Ordinance No. 3419
["Beginning July 1, 1998"]
(Amending or Repealing Ordinances)

Repealed by Ord. 3621 (Ch. 9.02)
AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 9.02 of the Kent City Code entitled “Criminal Code” by adopting by reference certain provisions of the Revised Code of Washington relating to counterfeit or false trademarks, and declaring a public emergency necessary for the protection of public health, safety, and welfare.

WHEREAS, providing law enforcement with the ability to enforce laws that prohibit the sale of or display of counterfeit goods would protect the welfare and safety of the citizens of Kent; and

WHEREAS, RCW 39.34.180 requires cities such as the City of Kent to prosecute all misdemeanor and gross misdemeanor offenses committed by adults in its jurisdiction; and

WHEREAS, RCW 35A.11.090 and RCW 35A.12.130 allow for the adoption of emergency ordinances; and

WHEREAS, due to the current inability to file charges for selling or displaying counterfeit goods, the enactment of an emergency ordinance is appropriate and necessary for the protection of the health, safety, and welfare of the public, NOW THEREFORE,
SECTION 1. The City Council hereby declares an emergency, pursuant to RCW 35A.11.090 and RCW 35A.12.130, to allow for immediate enactment of this ordinance for the protection of the health, safety, and welfare of the public.

SECTION 2. Chapter 9.02 of the Kent City Code is hereby amended by adding a new section, 9.02.60, as follows:

Sec. 9.02.60. Counterfeit or false trademark or brand. The following sections of Chapter 9.16 of the Revised Code of Washington (RCW), with the exception of those provisions contained therein for which a violation constitutes a felony crime, are hereby adopted by reference as currently enacted and as hereinafter amended from time to time, and shall be given the same force and effect as if set forth herein in full.

A. RCW 9.16.020 Imitating lawful brand.
B. RCW 9.16.030 Counterfeiting trademark, brand, etc.
C. RCW 9.16.040 Displaying goods with false trademark.
D. RCW 9.16.050 When deemed affixed.
E. RCW 9.16.060 Fraudulent registration of trademark.
F. RCW 9.16.070 Form and similitude defined.
G. RCW 9.16.150 "Marked, stamped, or branded" defined.

SECTION 3. The sections of Chapter 9.16 of the Revised Code of Washington adopted by reference in Section 2 above, are attached hereto as Exhibit A.

SECTION 4. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.
SECTION 5. Effective Date. This emergency ordinance shall take effect and be in force immediately upon adoption.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 15 day of September, 1998.

APPROVED: 16 day of September, 1998.

PUBLISHED: 18 day of September, 1998.

I hereby certify that this is a true copy of Ordinance No. 3419, 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
RCW 9.16.020 Imitating lawful brand.

Every person who, in any county, places upon any property, any brand or mark in the likeness or similitude of another brand or mark filed with the county auditor of such county by the owner thereof as a brand or mark for the designation or identification of a like kind of property, is:

(1) If done with intent to confuse or commingle such property with, or to appropriate to his or her own use, the property of such other owner, guilty of a felony, and be punished by imprisonment in a state correctional facility for not more than five years, or by imprisonment in the county jail for not more than one year, or by a fine of not more than one thousand dollars, or by both fine and imprisonment; or

(2) If done without such intent, guilty of a misdemeanor.

[1992 c 7 § 4; 1909 c 249 § 343; RRS § 2595.]

RCW 9.16.030 Counterfeiting trademark, brand, etc.

Every person who shall use or display or have in his possession with intent to use or display, the genuine label, trademark, term, design, device, or form of advertisement of any person, corporation, association or union, lawfully filed for record in the office of the secretary of state, or the exclusive right to use which is guaranteed to any person, corporation, association or union, by the laws of the United States, without the written authority of such person, corporation, association or union, or who shall wilfully forge or counterfeit or use or display or have in his possession with intent to use or display any representation, likeness, similitude, copy or imitation of any genuine label, trademark, term, design, device, or form of advertisement, so filed or protected, or any die, plate, stamp or other device for manufacturing the same, shall be guilty of a gross misdemeanor.

[1909 c 249 § 345; RRS § 2596.]
ORDINANCE

No. 3419

Amending "Criminal Code" Chapter 9.02 of KCC by adopting by reference certain provisions of the Revised Code of Wa. relating to counterfeit or false trademarks.