

CITY OF WINLOCK, WASHINGTON
ORDINANCE NO. 1153

AN ORDINANCE OF THE CITY OF WINLOCK, WASHINGTON, REAFFIRMING, AMENDING, AND REPEALING SECTIONS OF WINLOCK MUNICIPAL CODE CHAPTER 9.10 CONCERNING THE CITY'S CRIMINAL CODE; REPEALING 10.05.040 WMC; AMENDING ORDINANCE NOS. 962 AND 747 AS NECESSARY; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS:

WHEREAS, the City of Winlock, Washington (the "City") is a Code City under the laws of the State of Washington; and

WHEREAS, pursuant to RCW 35A.11.020, the City may adopt and enforce ordinances of all kinds relating to and regulating the City's local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, all references herein to "WMC" shall mean the "Winlock Municipal Code," and

WHEREAS, Chapter 9.10 is entitled "ADOPTION OF CODES BY REFERENCE"; and

WHEREAS, Ordinance No. 962, as codified at Chapter 9.10 of the Winlock Municipal Code, was enacted in 2010; and

WHEREAS, the current section 9.10.010 WMC fails to include changes in law; and

WHEREAS, Section 4 of Ordinance No. 747 as codified at 10.05.040 WMC also adopts certain state laws as the City's criminal code, causing confusion; and

WHEREAS, the current Title 9 WMC does not provide for changes in law outside of the specific statutes included; and

WHEREAS, the Council desires to amend Chapter 9.10 as set forth herein.

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

Section 1. Section 9.10.002 "Preliminary Article" is created to state:

- A. As used in this title, "RCW" shall mean the Revised Code of Washington.
- B. As used in this title, "WMC" shall mean the Winlock Municipal Code.
- C. If any chapter, section, subsection, sentence, or provision of this title, or its application to any person or circumstance is held invalid, the remainder of this title, or the application of the chapter, section, subsection, sentence, or provision to other persons or circumstances is not affected, and to this end, the chapters, sections, subsections, sentences and provisions of this title are declared to be severable.
- D. By adopting Washington state statutes by reference in this title, the city intends to assume jurisdiction over and become the jurisdictional authority for the enforcement and prosecution of misdemeanor and gross misdemeanor crimes committed within the city of Winlock. Whenever the word "state" shall appear in any statute adopted by reference in this title, 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.
- E. Whenever a state statute specifically adopted in this title refers to another state statute not specifically adopted in this title, the statute referred to shall be given the force and effect necessary to enforce the statute specifically adopted in this title.
- F. Any state statute that is adopted by reference in this title and 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 by reference in this title shall retain its full force and effect as part of this title subsequent to the effective date of its amendment or recodification.
- G. When issuing a citation, information, or complaint for the violation of any section of the RCW adopted by this title, it shall be sufficient for a commissioned officer or prosecutor to cite to and refer to the RCW section number.
- H. Title, chapter, section and subsection captions are for organizational purposes only and shall not be construed as part of this title.
- I. The provisions of this title do not apply to or govern the construction of or punishment of any offense committed prior to the effective date of this title or to the construction and application of any defense to a prosecution for such offense. Such an offense shall be construed and punished according to the provisions of the law existing at the time of the commission of the offense in the same manner as if this title had not been enacted.
- J. As used in this title, words used in the present tense include future tense; the masculine includes feminine and neutral genders; and the singular includes the plural and vice versa.
- K. The provisions of this title are intended to create a duty to the public in general and not to create any duty to individuals or to any particular class of individuals. These provisions are not for the protection of any person or class of persons.

Section 2. Section 9.10.005 "Adoption of RCW sections not specifically set forth" is created to state:

- A. With the exception of the RCW section set forth in subsection (C) of this section, and notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW

sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors and gross misdemeanors are hereby adopted by reference as currently enacted or as hereafter amended or recodified from time to time, and shall be given the same force and effect as if set forth herein in full.

- B. All class C felony crimes set forth in the RCW are hereby adopted by reference for the purposes of charging a gross misdemeanor for a violation of any of the crimes set forth in chapter 9A.28 RCW. The adoption of class C felonies shall be subject to the provisions of subsection (A) of this chapter and of chapter 7.00 of this title.
- C. The following RCW section is not adopted by the city of Winlock:
 - 1. RCW 9A.16.110 Defending against violent crime – Reimbursement.

Section 3. **Section 9.10.010 “Adoption of Specific RCW Sections”** is amended to state:

The following provisions of the Revised Code of Washington, as now in force or hereafter amended, added to, or deleted from shall be, and they hereby are adopted by reference and shall be given the same force and effect as if set forth herein in full; provided, however, that provisions of said titles defining or relating solely to felony offenses are excluded from such adoption by reference:

- A. Chapter 2.48 RCW, entitled “State Bar Act”.
- B. Chapter 7.21 RCW, entitled “Contempt of Court”.
- C. Chapter 7.80 RCW, entitled “Civil Infractions”.
- D. Title 9 RCW, entitled “Crimes and Punishments”.
- E. Title 9A RCW, entitled “Washington Criminal Code”.
- F. Title 10 RCW, entitled “Criminal Procedure”.
- G. Chapter 13.32A RCW, entitled “Family Reconciliation Act”.
- H. Title 16 RCW, entitled “Animals And Livestock”.
- I. Title 18 RCW, entitled “Businesses And Professions”.
- J. Chapter 19.48 RCW, entitled “Hotels, Lodging Houses, etc. - Restaurants”.
- K. Chapter 19.194 RCW, entitled “Trade-In or Exchange of Computer Hardware”.
- L. Title 26 RCW, entitled “Domestic Relations”.
- M. RCW 28B.10.901, entitled “Hazing prohibited – Penalty.”.
- N. Chapter 28A.635 RCW, entitled “Offenses Relating to School Property and Personnel”.
- O. 46.61.740 RCW, entitled “Theft of motor vehicle fuel”.
- P. Chapter 46.80 RCW, entitled “Vehicle Wreckers”.
- Q. Chapter 52.12 RCW, entitled “Powers—Burning Permits”.
- R. Title 66 RCW, entitled “Alcoholic Beverage Control”.
- S. Title 69 RCW, entitled “Food, Drugs, Cosmetics, and Poisons”.
- T. Title 70 RCW, entitled “Public Health and Safety”.
- U. Chapter 74.34 RCW, entitled “Abuse of Vulnerable Adults”.
- V. Chapter 77.15 RCW, entitled “Fish And Wildlife Enforcement Code”.
- W. Title 46 RCW, entitled “Motor Vehicles”.

Section 4. **Repealer.** Section 4 of Ordinance No. 747, as codified at Section 10.05.040 WMC, is hereby repealed.

All other ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 5. Severability. If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 6. Effective Date. This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

Section 7. Corrections. Upon approval of the City Attorney, the City Clerk and the codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbers, section/subsection numbers, and any references thereto.

PASSED by the Council of the City of Winlock, Washington, and **APPROVED** by the Mayor of the City of Winlock at a regularly scheduled open public meeting thereof, this 12 day of February, 2024.



Brandon Svenson, Mayor

Attest:


Penny Jo Haney, City Clerk

Approved as to form:


Marissa Y. Jay, WSBA # 55593
City Attorney

Approved Reading: 2/12 /2024
Publication Date: 2/15 /2024
Effective Date: 2/20 /2024