

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6854

AN ORDINANCE amending Chapter 1.16 Enforcement Provisions, Chapter 4.03 Tax Administrative Code and Title 10 Criminal Code of the Bellevue City Code, to update and recodify criminal violations and to update definitions, citations, procedures and other provisions related to criminal offenses, for consistency with state statutes codified in the RCW; providing for severability; and establishing an effective date.

WHEREAS, RCW 35A.12.140 permits the City to adopt by reference sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes; and

WHEREAS, pursuant to RCW 35A.12.140, the City adopted Ordinance No. 6745 adopting by reference in Chapter 10.02 BCC sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes as they were “currently enacted or as hereafter amended or recodified from time to time”; and

WHEREAS, when adopting such state statutes, the city council declared in BCC 10.00.010.E that “the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Bellevue”; and

WHEREAS, the Bellevue City Attorney’s Office prosecutes misdemeanor and gross misdemeanor crimes which have been adopted by reference in the BCC that occur within the City of Bellevue; and

WHEREAS, since the adoption of Ordinance No. 6745, the Washington State Legislature has created new gross misdemeanor crimes; and

WHEREAS, from time to time, the Washington State Legislature also has modified various definitions, citations, procedures and other provisions in the RCW related to criminal offenses, which have resulted in corresponding language in the BCC to be outdated and inconsistent; and

WHEREAS, in order for the Bellevue City Attorney’s Office to continue to effectively prosecute all misdemeanor and gross misdemeanor crimes occurring within the city limits, the City must amend Chapter 1.16 Enforcement Provisions, Chapter 4.03 Tax Administrative Code and Title 10 Criminal Code of the Bellevue City Code, to update and recodify criminal violations and to update definitions, citations, procedures and other provisions related to criminal offenses, for consistency with state statutes codified in the RCW; and

WHEREAS, this Ordinance will protect the health, safety and welfare of the people in Bellevue; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amend. Subsection 1.16.010.C in Section 1.16.010 – Enforcement terms defined, of the Bellevue City Code is hereby amended to read as follows, with all other provisions in Section 1.16.010 that are omitted below, as indicated by ellipses, remaining unchanged:

1.16.010 Enforcement terms defined.

The following words, whenever used in the ordinances in the city, shall be construed as defined in this section unless from the context a different meaning is specifically defined:

...

C. “Gross misdemeanor” means any crime punishable by a fine not exceeding \$5,000, or imprisonment not exceeding 364 days, or both, unless otherwise specifically defined.

...

Section 2. Amend. Section 4.03.220 – Unlawful actions – Violation – Penalties, of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 4.03.220 that are omitted below, as indicated by ellipses, remaining unchanged:

4.03.220 Unlawful actions – Violation – Penalties

...

B. Violation of any of the provisions of this chapter is a gross misdemeanor. Any person convicted of a violation of this chapter may be punished as provided by Title 10 BCC. Penalties or punishments provided in this chapter shall be in addition to all other penalties provided by law.

C. Any person, or officer of a corporation, convicted of continuing to engage in business after the revocation of a license shall be guilty of a gross misdemeanor and may be punished as provided by Title 10 BCC.

...

Section 3. Amend. Subsection 10.00.010.M.1 in Section 10.00.010 – Preliminary article, of the Bellevue City Code is hereby amended to read as follows, with all

other provisions of Section 10.00.010 that are omitted below, as indicated by ellipses, remaining unchanged:

10.00.010 Preliminary article.

...

M. Unless otherwise provided in this title, violation of any provision of this title shall be punishable by:

1. Gross Misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment in jail for a maximum term fixed by the court of not more than 364 days, or by a fine in an amount fixed by the court of not more than \$5,000, or by both such imprisonment and fine.

...

Section 4. Amend. Subsections 10.02.010.A and 10.02.010.B of Section 10.02.010 – Adoption of RCW sections not specifically set forth, of the Bellevue City Code are hereby amended to read as follows, with all other provisions of Section 10.02.010 that are omitted below, as indicated by an ellipsis, remaining unchanged:

10.02.010 Adoption of RCW sections not specifically set forth.

A. With the exception of the RCW section set forth in subsection C of this section, all state statutes codified in the RCW that constitute misdemeanors and gross misdemeanors and the state statutes codified in the RCW related to the investigation of, arrest for, prosecution of, sentencing for, confinement for, definitions of terms for, defenses to, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

B. All class C felony crimes set forth in state statutes codified in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in Chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection A of this section and of Chapter 10.00 BCC.

...

Section 5. Repeal. Section 10.03.010 – Chapter 2.48 RCW, entitled “State Bar Act” – Adoption by reference, of the Bellevue City Code is hereby repealed in its entirety.

Section 6. Amend. Section 10.03.020 – Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.020 Chapter 7.21 RCW, entitled “Contempt of Court” – Adoption by reference.

The following RCW chapter and sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

Chapter 7.21 RCW Contempt of Court

Section 7. Amend. Section 10.03.040 – RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.040 RCW Title 9, entitled “Crimes and Punishments” – Adoption by reference.

The following RCW chapters and sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 9.01.055. Citizen immunity if aiding officer, scope – When.
RCW 9.01.110. Omission, when not punishable.
RCW 9.94A.835 Special allegation—Sexual motivation—Procedures.

Section 8. Amend. Section 10.03.050 – RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.050 RCW Title 9A, entitled “Washington Criminal Code” – Adoption by reference.

The following RCW chapters and sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

Chapter 9A.04 RCW Preliminary Article
Chapter 9A.08 RCW Principles of Liability
Chapter 9A.12 RCW 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.
RCW 9A.28.020 Criminal attempt.
RCW 9A.28.030 Criminal solicitation.
RCW 9A.28.040 Criminal conspiracy.
RCW 9A.44.130 Registration of sex offenders and kidnapping offenders – Procedures – Definition – Penalties.
RCW 9A.46.010 Legislative finding.
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.46.080 Order restricting contact – Violation.
RCW 9A.46.090 Nonliability of peace officer.
RCW 9A.46.100 “Convicted,” time when.

Section 9. Amend. Section 10.03.060 – RCW Title 10, entitled “Criminal Procedure” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.060 RCW Title 10, entitled “Criminal Procedure” – Adoption by reference.

The following RCW chapters and sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

Chapter 10.05 RCW Deferred Prosecution—Courts of Limited Jurisdiction
Chapter 10.77 RCW Criminally Insane—Procedures
Chapter 10.99 RCW Domestic Violence—Official Response

Section 10. Repeal. Section 10.03.070 – Chapter 13.32A RCW, entitled “Family Reconciliation Act” – Adoption by reference, of the Bellevue City Code is hereby repealed in its entirety.

Section 11. Amend. Section 10.03.080 – RCW Title 26, entitled “Domestic Relations” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.080 RCW Title 26, entitled “Domestic Relations” – Adoption by reference.

The following RCW chapters and sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 26.09.300 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.
- RCW 26.44.030 Reports – Duty and authority to make – Duty of receiving agency – Duty to notify – Case planning and consultation – Penalty for unauthorized exchange of information – Filing dependency petitions – Interviews of children – Records – Risk assessment process – Reports to legislature.
- RCW 26.44.040 Reports – Oral, written – Contents.
- RCW 26.44.060 Immunity from civil or criminal liability – Confidential communications not violated – Actions against state not affected – False report, penalty.
- RCW 26.44.063 Temporary restraining order or preliminary injunction – Enforcement – Notice of modification or termination of restraining order.
- RCW 26.44.067 Temporary restraining order or preliminary injunction – Contents – Notice – Noncompliance – Defense – Penalty.
- RCW 26.44.150 Temporary restraining order restricting visitation for persons accused of sexually or physically abusing a child – Penalty for violating court order.
- RCW 26.50.110 Violation of order – Penalties.
- RCW 26.52.050 Peace officer immunity.
- RCW 26.52.070 Violation of foreign orders – Penalties.

Section 12. Amend. Section 10.03.090 – Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.090 Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel” – Adoption by reference.

The following RCW chapters and sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

- RCW 28A.635.110 Violations under RCW 28A.635.090 and 28A.635.100 – Disciplinary authority exception.

Section 13. Amend. Section 10.03.100 – Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.100 Chapter 46.80 RCW, entitled “Vehicle Wreckers” – Adoption by reference.

The following RCW chapters and sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 46.80.010 Definitions.
RCW 46.80.080 Records – Penalty.
RCW 46.80.110 License penalties, civil fines, criminal penalties.
RCW 46.80.150 Inspection of licensed premises and records.
RCW 46.80.170 Violations—Penalties.

Section 14. Amend. Section 10.03.110 – RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.110 RCW Title 66, entitled “Alcoholic Beverage Control” – Adoption by reference.

The following RCW chapters and sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 66.04.010 Definitions.
RCW 66.20.200 Unlawful acts relating to card of identification and certification card – Penalties.
RCW 66.28.200 Keg registration – Special endorsement for grocery store licensee – Requirements of seller.
RCW 66.28.210 Keg registration – Requirements of purchaser.
RCW 66.28.220 Keg registration – Identification of containers – Rules – Fees – Sale in violation of rules unlawful.
RCW 66.28.230 Keg registration – Furnishing to minors – Penalties.
Chapter 66.44 RCW Enforcement—Penalties

Section 15. Repeal. Section 10.03.120 – RCW Title 69, entitled “Food, Drugs, Cosmetics, and Poisons” – Adoption by reference, of the Bellevue City Code is hereby repealed in its entirety.

Section 16. Amend. Section 10.03.130 – RCW Title 70, entitled “Public Health and Safety” – Adoption by reference, of the Bellevue City Code is hereby amended to read as follows:

10.03.130 RCW Title 70, entitled “Public Health and Safety” – Adoption by reference.

The following RCW sections, as currently enacted or as hereafter amended or recodified from time to time, are hereby adopted by reference and shall be given the same force and effect as if set forth herein in full:

RCW 70.74.400 Seizure and forfeiture.

RCW 70.155.080 Purchasing, possessing, or obtaining tobacco by persons under the age of 18 – Civil infraction – Courts of jurisdiction.

Section 17. Repeal. Section 10.03.140 – Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults” – Adoption by reference, of the Bellevue City Code is hereby repealed in its entirety.

Section 18. Amend. Section 10.06.041 – Drug traffic loitering, of the Bellevue City Code is hereby amended to read as follows, with all other provisions of Section 10.00.010 that are omitted below, as indicated by ellipses, remaining unchanged:

10.06.041 Drug traffic loitering.

...

E. Any person who violates the provisions of this section is guilty of a gross misdemeanor and, upon conviction, may be imprisoned as provided by Title 10 BCC.

...

Section 19. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 20. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2025 and signed in authentication of its passage this _____ day of _____, 2025.
(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Trisna Tanus, City Attorney

Trisna Tanus, City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____