

ORDINANCE 2976

AN ORDINANCE OF THE CITY OF KIRKLAND RELATING TO RENTAL PROPERTY.

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

Section 1. Chapter 11.36 of the Kirkland Municipal Code is hereby amended by adding new sections to read as follows:

(s) 11.36.140 Conversion of Rental Property
RCW 9.45.060 is adopted by reference.

(s) 11.36.150 Failure to Return Rental Property
RCW 9.45.062 is adopted by reference.

Section 2. This Ordinance shall be in full force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 15th day of September, 1986.

Signed in authentication thereof this 15th day of September, 1986.

Loris Cooper
MAYOR

ATTEST:

T. J. Adams
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

Raybert
City Attorney

*Mutual savings banks**falsification of books, etc.: RCW 32.04.100.**transfers due to insolvency: RCW 32.24.080.**Obtaining employment by false recommendation: RCW 49.44.040.**Ownership of property, proof of: RCW 10.58.060.**Public assistance fraud: RCW 74.08.055, 74.08.331.**Savings and loan associations**falsification of books, etc.: RCW 33.36.040.**illegal loans and purchasing at discount by employees: RCW 33.36.010, 33.36.020.**preferential transfers of property: RCW 33.36.030.**Sporting contest fraud: RCW 67.24.010.**State employees' retirement, falsification of statements, etc.: RCW 41.40.400.**State patrol retirement fund, falsifications: RCW 43.43.320.**Tax assessed property, removal to avoid payment: RCW 84.56.120, 84.56.200.**Teachers' retirement, falsification of statements, etc.: RCW 41.32.670.**Wages, rebating, etc., by employers: RCW 49.52.050, 49.52.090.**Warehouseman or common carrier issuing false documents: Chapter 22.32 RCW.*

9.45.020 Substitution of child. Every person to whom a child has been confided for nursing, education or any other purpose, who, with intent to deceive a person, guardian or relative of such child, shall substitute or produce to such parent, guardian or relative, another child or person in the place of the child so confided, shall be punished by imprisonment in the state penitentiary for not more than ten years. [1909 c 249 § 123; RRS § 2375.]

9.45.040 Frauds on innkeeper. Every person who shall obtain any food, lodging or accommodation at any hotel, restaurant, boarding house or lodging house without paying therefor, with intent to defraud the proprietor or manager thereof, or who shall obtain credit at a hotel, restaurant, boarding house or lodging house by color or aid of any false pretense, representation, token or writing, or who after obtaining board, lodging or accommodation at a hotel, restaurant, boarding house or lodging house, shall abscond or surreptitiously remove his baggage therefrom without paying for such food, lodging or accommodation, shall be guilty of a misdemeanor. [1909 c 249 § 373; 1899 c 27 § 1; RRS § 2625.]

*Hotels, restaurants, lodging houses, ski areas, etc., fraud in obtaining accommodations, etc.: RCW 19.48.110.**Leaving restaurant without paying: RCW 4.24.230.**Lien of hotels, lodging and boarding houses: Chapter 60.64 RCW.*

9.45.060 Encumbered, leased, or rented personal property—Construction. Every person being in possession thereof, who shall sell, remove, conceal, convert to his own use, or destroy or connive at or consent to the sale, removal, conversion, concealment or destruction of any personal property or any part thereof, upon which a security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease exists, with intent to hinder, delay, or defraud the secured party of such security agreement, or the holder of such mortgage, lien, or conditional sales contract or the lessor under such lease

or rentor of [under] such rental agreement, or any assignee of such security agreement, mortgage, lien, conditional sales contract, rental agreement or lease shall be guilty of a gross misdemeanor.

In any prosecution under this section any allegation containing a description of the security agreement, mortgage, lien, conditional sales contract, rental agreement, or lease by reference to the date thereof and names of the parties thereto, shall be sufficiently definite and certain.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision. [1971 c 61 § 1; 1965 ex.s. c 109 § 1; 1909 c 249 § 377; RRS § 2629.]

*Destruction or removal of fixtures, etc., from mortgaged real property: RCW 61.12.030.**Larceny, sale of mortgaged property: Chapter 9A.56 RCW.*

9.45.062 Failure to deliver leased personal property—Requisites for prosecution—Construction. Every person being in possession thereof who shall wilfully and without reasonable cause fail to deliver leased personal property to the lessor within ten days after written notice of the expiration of the lease has been mailed to the lessee by registered or certified mail with return receipt requested, mailed to the last known address of the lessee, shall be guilty of a gross misdemeanor: *Provided*, That there shall be no prosecution under this section unless such lease is in writing, and contains a warning that failure to promptly return the leased property may result in a criminal prosecution, and the notice mailed pursuant to the provisions of this section shall clearly state that the lessee may be guilty of a crime upon his failure to return the property to the lessor within ten days.

In any prosecution under this section, any allegation containing a description of the lease by reference to the date thereof and names of the parties shall be sufficiently definite and certain.

As used in this section, the term "lease" shall also include rental agreements.

The provisions of this section shall be cumulative and nonexclusive and shall not affect any other criminal provision. [1971 c 61 § 2.]

9.45.070 Mock auctions. Every person who shall obtain any money or property from another or shall obtain the signature of another to any writing the false making of which would be forgery, by color or aid of any false or fraudulent sale of property or pretended sale of property by auction, or by any of the practices known as mock auction, shall be punished by imprisonment in the state penitentiary for not more than five years or in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment.

Every person who shall buy or sell or pretend to buy or sell any goods, wares or merchandise, exposed to sale by auction, if an actual sale, purchase and change of ownership therein does not thereupon take place, shall