

ORDINANCE 2878

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO DESIGNATION OF SERIOUS CRIMES, ENFORCEMENT OF CITY ORDINANCES, AND PENALTIES.

Be it ordained by the City Council of the City of Kirkland as follows:

Section 1. KMC 1.04.010 is hereby amended as follows:

1.04.010 Classes of Crime--Penalties. Any offense defined by this code and any violation of a mandatory provision of this code or ordinance of the city constitutes a crime, unless it is a traffic infraction. Traffic infraction means an offense under the provisions of Title 12 of this code, for which monetary penalty may be imposed pursuant to RCW Chapter 46.63. et seq. These Crimes are either simple crimes or serious crimes.

A crime is a serious crime if it is so designated in this code or other ordinance of the city. Designation may be by listings of sections which are serious crimes, or by notation with (s) immediately preceding the code section, by descriptive language in the text of the provision, or by specification that the penalty for violation of the provision may include imprisonment. Any person convicted of a serious crime for which no punishment is specially prescribed shall be punished by imprisonment for not more than one year, or by a fine of not more than five thousand dollars, or by both such imprisonment and fine.

Every crime not designated as a serious crime is a simple crime. Any person convicted of a simple crime for which no punishment is specially prescribed shall be punished by a fine of not more than five hundred dollars.

Section 2. Chapter 1.04 of the Kirkland Municipal Code is hereby amended by adding a new section to known as Section 1.04.011, entitled Serious Crimes Designated, and to read as follows:

1.04.011 Serious Crimes Designated. Pursuant to Section 1.04.010 the following sections are designated as serious crimes:

5.06.060; 5.08.210; 5.12.070; 7.12.025; 7.22.020;
 7.24.050; 7.32.080; 7.36.120; 7.48.010; 7.48.040;
 14.24.020; 14.24.050; 14.24.130; 14.40.030;
 14.40.040; 14.44.040; 14.48.010; 14.48.020;
 14.48.060; 15.36.030; 15.40.010; 19.04.050;
 19.24.150.

For further designation of serious crimes, see Sections

8.04.025; 11.04A.130; 12.04.030; 21.04.030;
 22.36.030.

Section 3. Section 5.06.060 of the Kirkland Municipal Code, entitled Penalties, is hereby repealed.

Section 4. There is hereby created a new section to be known as Section 5.06.060, entitled Penalties, and to read as follows:

(s) 5.06.060 Penalties. It is unlawful for any seller to fail or refuse to collect taxes with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, or for any buyer to refuse to pay any tax due under this chapter.

Section 5. KMC 7.22.020 is hereby amended as follows:

(s) 7.22.020 Unlawful acts. It is unlawful and a "serious offense" for any business activity subject to the provisions of Section 7.22.010 including any owners, officers or employees thereof, during the course of doing business within the city to conduct the business in violation of any applicable state or local law, statute or ordinance.

Section 6. KMC 7.60.290 is hereby amended as follows:

7.60.290 Stealing Service Prohibited--Penalty for violation. Every person who It is unlawful to knowingly and wilfully makes unauthorized connection whether physically, electrically, inductively, or attaches any unauthorized device or devices to any cable wire, or other components of a franchised cable communications system or to a television set, for the purpose of unauthorized intercepting of any program carried by franchised cable communications service system which such person is not authorized to receive, shall upon conviction thereof be guilty of a misdemeanor, and may be punished by a fine not exceeding two hundred fifty dollars.

Section 7. Section 14.48.050 of the Kirkland Municipal Code, entitled Aiding and abetting violations, is hereby repealed.

Section 8. Section 21.04.030 of the Kirkland Municipal Code, entitled Penalty for violation, is hereby repealed.

Section 9. There is hereby created a new section to be known as Section 21.04.030, entitled Serious Crimes Designated, and to read as follows:

21.04.030 Serious Crimes Designated. In addition to the administrative remedies provided for in this title, violation of any mandatory provision of this title is a crime. Each day that a violation is found to exist shall be deemed a separate offense. All crimes which are violations of Chapter 21.35 are serious crimes as provided in Section 1.04.010. Crimes which are violations of other chapters in this title are simple crimes as provided in Section 1.04.010, provided, however, that a violation by a person previously convicted of a crime under this title is a serious crime as provided in Section 1.04.010.

Section 10. Section 22.36.030 of the Kirkland Municipal Code, entitled Violations--Penalty, is hereby repealed.

Section 11. There is hereby created a new section to be known as Section 22.36.030, entitled Violations--Serious Crimes, and to read as follows:

22.36.030 Violations--Serious Crimes. Violation of any mandatory provision of this title is a serious crime as provided in Section 1.04.010. The violator may also be ordered to discontinue the unlawful act or correct the violation.

Section 12. KMC 22.36.040 is hereby amended as follows:

22.36.040 Violations--Other lawful remedies. Nothing in this Code section limits the right of the city to pursue other lawful criminal, civil or equitable remedies to abate, discontinue or correct violations of this title.

Section 13. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 14. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 17th day of June, 1985.

Signed in authentication thereof this 17th day of June, 1985.

Loris Cooper
MAYOR

ATTEST:

Tom Anderson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Ray E. [Signature]
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 18th day of June, 1985 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

Janice [Signature]
Clerk