

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 611

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, ADDING THEFT OF RENTAL PROPERTY AS AN OFFENSE UNDER THE CITY'S CRIMINAL CODE AND AMENDING CHAPTER 9.85 OF THE BURIEN MUNICIPAL CODE.

WHEREAS, the City Prosecutor is recommending adoption of an ordinance adding theft of rental property to the City's criminal code, so that the City Prosecutor can charge this crime rather than referring it the King County Prosecutor's Office; and

WHEREAS, this ordinance is enacted as an exercise of the City's police power to protect and preserve the public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.85 of the Burien Municipal Code is hereby amended by adopting BMC 9.85.010 to read as follows:

9.85.010 Theft of rental, leased, lease-purchased, or loaned property.

(1) A person who, with intent to deprive the owner or owner's agent, wrongfully obtains, or exerts unauthorized control over, or by color or aid of deception gains control of personal property that is rented, leased, or loaned by written agreement to the person, is guilty of theft of rental, leased, lease-purchased, or loaned property.

(2) The finder of fact may presume intent to deprive if the finder of fact finds either of the following:

(a) That the person who rented or leased the property failed to return or make arrangements acceptable to the owner of the property or the owner's agent to return the property to the owner or the owner's agent within seventy-two hours after receipt of proper notice following the due date of the rental, lease, lease-purchase, or loan agreement; or

(b) That the renter, lessee, or borrower presented identification to the owner or the owner's agent that was materially false, fictitious, or not current with respect to name, address, place of employment, or other appropriate items.

(3) As used in subsection (2) of this section, "proper notice" consists of a written demand by the owner or the owner's agent made after the due date of the rental, lease, lease-purchase, or loan period, mailed by certified or registered mail to the renter, lessee, or borrower at: (a) The address

the renter, lessee, or borrower gave when the contract was made; or (b) the renter, lessee, or borrower's last known address if later furnished in writing by the renter, lessee, borrower, or the agent of the renter, lessee, or borrower.

(4) Theft of rental, leased, lease-purchased, or loaned property is a gross misdemeanor.

(5) The crime of theft of rental, leased, lease-purchased, or loaned property may be deemed to have been committed either at the physical location where the written agreement for the rental, lease, lease-purchase, or loan of the property was executed under subsection (1) of this section, or at the address where proper notice may be mailed to the renter, lessee, or borrower under subsection (3) of this section.

(6) This section applies to rental agreements that provide that the renter may return the property any time within the rental period and pay only for the time the renter actually retained the property, in addition to any minimum rental fee, to lease agreements, to lease-purchase agreements as defined under RCW [63.19.010](#), and to vehicles loaned to prospective purchasers borrowing a vehicle by written agreement from a motor vehicle dealer licensed under chapter [46.70](#) RCW. This section does not apply to rental or leasing of real property under the residential landlord-tenant act, chapter [59.18](#) RCW.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other households or circumstances.

Section 3. Effective Date. This ordinance or a summary thereof shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 13TH DAY OF OCTOBER, 2014, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 13TH DAY OF OCTOBER, 2014.

CITY OF BURIEN
/s/ Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

/s/ Monica Lusk, City Clerk

Approved as to form:

/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: October 1, 2014

Passed by the City Council: October 13, 2014

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Date of Publication: October 16, 2014