

**CITY OF MONROE**  
**ORDINANCE NO. 014/2021**

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 9.03 MMC STATE CRIMINAL STATUTES ADOPTED AND CHAPTER 9.20 MMC DRUGS AND OTHER CONTROLLED SUBSTANCES; AMENDING THE CITY'S CRIMINAL CODE TO ADOPT BY REFERENCE THE CURRENT WASHINGTON STATUTES GOVERNING POSSESSION OF CONTROLLED SUBSTANCES, POSSESSION OF USUABLE MARIJUANA, MARIJUANA CONCENTRATES AND MARIJUANA-INFUSED PRODUCTS, AND COUNTERFEIT SUBSTANCES, AND THE SALE, DELIVERY AND POSSESSION OF LEGEND DRUGS WITH PRESCRIPTION OR ORDER; REPEALING OUTDATED AND/OR OTHERWISE UNNECESSARY PROVISIONS; ENTERING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City of Monroe protects the public safety through the adoption by reference and enforcement of numerous Washington statutes, including without limitation applicable provisions of the Uniformed Controlled Substances Act (UCSA) codified at Chapter 69.50 RCW; and

WHEREAS, on February 25, 2021, the Washington Supreme Court issued its decision in *State v. Blake*, 197 Wn.2d 170, 481 P.3d 521 (2021), holding that RCW 69.50.4013(1), the Washington statute that criminalized the possession of a controlled substance without a prescription, exceeded the State's police power and violated the due process clauses of the Washington and United States Constitutions by creating a strict-liability felony offense; and

WHEREAS, in response to the *Blake* decision, the Washington Legislature passed, and the Governor subsequently signed, Engrossed Senate Bill (ESB) 5476, which, *inter alia*, designates the possession of controlled substances and counterfeit substances, and the unlawful possession of a legend drug, as criminal misdemeanors; and

WHEREAS, the City Council desires to amend Chapters 9.03 and 9.20 of the Monroe Municipal Code (MMC) in order to ensure that the current provisions of state law, as amended by ESB 5476 and other applicable enactments of the State Legislature, are accurately adopted by reference and enforceable within the City of Monroe; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MONROE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The above recitals, together with the content of Agenda Bill AB-21-524, are hereby adopted as findings in support of this ordinance.

Section 2. Repealer. Sections 9.03.320, 9.20.030, 9.20.070 and 9.20.080 of the Monroe Municipal Code are hereby repealed in their respective entirety.

Section 3. Amendment of MMC 9.03.340. Section 9.03.340 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

**9.03.340 Miscellaneous.**

RCW

- 9.01.055 Citizen immunity if aiding officer, scope – When.
- 9.03.010 Abandoning, discarding refrigeration equipment.
- 9.03.020 Permitting unused equipment to remain on premises.
- 9.03.040 Keeping or storing equipment for sale.
- 9.04.010 False advertising.
- 9.04.090 Advertising fuel prices by service stations.
- 9.08.065 Definitions.
- 9.08.070 Pet animals – Taking, concealing, injuring, killing, etc. – Penalty.
- 9.27.015 Interference, obstruction of any court, building or residence – Violations.
- 9.38.010 False representation concerning credit.
- 9.38.020 False representation concerning title.
- 9.40.040 Operating engine or boiler

	without spark arrester.
9.40.100	Tampering with fire alarm or firefighting equipment – False alarm – Penalties.
9.26A.120	Fraud in operating coin-box or telephone or other receptacle.
9A.42.035	Criminal mistreatment in the third degree.
9A.42.037	Criminal mistreatment in the fourth degree.
9.44.080	Misconduct in signing a petition.
9A.44.170	Custodial misconduct in the second degree.
9A.48.105	Criminal street gang tagging and graffiti as defined by RCW 9.94A.030.
9.45.060	Encumbered, leased, or rented personal property – Construction.
9.45.070	Mock auctions.
9.45.080	Fraudulent removal of property.
9.45.090	Knowingly receiving fraudulent conveyances.
9.45.100	Fraud in assignment for benefit of creditors.
9.46.196	Cheating – Defined.
9A.56.096	Theft of rental, leased, lease-purchased, or loaned property.
9.61.230	Telephone harassment.

9.61.240	Telephone harassment – Permitting telephone to be used.
9.61.250	Telephone harassment – Offense, where deemed committed.
9.61.260	Cyberstalking.
9.62.010	Malicious prosecution.
9.62.020	Instituting suit in name of another.
9.68A.011	Definitions.
9.68A.050	Dealing in depictions of minor engaged in sexually explicit conduct.
9.68A.060	Sending, bringing into state depictions of minor engaged in sexually explicit conduct.
9.68A.070	Possession of depictions of minor engaged in sexually explicit conduct.
9.68A.075	Viewing depictions of a minor engaged in sexually explicit conduct.
9.68A.080	Reporting of depictions of minor engaged in sexually explicit conduct – Civil immunity.
9.68A.090	Communicating with a minor for immoral purposes.
9.68A.110(1), (2), (5)	Certain defenses barred, permitted.
9.68A.120	Seizure and forfeiture of property.

- 9.68A.130 Recovery of costs of suit by minor.
- 9.68A.150 Allowing minor on premises of live erotic performance.
- 9.69.100 Duty of witnesses of offense against child or any violent offense – Penalty.
- 9.73.010 Divulging telegram.
- 9.73.020 Opening sealed letter.
- 9.73.030 Intercepting, recording or divulging private communication – Consent required – Exceptions.
- 9.73.070 Persons and activities excepted from chapter (as amended by 1991c312).
- 9.73.090 Certain emergency response personnel exempted from RCW 9.73.030 through RCW 9.73.080 Standards – Court authorizations – Admissibility.
- 9.73.100 Recordings available to defense counsel.
- 9A.84.010(1), Riot.  
(2)(b)
- 9A.84.020 Failure to disperse.
- 9.91.010 Denial of civil rights – Terms defined.
- 9.91.020 Operating railroad, steamboat, vehicle, etc. while intoxicated.

9.91.025	Unlawful transit conduct.
9.91.060	Leaving children unattended in parked automobile.
9.91.130	Disposal of trash in charity donation receptacle.
9.91.140	Food stamps – Unlawful sale.
9.91.150	Tree spiking.
9.91.170	Layla’s Law.
<u>10.105.010</u>	<u>Seizure and forfeiture.</u>
HB 1652	(Chapter 261, Laws of 1994) Cruelty to Animals.
16.52.207	Animal cruelty in the second degree.
26.28.080	Selling or giving tobacco to minor – Belief of representative capacity, no defense – Penalty.
13.32A.080	Unlawful harboring of a minor.
66.04.010	Definitions.
66.20.200	Unlawful acts relating to card of identification and certification card.
66.20.210	Licensee’s immunity to prosecution or suit – Certification card as evidence of good faith.
66.28.090	Licensed premises or banquet permit premises open to inspection – Failure to allow.

69.38.010	Poison defined.
69.38.020	Exceptions from chapter.
69.38.030	Poison register – Identification of purchaser.
69.38.040	Inspection of poison register – Penalty for failure to maintain register.
69.38.050	False representations – Penalty.
69.38.060	Manufacturers and sellers of poisons – License required – Penalty.
70.54.010	Polluting water supply – Penalty.
70.93.060	Littering prohibited – Penalties.

Section 4. Amendment of MMC 9.20.010. Section 9.20.010 of the Monroe Municipal Code is hereby amended to provide in its entirety as follows:

**9.20.010 Adoption by reference of sections of state statute, Uniform Controlled Substances Act.**

The following sections of Chapter 69.50 RCW relating to drugs and other controlled substances, defining crimes and prescribing penalties, are adopted by this reference:

RCW 69.50.101, 69.50.102, 69.50.202, 69.50.203, 69.50.204, 69.50.205, 69.50.206, 69.50.207, 69.50.208, 69.50.209, 69.50.210, 69.50.211, 69.50.212, 69.50.302, 69.50.306, 69.50.307, 69.50.308, 69.50.309, 69.50.401, 69.50.4011, 69.50.4013, 69.50.4014, 69.50.402, 69.50.403, 69.50.404, 69.50.405, 69.50.406, 69.50.408, 69.50.412, 69.50.500, 69.50.505, 69.50.506, 69.50.509 and 69.50.601.

Section 5. Amendment of Chapter 9.20 MMC—Adoption of New Section 9.20.025. Chapter 9.20 of the Monroe Municipal Code is hereby amended by the addition of a new Section 9.20.025 to provide in its entirety as follows:

**9.20.025 Adoption by reference of state statute,  
Legend Drugs—Prescription Drugs.**


The following sections of Chapter 69.41 RCW relating to  
legend drugs, are adopted by this reference:  
RCW 69.41.010, 69.41.030.

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage and approval and publication as required by law.

PASSED by the City Council and APPROVED by the Mayor of the City of Monroe, at a regular meeting held this 14<sup>th</sup> day of December, 2021.


CITY OF MONROE, WASHINGTON:

  
Geoffrey Thomas (Dec 15, 2021 20:56 HST)  
Geoffrey Thomas, Mayor

APPROVED AS TO FORM:

ATTEST:

  
Zach Lell (Dec 15, 2021 16:07 PST)  
J. Zachary Lell, City Attorney

  
Jodi Wycoff (Dec 16, 2021 10:42 PST)  
Jodi Wycoff, City Clerk

Ordinance No. 014/2021  
First Reading: November 9, 2021  
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Published: December 17, 2021  
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# Ord 014-2021 MMC Amendments - Blake adjustments

Final Audit Report

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