- (c) 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
- (d) 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
- (e) 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 chapter, steals such property and shall be guilty of larceny.

Whoever commits larceny is guilty of a misdemeanor.

Ord. 178, Sec. 3 - LMC 10.04.260 Breaking and Entering. It shall be unlawful for any person not the owner thereof, and without the express or implied permission of the owner or owners thereof, to enter or attempt to enter into any building, dwelling or outbuilding within the city limits of the City of Lynnwood.

It shall further be unlawful for any person to tamper with, force, or in any way remove coins or other objects from any coin-operated machine or its attachments, without the express permission of the owner of said machine.

Violations of any provision of this section of this chapter shall constitute a misdemeanor.

Ord. 50, Sec. 8.2 - LMC 10.04.270 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 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.

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Ord. 50, Sec. 8.3 - LMC 10.04.280 Issuance of fraudulent 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.

Ord. 50, Sec. 8.4 - LMC 10.04.290 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.

Ord. 178, Sec. 27(1) - LMC 10.04.320 Bribery of public officer. Any person who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to any executive or administrative officer of the City of Lynnwood, with intent to influence him with respect to any act, decision, vote, opinion or other proceedings, as such officer, or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a member of the city council, or attempt, directly or indirectly, by means of menace, deceit, suppression of truth or other corrupt means, to influence such member to give or withhold his vote or to absent himself from the house in which he is a member or from any committee thereof; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity, or reward to any judicial officer or other person authorized by law to hear or determine any question, matter, cause or proceedings, or controversy, with intent to influence his action, vote, opinion or decision thereon; or who shall give, offer or promise, directly or indirectly, any compensation, gratuity or reward to a person executing any of the functions of a public officer other than as hereinbefore specified, with the intent to influence him with respect to his powers or functions shall be guilty of a misdemeanor.

Ord. 178, Sec. 27(2) - LMC 10.04.330 Asking or receiving bribe. Any member of the city council who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon the agreement or understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question or matter upon which he may be required to act in his official capacity; and every judicial officer, and every person who executed any of the functions of a public office not hereinbefore specified, and every person employed by or acting for the City of Lynnwood or for any public officer in the business of the City of Lynnwood, who shall ask or receive, directly or indirectly, any compensation, gratuity or reward, or any promise thereof, upon an agreement or understanding that his vote, opinion, judgment, action, decision or other official proceedings shall be influenced thereby, or that he will do or admit any act or proceedings or in any way neglect or violate any official duty shall be guilty of a misdemeanor.

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Ord. 178, Sec. 27(3) - LMC 10.04.340 - Bribing witness. Every person who shall give, offer, or promise, directly or indirectly, any compensation, gratuity or reward to any witness, or person who may be called as a witness, upon an agreement or understanding that the testimony of said witness shall be thereby influenced, or who shall wilfully attempt by any other means to induce any witness or person who may be called as a witness to give false testimony, or to withhold true testimony shall be guilty of a misdemeanor.

Ord. 178, Sec. 27(4) - LMC 10.04.350 - Witness asking or receiving bribe. Any person who is or may be a witness upon a trial, hearing, investigation or other proceeding for any court, tribunal or officer authorized to hear evidence or take testimony, who shall ask or receive, directly or indirectly, any compensation, gratuity, or reward, or any promise thereof, upon an agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing or other proceedings shall be guilty of a misdemeanor.

Ord. 50, Sec. 6.4 - LMC 10.04.420 Exception to carrying pistol. 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.

Ord. 33, Sec. 2 - LMC 10.04.440 Discharge prohibited. It is unlawful for any person to fire, shoot or discharge any firearm or other dangerous weapon within the city.

Ord. 178, Sec. 9 - LMC 10.04.600 Contributing to the delinquency of a minor. In all cases where any child is dependent or delinquent as defined in RCW 13.04.010 the parent or parents, legal guardian or persons having custody of such child, or any other person who, by any act or omission, encourages, causes or contributes to the dependency or delinquency of such child, shall be guilty of a misdemeanor.

Ord. 50, Sec. 8.5 - LMC 10.04.620 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.

Ord. 50, Sec. 8.6 & Ord. 178, Sec. 4 - LMC 10.04.630 Injury to property. Every person shall be deemed guilty of a misdemeanor who shall wilfully:

- (a) Cut down, destroy or injure any wood, timber, grain, grass or crop, standing or growing, or which has been cut down and is lying upon the lands of another or the City of Lynnwood; or
- (b) Cut down, girdle or otherwise injure a fruit, shade or ornamental tree standing on the land of another in the city, or along any road or city street; or

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- (c) Dig, take or carry away, without lawful authority or consent, from any lot or land within the city, or from any lands included in the City of Lynnwood, any earth, soil or stone; or
- (d) Enter, without the consent of the owner or occupant, any orchard, or damage or deface any building or part thereof, or throw any stone or other missile at any building or part thereof; or
- (e) Throw, place or deposit, in any road, street, alley or highway in the city any bottle, bottles, glass, glassware, tacks, nails, garbage, rubbish, or discarded matter; or
- (f) 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 authority of the city, County of Snohomish or State of Washington, within the corporate limits of the city.

Ord. 50, Sec. 5.7 - LMC 10.04.710 Intoxication in public place. 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 meeting, or commit any assault or breach of the peace, shall be guilty of a misdemeanor.

Ord. 481, Sec. 1(part) - LMC 10.04.714 - Severability. If any section, subsections, sentence, clause or phrase of Sections 10.04.711, 10.04.712, 10.04.713, and 10.04.714 is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining portions of Sections 10.04.711, 10.04.712, 10.04.713 and 10.04.714.

Ord. 50, Sec. 5.10 - LMC 10.04.740 Indecent exposure. Every person who knowingly makes an indecent and public exposure of his or her person shall be guilty of a misdemeanor.

Ord. 178, Sec. 25 - LMC 10.04.760 Unlawful assembly. An assembly is unlawful, and every person participating therein by his presence, aid or instigation shall be guilty of a misdemeanor, whenever three or more persons shall assemble with intent to:

- (a) Carry out any purpose in such a manner as to disturb the public peace; or
- (b) To commit any unlawful act by force; or
- (c) Being assembled, shall attempt or threaten any act tending towards a breach of the peace, or an injury to persons or property, or do any unlawful act.

Ord. 50, Sec. 7.1 - LMC 10.04.770 Disturbing meeting. Every person who, without authority of law, wilfully disturbs any assembly or meeting not unlawful in its character, shall be guilty of a misdemeanor.

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Ord. 50, Sec. 7.2 - LMC 10.04.780 Disorderly conduct. Any conduct not herein specifically described which tends to or does disturb the public peace, provoke disorder, or endangers the safety of others, is unlawful, and any person convicted of a violation of this section shall be fined not more than one hundred dollars or confined not more than thirty days in jail.

Ord. 50, Sec. 9.1 - LMC 10.04.790 Vagrancy. Every:

- (a) Person who asks or receives any compensation, gratuity or reward for practicing fortunetelling, palmistry, or clairvoyance; or
- (b) Person who keeps a place where lost or stolen property is concealed; or
- (c) Person practicing or soliciting prostitution or keeping or working in a house of prostitution; or
- (d) Common drunkard found in any place where intoxicating liquors are sold or kept for sale, or in an intoxicated condition; or
- (e) Common gambler found in any place where gambling is conducted or where gambling paraphernalia or devices are kept; or
- (f) Healthy persons who solicits alms; or
- (g) Lewd, disorderly or dissolute person; or
- (i) 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
- (j) 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
- (k) Person 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.

Ord. 798, Sec. 2 - LMC 10.04.791 Prostitution. A person is guilty of the crime of prostitution if he engages or agrees or offers to engage in sexual conduct with another person in return for a fee.

Ord. 798, Sec. 2 - LMC 10.04.792 Promoting prostitution. A person is guilty of the crime of promoting prostitution if:

- (1) Acting other than as a prostitute or as a customer thereof, he knowingly:
 - (a) Causes or aids a person to commit or engage in prostitution; or
 - (b) Procures or solicits customers for prostitution; or
 - (c) Provides persons or premises for prostitution purposes, or
 - (d) Operates or assists in the operation of a house of prostitution or a prostitution enterprise, or

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- (e) Engages in any other conduct designed to institute, aid or facilitate an act or enterprise of prostitution; or
- (2) Acting other than as a prostitute receiving compensation for personally rendered prostitution services, he accepts or receives money or other property, pursuant to an agreement or understanding with a person whereby he participates or is to participate in the proceeds or prostitution activity.

Ord. 798, Sec. 2 - LMC 10.04.793 Patronizing a prostitute.

- (1) A person is guilty of the crime of patronizing a prostitute if:
 - (a) Pursuant to a prior understanding, he pays a fee to another person as compensation for such person or a third person having engaged in sexual conduct with him; or
 - (b) He pays or agrees to pay a fee to another person pursuant to an understanding that in return therefor such person will engage in sexual conduct with him; or
 - (c) He solicits or requests another person to engage in sexual conduct with him in return for a fee.
- (2) In any prosecution for prostitution or patronizing a prostitute, the sex of the two parties or prospective parties to the sexual conduct engaged in, contemplated or solicited is immaterial, and it is no defense that:
 - (a) Such persons were of the same sex; or
 - (b) The person who received, agreed to receive or solicited a fee was a male and the person who paid or agreed or offered to pay such fee was female.
- (3) Wherever used in Section 10.04.791, 10.04.792, 10.04.793 and 10.04.794, the singular number shall be held and construed to include the plural, and the masculine pronoun to include the feminine.

Ord. 798, Sec. 2 - LMC 10.04.794 Permitting prostitution. A person is guilty of the crime of permitting prostitution if, having possession or control of premises which he knows are being used for prostitution purposes, he fails to make reasonable effort to halt or abate such use.

Ord 651, Sec. 2 - LMC 10.04.795 Loitering or prowling. A person commits a violation if he loiters or prowls in a place, at a time, or in a manner not usual for lawabiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an offense under this section afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under

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this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

Whoever violated this section is guilty of a misdemeanor.

Ord 707, Sec. 1 - LMC 10.04.796 Criminal trespass.

- (1) Every person, knowing that he is not licensed or privileged to do so, who enters or remains in any building or occupied structure or separately secured or occupied portion thereof including but not limited to publicly-owned or occupied buildings, structures or portions thereof, is guilty of criminal trespass, a misdemeanor.
- (2) Every person, knowing that he is not licensed or privileged to do so, who enters or remains in any public or private place or on any public or private premises as to which notice against trespass thereon is given by the owner or some other authorized person, through (a) actual communication to the actor, or (b) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders or (c) fencing or other enclosure manifestly designed to exclude intruders, is guilty of criminal trespass, a misdemeanor.
- (3) Every person, knowing that he is not licensed or privileged to remain, who defies an order to leave public or private places or public or private premises communicated to him by the owner of the place of premises or by some other authorized person is guilty of criminal trespass, a misdemeanor.

It is a defense to prosecution for criminal trespass under this section that:

- (a) The building or occupied structure referred to in subsection (1) above was abandoned; or
- (b) Any place or premises referred to in this section was at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or
- (c) The actor reasonably believed that the owner of any of the places or premises referred to in this section or other person empowered to license access thereto would have licensed him to enter or remain; or
- (d) The actor had possession of the premises originally under a landlord tenant relationship or as mortgagor or vendee on a real estate contract.

- (4) Every person, knowing that he is not licensed or privileged to do so, who drives, parks or leaves any motor vehicle upon the property of another without his written consent is guilty of a misdemeanor.



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Ord. 178, Sec. 26, LMC 10.04.800 Conspiracy. Every person is guilty of a misdemeanor whenever two or more persons conspire to:

- (a) Commit a crime, or
- (b) Falsely and maliciously procure another to be arrested or proceeded against for a crime; or
- (c) Falsely institute or maintain any action or proceeding; or
- (d) Cheat or defraud another out of any property by unlawful or fraudulent means; or
- (e) Prevent another from exercising any lawful trade or calling, or from doing any other lawful act, by force, threats or intimidation, or by interfering or threatening to interfere with tools, implements or property belonging to or used by another, or with the use or employment thereof; or
- (f) Commit any act injurious to the public health, public morals, or for the perversion or corruption of public justice or the due administration of law; or
- (g) Accomplish any criminal or unlawful purpose, or to accomplish a purpose, not in itself criminal or unlawful, by criminal or unlawful means.

In any proceedings against any persons for violation of this section, it shall not be necessary to prove that any overt act was done pursuant to such unlawful conspiracy or combination.

Ord. 178, Sec. 31 - LMC 10.04.840 Maliciously setting fire or permitting the spread thereof. If any person shall maliciously or wantonly set on fire any ground other than his own or those in which he is in lawful possession, or shall wilfully or negligently permit or suffer a fire to pass from his own grounds or premises to the injury of another, such person shall be guilty of a misdemeanor.

SECTION 11. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held, ruled or determined invalid or unconditional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance, and the application of the provision to other persons or circumstances is not affected.

SECTION 12. EFFECTIVE DATE

This ordinance shall take effect 5 days after its passage, approval, and publication.

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PASSED this 12th day of July, 1976 and signed in authentication
of its passage this 12th day of July, 1976.



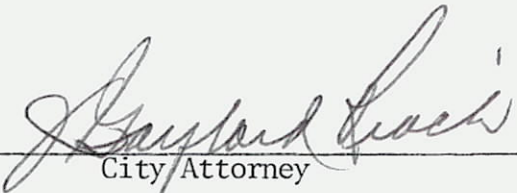
Mayor

ATTEST:



City Clerk

FORM APPROVED:



City Attorney

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