

Ordinance No. 00396

[Council meeting minutes of Oct 17 2005](#)

ORDINANCE NO. 396

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 9.90 of the Lakewood Municipal Code, adding Section 9.90.020, relating to the statute incorporated by reference for making and having burglar tools to include making and having auto theft tools.

WHEREAS, in order to provide for public safety and welfare in the City of Lakewood, the City has incorporated by reference RCW 9A.52.060 ? Making and having burglar tools, adopted by ordinance and codified in Chapter 9.90.000 (Title 9) of the Lakewood Municipal Code; and,
WHEREAS, it is necessary to amend the Lakewood Municipal Code to further incorporate language to specifically address the crimes of making and possessing tools that aid in auto thefts and vehicle prowls so that the Lakewood Police Department can adequately protect and serve the citizens of the City of Lakewood,
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as Follows:
Section 1. That Chapter 09.90 of the Lakewood Municipal Code be, and the same hereby is amended, adding a new section, 9.90.020, to read as follows:
09.90.000 - Trespass and Burglary Tools

Chapter 9.90
Trespass and Burglary Tools
Sections:
9.90.010 Defying order to leave premises.
9.90.020 Making or having burglar or auto theft tools
9.90.900 Statutes incorporated by reference.

09.90.010 - Defying Order to Leave Premises

Every person, knowing that he is not licensed or privileged to remain, who defies an order to leave public or private places, or public or private premises, communicated to him by the owner of said place or premises or by some other authorized person, within the city, is guilty of a misdemeanor. (Ord. 41 ? 1 (part), 1996.)

09.90.020 - Making or Having Burglar or Auto Theft Tools

A. Every person who shall make or mend, or cause to be made or mended, or have in his possession any engine, machine, tool, false key, pick lock, bit, nippers, or implement or any other implement listed in subsection B of this section, that is adapted, designed, or commonly used for the commission of burglary or vehicle related theft, under circumstances evincing an intent to use or employ, or allow the same to be used or employed, in the commission of a burglary or vehicle related theft, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools or auto theft tools.

B. The following tools are to be considered prohibited implements: slim jim, false master key, master purpose key, altered or filed key, trial (?jiggler?) keys, slide hammer, lock puller, or any other implement shown by facts and circumstances to be intended for use in the commission of a burglary or vehicle involved theft.

C. For the purposes hereof, the following definitions shall apply:

1. ?False master? or ?master key? means any key or other device made or altered to fit locks or ignitions of multiple vehicles, or vehicles other than that for which the key was originally manufactured.

2. ?Altered key? means any key so altered, by cutting, filing, or other means to fit multiple vehicles or vehicles other than the vehicle for which the key was originally manufactured.

3. ?Trial (?jiggler?) keys? means keys or sets designed or altered to manipulate a vehicle locking mechanism other than the lock for which the key was originally manufactured.

D. It shall be prima facie evidence of ?circumstances evincing an intent to use for commission of burglary or vehicle related theft? for a person to be in possession of multiple vehicle keys or altered vehicle keys unless such person is a bona fide locksmith or an employee of a licensed auto dealer or other position for which the possession of such keys is required in the performance of their duties.

E. Making or having burglar or auto theft tools is a gross misdemeanor.

09.90.900 - Statutes Incorporated by Reference

The following statutes are incorporated in this Chapter 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)
(Ord. 41 ? 1 (part), 1996.)

Section 2. Severability. If any portion of this Ordinance or its application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3: Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 17th day of October, 2005.

CITY OF LAKEWOOD

Douglas Richardson, Mayor

Attest:

Alice M. Bush, CMC, City Clerk
Approved as to Form:

Heidi Ann Wachter, City Attorney