

ORDINANCE O-3253

AN ORDINANCE OF THE CITY OF KIRKLAND  
RELATING TO CRIMES, THEIR CLASSIFICATION  
AND PENALTIES, AND AMENDING SECTION  
1.04.010 OF THE KIRKLAND MUNICIPAL CODE.

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

Section 1. Section 1.04.010 Classes  
of crimes - penalties of the Kirkland  
Municipal Code is hereby amended to read as  
follows:

Section 1.04.010 Classes of  
crimes - penalties.

(a) Any offense defined  
by this code and any violation  
of a mandatory provision of  
this code or any other  
ordinance of the city  
constitutes a crime, unless it  
is a civil violation or  
traffic infraction. Civil  
violations include only those  
violations specifically  
designated as such in this  
code or in any ordinance of  
the City. 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. Crimes are either  
misdemeanors or gross  
misdemeanors. [~~Crimes are~~  
~~either-simple-crimes-or~~  
~~serious-crimes.~~]

(b) Gross misdemeanor.  
Every crime designated in any  
section of this code or any  
other ordinance of the City as  
a serious crime is a gross  
misdemeanor. Designation as a  
serious crime may be by  
notation with (S) immediately  
preceding the code section, or

by use of the words "serious crime" within the section which establishes the elements of the crime, or by listing in Section 1.04.011. Any person convicted of a gross misdemeanor for which no penalty is specifically 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. [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,-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.]

(c) Misdemeanor. Every crime which is not a gross misdemeanor is a misdemeanor [not-designated-as-a-serious crime-is-a-simple-crime]. Any crime designated as a simple crime in this code or any other ordinance is a misdemeanor. Any person convicted of a misdemeanor [a simple-crime] for which no punishment is specially prescribed shall be punished by imprisonment for not more than 90 days or by a fine of not more than one thousand

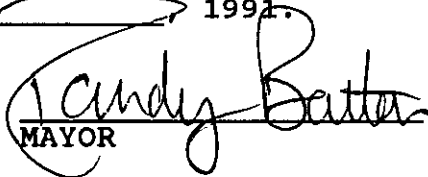
[five-hundred] dollars or both such imprisonment and fine.

(d) Notwithstanding the maximum penalties established in this section for gross misdemeanors and misdemeanors, the maximum penalty which may be imposed upon any person convicted of a criminal violation of a Kirkland ordinance, including any section of this code shall not exceed the maximum penalty which could be imposed for violation of a state criminal statute having the same elements.

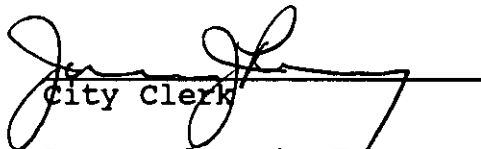
Section 2. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 16th day of April, 1991.

Signed in authentication thereof this 16th day of April, 1991.

  
MAYOR

Attest:

  
City Clerk

Approved as to Form:

  
City Attorney

O-R\O-Crime\RIT:kk