

**CITY OF SNOHOMISH
Snohomish, Washington**

ORDINANCE 2229

**AN ORDINANCE OF THE CITY OF SNOHOMISH, WASHINGTON,
AMENDING PORTIONS OF THE SNOHOMISH MUNICIPAL CODE
CODIFIED IN SECTION 9.04.050 AND CHAPTERS 9.36, 9.37, 9.56, 9.92,
AND ADDING A NEW SECTION 7.04.110 TO ADOPT RCW CRIMES BY
INCORPORATION AND REFERENCE; PROVIDING FOR
SEVERABILITY AND EFFECTIVE DATE**

WHEREAS, the City Council desires to update and amend the Criminal Code sections;

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

Section 1. Snohomish Municipal Code Section 9.04.050 entitled “Classification of Crimes--Penalties” is amended to read as follows:

9.04.050 Classification of Crimes--Penalties. All offenses defined by this title or by any state statute which is incorporated herein by reference, constitute crimes: ~~and are classified as misdemeanors.~~

1. Any person convicted of a gross misdemeanor shall be punished by a fine not to exceed \$5,000.00 or by imprisonment in jail for a term not to exceed 364 days, or by both such fine and imprisonment.
2. Unless otherwise provided, any person convicted of violating the provisions of this chapter shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$1,000.00 or by imprisonment in jail for a term not to exceed 90 days, or by both such fine and imprisonment.

~~Any person convicted of having committed such a misdemeanor shall be punished by imprisonment for a term not to exceed six months, or by a fine not to exceed five hundred dollars or by both such fine and imprisonment; provided, however, certain misdemeanors specified in this title shall be punishable solely by a fine not to exceed five hundred dollars. (Ord. 1390, 1978)~~

Section 2. Snohomish Municipal Code Chapter 9.36 entitled “Assault” is amended to read as follows:

**Chapter 9.36
ASSAULT**

Sections:

9.36.050 Statutes Incorporated by Reference

9.36.005 Statutes Incorporated by Reference. The provisions of the following state statutes are incorporated by reference in this chapter:

RCW 9A.36.041 Assault in the fourth Degree
RCW 9A.36.050 Reckless Endangerment
RCW 9A.36.070 Coercion
RCW 9A.42.035 Criminal mistreatment in the third degree
RCW 9A.42.037 Criminal mistreatment in the fourth degree
(Ord. 1390, 1978; Ord. 1763, 1994)

Section 3. Snohomish Municipal Code Chapter 9.37 entitled “Harassment” is amended to read as follows:

Chapter 9.37
HARASSMENT

Sections:

9.37.010 Statutes Incorporated by Reference

9.37.010 Statutes Incorporated by Reference. The following statutes regarding harassment are incorporated by reference:

RCW 9.61.230 Telephone Calls to Harass, Intimidate, Torment, or Embarrass
RCW 9.61.240 Permitting Telephone to be Used to Harass
RCW 9.61.250 Where Telephone Offense is Deemed to be Committed
RCW 9.61.260 Cyberstalking
RCW 9A.46.010 A Legislative Finding
RCW 9A.46.020 Definition--Penalties
RCW 9A.46.030 Place Where Committed
RCW 9A.46.040 Court Ordered Requirements Upon Person Charged With Crime--Violation
RCW 9A.46.050 Arraignment--No Contact Order
RCW 9A.46.060 Crimes Included in Harassment
RCW 9A.46.070 Enforcement of Orders Restricting Contact
RCW 9A.46.080 Order Restricting Contact--Violation
RCW 9A.46.090 Non-Liability of Peace Officer
RCW 9A.46.100 Convicted--Time When
RCW 9A.46.110 Stalking
RCW 10.14.020 Definitions
RCW 10.14.120 Disobedience of Order-Penalties
RCW 10.14.170 Criminal Penalty

Section 4. Snohomish Municipal Code Chapter 9.56 entitled “Theft - Shoplifting” is amended to read as follows:

Chapter 9.56
Theft - Shoplifting

Sections:

9.56.005 Statutes Incorporated by Reference

9.56.005 Statutes Incorporated by Reference. The provisions of the following state statutes are incorporated by reference in this chapter:

RCW 9A.56.010 Definitions
 RCW 9A.56.020 Theft--Definition, Defense
 RCW 9A.56.050 (1)Theft in the Third Degree
 RCW 9A.56.060 (1)(3) Unlawful Issuance of Checks or Drafts
 RCW 9A.56.170 Possessing stolen property in the Third Degree
 RCW 9A.56.180 Obscuring Identity of a Machine
 RCW 9A.56.220 Theft of Cable Television Services
 RCW 9A.56.230 Unlawful Sale of Cable Television Services
 RCW 9A.56.240 Forfeiture and Disposal of Device Used to Commit Violation
 RCW 9A.56.260 Connection of Cable Converter
 RCW 9A.56.270 Shopping Cart Theft
RCW 9A.56.330 Possession of another's identification
 (Ord. 1763, 1994)

Section 5. Snohomish Municipal Code Chapter 9.92 entitled "Controlled Substance" is amended to read as follows:

**Chapter 9.92
Controlled Substance**

Section:

9.92.005 Statutes incorporated by reference.

9.92.005 Statutes incorporated by reference. The provisions of the following state statutes are incorporated by reference in this chapter:

RCW 69.41.030 Sale, delivery, or possession of legend drug without prescription or order prohibited—Exceptions—Penalty
 RCW 69.50.101 Definitions
 RCW 69.50.102 Definitions-Paraphernalia
 RCW 69.50.201 Authority to Control
 RCW 69.50.202 Nomenclature
 RCW 69.50.204 Marijuana defined as a Controlled Substance
RCW 69.50.309 Containers
 RCW 69.50.401(e) Possession of 40 Grams or Less of Marijuana Prohibited
 RCW 69.50.412 Possession of Drug Paraphernalia Prohibited
 RCW 69.50.425 Mandatory Sentences
 RCW 69.50.505 Forfeiture of Controlled Substances and Equipment and Vehicles Associated Therewith
 (Ord. 1763, 1994)

Section 6. A new section is added to Snohomish Municipal Code Chapter 7.04.110 incorporating RCW by reference and is to read as follows:

7.04.110 Statutes incorporated by reference. The provisions of the following state statutes are incorporated by reference in this chapter:

RCW 16.52.207 Animal cruelty in the second degree

Section 7. **Severability.** If any portion of this ordinance as now or hereafter amended, or its application to any person or circumstances, is held invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole, or any section, provision or part thereof not adjudged to be invalid or unconstitutional and its application to other persons or circumstances shall not be affected.

Section 8. **Effective date.** This ordinance shall take effect five days after the date of its publication by summary.

ADOPTED by the City Council and **APPROVED** by the Mayor this 15th day of November, 2011.

CITY OF SNOHOMISH

By _____
Karen Guzak, Mayor

ATTEST:

By _____
Torchie Corey, City Clerk

Approved as to form:

By _____
Grant K. Weed, City Attorney