Ordinance No. 3080

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

REPEALED By Ord. 3477
ORDINANCE NO. 3080

AN ORDINANCE of the City Council of the City of Kent, Washington, adopting and enacting a new code for the City of Kent, Washington; providing for procedure for amending and supplementing such code; providing for the interpretation of footnotes and history notes; providing for the repeal of certain ordinances not included therein and not saved from repeal in this ordinance; providing a penalty for the violation thereof; providing for the intent of the City Council in amending such code; and providing when such code and this ordinance shall become effective.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The Code entitled "Kent City Code" published by Municipal Code Corporation consisting of Titles 1 through 15, each inclusive, with the exception of Chapter 5.10 entitled "Massage Parlors and Bathhouses", which is hereby repealed, is adopted.

Section 2. The procedure for amending such Code shall be as follows:

(a) All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion herein. In the case of repealed chapters, section and subsections or any part thereof by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as
numbered and printed, or omitted in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code by the City Council.

(b) Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section or subsection number of this Code in the following or similar language: "That section ______ of the Kent City Code is hereby amended to read as follows: . . . " The new provisions shall then be set out in full as desired.

(c) If a new section or subsection not heretofore existing in the Code is to be added, the following language may be used: "That the Kent City Code is hereby amended by adding a section to be numbered ____________ , which section or subsection shall read as follows: . . . " The new section shall then be set out in full as desired.

(d) Repeal of any of the provisions of this Code may be effected by repealing such provisions by specific reference to the section or subsection number of this Code in the following or similar language: "That section __________ of the Code of Kent, Washington, is hereby repealed in its entirety."

(e) Every ordinance introduced which proposes to amend or repeal any portion of this Code shall show, by proper reference, the title, chapter and section proposed to be amended; or, if it proposes to add to this Code a new title, chapter or section, it shall indicate, with reference to the arrangement of this Code, the proper number of such title, chapter or section.

Section 3. The procedure for supplementing such Code shall be as follows:
(a) By contract or by City personnel, supplements to this Code shall be prepared and printed. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions;

(2) Change the words "this ordinance" or words of the same meaning to "this title," "this chapter," "this part," "this section," etc., as the case may be, or to "sections ______ to ________" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
(3) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Section 4. All references to titles, chapters or sections are to the titles, chapters and sections of this Code unless otherwise specified. The references and editor's notes appearing throughout the Code are not intended to have any legal effect, but are merely intended to assist the user of the Code. The history notes appearing in parentheses after sections of this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section.

Section 5. All ordinances of a general and permanent nature enacted on or before October 6, 1992, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 6. Nothing in the Code or this ordinance adopting the Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with the Code:

(a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
(b) Any ordinance promising or guaranteeing the payment of money for the City; or authorizing the issuance of any bonds of the City; or any evidence of the City's indebtedness;

(c) Any contract or obligation assumed by the City;

(d) Any right or franchise granted by the City;

(e) Any ordinance dedicating, naming, establishing, locating, opening, paving, widening, vacating, etc., any street or public way in the City;

(f) Any ordinance establishing or prescribing grades for streets in the City;

(g) Any appropriation ordinance or ordinances providing for the levy of taxes or for adopting or amending the annual City budget;

(h) Any ordinance relating to local improvements and assessments therefor;

(i) Any ordinance annexing territory to the City or discontinuing territory as a part of the City or amending the boundaries of the City;

(j) Any ordinance regulating subdivision of land or dedicating or accepting any plat or subdivision in the City;

(k) Any ordinance or resolution establishing or amending personnel rules or regulations;
(1) Any ordinance or resolution prescribing any utility rates, and other charges or fees;

(m) Any ordinance prescribing traffic regulations for specific streets, such as ordinances establishing speed limits or designating one-way streets, no parking areas, truck routes, stop intersections, intersections where traffic to be controlled by signals, etc.;

(n) Any ordinance amending the zoning map or rezoning property;

(o) Any ordinance calling an election or prescribing the manner of conducting the election in accordance with state law;

(p) Any ordinance prescribing any fee or payment of money to the City for licenses or any other fee or tax;

(q) Any ordinance prescribing the number, classification, benefits or compensation of any City officers or employees, not inconsistent herewith;

(r) Any ordinance which is temporary although general in effect;

(s) Any ordinance which is special although permanent in effect;

(t) Any ordinance containing any administrative provisions.
All such ordinances shall remain in effect and are on file in the City Clerk's office.

Section 7. The repeal provided for in Section 6 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 8. Nothing in the Code or this ordinance adopting the Code shall affect any offense or act committed or done, or any penalty of forfeiture incurred, or any contract or right established or accruing before the effective date of the Code. The adoption of the Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance of the City in effect on the date of adoption of the Code.

Section 9. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not to exceed five thousand dollars ($5,000.00) or a term of imprisonment not to exceed one (1) year, or both a fine and term of imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.
Section 10. Additions or amendments to the Code when passed in the form as to indicate the intention of the City Council to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 11. Ordinances adopted after October 6, 1992, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 12. Section 9.02.036 of the Kent City Code as adopted herein entitled "Disorderly conduct" is amended to read as follows:

Sec. 9.02.36. Disorderly Conduct.

A person is guilty of disorderly conduct if he:

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; or

3. Intentionally obstructs vehicular or pedestrian traffic without lawful authority.

Disorderly conduct is a misdemeanor.

Section 13. Section 9.02.104 of the Kent City Code as adopted herein entitled "Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful; penalty; exceptions" is hereby amended as follows:
Sec. 9.02.104. Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful; penalty; exceptions.

A. It shall be unlawful for anyone to carry, exhibit, display or draw any firearm, dagger, sword, knife or other cutting or stabbing instrument, club or any other weapon apparently capable of producing bodily harm in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons. Any person violating the provisions of this subsection shall be guilty of a misdemeanor. A violation of this section shall, upon conviction, be punishable as a misdemeanor under state law.

B. Subsection A. of this section shall not apply to or affect the following:

1. Any act committed by a person while in his place of abode or fixed place of business;

2. Any person who by virtue of his office or public employment is vested by law with a duty to preserve public safety, maintain public order or make arrests for offenses while in the performance of such duty;

3. Any person acting for the purpose of protecting himself against the use of presently threatened unlawful force by another or for the purpose of protecting another against the use of such unlawful force by a third person;

4. Any person making or assisting in making a lawful arrest for the commission of a felony; or

5. Any person engaged in military activities sponsored by the federal or state government. ((A violation of this section shall, upon conviction, be punishable as a misdemeanor under state law.))
Section 14. Section 9.02.106 of the Kent City Code as adopted herein entitled "Sale, manufacture, possession of certain weapons" is amended to read as follows:

Sec. 9.02.106. Sale, manufacture, possession of certain weapons.

A. It shall be unlawful for anyone to sell, manufacture, purchase, possess or carry:

1. Any device commonly known as nunchuka sticks, consisting of two (2) or more lengths of wood, metal, plastic or similar substance connected with wire, rope or other means; or

2. Any device commonly known as throwing stars, which are multipointed, metal objects designed to embed upon impact from any aspect in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

B. It shall be unlawful for anyone to manufacture, sell or dispose of or have in his possession any instrument or weapon of the kind usually known as a slung shot, sand club, metal knuckles, spring blade knife or any knife the blade of which is automatically released by a spring mechanism or other mechanical device or any knife having a blade which opens or falls or is ejected into position by the force of gravity or by an outward, downward, or centrifugal thrust or movement.

C. Anyone who shall furtively carry with intent to conceal any dagger, dirk, pistol, or other dangerous weapon as previously outlined, or who shall use any contrivance or device for suppressing the noise of any firearm shall be guilty of a misdemeanor as provided under state law.
Section 15. This ordinance shall become effective thirty (30) days after its final passage as provided by law.

DAN KELLEHER, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. INOVICH, CITY ATTORNEY

PASSED the 19 day of January, 1993.

APPROVED the 20 day of January, 1993.

PUBLISHED the 22 day of January, 1993.

I hereby certify that this is a true and correct copy of Ordinance No. 3080, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK (SEAL)