

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-30

SUBJECT: Amend PMC Chapter 9, Crimes and Penalties

CONFORM AS TO DATES & SIGNATURES

- (X) Filed with the City Clerk: 9/24/2007
- (X) Passed by the City Council: 10/3/2007
- (X) Signature of Mayor
- (X) Signature of City Clerk
- (X) Publication: 10/17/2007
- (X) Effective: 10/22/2007

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DISTRIBUTED COPIES AS FOLLOWS: email all departments

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- (1) Ordinance or Resolution Book
- (K) Code Publishing - via email if in electronic format
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- (K) Clerk's Department: Original
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Kj

City Clerk

10/5/2007

Date

ORDINANCE NO. 2007-30

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO CHAPTER 9.01 PRELIMINARY ARTICLE; AND AMENDING SECTIONS 9.01.010 TO DEFINITIONS, 9.01.020 TO PRELIMINARY ARTICLE, 9.01.030 TO CLASSIFICATION OF CRIMES AND PENALTIES; AND ADDING NEW SECTIONS 9.01.040 PUNISHMENT – STATUTES ADOPTED BY REFERENCE, 9.01.050 PENALTY, 9.01.050 CRIMINAL CODE PRELIMINARY ARTICLE – STATUTES ADOPTED BY REFERENCE; AND REPEALING 9.01.060, 9.01.070 9.01.080; AND REPEALING CHAPTERS 9.03 ALCOHOLIC BEVERAGES, 9.04 ANIMALS, CRIMES RELATING TO, 9.06 CHILDREN AND MINORS, CRIMES RELATING TO, 9.07 CONTROLLED SUBSTANCES, PARAPHERNALIA, POISONS AND TOXIC FUMES, 9.08 RESERVED, 9.09 FIRE, CRIMES RELATING TO, 9.90 CONSTRUCTION; AND AMENDING 10.04.050 TO CLASSIFICATION OF CRIMES AND PENALTIES; AND ADDING A NEW SECTION 10.04.060 VIOLATION – PENALTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Poulsbo is concerned about the safety and welfare of its citizens; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO DO ORDAIN AS FOLLOWS:

Section 1. Adding a new Chapter to Title 8 to be read as: Chapter 8.01 Preliminary Article

Section 2. A new section is added to Chapter 8.01 of the Poulsbo Municipal Code to read as follows:

8.01.010 Preliminary article

A. The sections of adopted RCW's as set forth as in this Title, as now enacted or hereinafter amended, are hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor is excluded. In opting to adopt state statutes by reference in this Title, only those crimes and offenses within the jurisdiction of the city are intended to be adopted and in those sections adopted which deal with both misdemeanors and felonies, only the language applicable to misdemeanors is to be applied.

B. If any section, subsection, sentence, or provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the sections, subsections, sentence, and provisions of this chapter are declared to be severable.

C. By adopting state statutes, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross

misdemeanor crimes. Whenever the word *state* shall appear in any statute adopted by reference in this chapter, the word *city* shall be substituted therefore; provided, however, the term *city* shall not be substituted for the term *state* in those circumstances that set forth administrative or licensing duties of the state and its subdivisions.

D. Whenever a state statute specifically adopted in this chapter refers to another state statute not specifically adopted in this chapter, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this chapter.

E. Any section of this chapter that is repealed or amended by ordinance shall remain in full force and effect until the effective date of the ordinance repealing or amending the section. Any state statute that is adopted by reference which is later amended, repealed, or recodified shall remain in full force and effect until the effective date of the legislative act that repeals, recodifies, or amends the state statute. The amendment or recodification of any state statute adopted in this chapter shall be given its full force and effect upon the effective date of its amendment or recodification.

F. Except as otherwise specifically provided herein, any person violating this Title, shall be guilty of a misdemeanor.

G. Each separate day during which any violation occurs or continues shall be deemed to constitute a separate violation thereof and a separate offense thereunder.

Section 3. A new section is added to Chapter 8.01 of the Poulsbo Municipal Code to read as follows:

8.01.020 Classification of crimes and penalties

A. For the purpose of this Title, RCW 9A.04.040 Classes of Crime and RCW 9A.20.010 Classification and Designation of Crimes as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

B. For the purpose of this Title RCW 9A.20.020 Authorized Sentences for Crimes Committed Before July 1, 1984 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

C. For the purpose of this Title 9A.20.021 Maximum Sentences for Crimes Committed After July 1, 1984, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

1.) Gross Misdemeanor – maximum penalty is 365 days in jail and/or fine of \$5,000, or by both such imprisonment and fine.

2.) Misdemeanor – maximum penalty is 90 days in jail and/or a fine of \$1,000, or by both such imprisonment and fine.

D. For the purpose of this Title RCW 9A.20.303 Alternative to a Fine – Restitution as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

E. For the purpose of this Title, “infraction” means a civil infraction pursuant to Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) and any local rule adopted thereto by the Fircrest Municipal Court.

F. For the purpose of this Title, RCW 7.80.120 Monetary penalties – restitution for Civil Infractions as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

1.) Class 1, 2 and 3 civil infraction maximum penalties as set in RCW 7.80.

Section 4. A new section is added to Chapter 8.01 of the Poulsbo Municipal Code to read as follows:

9.01.040 Punishment - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.92 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

9.92.020 Punishment of gross misdemeanor when not fixed by statute

9.92.030 Punishment of misdemeanor when not fixed by statute

9.92.040 Punishment for contempt

Section 5. A new section is added to Chapter 8.01 of the Poulsbo Municipal Code to read as follows:

9.01.050 Penalty

A. Unless otherwise provided, any person violating any of the provisions of this title shall be guilty of a misdemeanor.

B. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

C Any person who fails to respond or appear on any violation of any provision of the Poulsbo Municipal Code set forth in this title shall be assessed a failure to respond or appear fee in the amount set forth in RCW 46.63.110(3), as the same now exists or as may be hereafter amended, which statute is incorporated herein by this reference as if fully set forth.

D. If a time pay agreement is requested a fee of not to exceed \$10 per charge or \$25 per payment plan may be imposed.

Section 6. PMC 9.01.050 and Ordinance 97-33 and Section 1 are hereby amended to read as follows:

9.01.060 Criminal code preliminary article – statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9A.04 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

9A.04.080 Limitation of actions

Section 7. PMC 9.01.060 and Ordinance 97-33 Section, 9.01.070 and Ordinance 97-33 Section 1, 9.01.080 and Ordinance 97-33 Section 1 are hereby repealed.

Section 8. Chapters 9.03 Alcoholic Beverages, 9.04 Animals, Crimes Relating to, 9.06 Children and Minors, Crimes Relating to, 9.07 Controlled Substances, Paraphernalia, Poisons and Toxic Fumes, 9.08 Reserved, 9.90 Construction are hereby repealed.

Section 9. PMC 10.04.050 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

10.04.050 Classification of crimes and penalties

A. For the purpose of this Title, RCW 9A.04.040 Classes of Crime and RCW 9A.20.010 Classification and Designation of Crimes as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

B. For the purpose of this Title RCW 9A.20.020 Authorized Sentences for Crimes Committed Before July 1, 1984 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

C. For the purpose of this Title 9A.20.021 Maximum Sentences for Crimes Committed After July 1, 1984, as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

1.) Gross Misdemeanor – maximum penalty is 365 days in jail and/or fine of \$5,000, or by both such imprisonment and fine.

2.) Misdemeanor – maximum penalty is 90 days in jail and/or a fine of \$1,000, or by both such imprisonment and fine.

D. For the purpose of this Title RCW 9A.20.303 Alternative to a Fine – Restitution as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

E. For the purpose of this Title, “infraction” means a civil infraction pursuant to Infraction Rules for Courts of Limited Jurisdiction (“IRLJ”) and any local rule adopted thereto by the Fircrest Municipal Court.

F. For the purpose of this Title, RCW 7.80.120 Monetary penalties – restitution for Civil Infractions as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein.

1.) Class 1, 2 and 3 civil infraction maximum penalties as set in RCW 7.80.

Section 10. A new section is added to Chapter 10.04 of the Poulsbo Municipal Code to read as follows:

10.04.060 Violation - Penalty

A. Unless specifically designated otherwise, or is specified to be enforced pursuant to other law, including, but not limited to, other chapters or titles of this Code, any violation of this chapter is a misdemeanor.

B. Such penalty is in addition to any other remedies or penalties specifically provided by law. For each act herein prohibited of a continuing nature, each day shall be considered a separate offense.

C Any person who fails to respond or appear on any violation of any provision of the Poulsbo Municipal Code set forth in this title shall be assessed a failure to respond or appear fee in the amount set forth in RCW 46.63.110(3), as the same now exists or as may be hereafter amended, which statute is incorporated herein by this reference as if fully set forth.

D. If a time pay agreement is requested a fee of not to exceed \$10 per charge or \$25 per payment plan may be imposed.

Section 11. 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 12. Effective Date: This ordinance shall take effect and be in full force five (5) days after the publication of the attached summary, which is hereby approved.

APPROVED:



KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:

Karol Jones
CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY James E. Haney
JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/24/2007
PASSED BY THE CITY COUNCIL: 10/3/2007
PUBLISHED: 10/20/2007
EFFECTIVE DATE: 10/25/2007
ORDINANCE NO. 2007-30

SUMMARY OF ORDINANCE NO. 2007-30

of the City of Poulsbo, Washington

On the 3rd day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-30. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO CHAPTER 9.01 PRELIMINARY ARTICLE; AND AMENDING SECTIONS 9.01.010 TO DEFINITIONS, 9.01.020 TO PRELIMINARY ARTICLE, 9.01.030 TO CLASSIFICATION OF CRIMES AND PENALTIES; AND ADDING NEW SECTIONS 9.01.040 PUNISHMENT – STATUTES ADOPTED BY REFERENCE, 9.01.050 PENALTY, 9.01.050 CRIMINAL CODE PRELIMINARY ARTICLE – STATUTES ADOPTED BY REFERENCE; AND REPEALING 9.01.060, 9.01.070 9.01.080; AND REPEALING CHAPTERS 9.03 ALCOHOLIC BEVERAGES, 9.04 ANIMALS, CRIMES RELATING TO, 9.06 CHILDREN AND MINORS, CRIMES RELATING TO, 9.07 CONTROLLED SUBSTANCES, PARAPHERNALIA, POISONS AND TOXIC FUMES, 9.08 RESERVED, 9.09 FIRE, CRIMES RELATING TO, 9.09 CONSTRUCTION; AND AMENDING 10.04.050 TO CLASSIFICATION OF CRIMES AND PENALTIES; AND ADDING A NEW SECTION 10.04.060 VIOLATION – PENALTY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 4th day of October, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC