

CITY OF BLACK DIAMOND
ORDINANCE NUMBER 05-788

AN ORDINANCE OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON, ADDING NEW SECTIONS TO CHAPTERS 9.00, 9.08, 9.12, 9.16, 9.30, 9.34, 9.51, 9.52, 9.54, 9.79, 9.84, 9.90 AND 9.96 AMENDING SECTION 9.56, AND ADDING A NEW CHAPTER 10.40 TO THE BLACK DIAMOND MUNICIPAL CODE

WHEREAS, the City of Black Diamond is establishing a new Municipal Court; and

WHEREAS, the jurisdiction of the municipal court includes enforcement of municipal ordinances; and

WHEREAS, effective law enforcement in the City requires the City's adoption of many state statutes as ordinances of the City; and

WHEREAS, the comprehensive adoption of state statutes as ordinances of the City requires updating; now, therefore

THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND, KING COUNTY, WASHINGTON ORDAINS AS FOLLOWS:

Section 1. There is hereby added a new Section 9.00.110 to the Black Diamond Municipal Code.

9.00.110 Punishment of gross misdemeanor when not fixed by statute.

The City hereby adopts by reference as though fully set forth herein RCW section 9.92.020 as currently existing or as hereafter amended.

Section 2. There is hereby added a new Section 9.00.120 to the Black Diamond Municipal Code.

9.00.120 Punishment of misdemeanor when not fixed by statute.

The City hereby adopts by reference as though fully set forth herein RCW section 9.92.030 as currently existing or as hereafter amended.

Section 3. There is hereby added a new Section 9.08.010 to the Black Diamond Municipal Code.

9.08.010 Interfering with dog guide or service animal.

The City hereby adopts by reference as though fully set forth herein RCW section 9.91.170 as currently existing or as hereafter

amended.

Section 4. There is hereby added a new Section 9.08.030 to the Black Diamond Municipal Code.

9.08.030 Unlawful discharge of a laser in the second degree.
The City hereby adopts by reference as though fully set forth herein RCW section 9A.49.030 as currently existing or as hereafter amended.

Section 5. There is hereby added a new Section 9.08.040 to the Black Diamond Municipal Code.

9.08.040 Civil infraction, when.
The City hereby adopts by reference as though fully set forth herein RCW section 9A.49.040 as currently existing or as hereafter amended.

Section 6. There is hereby added a new Section 9.08.050 to the Black Diamond Municipal Code.

9.08.050 Cyberstalking.
The City hereby adopts by reference as though fully set forth herein RCW section 9.61.260 as currently existing or as hereafter amended.

Section 7. There is hereby added a new Section 9.12.010 to the Black Diamond Municipal Code.

9.12.010 Interfering with the reporting of domestic violence.
The City hereby adopts by reference as though fully set forth herein RCW section 9A.36.150 as currently existing or as hereafter amended.

Section 8. There is hereby added a new Section 9.12.050 to the Black Diamond Municipal Code.

9.12.050 Criminal mistreatment in the third degree.
The City hereby adopts by reference as though fully set forth herein RCW section 9A.42.035 as currently existing or as hereafter amended.

Section 9. There is hereby added a new Section 9.12.055 to the Black Diamond Municipal Code.

9.12.055 Criminal mistreatment in the fourth degree.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.42.037 as currently existing or as hereafter

Section 10. There is hereby added a new Section 9.12.057 to the Black Diamond Municipal Code.

9.12.057 Abandonment of a dependent person in the third degree-Exception.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.42.080 as currently existing or as hereafter amended.

Section 11. There is hereby added a new Section 9.12.058 to the Black Diamond Municipal Code.

9.12.058 Leaving a child in the care of a sex offender.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.42.110 as currently existing or as hereafter amended.

Section 12. There is hereby added a new Section 9.16.150 to the Black Diamond Municipal Code.

9.16.150 Theft of rental, leased, or lease-purchased property.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.56.096 as currently existing or as hereafter amended.

Section 13. There is hereby added a new Section 9.16.160 to the Black Diamond Municipal Code.

9.16.160 Possession of another's identification.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.56.330 as currently existing or as hereafter amended.

Section 14. There is hereby added a new Section 9.16.170 to the Black Diamond Municipal Code.

9.16.170 Criminal impersonation in the second degree.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.60.045 as currently existing or as hereafter amended.

Section 15. There is hereby added a new Section 9.30.010 to the Black Diamond Municipal Code.

9.30.010 Loaded firearm in vehicle-Unlawful use or possession-Penalty.

The City hereby adopts by reference as though fully set forth herein RCW section 77.15.460 as currently existing or as hereafter amended.

Section 16. There is hereby added a new Section 9.34.010 to the Black Diamond Municipal Code.

9.34.010 Purchasing, possessing by persons under eighteen –Civil infraction-Jurisdiction.

The City hereby adopts by reference as though fully set forth herein RCW section 70.155.080 as currently existing or as hereafter amended.

Section 17. There is hereby added a new Section 9.51.010 to the Black Diamond Municipal Code.

9.51.010 Registration of sex offenders and kidnapping offenders-Procedures-Definition-Penalties.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.44.130 as currently existing or as hereafter amended.

Section 18. There is hereby added a new Section 9.51.020 to the Black Diamond Municipal Code.

9.51.020 Custodial sexual misconduct in the second degree.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.44.170 as currently existing or as hereafter amended.

Section 19. There is hereby added a new Section 9.52.010 to the Black Diamond Municipal Code.

9.52.010 Reporting of depictions of minor engaged in sexually explicit conduct-Civil immunity.

The City hereby adopts by reference as though fully set forth herein RCW section 9.68A.080 as currently existing or as hereafter amended.

Section 20. There is hereby added a new Section 9.52.020 to the Black Diamond Municipal Code.

9.52.020 Communication with a minor for immoral purposes-
Penalties.

The City hereby adopts by reference as though fully set forth herein RCW section 9.68A.090 as currently existing or as hereafter amended.

Section 21. There is hereby added a new Section 9.54.010 to the Black Diamond Municipal Code.

9.54.010 Pet Animals-Taking, concealing, injuring, killing, etc.
Penalty.

The City hereby adopts by reference as though fully set forth herein RCW section 9.08.070 as currently existing or as hereafter amended.

Section 22. There is hereby added a new Section 9.54.020 to the Black Diamond Municipal Code.

9.54.020 Transporting or confining in unsafe manner-Penalty.

The City hereby adopts by reference as though fully set forth herein RCW section 16.52.080 as currently existing or as hereafter amended.

Section 23. There is hereby added a new Section 9.54.030 to the Black Diamond Municipal Code.

9.54.030 Animal Fighting-Owners, trainers, spectators-
Exceptions.

The City hereby adopts by reference as though fully set forth herein RCW section 16.52.117 as currently existing or as hereafter amended.

Section 24. There is hereby added a new Section 9.54.040 to the Black Diamond Municipal Code.

9.54.040 Punishment-Conviction of misdemeanor.

The City hereby adopts by reference as though fully set forth herein RCW section 16.52.165 as currently existing or as hereafter amended.

Section 25. There is hereby added a new Section 9.54.050 to the Black Diamond Municipal Code.

9.54.050 Poisoning animals-Penalty.

The City hereby adopts by reference as though fully set forth herein RCW section 16.52.190 as currently existing or as hereafter amended.

Section 26. There is hereby added a new Section 9.54.060 to the Black Diamond Municipal Code.

9.54.060 Animal cruelty in the second degree.

The City hereby adopts by reference as though fully set forth herein RCW section 16.52.207 as currently existing or as hereafter amended.

Section 27. Section 9.56.010 is hereby amended to read as follows:

9.56.010 Disorderly Conduct.

The City hereby adopts by reference as though fully set forth herein RCW section 9A.84.030 as currently existing or as hereafter amended.

Section 28. There is hereby added a new Section 9.79.010 to the Black Diamond Municipal Code.

9.79.010 Acts prohibited without appropriate licenses and permits-Minimum age for license or permit-Activities permitted without license or permit.

The City hereby adopts by reference as though fully set forth herein RCW section 70.77.255 as currently existing or as hereafter amended.

Section 29. There is hereby added a new Section 9.79.020 to the Black Diamond Municipal Code.

9.79.020 Outdoor burning-Fires prohibited-Exceptions.

The City hereby adopts by reference as though fully set forth herein RCW section 70.94.775 as currently existing or as hereafter amended.

Section 30. There is hereby added a new Section 9.84.090 to the Black Diamond Municipal Code.

9.84.090 Temporary restraining order or preliminary injunction-Enforcement-Notice of modification or termination of restraining

order.

The City hereby adopts by reference as though fully set forth herein RCW section 26.44.063 as currently existing or as hereafter amended.

Section 31. There is hereby added a new Section 9.84.100 to the Black Diamond Municipal Code.

9.84.100 Violation-penalty.

The City hereby adopts by reference as though fully set forth herein RCW section 26.44.080 as currently existing or as hereafter amended.

Section 32. There is hereby added a new Section 9.84.110 to the Black Diamond Municipal Code.

9.84.110 Violation of order-Penalties.

The City hereby adopts by reference as though fully set forth herein RCW section 26.50.110 as currently existing or as hereafter amended.

Section 33. There is hereby added a new Section 9.90.150 to the Black Diamond Municipal Code.

9.90.150 Ephedrine, pseudoephedrine, phenylpropanolamine-Sales restrictions-Penalty.

The City hereby adopts by reference as though fully set forth herein RCW section 69.43.110 as currently existing or as hereafter amended.

Section 34. There is hereby added a new Section 9.90.160 to the Black Diamond Municipal Code.

9.90.160 Ephedrine, pseudoephedrine, phenylpropanolamine-Possession of more than fifteen grams-Panalty-Exceptions.

The City hereby adopts by reference as though fully set forth herein RCW section 69.43.120 as currently existing or as hereafter amended.

Section 35. There is hereby added a new Section 9.90.170 to the Black Diamond Municipal Code.

9.90.170 Possession of forty grams or less of marijuana – Penalty.

The City hereby adopts by reference as though fully set forth herein RCW section 69.50.4014 as currently existing or as hereafter amended.

Section 36. There is hereby added a new Section 9.90.180 to the Black Diamond Municipal Code.

90.90.180 Drug paraphernalia-Selling or giving-Penalty.

The City hereby adopts by reference as though fully set forth herein RCW section 69.50.4121 as currently existing or as hereafter amended.

Section 37. There is hereby added a new Section 9.90.190 to the Black Diamond Municipal Code.

9.90.190 Crimes-limitations of chapter.

The City hereby adopts by reference as though fully set forth herein RCW section 69.51A.060 as currently existing or as hereafter amended.

Section 38. There is hereby added a new Section 9.96.060 to the Black Diamond Municipal Code.

9.96.060 Disobedience of order – Penalties.

The City hereby adopts by reference as though fully set forth herein RCW section 10.14.120 as currently existing or as hereafter amended.

Section 39. There is hereby added a new Section 9.96.070 to the Black Diamond Municipal Code.

9.96.070 Victim contact-Restriction, prohibition-Violation, penalties-Written order-Procedures-Notice of change.

The City hereby adopts by reference as though fully set forth herein RCW section 10.14.120 as currently existing or as hereafter amended.

Section 40. There is hereby created a new Chapter 10.40 to the Black Diamond Municipal Code entitled “Miscellaneous Provisions”.

Section 41. There is hereby added a new Section 10.40.010 to the Black Diamond Municipal Code.

10.40.010 Electronic messages.

The City hereby adopts by reference as though fully set forth herein WAC section 204-65-030 as currently existing or as hereafter amended.

Section 42. There is hereby added a new Section 10.40.020 to the Black Diamond Municipal Code.

10.40.020 Body requirements.

The City hereby adopts by reference as though fully set forth herein WAC section 204-90-040 as currently existing or as hereafter amended.

Section 43. There is hereby added a new Section 10.40.030 to the Black Diamond Municipal Code.

10.40.030 Electrical system requirements.

The City hereby adopts by reference as though fully set forth herein WAC section 204-90-140 as currently existing or as hereafter amended.

Section 44. There is hereby added a new Section 10.40.040 to the Black Diamond Municipal Code.

10.40.040 Parking for certain purposes unlawful.

The City hereby adopts by reference as though fully set forth herein WAC section 308-330-436 as currently existing or as hereafter amended.

Section 45. There is hereby added a new Section 10.40.050 to the Black Diamond Municipal Code.

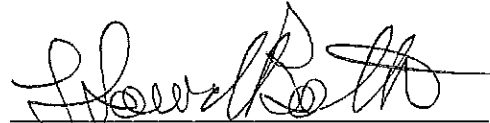
10.40.050 Unlawful Riding.

The City hereby adopts by reference as though fully set forth herein WAC section 308-330-478 as currently existing or as hereafter amended.

Section 46. Severability. If any provision of this Ordinance is determined to be invalid or unenforceable for any reason, the remaining provisions of this Ordinance shall remain in force and effect.

Section 47. Effective Date. This Ordinance shall be in full force and effect five (5) days from and after its passage, approval, posting and publication as provided by law. A summary of this ordinance may be published in lieu of publishing the Ordinance in its entirety.

Introduced the 16th day of June, 2005. Passed by the majority of the City Council at a meeting held on the 16th day of June, 2005.



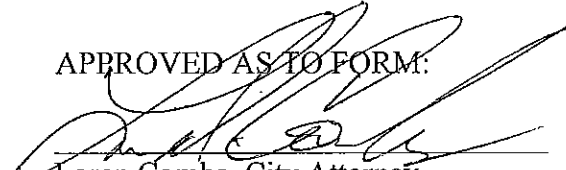
Mayor Howard Botts

Attest:



Cris Kandior, City Clerk

APPROVED AS TO FORM:



Loren Combs, City Attorney

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