

CITY OF SAMMAMISH

WASHINGTON

ORDINANCE NO. 02000-52

AMENDED BY:

02002-103
02002-107
02003-123

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, ESTABLISHING A CRIMINAL CODE, ADOPTING BY REFERENCE NUMEROUS CRIMINAL CODE PROVISIONS FROM THE REVISED CODE OF WASHINGTON AND THE KING COUNTY CODE, DEFINING OTHER CRIMINAL OFFENSES, AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THIS ORDINANCE; PROVIDING FOR VEHICLE IMPOUNDMENT; REPEALING ORDINANCE NO. 99-23 RELATING TO THE MODEL TRAFFIC ORDINANCE; AND INCORPORATING ORDINANCE NO. 99-34 RELATING TO ELECTRONIC SECURITY DEVICES INTO THIS ORDINANCE

WHEREAS, the City of Sammamish incorporated on August 31, 1999; and

WHEREAS, by interlocal agreement with King County, the City of Sammamish is required to adopt a criminal code which incorporates criminal offenses defined in the Revised Code of Washington; and

WHEREAS, the City Council finds it essential to the public health, welfare and safety of the City of Sammamish's citizens to forbid and prevent conduct that inflicts or threatens to inflict harm to individual or public interests, and to give fair warning of the nature of conduct declared to constitute an offense;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Preliminary Statement.

1. This Ordinance shall be known as, and may be cited as, the Sammamish Criminal Code.

2. The provisions of this Code shall apply to any offense committed on or after 12:01 a.m. on March 1, 2000.

3. The provisions of this Code do not apply to, nor govern the construction of and punishment for any offense committed prior to 12:01 a.m. on March 1, 2000, nor to the construction and application of any defense to a prosecution for such an offense. Such an offense

must be construed and punished according to the provisions of the law existing in the City at the time of the commission thereof in the same manner as if this Code had not been enacted.

4. The sections of the Revised Code of Washington (RCW) and the King County Code (KCC), now in effect and as subsequently amended, specifically enumerated in this Ordinance are adopted by reference into this Code.

5. Section captions are for organizational purposes only and shall not be construed as part of this Code.

Section 2. Purposes - Principles of Construction.

1. The general purposes of the provisions governing the definition of offenses are:

- A. To forbid and prevent conduct that inflicts or threatens substantial harm to individual or public interests;
- B. To safeguard conduct that is without culpability from condemnation as criminal;
- C. To give fair warning of the nature of the conduct declared to constitute an offense; and
- D. To differentiate on reasonable grounds between serious and minor offenses, and to prescribe proportionate penalties for each.

2. The provisions of this Code shall be construed according to the fair import of their terms, and when the language is susceptible to differing constructions, it shall be interpreted to further the general purposes stated in this Code.

3. In adopting State statutes by reference, only those crimes and offenses under the jurisdiction of a municipality are intended to be adopted and, in those sections adopted which define both misdemeanors and felonies, only the language applicable to misdemeanors and gross misdemeanors is to be applied.

Section 3. City Criminal Jurisdiction. Any person who commits any offense defined by this Code, in whole or in part, within the corporate limits of the City, is liable to arrest, prosecution and punishment.

Section 4. Classes of Crimes. Any offense defined by this Code for which a sentence of imprisonment is authorized constitutes a violation of City ordinance and is a crime. Crimes are classified as gross misdemeanors or misdemeanors.

Section 5. Punishment and Restitution.

1. Unless specifically provided otherwise, every person convicted of a gross

misdemeanor, or a crime not otherwise classified, shall be punished by imprisonment in jail for a maximum term of not more than one year, or by a fine in an amount of not more than Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine.

2. Unless specifically provided otherwise, every person convicted of a misdemeanor shall be punished by imprisonment in jail for a maximum term of not more than 90 days, or by a fine in an amount of not more than One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

3. A person who is convicted of a misdemeanor violation of any provision of Chapter 69.50 RCW adopted by reference shall be punished by imprisonment for not less than 24 consecutive hours, and by a fine of not less than Two Hundred Fifty Dollars (\$250.00). On a second or subsequent conviction, the fine shall not be less than Five Hundred Dollars (\$500.00). These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of 40 hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

4. Every person found to have committed a civil infraction shall pay a fine of \$71.00, unless otherwise provided for within this Code or under the Infraction Rules for Courts of Limited Jurisdiction (IRLJ) 6.2.

5. The court may impose restitution as provided in RCW 9A.20.030.

6. In the event there is a conflict in the penalties which can be imposed upon conviction for a specific offense between the provisions of the Sammamish Criminal Code and the Revised Code of Washington, the penalty provisions of the Revised Code of Washington shall apply.

Section 6. Limitation of Action.

1. A gross misdemeanor, or a crime not otherwise classified, may not be prosecuted more than two years after its commission. A misdemeanor may not be prosecuted more than one year after its commission.

2. Periods of limitation toll for any period of time the person charged is not usually and publicly resident within this State, or for any other reason authorized by law or court rule.

3. If a complaint or an information filed before the end of a period of limitation is thereafter set aside, then the period is extended by a period equal to the length of time from the filing to the setting aside.

Section 7. Proof Beyond a Reasonable Doubt.

1. Every person charged with an offense is presumed innocent unless proven guilty by competent evidence establishing each element of the offense beyond a reasonable doubt.
2. When an offense has been proven against a person but a reasonable doubt exists as to the degree of the crime, a conviction shall be entered only as to the lowest degree.

Section 8. General Provisions: Adoption by Reference. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|--|
| RCW 9A.04.050 | People capable of committing crimes - Culpability of children. |
| RCW 9A.04.060 | Common law to supplement statutes. |
| RCW 9A.04.070 | Who amenable to criminal statutes. |
| RCW 9A.04.090 | Application of general provisions of code. |
| RCW 9A.04.110 | Definitions. |
| RCW 9.01.055 | Citizen immunity if aiding officer, scope - When. |
| RCW 9.01.110 | Omission, when not punishable. |
| RCW 9.01.130 | Sending letter, when complete. |

Section 9. Principles of Liability. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| RCW 9A.08.010 | General requirements of culpability. |
| RCW 9A.08.020 | Liability for conduct of another - Complicity. |
| RCW 9A.08.030 | Criminal liability of corporations and persons acting or under a duty to act in their behalf. |

Section 10. Defenses. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| RCW 9A.12.010 | Insanity. |
| RCW 9A.16.010 | Definitions. |
| RCW 9A.16.020 | Use of force - When lawful. |
| RCW 9A.16.060 | Duress. |
| RCW 9A.16.070 | Entrapment. |
| RCW 9A.16.080 | Action for being detained on mercantile establishment premises for investigation - "Reasonable grounds" as defense. |
| RCW 9A.16.090 | Intoxication. |
| RCW 9A.16.100 | Use of force on children - Policy - Actions presumed unreasonable. |

Section 11. Anticipatory Offenses. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|-------------------|
| RCW 9A.28.020 | Criminal attempt. |
|---------------|-------------------|

RCW 9A.28.030 Criminal solicitation.
RCW 9A.28.040 Criminal conspiracy.

Section 12. Abandoned Refrigeration Equipment. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.03.010 Abandoning, discarding refrigeration equipment.
RCW 9.03.020 Permitting unused equipment to remain on premises.
RCW 9.03.040 Keeping or storing equipment for sale.

Section 13. Advertising - Crimes Relating To. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.04.010 False advertising.
RCW 9.04.040 Advertising cures of lost sexual potency - Evidence.
RCW 9.04.090 Advertising fuel prices by service station.

Section 14. Alcoholic Beverage Control. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 66.04.010 Definitions.
RCW 66.20.160 "Card of identification," "licensee," "store employee" defined for certain purposes.
RCW 66.20.170 Card of identification may be accepted as identification card and evidence of legal age.
RCW 66.20.180 Card of identification to be presented on request of licensee.
RCW 66.20.200 Unlawful acts relating to card of identification and certification card - Penalties.
RCW 66.28.090 Licensed premises or banquet permit premises open to inspection - Failure to allow, violation.
RCW 66.32 Search and Seizure; Entire Chapter.
RCW 66.44 Enforcement - Penalties; Entire Chapter.

Section 15. Animals - Crimes Relating To. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.08.030 False certificate of registration of animals - False representation as to breed.
RCW 9.08.070 Pet animals - Taking, concealing, injuring, killing, etc. - Penalty.

Section 16. Animals - Injury To. Any person who willfully and without authority in law kills, maims or disfigures an animal belonging to another, or exposes any poisons or noxious substance with intent that it should be taken by such animal, is guilty of a misdemeanor.

Section 17. Assault and Other Crimes Relating to Person. The following provisions of

the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.36.041 Assault in the fourth degree.
RCW 9A.36.050 Reckless endangerment.
RCW 9A.36.070 Coercion.

Section 18. Competitive Bidding. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.18.120 Suppression of competitive bidding.
RCW 9.18.130 Collusion to prevent competitive bidding.
RCW 9.18.140 Penalty.

Section 19. Controlled Substances. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 69.50.101 Definitions.
RCW 69.50.102 Drug Paraphernalia - Definitions.
RCW 69.50.204(c)(14) Schedule I - Marihuana or Marijuana.
RCW 69.50.309 Containers.
RCW 69.50.401(e) Prohibited acts: A-Penalties.
RCW 69.50.408 Second or subsequent offenses.
RCW 69.50.412 Prohibited Acts: E-Penalties.
RCW 69.50.420 Violations - Juvenile driving privileges.
RCW 69.50.425 Misdemeanor violations - Minimum imprisonment.
RCW 69.50.505 Seizure and forfeiture.
RCW 69.50.506 Burden of proof; liabilities.
RCW 69.50.509 Search and seizure of controlled substances.

Section 20. Controlled Substances - Nuisance. The distribution or possession for the purpose of sale, exhibition or display, in any place of business from which minors are not excluded as set forth in this Code, of devices, contrivances, instruments or paraphernalia which are primarily designed for or intended to be used for the smoking, ingestion or consumption of marijuana, hashish, PCP or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, is declared to be a public nuisance and may be abated by the City. This remedy shall be in addition to any other remedy provided by the law including the penalty provision applicable for the violation of the terms and provisions of this Code.

Section 21. Corporations - Crimes Relating To. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.24.010 Fraud in stock subscription.

Section 22. Custodial Interference. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.40.010 Definitions.
RCW 9A.40.070 Custodial interference in the second degree.
RCW 9A.40.080 Custodial interference - Assessment of costs - Defense - Consent defense, restricted.

Section 23. Disorderly Conduct. Any person who engages in disorderly conduct is guilty of a misdemeanor. A person engages in disorderly conduct when that person:

1. Uses abusive language and thereby intentionally creates a risk of assault;
2. Intentionally disrupts any lawful assembly or meeting of persons without lawful authority;
3. Intentionally obstructs vehicular or pedestrian traffic without lawful authority;
4. Intentionally and without lawful authority makes noise which unreasonably disturbs another;
5. Intentionally engages in any conduct which tends to or does disturb the public peace, provides disorder, or endangers the safety of others; or
6. Fights by agreement, except as part of an organized athletic event.

Section 24. Disruption of School Activities.

1. Any person who enters or remains in any school building, classroom or upon any school ground, street sidewalk or public way adjacent thereto, and intentionally causes disruption of the activities of the school is guilty of a gross misdemeanor.

2. As used in this Section, "school" has its ordinary meaning and also includes universities, colleges, community colleges and institutions of higher education.

Section 25. Domestic Violence Protection. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.36.150 Interfering with the reporting of domestic violence.
RCW 10.99.020 Definitions.
RCW 10.99.030 Law enforcement officers - Training, powers, duties - Domestic violence reports.
RCW 10.99.040 Restrictions upon and duties of court.
RCW 10.99.045 Appearances by defendant - No-contact order.
RCW 10.99.050 Victim contact - Restriction, prohibition - Violation, penalties - Written order - Procedures.
RCW 10.99.055 Enforcement of orders.
RCW 26.09.300 Restraining orders - Notice - Refusal to comply - Arrest - Penalty -

| | |
|---------------|---|
| | Defense - Peace officers, immunity. |
| RCW 26.50.010 | Definitions. |
| RCW 26.50.020 | Commencement of action - Jurisdiction - Venue. |
| RCW 26.50.025 | Orders under this chapter and chapter 26.09, 26.10, or 26.26 RCW - Enforcement - Consolidation. |
| RCW 26.50.030 | Petition for an order for protection - Availability of forms and informational brochures - Bond not required. |
| RCW 26.50.040 | Fees not permitted - Filing, service of process, certified copies. |
| RCW 26.50.050 | Hearing - Service - Time. |
| RCW 26.50.060 | Relief - Duration - Realignment of designation of parties - Award of costs, service fees, and attorneys' fees. |
| RCW 26.50.070 | Ex parte temporary order for protection. |
| RCW 26.50.080 | Issuance of order - Assistance of peace officer - Designation of appropriate law enforcement agency. |
| RCW 26.50.090 | Order - Service - Fees. |
| RCW 26.50.100 | Order - Transmittal to law enforcement agency - Record in law enforcement information system - Enforceability. |
| RCW 26.50.110 | Violation of order - Penalties. |
| RCW 26.50.115 | Enforcement of ex parte order - Knowledge of order prerequisite to penalties - Reasonable efforts to serve copy of order. |
| RCW 26.50.120 | Violation of order - Prosecuting attorney or attorney for municipality may be requested to assist - Cost and attorney's fees. |
| RCW 26.50.130 | Order - Modification - Transmittal. |
| RCW 26.50.140 | Peace officers - Immunity. |
| RCW 26.50.160 | Judicial information system - Data base. |
| RCW 26.50.200 | Title to real estate - Effect. |
| RCW 26.50.210 | Proceedings additional. |
| RCW 26.50.900 | Short title. |

Section 26. False Alarms - Crimes Relating to; Entire Chapter. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.32 Electronic Security Devices; Entire chapter.

The intent of this Section is to incorporate Ordinance No. 99-34 into the Sammamish Criminal Code for ease of reference.

Section 27. False Representations. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|--------------|---|
| RCW 9.38.010 | False representation concerning credit. |
| RCW 9.38.020 | False representation concerning title. |

Section 28. False Swearing and Tampering. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| RCW 9A.72.010 | Definitions. |
| RCW 9A.72.040 | False swearing. |
| RCW 9A.72.050 | Perjury and false swearing - Inconsistent statements - Degree of crime. |
| RCW 9A.72.060 | Perjury and false swearing - Retraction. |
| RCW 9A.72.070 | Perjury and false swearing - Irregularities no defense. |
| RCW 9A.72.080 | Statement of what one does not know to be true. |
| RCW 9A.72.140 | Jury tampering. |
| RCW 9A.72.150 | Tampering with physical evidence. |

Section 29. Fire Alarms - Crimes Relating To. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|--------------|---|
| RCW 9.40.040 | Operating engine or boiler without spark arrester. |
| RCW 9.40.100 | Tampering with fire alarm or fire fighting equipment - False alarm - Penalties. |

Section 30. Firearms and Dangerous Weapons.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| RCW 9.41.010 | Terms defined. |
| RCW 9.41.050 | Carrying firearms. |
| RCW 9.41.060 | Exceptions to restrictions on carrying firearms. |
| RCW 9.41.070 | Concealed pistol license - Application - Fee - Renewal. |
| RCW 9.41.075 | Concealed pistol license - Revocation. |
| RCW 9.41.080 | Delivery to ineligible persons. |
| RCW 9.41.090 | Dealer deliveries regulated - Hold on delivery. |
| RCW 9.41.0975 | Officials and agencies - Immunity, writ of mandamus. |
| RCW 9.41.098 | Forfeiture of firearms - Disposition - Confiscation. |
| RCW 9.41.100 | Dealer licensing and registration required. |
| RCW 9.41.110 | Dealer's licenses, by whom granted, conditions, fees - Employees, fingerprinting and background checks - Wholesale sales excepted - Permits prohibited. |
| RCW 9.41.120 | Firearms as loan security. |
| RCW 9.41.140 | Alteration of identifying marks - Exceptions. |
| RCW 9.41.170 | Alien's license to carry firearms - Exceptions. |
| RCW 9.41.230 | Aiming or discharging firearms, dangerous weapons. |
| RCW 9.41.240 | Possession of pistol by person from eighteen to twenty-one. |
| RCW 9.41.250 | Dangerous weapons - Penalty. |
| RCW 9.41.260 | Dangerous exhibitions. |
| RCW 9.41.270 | Weapons apparently capable of producing bodily harm - Unlawful carrying or handling - Penalty - Exceptions. |
| RCW 9.41.280 | Possessing dangerous weapons on school facilities - Penalty - Exceptions. |
| RCW 9.41.300 | Weapons prohibited in certain places - Local laws and ordinances - |

Exceptions - Penalty.

RCW 9.41.810

Penalty.

2. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.48.010 Definitions.
KCC 12.48.020 Sale and registration.
KCC 12.48.030 Delivery following sheriff's report.
KCC 12.48.040 Purchase unlawful for certain persons.
KCC 12.48.050 Violation.

Section 31. Shooting Within the City Limits. Any person who knowingly discharges a firearm within the City is guilty of a misdemeanor. PROVIDED, however, that the provisions of this section do not apply to a person acting in self defense; engaged in military activities sponsored by the federal or state governments, while engaged in official duties; law enforcement personnel; security personnel while engaged in official duties; or a person utilizing a properly licensed institutional, membership, and/or commercial shooting range.

Section 32. Fraud.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.26A.110 Fraud in obtaining telecommunications service - Penalty.
RCW 9.45.060 Encumbered, leased, or rented personal property - Construction.
RCW 9.45.070 Mock auctions.
RCW 9.45.080 Fraudulent removal of property.
RCW 9.45.090 Knowingly receiving fraudulent conveyance.
RCW 9.45.100 Fraud in assignment for benefit of creditors.
RCW 9A.56.096 Theft of rental, leased, or lease-purchased property.
RCW 9A.60.010 Definitions.
RCW 9A.60.040 Criminal impersonation.
RCW 9A.60.050 False certification.
RCW 9A.61.010 Definitions.
RCW 9A.61.020 Defrauding a public utility.
RCW 9A.61.050 Defrauding a public utility in the third degree.
RCW 9A.61.060 Restitution and costs.

2. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.08.010 Impersonating members of public safety department.
KCC 12.08.020 Selling or disposing of police badges prohibited.
KCC 12.08.030 Possessing badge with intent to impersonate officer.
KCC 12.08.040 Intent to impersonate presumed.

KCC 12.08.050 Penalty for violation.

Section 33. Gambling Offenses. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.46.190 Violations relating to fraud or deceit.
RCW 9.46.193 Cities and towns - Ordinance adopting certain sections of chapter - Jurisdiction of courts.
RCW 9.46.195 Obstruction of public servant - Penalty.
RCW 9.46.196 Cheating.
RCW 9.46.198 Working in gambling activity without license as violation - Penalty.
RCW 9.46.210 Enforcement - Commission as a law enforcement agency.
RCW 9.46.215 Ownership or interest in gambling device - Penalty - Exceptions.
RCW 9.46.217 Gambling records - Penalty - Exceptions.
RCW 9.46.222 Professional gambling in the third degree.
RCW 9.46.231 Gambling devices, real and personal property - Seizure and forfeiture.
RCW 9.46.235 Slot machines, antique - Defenses concerning - Presumption created.
RCW 9.46.240 Gambling information, transmitting or receiving.
RCW 9.46.250 Gambling property or premises - Common nuisances, abatement - Termination of interests, licenses - Enforcement.
RCW 9.46.260 Proof of possession as evidence of knowledge of its character.

Section 34. Harassment. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.46.010 Legislative finding.
RCW 9A.46.020 Definition - Penalties.
RCW 9A.46.030 Place where committed.
RCW 9A.46.040 Court-ordered requirements upon person charged with crime - Violation.
RCW 9A.46.050 Arraignment - No-contact order.
RCW 9A.46.060 Crimes included in harassment.
RCW 9A.46.070 Enforcement of orders restricting contact.
RCW 9A.46.080 Order restricting contact - Violation.
RCW 9A.46.090 Nonliability of peace officer.
RCW 9A.46.100 "Convicted," time when.
RCW 9A.46.110 Stalking.
RCW 9.61.230 Telephone harassment.
RCW 9.61.240 Telephone harassment - Permitting telephone to be used.
RCW 9.61.250 Telephone harassment - Offense, where deemed committed.

Section 35. Inhaling Toxic Fumes. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.47A.010 Definition.
RCW 9.47A.020 Unlawful inhalation - Exception.
RCW 9.47A.030 Possession of certain substances prohibited, when.

RCW 9.47A.040 Sale of certain substances prohibited, when.
RCW 9.47A.050 Penalty.

Section 36. Juries - Crimes Relating To. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.51.010 Misconduct of officer drawing jury.
RCW 9.51.020 Soliciting jury duty.
RCW 9.51.030 Misconduct of officer in charge of jury.

Section 37. Littering and Pollution.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 70.54.010 Polluting water supply - Penalty.
RCW 70.93.060 Littering prohibited - Penalties.
RCW 70.160.020 Definitions.
RCW 70.160.030 Smoking in public places except designated smoking areas prohibited.
RCW 70.160.040 Designation of smoking areas in public places - Exceptions - Restaurant smoking areas - Entire facility or area may be designated as nonsmoking.
RCW 70.160.050 Owners, lessees to post signs prohibiting or permitting smoking - Boundaries to be clearly designated.
RCW 70.160.060 Intent of chapter as applied to certain private workplaces.
RCW 70.160.070 Intentional violation of chapter - Removing, defacing, or destroying required sign - Fine - Notice of infraction - Exceptions - Violations of RCW 70.160.040 or 70.160.050 - Subsequent violations - Fine - Enforcement by fire officials.

2. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 12.36.010 Dumping trash in waterways prohibited.

Section 38. Model Traffic Ordinance.

1. The "Washington Model Traffic Ordinance," WAC Chapter 308-330, except as specifically excluded, is hereby adopted by reference as the traffic ordinance of the City of Sammamish as if set forth in full.

2. The following provisions of the Revised Code of Washington, and all future amendments thereto, are adopted by reference:

RCW 10.31.100 Arrest without warrant.
RCW 46.20.355 Alcohol violator - Probationary license.
RCW 46.90.005 Purpose.

3. The following sections of the Washington Model Traffic Ordinance are not adopted by reference and are expressly deleted:

| | |
|-----------------|---|
| WAC 308-330-250 | Police department to administer bicycle licenses. |
| WAC 308-330-275 | Traffic safety commission - Powers and duties. |
| WAC 308-330-500 | Bicycle license required. |
| WAC 308-330-505 | Bicycle license application. |
| WAC 308-330-510 | Issuance of bicycle license. |
| WAC 308-330-515 | Attachment of bicycle license plate or decal. |
| WAC 308-330-520 | Inspection of bicycles. |
| WAC 308-330-525 | Renewal of bicycle license. |
| WAC 308-330-530 | Bicycle transfer of ownership. |
| WAC 308-330-535 | Bicycle rental agencies. |
| WAC 308-330-540 | Bicycle dealers. |
| WAC 308-330-560 | Bicycle - Penalties. |

Section 39. Miscellaneous Crimes.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|--------------|--|
| RCW 9.91.010 | Denial of civil rights - Terms defined. |
| RCW 9.91.020 | Operating railroad, steamboat, vehicle, etc., while intoxicated. |
| RCW 9.91.025 | Unlawful bus conduct. |
| RCW 9.91.060 | Leaving children unattended in parked automobile. |
| RCW 9.91.110 | Metal buyers - Records of purchases - Penalty. |
| RCW 9.91.130 | Disposal of trash in charity donation receptacle. |

2. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| KCC 12.64.010 | Unlawful - Determination (Loitering). |
| KCC 28.96.010 | Civil infractions - Misdemeanors. |
| KCC 28.96.020 | General (Public Communications Activities). |
| KCC 28.96.030 | Transit vehicles and tunnel platform areas. |
| KCC 28.96.410 | General (Enforcement). |
| KCC 28.96.420 | Immediate expulsion. |
| KCC 28.96.430 | Suspension of use privileges. |
| KCC 28.96.440 | Infractions - Penalty. |
| KCC 28.96.450 | Misdemeanors - Penalty. |

Section 40. Misconduct in Signing a Petition. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9.44.080 Misconduct in signing a petition.

Section 41. Obstructing Governmental Operation. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.76.010 Definitions.
RCW 9A.76.020 Obstructing a law enforcement officer.
RCW 9A.76.030 Refusing to summon aid for a peace officer.
RCW 9A.76.040 Resisting arrest.
RCW 9A.76.050 Rendering criminal assistance - Definition of term.
RCW 9A.76.060 Relative defined.
RCW 9A.76.070 Rendering criminal assistance in the first degree.
RCW 9A.76.080 Rendering criminal assistance in the second degree.
RCW 9A.76.090 Rendering criminal assistance in the third degree.
RCW 9A.76.100 Compounding.
RCW 9A.76.130 Escape in the third degree.
RCW 9A.76.160 Introducing contraband in the third degree.
RCW 9A.76.170 Bail jumping.
RCW 9A.76.175 Making a false or misleading statement to a public servant.
RCW 9A.76.180 Intimidating a public servant.
RCW 9.31.090 Escaped prisoner recaptured.
RCW 9.62.010 Malicious prosecution.
RCW 9.62.020 Instituting suit in name of another.

Section 42. Parks. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

KCC 7.12.250 Motor vehicles - parking. (I)
KCC 7.12.260 Motor vehicles on roads and trails. (I)
KCC 7.12.270 Motor vehicles - speed limits. (I)
KCC 7.12.280 Washing of vehicles. (I)
KCC 7.12.290 Motor vehicles - trucks and commercial vehicles. (I)
KCC 7.12.295 Trail use. (I)
KCC 7.12.350 Camping - In designated areas only. (I)
KCC 7.12.360 Tents and shelters on beaches. (I)
KCC 7.12.370 Clothing. (I)
KCC 7.12.410 Pets in county park facilities. (I)
KCC 7.12.420 Disturbances by animals prohibited. (I)
KCC 7.12.430 Horseback riding. (I)
KCC 7.12.440 Littering. (I)
KCC 7.12.450 Swimming - In designated areas only. (I)
KCC 7.12.460 Swimming and boating rules. (I)
KCC 7.12.470 Swimming/scuba diving in boat launch areas prohibited. (I)
KCC 7.12.480 Presence in park during hours the park is closed. (I)
KCC 7.12.490 Loitering. (M)

| | |
|--------------|--|
| KCC 7.12.500 | Horseback riding - May not endanger others. (M) |
| KCC 7.12.510 | Mechanical trapping devices - Capturing or injuring animals. (M) |
| KCC 7.12.520 | False alarm of drowning prohibited. (M) |
| KCC 7.12.530 | Games on beaches. (M) |
| KCC 7.12.540 | Moorage in swimming area prohibited. (M) |
| KCC 7.12.550 | Damage to property/wildlife. (M) |
| KCC 7.12.560 | Removal of property. (M) |
| KCC 7.12.570 | Outside household or commercial waste. (M) |
| KCC 7.12.580 | Waste from vehicles. (M) |
| KCC 7.12.590 | Dumping in water prohibited. (M) |
| KCC 7.12.610 | Solicitation. (M) |
| KCC 7.12.620 | Fireworks. (M) |
| KCC 7.12.630 | Firearms, weapons. (M) |
| KCC 7.12.640 | Alcoholic beverages. (M) |
| KCC 7.12.642 | Intoxication. (M) |
| KCC 7.12.645 | Interference with trails. (M) |
| KCC 7.12.650 | Infractions. |
| KCC 7.12.660 | Misdemeanors. |
| KCC 7.12.670 | Administrative sanctions. |
| KCC 7.12.700 | Enforcement methods. |

Section 43. Public Disturbance. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| RCW 9A.84.010 | Riot. |
| RCW 9A.84.020 | Failure to disperse. |
| RCW 9A.84.040 | False reporting. |
| RCW 9.27.015 | Interference, obstruction of any court, building or residence - Violations. |

Section 44. Reckless Burning and Malicious Mischief. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| RCW 9A.48.010 | Definitions. |
| RCW 9A.48.050 | Reckless burning in the second degree. |
| RCW 9A.48.060 | Reckless burning - Defense. |
| RCW 9A.48.090 | Malicious mischief in the third degree. |
| RCW 9A.48.100 | Malicious mischief - "Physical damage" defined. |

Section 45. Roadside Stands. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| KCC 12.28.010 | Unlawful to erect certain structures along roads. |
| KCC 12.28.020 | Required distance from right-of-way. |
| KCC 12.28.030 | Nuisance declared - Authority of engineer. |
| KCC 12.28.040 | Violation - Misdemeanor. |

Section 46. Sexual Offenses - Unlawful Acts of Prostitution or Pandering.

1. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| KCC 12.63.010 | Unlawful acts. |
| KCC 12.63.020 | Known prostitute, panderer defined. |
| KCC 12.63.030 | Prostitution defined - Sexual activity defined. |
| KCC 12.63.070 | Public nuisance. |
| KCC 12.63.080 | Evidence. |
| KCC 12.63.090 | Additional evidence. |

2. Except as otherwise required by State law, any single conviction under Subsection 46(1) within any period of 12 months shall be a misdemeanor. Any second or subsequent conviction under Subsection 46(1) within any period of 12 months from a first or prior conviction of the same or similar offense shall be a gross misdemeanor.

3. The court may suspend all or a portion of the term of imprisonment or fine on condition that a person convicted of a crime under Subsection 46(1) never enter into, or be present in, any anti-prostitution emphasis area during the term of any such suspension or deferral. The court may further require AIDS testing and counseling, as a condition of suspension or deferral pursuant to RCW 70.24.350, at the defendant's expense; provided, that King County, as agent for the City pursuant to Interlocal Agreement, may require such testing and counseling as provided in RCW 70.24.360 upon imprisonment in jail of any such convicted person.

4. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|--------------------|
| RCW 9A.88.010 | Indecent exposure. |
|---------------|--------------------|

Section 47. Special Offenses Relative to Minors.

1. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|--|
| RCW 9.68A.011 | Definitions. |
| RCW 9.68A.080 | Processors of depictions of minors engaged in sexually explicit conduct - Report required. |
| RCW 9.68A.090 | Communication with minor for immoral purposes. |
| RCW 9.68A.120 | Seizure and forfeiture of property. |
| RCW 9.68A.140 | Definitions. |
| RCW 9.68A.150 | Allowing minor on premises of live erotic performance. |
| RCW 9.68A.160 | Penalty. |
| RCW 9.69.100 | Duty of witness of offense against child or any violent offense - Penalty. |
| RCW 9A.44.096 | Sexual misconduct with a minor in the second degree. |

2. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| KCC 12.78.030 | Written consent required to supply air gun and slingshot to minor. |
| KCC 12.78.040 | Written consent to be kept as evidence. |
| KCC 12.78.050 | Violation - Misdemeanor. |
| KCC 12.81.010 | Responsibility of persons in charge of sale or display rooms containing paraphernalia evincing intent to violate Chapter 69.50 RCW. |
| KCC 12.81.020 | Minors prohibited unless with guardian in places selling or displaying for sale certain paraphernalia. |
| KCC 12.81.030 | Sale and display room requirements. |
| KCC 12.81.040 | Violation - Penalty. |
| KCC 12.84.010 | Definitions. |
| KCC 12.84.020 | Dissemination of indecent materials to minors unlawful. |
| KCC 12.84.030 | Dissemination of indecent materials to minors defined. |
| KCC 12.84.040 | Presumptions. |
| KCC 12.84.050 | Defenses. |
| KCC 12.84.070 | Violation a misdemeanor. |

Section 48. Telephone Credit Cards. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|---|
| RCW 9.26A.090 | Telephone company credit cards - Prohibited acts. |
| RCW 9.26A.100 | Definitions. |
| RCW 9.26A.110 | Fraud in obtaining telecommunications service - Penalty. |
| RCW 9.26A.120 | Fraud in operating coin-box telephone or other receptacle. |
| RCW 9.26A.130 | Penalty for manufacture or sale of slugs to be used for coin. |

Section 49. Tobacco Use by Minors. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|----------------|--|
| RCW 26.28.080 | Selling or giving tobacco to minor - Belief of representative capacity, no defense - Penalty. |
| RCW 70.155.080 | Purchasing, possessing, or obtaining tobacco by persons under the age of eighteen - Civil infraction - Courts of jurisdiction. |

Section 50. Theft and Possession of Stolen Property. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|--|
| RCW 9A.56.010 | Definitions. |
| RCW 9A.56.020 | Theft - Definition, defense. |
| RCW 9A.56.050 | Theft in the third degree. |
| RCW 9A.56.060 | Unlawful issuance of checks or drafts. |
| RCW 9A.56.100 | Theft and larceny equated. |

| | |
|---------------|---|
| RCW 9A.56.140 | Possessing stolen property - Definition - Presumption. |
| RCW 9A.56.170 | Possessing stolen property in the third degree. |
| RCW 9A.56.180 | Obscuring the identity of a machine. |
| RCW 9A.56.220 | Theft of subscription television services. |
| RCW 9A.56.230 | Unlawful sale of subscription television services. |
| RCW 9A.56.240 | Forfeiture and disposal of device used to commit violation. |
| RCW 9A.56.260 | Connection of channel converter. |
| RCW 9A.56.270 | Shopping cart theft. |

Section 51. Throwing Objects at Moving Vehicles. Any person who throws, pushes, rolls, drops, swings or otherwise propels or projects any object, thing, or substance in such a manner as to strike or be likely to strike any moving vehicle on the public highways or streets is guilty of a gross misdemeanor.

Section 52. Trademarks and Other Marks. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|--------------|---|
| RCW 9.16.030 | Counterfeiting trademark, brand, etc. |
| RCW 9.16.040 | Displaying goods with false trademark. |
| RCW 9.16.050 | When deemed affixed. |
| RCW 9.16.060 | Fraudulent registration of trademark. |
| RCW 9.16.070 | Form and similitude defined. |
| RCW 9.16.080 | Sales of petroleum products improperly labeled or by wrong grade. |
| RCW 9.16.090 | Sales of petroleum products improperly labeled or by wrong grade - Penalty for violations. |
| RCW 9.16.100 | Use of the words "sterling silver," etc. |
| RCW 9.16.110 | Use of the words "coin silver," etc. |
| RCW 9.16.120 | Use of the word "sterling," on mounting. |
| RCW 9.16.130 | Use of the words "coin silver," on mounting. |
| RCW 9.16.140 | Unlawfully marking article made of gold. |
| RCW 9.16.150 | "Marked, stamped or branded," defined. |

Section 53. Trespass and Prowling. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|---------------|--|
| RCW 9A.52.010 | Definitions. |
| RCW 9A.52.060 | Making or having burglar tools. |
| RCW 9A.52.070 | Criminal trespass in the first degree. |
| RCW 9A.52.080 | Criminal trespass in the second degree. |
| RCW 9A.52.090 | Criminal trespass - Defenses. |
| RCW 9A.52.100 | Vehicle prowling in the second degree. |
| RCW 9A.52.120 | Computer trespass in the second degree. |
| RCW 9A.52.130 | Computer trespass - Commission of other crime. |

Section 54. Unlawful Use of Air Guns: Penalty.

1. Any person who points or shoots an air gun at any person or at the property of another, or who aims or discharges such weapon in the direction of the person or residence of another, while within such range as to cause or inflict injury to the person or damage the property of another, is guilty of a misdemeanor and, in addition to any other punishment imposed, the court shall order the weapon to be confiscated and disposed of in accordance with statutes or ordinances governing the disposal of confiscated or found weapons.

2. "Air gun" shall mean any air gun, air pistol, air rifle, BB gun and toy or other guns designed or modified and used to propel, by compressed air or spring-loaded plunger, any pellet, dart, hard-tipped arrow, bean, pea, BB, rock or other hard substances, a distance of more than 25 feet with sufficient force to break windows or inflict injury upon persons or animals.

Section 55. Urinating in Public. Any person who intentionally urinates or defecates in a public place, other than a washroom or toilet room, or at a place and under circumstances where such act could be observed by any member of the public, shall be subject to a civil fine not to exceed Two Hundred Fifty Dollars (\$250.00) for a first offense. For second and subsequent charges, the person shall be guilty of a misdemeanor.

Section 56. Vehicles Resembling Police or Fire Vehicles. Any person who operates a motor vehicle painted and exhibiting decals, numbers, name, insignia, or other objects which simulate a city or county police or fire department vehicle, or City vehicle, without prior authorization from the police chief, fire chief, city manager, or their designees is guilty of a misdemeanor.

Section 57. Violating Right of Privacy. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

| | |
|--------------|--|
| RCW 9.73.010 | Divulging telegram. |
| RCW 9.73.020 | Opening sealed letter. |
| RCW 9.73.030 | Intercepting, recording or divulging private communication - Consent required - Exceptions. |
| RCW 9.73.070 | Persons and activities excepted from chapter. |
| RCW 9.73.090 | Certain emergency response personnel exempted from RCW 9.73.030 through 9.73.080 - Standards - Court authorizations - Admissibility. |
| RCW 9.73.100 | Recordings available to defense counsel. |

Section 58. Violation of Court Ordered Probation. The following provisions of the King County Code as presently constituted or hereinafter amended are adopted by reference.

| | |
|----------------|-------------------------|
| KCC 12.150.010 | Definitions. |
| KCC 12.150.020 | Arrest without warrant. |

Section 59. Interference With Health Care Facility. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.50.020 Interference with health care facility.

Section 60. Abandonment of a dependent person in the third degree. The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference.

RCW 9A.42.010 Definitions.

RCW 9A.42.080 Abandonment of a dependent person in the third degree.

RCW 9A.42.090 Abandonment of a dependent person - Defense.

Section 61. Pedestrian Interference.

1. As used in this Section, the following definitions apply:

- A. "Aggressively beg" means to beg with the intent to intimidate another person into giving money or goods.
- B. "Intimidate" means to engage in conduct that would make a reasonable person fearful or feel compelled.
- C. "Beg" means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.
- D. "Obstruct pedestrian or vehicular traffic" means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or a vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized as an exercise of one's constitutional right to picket or to legally protest, and acts authorized by a permit issued by the City, shall not constitute obstruction of pedestrian or vehicular traffic.
- E. "Public place" means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

2. A person is guilty of pedestrian interference if, in a public place, he or she intentionally obstructs pedestrian or vehicular traffic or aggressively begs. Pedestrian interference is a misdemeanor.

Section 62. Vehicle Impoundment.

1. Impoundment Authorized.

- A. Whenever the driver of a vehicle is arrested for a violation of RCW 46.20.342, the vehicle is subject to impoundment at the direction of a police officer.
- B. If a vehicle is impounded because the driver is arrested for a violation of Driving While License Suspended ("DWLS") in the Third Degree, as defined in RCW 46.20.342, the vehicle shall be impounded for fifteen (15) days.
- C. If a vehicle is impounded because the driver is arrested for a violation of DWLS Second Degree, the vehicle shall be impounded for thirty (30) days.
- D. If a vehicle is impounded because the driver is arrested for a violation of DWLS First Degree, the vehicle shall be impounded for ninety (90) days.

2. Administrative Fee.

- A. If a vehicle is impounded pursuant to the provisions of this Section, an administrative fee of One Hundred Dollars (\$100.00) shall be paid prior to redemption of the vehicle as provided by this Section.
- B. The tow truck operator performing the impound shall collect all costs and fees. The administrative fee must be remitted to the City in the manner directed by the City Finance Department. The administrative fee must be for the purpose of offsetting, to the extent practicable, the cost to the City of implementing, enforcing and administering this Section and must be deposited in an appropriate account.

3. Owner of Impounded Vehicle to be Notified.

- A. Not more than twenty-four (24) hours after impoundment of any vehicle, the tow truck operator shall mail a notice by first class mail to the last known address of the legal and registered owners of the vehicle, as may be disclosed by the vehicle identification number, and as provided by the Washington State Department of Licensing. The notice shall include the name of the impounding tow firm, its address, and telephone number. The notice shall include the location and time of the impound, and by whose authority the vehicle was impounded. The notice shall include written notice of the right of redemption and opportunity for a hearing to contest the validity of the impound or the amount of towing and storage charges. The notice shall state the mandatory length of the impound. The notice shall state that a person who desires to redeem an impounded vehicle at the end of the mandatory period, must within five days of the impound, at the request of the tow truck operator,

pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound to ensure payment of the costs of the removal, towing, and storage of the vehicle pursuant to RCW 46.55.120(1)(b). The notification shall state that if the security deposit is not posted within five days of the impound, the vehicle will immediately be processed and sold at auction as an abandoned vehicle pursuant to RCW 46.55.130(1). The notice shall set forth the requirements of Section 62(4), below, regarding the payment of the costs of removal, towing, and storage as well as providing proof of satisfaction of any penalties, fines, or forfeitures before redemption. The notice must also state that the registered owner is ineligible to purchase the vehicle at the abandoned vehicle auction, if held.

- B. If the date on which a notice required by Subsection (3)(A) of this Section is to be mailed falls upon a Saturday, Sunday, or postal holiday, the notice may be mailed on the next day that is neither a Saturday, Sunday, nor a postal holiday.
- C. Similar notice shall be given to each person who seeks to redeem an impounded vehicle, except that if a vehicle is redeemed prior to the mailing of notice, then notice need not be mailed. The tow truck operator shall maintain a record evidenced by the redeeming person's signature that the notification was provided.
- D. The Sammamish Police Department shall give written notification to the last registered and legal owner when any applicable investigatory hold has been removed, except that if a vehicle is redeemed following notice by telephone and prior to the mailing of notice, then notice need not be mailed. In addition, the Sheriff's Department shall notify the tow truck operator, by telephone or in writing, of the authorization to release such vehicle.

4. Redemption of Impounded Vehicles. Vehicles impounded pursuant to this Section shall be redeemed only under the following circumstances:

- A. Only the registered owner, a person authorized by the registered owner, or one who has purchased the vehicle from the registered owner, who produces ownership or authorization and signs a receipt therefor, may redeem an impounded vehicle. A person redeeming a vehicle impounded pursuant to this Section must, prior to redemption, establish that he or she has a valid driver's license. A vehicle impounded pursuant to this Section can be released only pursuant to written order from the Sammamish Police Department or a court.
- B. Any person so redeeming a vehicle impounded under this Section shall pay the tow truck operator for costs of impoundment (removal, towing, and storage) and the administrative fee prior to redeeming such vehicle. The tow truck operator shall accept payment as provided in RCW 46.55.120(1)(b), as now or

hereafter amended. If the vehicle was impounded pursuant to this Section and was being operated by the registered owner when it was impounded, it may not be released to any person until all penalties, fines, or forfeitures owed by the registered owner have been satisfied.

- C. The Sammamish Police Department is authorized to release a vehicle impounded pursuant to this Section prior to the expiration of any period of impoundment upon petition of the spouse or domestic partner of the registered owner of the vehicle, based on economic or personal hardship to such spouse or domestic partner resulting from the unavailability of the vehicle, and after consideration of the threat to public safety that may result from the release of the vehicle, including, but not limited to, the driver's criminal history, driving record, license status and access to the vehicle. If such release is authorized, the person redeeming the vehicle must satisfy the requirements of Section 62(4)(A) and (B).
- D. The Sammamish Police Department is authorized to release a vehicle impounded pursuant to this Section prior to the expiration of any period of impoundment upon the petition of the registered owner of the vehicle based upon economic or personal hardship or equity, provided the registered owner was not the operator of the vehicle at the time of the impound. If such release is authorized, the registered owner must satisfy the requirements of Section 62(4)(A) and (B) in order to redeem the vehicle.
- E. Any person seeking to redeem a vehicle impounded pursuant to this Section has a right to a hearing before an administrative hearings officer to contest the validity of an impoundment, the amount of removal, towing and storage charges, or the administrative fee. Any request for a hearing shall be made in writing, on a form approved by the Sammamish Police Department and signed by such person, and received by the Sammamish Police Department within ten (10) days (including Saturdays, Sundays and holidays) of the latter of the date the notice of right of redemption and opportunity for hearing was mailed to the person or the date the notice was given to the person by the towing contractor. Such hearing shall be provided as follows:
 - i. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 62(1) have been satisfied, then the impounded vehicle shall be released immediately and a hearing shall be held within ninety (90) days of the written request for hearing.
 - ii. If all of the requirements to redeem the vehicle, including expiration of any period of impoundment under Section 62(1), have not been satisfied, then the impounded vehicle shall not be released until after the hearing which shall be held within two (2) business days (excluding Saturdays, Sundays, and holidays) of the written request for hearing.

- iii. Any person seeking a hearing who has failed to request such hearing within the time specified in this Section may petition the Sammamish Police Department for an extension to file a request for hearing. Such extension shall only be granted upon the demonstration of good cause as to the reason(s) the request for hearing was not timely filed. For purposes of this Section, good cause shall be defined as circumstances beyond the control of the person seeking the hearing that prevented such person from filing a timely request for hearing. In the event such extension is granted, the person receiving such extension shall be granted a hearing in accordance with this Section.
- iv. If a person fails to file a timely request for hearing and no extension to file such a request has been granted, the right to a hearing is waived, the impoundment and the associated costs of impoundment are deemed to be proper, and the City shall not be liable for removal, towing and storage charges arising from the impoundment.

5. Post-Impoundment Hearing Procedure.

- A. Hearings requested pursuant to Section 62(4) shall be held by an administrative hearings officer who shall determine whether the impoundment was proper, and whether the associated towing, storage, and administrative fees charged were proper.
- B. At the hearing, the Sammamish Police Department may produce any relevant evidence to show that either the impound or fees, or both, were proper. An abstract of the driver's driving record is admissible without further evidentiary foundation and is prima facie evidence of the status of the driver's license, permit or privilege to drive and that the driver was convicted of each offense shown on the abstract. In addition, a certified vehicle registration of the impounded vehicle is admissible without further evidentiary foundation and is prima facie evidence of the identity of the registered owner of the vehicle.
- C. At the hearing, the person who requested the hearing may produce any relevant evidence to show that either the impound or fees or both were not proper.
- D. If the impoundment is found to be proper, the administrative hearings officer shall enter an order so stating. In the event that the costs of impoundment (removal, towing, storage, and administrative fees) have not been paid or any other applicable requirements of Section 62(4)(A) and (B) have not been satisfied, or any period of impoundment has not expired, the administrative hearings officer's order shall also provide that the impounded vehicle shall be released only after payment of any fines imposed on any underlying traffic violations.

- E. If the impoundment is found to be improper, the administrative hearings officer shall enter an order so stating and order the immediate release of the vehicle. If the costs of impoundment have already been paid, the administrative hearings officer shall enter judgment against the City and in favor of the person who has paid the costs of impoundment in the amount of the costs of the impoundment, which are removal, towing, storage and administrative fees, plus interest at the rate of twelve percent per year from the date that person paid the costs, and the City shall comply with the order. If the costs of impoundment, which are removal, towing and storage, have not been paid, the hearings officer shall enter an order directing the City to pay the costs to the tow truck operator, and the City shall comply with the order.

- F. In the event that the administrative hearings officer finds that the impound was proper, but that the removal, towing or storage fees charged for the impoundment were improper, the administrative hearings officer shall determine the correct fees to be charged. If the costs of impoundment have been paid, the administrative hearings officer shall enter a judgment against the City and in favor of the person who has paid the costs of impoundment for the amount of the overpayment plus interest at the rate of twelve percent per year on the overpayment from the date that person paid the costs, and the City shall comply with the order. The tow truck operator is liable to the City for the amount of the overpayment and interest at the rate of twelve percent per year. The tow truck operator shall make the payment to the City no later than sixty days after the tow truck operator receives notice of the requirement to pay. The City may bring an action in the King County District Court against the tow truck operator to recover the overpayment plus interest at the rate of twelve percent per year.

- G. No determination of facts made at a hearing under this section shall have any collateral estoppel effect on a subsequent criminal prosecution and shall not preclude litigation of those same facts in a subsequent criminal prosecution.

- H. An appeal of the administrative hearings officer's decision shall be conducted according to and subject to the procedures of this Section. In accordance with RCW 46.55.240(1)(d), a decision made by an administrative hearings officer may be appealed to the King County District Court for final judgment. The hearing on the appeal under this subsection shall be de novo. A person appealing such a decision must file a request for an appeal in district court within fifteen (15) days after the decision of the administrative hearings officer and must pay a filing fee in the same amount required for the filing of a suit in district court. If a person fails to file a request for an appeal within the time specified by this section or does not pay the filing fee, the right to an appeal is waived and the administrative hearings officer's decision is final.

6. Rules and Regulations. The Sammamish Police Department and the City Manager and/or designees are authorized and directed to promulgate rules and regulations to provide for the

fair and efficient administration of any contract or contracts awarded to registered tow truck operators pursuant to this Section and to provide for the fair and efficient administration of vehicle impoundment, redemption, release, or any impoundment hearing under this Section.

Section 63. Avoidance of Intersection. It is unlawful for any person operating a motor vehicle on City streets or highways to make a left or right-hand turn upon approaching or leaving an intersection and to proceed across any private property for the purpose of avoiding the intersection, or any traffic control device controlling the intersection, unless so directed by lawful authority. Unless otherwise set out in applicable law or court rule, any person who violates the provisions of this section shall be guilty of an infraction.

Section 64. Parking Next to Mail Boxes. No person shall park directly adjacent to a curbside, next to any clearly visible residential mail box between 10:00 a.m. and 3:00 p.m. on any day of scheduled mail delivery by the United States Postal Service. Unless otherwise set out in applicable law or court rule, any person who violates the provisions of this section shall be guilty of an infraction.

Section 65. Inattentive Driving. It is unlawful for any person to operate a motor vehicle within the City in an inattentive manner. For the purposes of this section, "inattentive manner" means the operation of a motor vehicle in a manner which evidences a lack of degree of attentiveness required to safely operate the vehicle under the prevailing conditions, including but not limited to the nature and condition of the roadway, presence of other traffic, presence of pedestrians, and weather conditions. The offense of operating a motor vehicle in an inattentive manner shall be considered to be a lesser offense than, but included in, the offense of operating a motor vehicle in a negligent manner. Unless otherwise set out in applicable law or court rule, any person who violates the provisions of this section shall be guilty of an infraction. The maximum penalty for any violation of this section shall be a fine of not more than One Hundred Dollars (\$100.00).

Section 66. Crimes Not Specifically Referenced. Any act or omission defined as a misdemeanor or gross misdemeanor in State law and not specifically identified in this Ordinance is also adopted by reference.

Section 67. Repealer. City of Sammamish Ordinance No. 99-23, relating to the Model Traffic Ordinance, is hereby repealed.

Section 68. Ordinance No. 99-34. City of Sammamish Ordinance No. 99-34, relating to Electronic Security Devices, is hereby incorporated as Section 26 of this Ordinance.

Section 69. Copies to be Available. A copy of each portion of the Revised Code of Washington and the King County Code adopted by reference shall be authenticated and recorded by the City Clerk and not less than one (1) copy thereof shall be available in the office of the City Clerk for use and examination by the public.

Section 70. Certified Copies to be Furnished to Court. The City Clerk is directed to provide to the Court Administrator of the Issaquah District Court at City expense, adequate

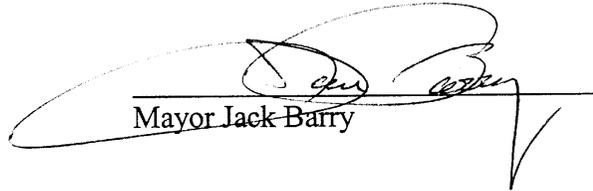
numbers of certified copies of this Ordinance to permit enforcement of this Ordinance.

Section 71. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 72. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON
THE 16th DAY OF February, 2000.

CITY OF SAMMAMISH



Mayor Jack Barry

ATTEST/AUTHENTICATED:



Ruth Muller, Interim City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk: February 11, 2000
Passed by the City Council: February 16, 2000
Ordinance No. 02000-52
Date of Publication: February 23, 2000