

**CITY OF SULTAN
WASHINGTON
ORDINANCE NO 1238-16.**

**AN ORDINANCE OF THE CITY OF SULTAN, WASHINGTON,
ADDING A NEW CHAPTER 9.02 SMC RELATING TO CRIMES;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the State of Washington has passed criminal statutes that are enforceable by the City of Sultan police department; and

WHEREAS, the Washington Criminal Code was previously adopted by the City but is not currently reflected in the Sultan Municipal Code; and

WHEREAS, in addition to the general adoption of the Washington Criminal Code, the City desires to enumerate certain statutes by category for the convenience of law enforcement and citizen reference;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SULTAN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. SMC Chapter 9.02, Criminal Code, Added: A new Chapter 9.02, entitled "Criminal Code," is hereby added to Title 9 of the Sultan Municipal Code to read as follows:

**Chapter 9.02
CRIMINAL CODE**

Sections:

- 9.02.010 Adoption of State Code generally.
- 9.02.020 Police powers.
- 9.02.030 Specific statutes adopted.
- 9.02.040 Statutory provisions – Amendments or changes included.

9.02.010 Adoption of State Code generally.

All misdemeanor and gross misdemeanor criminal behavior and the penalties therefor as defined by the State of Washington, Revised Code of Washington, are hereby adopted by reference by the City of Sultan; provided, that any reference to felonies or classification of felonies shall refer to the statutes of the State of Washington for definition and prosecution.

9.02.020 Police powers.

To the extent provided by state law, the police officers of the City of Sultan shall have the authority and jurisdiction to arrest for and initiate citations and prosecution for violations of state enactments by authority of this chapter. RCW

10.31.100, an act relating to the powers of arrest, is hereby adopted by reference as currently enacted or as may subsequently be amended.

9.02.030 Specific statutes adopted.

The following sections and chapters of the Revised Code of Washington are herewith adopted by reference. This adoption shall not be to the exclusion of those sections not specifically mentioned by this direct reference; rather, this reference shall be a supplement to the general adoption contained in SMC 9.02.010.

PRELIMINARY ARTICLE

- 9A.04.050 People capable of committing crimes – Capability of child.
- 9A.04.060 Common law to supplement statute.
- 9A.04.070 Who amenable to criminal statutes.
- 9A.04.080 Limitation of actions.
- 9A.04.100 Proof beyond reasonable doubt.
- 9A.04.110 Definitions.

PRINCIPLES OF LIABILITY

- 9A.08.010 General requirements of culpability.
- 9A.08.020 Liability for conduct of another – Complicity.
- 9A.08.030 Criminal liability of corporations and persons acting for them.

INSANITY

- 9A.12.010 Insanity.

DEFENSES

- 9A.16.010 Defenses – Definitions.
- 9A.16.020 Use of force – When lawful.
- 9A.16.060 Duress.
- 9A.16.070 Entrapment.
- 9A.16.080 Action for being on store premises for investigation “reasonable grounds” as defense.
- 9A.16.090 Intoxication.

ANTICIPATORY OFFENSES

- 9A.28.020 Criminal attempt.
- 9A.28.030 Criminal solicitation.
- 9A.28.040 Criminal conspiracy.

ASSAULT

- 9A.36.041 Assault in the fourth degree.
- 9A.36.050 Reckless endangerment.
- 9A.36.070 Coercion.
- 9A.36.150 Interfering with reporting domestic violence.
- 9A.40.070 Custodial interference second degree.

HARASSMENT

- 9A.46.010 Legislative finding.
- 9A.46.020 Definitions – Penalties.
- 9A.46.030 Place where committed.

- 9A.46.040 Court-ordered requirements upon defendant – Violation.
- 9A.46.050 Arraignment – No-contact order.
- 9A.46.060 Crimes included in harassment.
- 9A.46.070 Enforcement of orders restricting contact.
- 9A.46.080 Order restricting contact violation.
- 9A.46.090 Nonliability of peace officer.
- 9A.46.100 “Convicted,” time when.
- 9A.46.110 Stalking.

INHALING TOXIC FUMES

- 9.47A.020 Unlawful inhalation exception.
- 9.47A.030 Possession of certain substances prohibited, when.
- 9.47A.040 Sale of certain substances prohibited, when.

ARSON, RECKLESS BURNING, MALICIOUS MISCHIEF

- 9A.48.010 Definitions.
- 9A.48.050 Reckless burning in second degree.
- 9A.48.060 Reckless burning – Defense.
- 9A.48.090 Malicious mischief in third degree.
- 9A.48.100 Malicious mischief – “Physical damage” defined.
- 9A.49.050 Reckless burning in second degree.

BURGLARY AND TRESPASS

- 9A.52.010 Definitions.
- 9A.52.040 Inference of intent.
- 9A.52.050 Other crime in committing burglary punishable.
- 9A.52.060 Making or having burglary tools.
- 9A.52.070 Criminal trespass in the first degree.
- 9A.52.080 Criminal trespass in the second degree.
- 9A.52.090 Criminal trespass – Defenses.
- 9A.52.100 Vehicle prowl in the second degree.
- 9A.52.120 Computer trespass in the second degree.

THEFT AND ROBBERY

- 9A.56.010 Definitions.
- 9A.56.020 Theft – Definition, defense.
- 9A.56.050 Theft in the third degree.
- 9A.56.060 Unlawful issuance of checks.
- 9A.56.096 Theft of rental property.
- 9A.56.140 Possessing stolen property – Definitions – Access devices, presumption.
- 9A.56.170 Possessing stolen property in the third degree.
- 9A.56.180 Obscuring the identity of a machine.
- 9A.56.220 Theft of subscription television services.
- 9A.56.240 Forfeiture and disposal of device used to commit violation.
- 9A.56.260 Connection of channel converter.
- 9A.56.270 Shopping cart theft.
- 9A.56.330 Possession of another’s identification.

FRAUD

- 9A.60.010 Fraud – Definitions.
- 9A.60.045 Criminal impersonation in the second degree.

9A.60.050 False certification.

DEFRAUDING A PUBLIC UTILITY

9A.61.010 Definitions.

9A.61.020 Defrauding a public utility.

9A.61.050 Defrauding a public utility in the third degree.

PERJURY AND INTERFERENCE WITH OFFICIAL PROCEEDINGS

9A.72.010 Definitions.

9A.72.040 False swearing.

9A.72.140 Jury tampering.

9A.72.150 Tampering with physical evidence.

OBSTRUCTING GOVERNMENTAL OPERATIONS

9A.76.010 Definitions.

9A.76.020 Obstructing a law enforcement officer.

9A.76.030 Refusing to summon aid for a peace officer.

9A.76.040 Resisting arrest.

9A.76.050 Rendering criminal assistance definition of term.

9A.76.060 Relative defined.

9A.76.080 Rendering criminal assistance in the second degree.

9A.76.090 Rendering criminal assistance in the third degree.

9A.76.100 Compounding.

9A.76.130 Escape in the third degree.

9A.76.160 Introducing contraband in the third degree.

9A.76.170 Bail jumping.

9A.76.175 Making a false or misleading statement to a public servant.

ABUSE OF OFFICE

9A.80.010 Official misconduct.

PUBLIC DISTURBANCE

9A.84.010 Riot.

9A.84.020 Failure to disperse.

9A.84.030 Disorderly conduct.

9A.84.040 False reporting.

SEXUAL MISCONDUCT – PROSTITUTION

9.68A.011 Definitions.

9.68A.090 Communicating with a minor for immoral purposes.

9.68A.110 Certain defenses barred, permitted.

9A.44.010 Definitions.

9A.44.096 Sexual misconduct with a minor in the second degree.

9A.88.010 Indecent exposure.

9A.88.030 Prostitution.

9A.88.050 Prostitution – Sex of parties immaterial – No defense.

9A.88.090 Permitting prostitution.

9A.88.110 Patronizing a prostitute.

MISCELLANEOUS


2.48.170 Only active members (of the state bar) may practice (law).

- 2.48.180 Definitions – Unauthorized practice a crime – Causes for discipline.
- 9.12.010 Barratry.
- 9.26A.120 Fraud in operation – Coin-box telephone or other receptacle.
- 9.69.100 Duty of witness of offense against child or any violent offense – Penalty.
- 9.27.015 Harassing judge, juror, or witness.
- 9.38.010 False representation concerning credit.
- 9.38.015 False representation concerning deposit account applicant.
- 9.69.100 Duty of witness of offense against child or any violent offense – Penalty.
- 9.73.030 Recording conversation without consent.
- 13.32A.080 Harboring a runaway.
- 69.41.070 Illegal possession of steroids without prescription.
- 69.50.101 Uniformed controlled substance act – Definitions.
- 69.50.102 Drug Paraphernalia – Definitions.
- 69.50.401 Prohibited acts: A – Penalties.
- 69.50.4013 Possession of controlled substance – Penalty.
- 69.50.412 Prohibited acts: E – Penalties.
- 69.50.4121 Drug paraphernalia – Selling or giving – Penalty.
- 69.50.505 Seizure and forfeiture.
- 70.74.020 Delivery of explosives to a minor.
- 77.16.250 Loaded shotgun or rifle in vehicle.

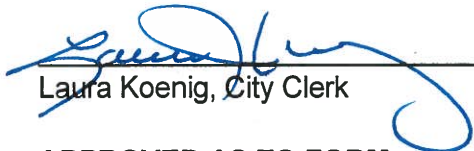
Section 2. Severability: Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation,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

Section 3. Effective Date: This Ordinance 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 26th DAY OF MAY, 2016.

CITY OF SULTAN

 Carolyn Eslick, Mayor

ATTEST/AUTHENTICATED:


 Laura Koenig, City Clerk

APPROVED AS TO FORM:


 Amy S. Mill, City Attorney

Date of Publication: May 30, 2016

Effective Date: June 4, 2016