

**CITY OF LIBERTY LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 140**

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON,
READOPTING A CRIMINAL CODE TO INCLUDE REFERENCE TO
NUMEROUS CRIMINAL CODE PROVISIONS FROM THE REVISED CODE
OF WASHINGTON, DEFINING OTHER CRIMINAL OFFENSES,
PRESCRIBING PENALTIES FOR CRIMINAL VIOLATIONS WHICH OCCUR
WITHIN THE CITY, ESTABLISHING AN EFFECTIVE DATE, AND
REPEALING ORDINANCE NO. 25.**

WHEREAS, the City of Liberty Lake is a non-charter code city duly organized and existing under the laws of the State of Washington;

WHEREAS, the City Council on July 24, 2001, through Ordinance No. 25, adopted the City of Liberty Lake's interim criminal code;

WHEREAS, the City of Liberty Lake desires to adopt an updated criminal code to preserve the public health, safety and welfare of the community; and

WHEREAS, the City Council finds that the public health, welfare and safety is protected by forbidding and preventing conduct that inflicts or threatens to inflict harm to individual or public interests provided the City of Liberty Lake identifies the conduct declared to constitute an offense against such interests.

NOW, THEREFORE, the City Council of the City of Liberty Lake, Washington do ordain as follows:

Section 1. Preliminary Statement.

1. This Ordinance shall be known, and shall be cited, as the Liberty Lake Criminal Code referred to herein as the "LLCC" or "Code".

2. The sections of the Revised Code of Washington (RCW) now in effect or as subsequently amended by the Washington Legislature, specifically enumerated in this Ordinance, are adopted by reference in this Code.

3. In issuing a citation to any person or persons for violation of the provisions of the LLCC, law enforcement officers may cite to either the specific LLCC provision or the specific RCW provision from which it is adopted by reference.

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 the LLCC shall be construed according to the fair import of their terms, and when the language is susceptible of differing constructions, it shall be interpreted to further the general purposes stated herein.

3. In adopting the Washington state statutes by reference, only those crimes and offenses within 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.

4. Jurisdiction to prosecute any felonious activity remains with the State of Washington, County of Spokane.

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 of Liberty Lake, is liable to arrest, prosecution and punishment.

Section 4. Classes of Crimes. An offense defined by this Code, for which a sentence of imprisonment is authorized, constitutes a violation of this 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. 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 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. The City Council reserves the right to implement a community service program to provide an alternative to fines and/or imprisonment in jail.

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

6. In the event there is a conflict in the penalties that can be imposed upon conviction for a specific offense between the provisions of this Code and the RCW, the penalty provisions of this Code shall apply unless preempted by Washington state law.

Section 6. Limitation of Action.

1. The prosecution of a gross misdemeanor, or a crime not otherwise classified, may not begin more than two years after its commission. The prosecution of a misdemeanor may not begin 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 the State of Washington.

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 enacted 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 as supplement to 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.
 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 enacted 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 Corporate and personal liability.

Section 10. Insanity and Defenses. The following provisions of the Revised Code of Washington as presently enacted 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.16.040 Justifiable homicide or use of deadly force by public officer, peace officer, person aiding.
 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.
 RCW 9A.16.110 Defending against violent crime - Reimbursement.
 RCW 9A.16.120 Outdoor music festival, campground – Detention.

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

RCW 9.04.010 False advertising.
RCW 9.04.030 False, misleading, deceptive advertising – Penalty.
RCW 9.04.050 False, misleading, deceptive advertising.
RCW 9.04.080 False, misleading, deceptive advertising – Assurance of discontinuance of unlawful practice.
RCW 9.04.090 Advertising fuel prices by service station.

Section 14. Aggressive Begging.

1. Any person who engages in aggressive begging in any public place in the City of Liberty Lake as those terms are defined by this Section 14 is guilty of a misdemeanor.
2. As used in this section:
 - A. Aggressive begging means to beg with intent to intimidate another person into giving money or goods.
 - B. Begging means to ask for money or goods as a charity, whether by words, bodily gestures, signs or other means.
 - C. Intimidate means to coerce or frighten into submission or obedience.
 - D. Public places for purposes of this Section 14 means any road, alley, lane, parking area, sidewalk or any place, private or otherwise, adopted to and fitted for vehicular or pedestrian travel that is in common use by the public with the consent, expressed or implied, of the owner or owners; and any public playground, school ground, recreation ground, park, parkway, park drive, park path and right-of-way open to the use of the public.

Section 15. Alcoholic Beverage Control. The following provisions of the Revised Code of Washington as presently enacted 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 - violations.
- RCW Chapter 66.32 Search and Seizure; entire chapter.
- RCW Chapter 66.44 Enforcement - Penalties; entire chapter.

Section 16. Alcoholic Beverage Control - Opening or Consuming Liquor or Possessing Open Container of Liquor in Public Place. Pursuant to RCW 66.44.100, any person who opens a container of liquor or consumes liquor in a public place is guilty of a Class 3 Civil Infraction under Chapter 7.80 RCW. This Section 16 shall not apply to containers kept in the trunk of a vehicle or in an area of the vehicle not normally occupied by the driver or passengers. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and any passenger.

Section 17. Animals - Crimes Relating To. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

- RCW 9.08.030 False certificate of registration of animals - False representation as to breed.
- RCW 9.08.065 Definitions.
- RCW 9.08.070 Pet animals - Taking, concealing, injuring, lulling, etc. - Penalty.
- RCW 9.08.072
(1) and (2) Transferring stolen pet animal to a research facility – Penalty.
- RCW 16.52.080 Transporting or confining an animal in an unsafe manner – Penalty.
- RCW 16.52.165 Punishment – Conviction of misdemeanor.
- RCW 16.52.190 Poisoning animals - Penalty.
- RCW 16.52.207 Animal cruelty in the second degree.
- RCW 16.52.225 Nonambulatory livestock – Transporting or accepting delivery – Gross misdemeanor – Definition.
- RCW 16.52.305 Unlawful use of hook – Gross misdemeanor.

Section 18. Assault and Other Crimes Relating to Persons. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.36.041 Assault in the fourth degree.
RCW 9A.36.050 Reckless endangerment in the second degree.
RCW 9A.36.070 Coercion.
RCW 9A.36.150 Interfering with the reporting of domestic violence.

Section 19. Brands and marks, Crimes Relating To. The following provisions of the Revised Code of Washington as presently enacted or hereafter amended are adopted by reference.

RCW 9.16.005 Definitions.
RCW 9.16.020 Imitating lawful brand.
RCW 9.16.080 Petroleum products improperly labeled or graded – Penalty.
RCW 9.16.100 Use of the words “sterling silver,” etc.
RCW 9.16.110 Use of 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 20. Concealing Birth. The following provision of the Revised Code of Washington as presently enacted or hereafter amended are adopted by reference.

RCW 9.02.050 Concealing birth.

Section 21. Competitive Bidding. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.18.120 Suppression of competitive bidding
RCW 9.18.130 Collusion to prevent competitive bidding – Penalty

Section 22. Controlled Substances - Drug Paraphernalia. The following provisions of the Revised Code of Washington as presently enacted or hereafter amended are adopted by reference.

RCW 69.50.102 Drug Paraphernalia – Definitions
RCW 69.50.412 Prohibited Acts: E – Penalties
RCW 69.50.4121 Drug Paraphernalia – Selling or giving - penalty

Section 23. Controlled Substances. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 69.50.101 Definitions.
RCW 69.50.204
(c)(14) Schedule I – Marijuana.
RCW 69.50.309 Containers.
RCW 69.50.401(e) Prohibited acts: A-Penalties.
RCW 69.50.425 Misdemeanor violators - minimum imprisonment.
RCW 69.50.505 Seizure and forfeiture.
RCW 69.50.506 Burden of proof.
RCW 69.50.509 Search and seizure of controlled substances.

Section 24. Corporations. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.24.010 Fraud in stock subscription.
RCW 9.24.040 Corporation doing business without license.

Section 25. Criminal Mistreatment. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.42.010 Definitions.
RCW 9A.42.037 Criminal mistreatment in the fourth degree.
RCW 9A.42.039 Arresting officer, notification by.
RCW 9A.42.080 Abandonment of a dependent person in the third degree – Exception.
RCW 9A.42.090 Abandonment of a dependent person – Defense.
RCW 9A.42.110 Leaving a child in the care of a sex offender.

Section 26. Custodial Interference. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.40.010 Definitions.
RCW 9A.40.070 Custodial interference in the second degree (first offense).
RCW 9A.40.080 Custodial interference - Assessment of costs - Defense - Consent defenses, restricted.

Section 27. Discharge of Firearms Prohibited.

1. Any person who knowingly discharges a firearm within the City of Liberty Lake is guilty of a misdemeanor.
2. "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive, including but not limited to, gunpowder.
3. The provisions of this Section 27 do not apply to:
 - A. A person engaged in military activities sponsored by the federal or state governments, while engaged in official duties;
 - B. Law enforcement personnel;
 - C. Security personnel while engaged in official duties; and
 - D. A person utilizing a properly licensed institutional, membership and/or commercial shooting range.
 - E. Discharge of a firearm in lawful self-defense.

Section 28. 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 authority;
3. Intentionally obstructs vehicular or pedestrian traffic without lawful authority;
4. Fights by agreement, except as part of an organized athletic event; or
5. Enters or remains in any school building, classroom or upon any school ground, or street, sidewalk or public way adjacent thereto, and intentionally causes disruption of the activities of the school.
6. As used in this section, "school" has its ordinary meaning and also includes universities, colleges, community colleges and institutions of higher learning.

Section 29. Domestic Violence. The following provision of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 26.50.010 Definitions.
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 fees.
RCW 26.50.130 Order - Modification - Transmittal.
RCW 26.50.140 Peace officers - Immunity.

Section 30. False Representations. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.38.010 False representation concerning credit.
RCW 9.38.015 False statement by deposit account applicant
RCW 9.38.020 False representation concerning title.

Section 31. False Swearing and Tampering. The following provisions of the Revised Code of Washington as presently enacted 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 32. Fire Alarms - Crimes Relating to. The following provisions of the Revised Code of Washington as presently enacted 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 Alarms - Penalties.

Section 33. Firearms. All provisions of the Revised Code of Washington, Chapter 9.41, as presently enacted or hereinafter amended are adopted by reference.

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

RCW 9.86.010	“Flag” defined
RCW 9.86.020	Improper use of flag prohibited
RCW 9.86.030	Desecration of flag
RCW 9.86.040	Application of provisions

Section 35. Fraud. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

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.60.010	Definitions.
RCW 9A.60.045	Criminal impersonation in the second degree.
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.

Section 36. Gambling Offenses. The following provisions of the Revised Code of Washington as presently enacted 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	Obstructing of public servant - Penalty.
RCW 9.46.196	Cheating – Defined RCW 9.46.1962 Cheating - Second degree.
RCW 9.46.198	Working in gambling activity without license as violation - Penalty.
RCW 9.46.210	Enforcement - Commission as law enforcement agency.
RCW 9.46.217	Gambling records - Penalty - Exceptions.
RCW 9.46.222	Professional gambling in the third degree.
RCW 9.46.240	Gambling information, transmitting or receiving as violation - Penalty.
RCW 9.46.260	Proof of possession as evidence of knowledge of its character.

Section 37. Harassment. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.46.010	Legislative finding.
RCW 9A.46.020	Definitions - 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	Arrest - 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	Non-liability 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.
RCW 9.61.260	Cyberstalking.

Section 38. Identity Crimes. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.35.005	Definitions.
RCW 9.35.030	Soliciting undesired mail.

Section 39. Inhaling Toxic Fumes. The following provisions of the Revised Code of Washington as presently enacted 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 40. Interference with Healthcare Facilities or Providers. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.50.005	Finding.
RCW 9A.50.010	Definitions.
RCW 9A.50.020	Interference with healthcare facility.
RCW 9A.50.030	Penalty.
RCW 9A.50.060	Informational picketing.

Section 41. Lasers. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.49.001 Findings.
RCW 9A.49.010 Definitions.
RCW 9A.49.030 Unlawful discharge of a laser in the second degree.
RCW 9A.49.040 Civil infraction, when.

Section 42. Libel and Slander. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.58.010 Libel, what constitutes.
RCW 9.58.020 How justified or excused – Malice, when presumed.
RCW 9.58.030 Publication defined.
RCW 9.58.040 Liability of editors and others.
RCW 9.58.080 Furnishing libelous information.
RCW 9.58.090 Threatening to publish libel.

Section 43. Littering and Pollution. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 70.93.030 Definitions.
RCW 70.93.060 Littering.

Section 44. Miscellaneous Crimes. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.91.010 Denial of civil rights - Terms defined.
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.
RCW 9.91.140 Food stamps – Unlawful sale.
RCW 9.91.142 Food stamps – Trafficking.
RCW 9.91.160 Personal protection spray devices.
RCW 9.91.170 Interfering with dog guide or service animal.
RCW 9.91.180 Violent video or computer games.

Section 45. Misconduct in Signing a Petition. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.44.080 Misconduct in signing a petition.

Section 46. Obstructing Governmental Operation. The following provisions of the Revised Code of Washington as presently enacted 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 law enforcement officer.
RCW 9A.76.040 Resisting arrest.
RCW 9A.76.050 Rendering criminal assistance. - Definition of terms.
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 9.62.010 Malicious prosecution.

Section 47. Official Misconduct. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.80.010 Official misconduct.

Section 48. Prostitution. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.88.010 Indecent Exposure (first offense).
RCW 9A.88.030 Prostitution.
RCW 9A.88.050 Prostitution – Sex of parties immaterial – No defense.
RCW 9A.88.060 Promoting Prostitution – definitions.
RCW 9A.88.090 Permitting Prostitution.
RCW 9A.88.110 Patronizing a Prostitute.
RCW 9A.88.120 Additional fee assessment

Section 49. Public Disturbance. The following provisions of the Revised Code of Washington as presently enacted 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 50. Public Nuisances. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.66.010	Public Nuisance.
RCW 9.66.020	Unequal damage.
RCW 9.66.030	Maintaining or permitting nuisance.
RCW 9.66.040	Abatement of nuisance.
RCW 9.66.050	Deposit of unwholesome substance.

Section 51. Reckless Burning and Malicious Mischief. The following provisions of the Revised Code of Washington as presently enacted 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.
RCW 9A.48.110	Defacing a state monument.

Section 52. Sexual Offenses. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9A.44.010	Definitions.
RCW 9A.44.030	Defenses to prosecution under this chapter.
RCW 9A.44.096	Sexual misconduct with a minor in the second degree.
RCW 9A.44.170	Custodial sexual misconduct in the second degree.
RCW 9A.44.180	Custodial sexual misconduct – Defense.

Section 53. Sexual Offenses Relative to Minors. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.68A.011 Definition.
 RCW 9.68A.080 Reporting depictions of minors engaged in sexually explicit conduct – Civil immunity.
 RCW 9.68A.090 Communication with a minor for immoral purposes.
 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 26.28.080 Selling or giving tobacco to minors - Belief of representative capacity, no defense - Penalty.

Section 54. Telephone Credit Cards. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.26A.090 Telephone company credit cards - Publishing numbers or code - "Publishes" defined.
 RCW 9.26A.100 Definition.
 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 55. Theft and Possession of Stolen Property. The following provisions of the Revised Code of Washington as presently enacted 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.56.096 Theft of rental, leased or lease-purchase property.
 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 identity of a machine.
 RCW 9A.56.220 Theft of subscription television services.
 RCW 9A.56.260 Connection of channel converter.
 RCW 9A.56.330 Possession of another's identification

Section 56. Trespass and Prowling. The following provisions of the Revised Code of Washington as presently enacted 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 57. 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 guilty of a civil infraction, with the fine not to exceed One Hundred Dollars (\$100.00) for a first offense. For as second and subsequent offenses, the person shall be guilty of a misdemeanor.

Section 58. Vehicles Resembling Police or Fire Vehicles. Any person who operates a motor vehicle painted and exhibiting decals, numbers, name or insignia that simulate a city or county law enforcement or fire department vehicle, or official city vehicle, without prior written authorization from the police chief, City Council, Spokane County Sheriff's Department, or their designees, is guilty of a misdemeanor.

Section 59. Violating Right of Privacy. The following provisions of the Revised Code of Washington as presently enacted or hereinafter amended are adopted by reference.

RCW 9.73.020	Opening sealed letter.
RCW 9.73.030	Intercepting, recording, or divulging private communication – consent required – Exceptions.
RCW 9.73.080	Penalties.

Section 60. Regulation of Activities – State Penal Laws. The City of Liberty Lake shall observe and enforce the provisions of Washington state law as enacted and amended by the Washington state legislature with all state law regulating local conduct, location and limitation on activities, to the extent not identified above or subsequently enacted by the state legislature, which is deemed incorporated by reference as if fully set forth herein.

Section 61. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

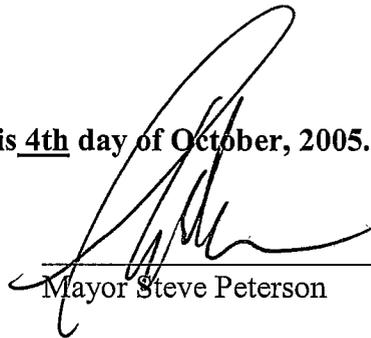
Section 62. Copies to be Available. A copy of each portion of the Revised Code of Washington adopted by reference shall be available through the office of the City Clerk for use and examination by the public.

Section 63. Certified Copies to be Furnished to Court. The City Clerk is authorized to provide at the expense of the City of Liberty Lake to the Court Administrator of the Spokane County District Court adequate numbers of certified copies of this Ordinance to permit effective enforcement of this Ordinance.

Section 64. Repeal of Ordinance 25. Ordinance No. 25 adopted by the City Council on July 24, 2001 is hereby repealed.

Section 65. Effective Date and Publication. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City of Liberty Lake. This Ordinance shall take effect and be in full force at 12:01 a.m. on the Effective Date set forth herein.

PASSED by the City Council this 4th day of October, 2005.



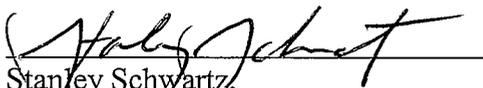
Mayor Steve Peterson

ATTEST:



Arlene Fisher, City Clerk

APPROVED AS TO FORM:



Stanley Schwartz,
City Attorney

Date of Publication: 10/19/05
Effective Date: 10/24/05

City of Liberty Lake
Liberty Square Building
22710 E Country Vista Drive
Liberty Lake, WA 99019
(509) 755-6700

**NOTICE OF ORDINANCE PASSED
BY LIBERTY LAKE CITY COUNCIL**

The following is the title and summary of Ordinance No. 140 passed by the City of Liberty Lake City Council on the 4th day of October, 2005.

**AN ORDINANCE OF THE CITY OF LIBERTY LAKE, WASHINGTON,
READOPTING A CRIMINAL CODE TO INCLUDE REFERENCE TO
NUMEROUS CRIMINAL CODE PROVISIONS FROM THE REVISED CODE
OF WASHINGTON, DEFINING OTHER CRIMINAL OFFENSES,
PRESCRIBING PENALTIES FOR CRIMINAL VIOLATIONS WHICH OCCUR
WITHIN THE CITY, ESTABLISHING AN EFFECTIVE DATE, AND
REPEALING ORDINANCE NO 25.**

The introductory paragraphs state that the City desires to adopt an updated criminal code that identifies, forbids and prevents conduct which inflicts harm to individual or public interests, in order to preserve the public health, safety and welfare of the community.

- Section 1** Preliminary Statement.
- Section 2** Purposes – Principles of Construction.
- Section 3** City Criminal Jurisdiction.
- Section 4** Classes of Crimes.
- Section 5** Punishment and Restitution.
- Section 6** Limitation of Action.
- Section 7** Proof Beyond a Reasonable Doubt.
- Section 8** General Provisions – Adoption by Reference.
- Section 9** Principles of Liability.
- Section 10** Insanity and Defenses.
- Section 11** Anticipatory Offenses.
- Section 12** Abandoned Refrigeration Equipment.
- Section 13** Advertising – Crimes Related To.
- Section 14** Aggressive Begging.
- Section 15** Alcoholic Beverage Control.
- Section 16** Alcoholic Beverage Control – Opening or Consuming Liquor or Possessing Open Container of Liquor in Public Place.
- Section 17** Animals – Crimes Relating To.
- Section 18** Assault and Other Crimes Relating to Persons.
- Section 19** Brands and marks, Crimes Relating To.
- Section 20** Concealing Birth.
- Section 21** Competitive Bidding.
- Section 22** Controlled Substances – Drug Paraphernalia.

- Section 23** Controlled Substances.
Section 24 Corporations.
Section 25 Criminal Mistreatment.
Section 26 Custodial Interference.
Section 27 Discharge of Firearms Prohibited.
Section 28 Disorderly Conduct.
Section 29 Domestic Violence.
Section 30 False Representations.
Section 31 False Swearing and Tampering.
Section 32 Fire Alarms – Crimes Relating to.
Section 33 Firearms.
Section 34 Flags.
Section 35 Fraud.
Section 36 Gambling Offenses.
Section 37 Harassment.
Section 38 Identity Crimes.
Section 39 Inhaling Toxic Fumes.
Section 40 Interference with Healthcare Facilities or Providers.
Section 41 Lasers.
Section 42 Libel and Slander.
Section 43 Littering and Pollution.
Section 44 Miscellaneous Crimes.
Section 45 Misconduct in Signing a Petition.
Section 46 Obstructing Governmental Operation.
Section 47 Official Misconduct.
Section 48 Prostitution.
Section 49 Public Disturbance.
Section 50 Public Nuisances.
Section 51 Reckless Burning and Malicious Mischief.
Section 52 Sexual Offenses.
Section 53 Sexual Offenses Relative to Minors.
Section 54 Telephone Credit Cards.
Section 55 Theft and Possession of Stolen Property.
Section 56 Trespass and Prowling.
Section 57 prohibits urination or defecation in public.

Section 58 prohibits the operation of a motor vehicle resembling a police or fire vehicle.

Section 59 adopts by reference the following provision of the Revised Code of Washington relating to Violating Right of Privacy: RCW 9.73.020; RCW 9.73.030; and RCW 9.73.080.

Section 60 establishes that the City of Liberty Lake shall observe and enforce the provisions of Washington state law deemed to be incorporated by reference as if fully set forth herein.

Section 61 establishes the severability clause.

- Section 62** provides that a copy of the above shall be available through the office of the City Clerk.
- Section 63** authorizes the City Clerk to provide certified copies of the Ordinance.
- Section 64** repeals Ordinance No. 25 adopted on July 24, 2001.
- Section 65** states the Effective Date.

The above sections adopt by reference various provisions of RCW Title 9, 9A, 26, 69 and 70.

The full text of the Ordinance is available at the City of Liberty Lake City offices as identified above. A copy will be mailed out upon request.

Published: 10/19/05



Arlene Fisher
City Clerk-Treasurer