

ORDINANCE NO. 020/2011

AN ORDINANCE OF THE CITY OF MONROE, WASHINGTON, AMENDING CHAPTER 9.03 OF THE MONROE MUNICIPAL CODE RELATING TO OFFENSES AGAINST PEACE, MORALS AND SAFETY REGULATIONS, AND SETTING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, TITLE 9 of the Monroe Municipal Code (MMC) establishes definitions for crimes and penalties for violations;

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

Section 1. Amended. Section 9.03.020 MMC is hereby amended as follows:

9.03.020 Retroactive Effect and Construction.

The provisions of this Chapter do not apply to or govern the construction of a punishment for any offense committed prior to the effective date of this Chapter, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this chapter had not been enacted.

When a state statute is adopted by reference and the statute uses the word "Title" or words "the title", these words shall be construed to mean and refer to the title of the Revised Code of Washington from which the state statute is adopted.

The Chapters and Sections of Title 9 of the Monroe Municipal Code which are adopted by reference from the Revised Code of Washington shall be construed consistently with judicial decisions about state law.

Section 2. Amended. Section 9.03.340 MMC is hereby amended as follows:

9.03.340 Miscellaneous.

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

<u>RCW 9.38.020</u>	False representation concerning title.
<u>RCW 9.40.040</u>	Operating engine or boiler without spark arrester.
<u>RCW 9.40.100</u>	Tampering with fire alarm or firefighting equipment-false alarm-Penalties.
<u>RCW 9.26A.120</u>	Fraud in operating coin-box or telephone or other receptacle.
<u>RCW 9A.42.035</u>	Criminal mistreatment in the third degree.
<u>RCW 9A.42.037</u>	Criminal mistreatment in the fourth degree.
<u>RCW 9.44.080</u>	Misconduct in signing a petition.
<u>RCW 9A.44.170</u>	Custodial misconduct in the second degree.
<u>RCW 9A.48.105</u>	Criminal street gang tagging and graffiti as defined by RCW 9.94A.030.
<u>RCW 9.45.060</u>	Encumbered, leased, or rented personal property – Construction.
<u>RCW 9.45.070</u>	Mock auctions.
<u>RCW 9.45.080</u>	Fraudulent removal of property.
<u>RCW 9.45.090</u>	Knowingly, receiving fraudulent conveyances.
<u>RCW 9.45.100</u>	Fraud in assignment for benefit of creditors.
<u>RCW 9.46.196</u>	Cheating – Defined.
<u>RCW 9A.56.096</u>	Theft of rental, leased, lease-purchased, or loaned property.
<u>RCW 9.61.230</u>	Telephone harassment.
<u>RCW 9.61.240</u>	Telephone harassment – Permitting telephone to be used.
<u>RCW 9.61.250</u>	Telephone harassment – Offense, where deemed committed.
<u>RCW 9.61.260</u>	Cyberstalking.
<u>RCW 9.62.010</u>	Malicious prosecution.
<u>RCW 9.62.020</u>	Instituting suit in name of another.
<u>RCW 9.68A.011</u>	Definitions.
<u>RCW 9.68A.050</u>	Dealing in depictions of minor engaged in sexually explicit conduct.
<u>RCW 9.68A.060</u>	Sending, bringing into state depictions of minor engaged in sexually explicit conduct.
<u>RCW 9.68A.070</u>	Possession of depictions of minor engaged in sexually explicit conduct.
<u>RCW 9.68A.075</u>	Viewing depictions of a minor engaged in sexually explicit conduct.
<u>RCW 9.68A.080</u>	Reporting of depictions of minor engaged in sexually explicit conduct – civil immunity.
<u>RCW 9.68A.090</u>	Communicating with a minor for immoral purposes.
<u>RCW 9.68A.110(1),(2),(5)</u>	Certain defenses barred, permitted.
<u>RCW 9.68A.120</u>	Seizure and forfeiture of property.
<u>RCW 9.68A.130</u>	Recovery of costs of suit by minor.
<u>RCW 9.68A.150</u>	Allowing minor on premises of live erotic performance.
<u>RCW 9.69.100</u>	Duty of witnesses of offense against child or any violent offense – Penalty.
<u>RCW 9.73.010</u>	Divulging telegram.
<u>RCW 9.73.020</u>	Opening sealed letter.
<u>RCW 9.73.030</u>	Intercepting, recording or divulging private communication--Consent required--Exceptions.
<u>RCW 9.73.070</u>	Persons and activities excepted from chapter (as amended by 1991c312).

<u>RCW 9.73.090</u>	Certain emergency response personnel exempted from <u>RCW 9.73.030</u> through <u>RCW 9.73.080</u> Standards--Court authorizations--Admissibility.
<u>RCW 9.73.100</u>	Recordings available to defense counsel.
<u>RCW 9A.84.010(1),(2)(b)</u>	Riot.
<u>RCW 9A.84.020</u>	Failure to disperse.
<u>RCW 9.91.010</u>	Denial of civil rights – Terms defined.
<u>RCW 9.91.020</u>	Operating railroad, steamboat, vehicle, etc. while intoxicated.
<u>RCW 9.91.025</u>	Unlawful transit conduct.
<u>RCW 9.91.060</u>	Leaving children unattended in parked automobile.
<u>RCW 9.91.130</u>	Disposal of trash in charity donation receptacle.
<u>RCW 9.91.140</u>	Food stamps – Unlawful sale.
<u>RCW 9.91.150</u>	Tree spiking.
<u>RCW 9.91.170</u>	Layla’s Law.
<u>HB 1652</u>	(Chapter 261, Laws of 1994) Cruelty to Animals.
<u>RCW 16.52.207</u>	Animal cruelty in the second degree.
<u>RCW 26.28.080</u>	Selling or giving tobacco to minor – Belief of representative capacity, no defense – Penalty.
<u>RCW 13.32A.080</u>	Unlawful harboring of a minor
<u>RCW 66.04.010</u>	Definitions
<u>RCW 66.20.200</u>	Unlawful acts relating to card of identification and certification card.
<u>RCW 66.20.210</u>	Licensee’s immunity to prosecution or suit--Certification card as evidence of good faith.
<u>RCW 66.28.090</u>	Licensed premises or banquet permit premises open to inspection-- Failure to allow.
<u>RCW 69.38.010</u>	Poison defined.
<u>RCW 69.38.020</u>	Exceptions from chapter.
<u>RCW 69.38.030</u>	Poison register--Identification of purchaser.
<u>RCW 69.38.040</u>	Inspection of poison register--Penalty for failure to maintain register.
<u>RCW 69.38.050</u>	False representations--Penalty.
<u>RCW 69.38.060</u>	Manufacturers and sellers of poisons--License required--Penalty.
<u>RCW 70.93.060</u>	Littering prohibited—Penalties.
<u>RCW 70.54.010</u>	Polluting Water supply—Penalty.

Section 3. Amended. Section 9.03.360 MMC is hereby amended as follows:

9.03.360 Classification of offenses/penalties.

Any person who is convicted of violating or failure to comply with any offense, criminal or traffic criminal provision of this title or any other ordinance of the City of Monroe, including but not limited to Chapter 9 MMC, shall be subject to the following penalties:

- A. Gross Misdemeanor. The penalty provided by state law as now existing or hereafter amended for the same violation or type (degree) of violation, but not to exceed a \$5,000 fine or three hundred sixty-four days in jail, or both. If no state law provides for such penalty, then the penalty shall be a \$5,000 fine or three hundred sixty-four days in jail, or both.

- B. Misdemeanor. The penalty provided by state law as now existing or hereafter amended for the same violation or type (degree) of violation, but not to exceed a \$1,000 fine or 90 days in jail, or both. If no state law provides for such penalty, then the penalty shall be a \$1,000 fine or 90 days in jail, or both.
- C. Any criminal violation not specifically designated as a gross misdemeanor shall be a misdemeanor.

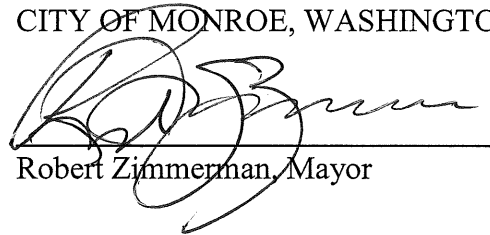
Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. 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 20th day of September, 2011.

1st Reading: 9/13/11
2nd Reading: 9/20/11
Published: 9/27/11
Effective: 10/2/11

CITY OF MONROE, WASHINGTON:



Robert Zimmerman, Mayor

ATTEST/AUTHENTICATED:



Eadye Martinson, Deputy City Clerk

APPROVED AS TO FORM:



J. Zachary Lell, City Attorney