

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2007-43

SUBJECT: Miscellaneous Crimes Amendments

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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Kj.
City Clerk

10-5-2007
Date

ORDINANCE NO. 2007-43

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADDING NEW CHAPTERS 5.01 PRELIMINARY ARTICLE TO TITLE 5, CHAPTER 8.01 PRELIMINARY ARTICLE TO TITLE 8, CHAPTER 10.01 PRELIMINARY ARTICLE TO TITLE 10, CHAPTER 11.01 TO TITLE 11, CHAPTER 13.01 PRELIMINARY ARTICLE TO TITLE 13, CHAPTER 15.01 PRELIMINARY ARTICLE TO TITLE 15, , CHAPTER 16.01 PRELIMINARY ARTICLE TO TITLE 16, CHAPTER 17.01 PRELIMINARY ARTICLE TO TITLE 17, CHAPTER 18.01 PRELIMINARY ARTICLE TO TITLE 18, CHAPTER 3.01 TO TITLE 3; AND ADDING NEW SECTIONS REGARDING CLASSIFICATION OF CRIMES OF THE WASHINGTON ADMINISTRATIVE CODE OF WASHINGTON IN ORDER TO ESTABLISH CRIMES DESIGNATED BY THE STATE AS MISDEMEANORS AND GROSS MISDEMEANORS AS CRIMINAL OFFENSES AND CIVIL INFRACTIONS UNDER THE CITY'S MUNICIPAL CODE TO TITLES 5, 8, 10, 11, 13, 15, 16, 17, 18 AND 3; 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 and waterways; Now, Therefore,

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

Section 1. A new Chapter 5.01 is added to Title 5 of the Poulsbo Municipal Code to read as: 5.01 Preliminary Article.

Section 2. A new section is added to Chapter 5.01 of the Poulsbo Municipal Code to read as follows:

5.01.010 Preliminary article

A. The sections of adopted RCW's and WAC'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 statues, 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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 5.01 of the Poulsbo Municipal Code to read as follows:

5.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 Chapter 8.01 is added to Title 8 of the Poulsbo Municipal Code to read as: 8.01 Preliminary Article.

Section 5. 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 and WAC'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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 6. A new section is added to Chapter 8.01 of the Poulsbo Municipal Code to read as follows:

8.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 7. A new Chapter 10.01 is added to Title 10 of the Poulsbo Municipal Code to read as: 10.01 Preliminary Article.

Section 8. A new section is added to Chapter 10.01 of the Poulsbo Municipal Code to read as follows:

10.01.010 Preliminary article

A. The sections of adopted RCW’s and WAC’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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 9. A new section is added to Chapter 10.01 of the Poulsbo Municipal Code to read as follows:

10.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 Chapter 11.01 is added to Title 11 of the Poulsbo Municipal Code to read as: 11.01 Preliminary Article.

Section 11. A new section is added to Chapter 11.01 of the Poulsbo Municipal Code to read as follows:

11.01.010 Preliminary article

A. The sections of adopted RCW’s and WAC’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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 12. A new section is added to Chapter 11.01 of the Poulsbo Municipal Code to read as follows:

11.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 13. A new Chapter 13.01 is added to Title 13 of the Poulsbo Municipal Code to read as: 13.01 Preliminary Article.

Section 14. A new section is added to Chapter 13.01 of the Poulsbo Municipal Code to read as follows:

13.01.010 Preliminary article

A. The sections of adopted RCW’s and WAC’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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 15. A new section is added to Chapter 13.01 of the Poulsbo Municipal Code to read as follows:

13.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 16. A new Chapter 15.01 is added to Title 15 of the Poulsbo Municipal Code to read as: 15.01 Preliminary Article.

Section 17. A new section is added to Chapter 15.01 of the Poulsbo Municipal Code to read as follows:

15.01.010 Preliminary article

A. The sections of adopted RCW’s and WAC’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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 18. A new section is added to Chapter 15.01 of the Poulsbo Municipal Code to read as follows:

15.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 19. A new Chapter 16.01 is added to Title 16 of the Poulsbo Municipal Code to read as: 16.01 Preliminary Article.

Section 20. A new section is added to Chapter 16.01 of the Poulsbo Municipal Code to read as follows:

16.01.010 Preliminary article

A. The sections of adopted RCW's and WAC'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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 21. A new section is added to Chapter 16.01 of the Poulsbo Municipal Code to read as follows:

16.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 22. A new Chapter 17.01 is added to Title 17 of the Poulsbo Municipal Code to read as: 17.01 Preliminary Article.

Section 23. A new section is added to Chapter 17.01 of the Poulsbo Municipal Code to read as follows:

17.01.010 Preliminary article

A. The sections of adopted RCW’s and WAC’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 statues, 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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 24. A new section is added to Chapter 17.01 of the Poulsbo Municipal Code to read as follows:

17.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 25. A new Chapter 18.01 is added to Title 18 of the Poulsbo Municipal Code to read as: 18.01 Preliminary Article.

Section 26. A new section is added to Chapter 18.01 of the Poulsbo Municipal Code to read as follows:

18.01.010 Preliminary article

A. The sections of adopted RCW's and WAC'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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 27. A new section is added to Chapter 18.01 of the Poulsbo Municipal Code to read as follows:

18.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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 28. A new Chapter 3.01 is added to Title 3 of the Poulsbo Municipal Code to read as: 3.01 Preliminary Article.

Section 29. A new section is added to Chapter 3.01 of the Poulsbo Municipal Code to read as follows:

3.01.010 Preliminary article

A. The sections of adopted RCW’s and WAC’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 or WAC specifically adopted in this chapter refers to another state statute or WAC 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 30. A new section is added to Chapter 3.01 of the Poulsbo Municipal Code to read as follows:

3.01.020 Classification of crimes

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 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.

C. 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.

D. 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 Poulsbo Municipal Court.

E. 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.

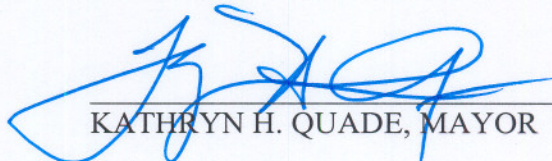
1.) Class 1, 2 and 3 civil infraction maximum penalties as set in RCW 7.80.

Section 31. 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 32. 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. 2007-43

SUMMARY OF ORDINANCE NO. 2007-43

of the City of Poulsbo, Washington

On the 3rd day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-43. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, ADDING NEW CHAPTERS 5.01 PRELIMINARY ARTICLE TO TITLE 5, CHAPTER 8.01 PRELIMINARY ARTICLE TO TITLE 8, CHAPTER 10.01 PRELIMINARY ARTICLE TO TITLE 10, CHAPTER 11.01 TO TITLE 11, CHAPTER 13.01 PRELIMINARY ARTICLE TO TITLE 13, CHAPTER 15.01 PRELIMINARY ARTICLE TO TITLE 15, , CHAPTER 16.01 PRELIMINARY ARTICLE TO TITLE 16, CHAPTER 17.01 PRELIMINARY ARTICLE TO TITLE 17, CHAPTER 18.01 PRELIMINARY ARTICLE TO TITLE 18, CHAPTER 3.01 TO TITLE 3; AND ADDING NEW SECTIONS REGARDING CLASSIFICATION OF CRIMES OF THE WASHINGTON ADMINISTRATIVE CODE OF WASHINGTON IN ORDER TO ESTABLISH CRIMES DESIGNATED BY THE STATE AS MISDEMEANORS AND GROSS MISDEMEANORS AS CRIMINAL OFFENSES AND CIVIL INFRACTIONS UNDER THE CITY'S MUNICIPAL CODE TO TITLES 5, 8, 10, 11, 13, 15, 16, 17, 18 AND 3; 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