

ORDINANCE NO. 23-1268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTER 9.04 OF THE LAKE FOREST PARK MUNICIPAL CODE, STATE CRIMINAL CODE PROVISIONS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, the City of Lake Forest Park ("City") created Chapter 9.04, State Criminal Code Provisions, of the Lake Forest Park Municipal Code ("LFPMC") to govern misdemeanor and gross misdemeanor crimes committed in the City; and

**WHEREAS**, although updated over the years, portions of Chapter 9.04 LFPMC were adopted almost 40 years ago; and recent amendments by the State Legislature for misdemeanor and gross misdemeanor crimes prompted a review of the Chapter and proposed amendments to add clarity of the intent of the City Council; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. AMENDMENT. The City Council of the City of Lake Forest Park hereby amend chapter 9.04. State Criminal Code Provisions, as follows:

**9.04.10 Adoption generally.**

A. In addition to the RCW sections that are specifically adopted by reference in Title 9 LFPMC, All RCW sections that constitute misdemeanors and gross misdemeanor and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of the misdemeanors and gross misdemeanors are hereby criminal behavior as defined by state enactment is adopted by reference by the city as they now exist or may hereafter be amended, renumbered or recodified, as though such sections were set forth fully herein;

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 are subject to the provisions of subsection A of this section and of Title 9 LFPMC.

C. and The city municipal court is given jurisdiction to prosecute such misdemeanors and gross misdemeanor either by citation referencing this chapter or the applicable state statute; and further provided, that police officers of the city shall, to the extent provided by state law, have the authority and jurisdiction to arrest for and initiate citation and prosecution for violations of state enactments by authority of this chapter.

**Commented [KAP1]:** Chapter 9A. RCW is titled "Anticipatory Offenses." It provides that criminal attempt, solicitation, and conspiracy of a class C felony may be charged as a gross misdemeanor.

**~~9.04.012 Adoption of additional state laws.~~**

**9.04.020 City penalties same as state.**

The maximum or minimum penalty for an act that constitutes a crime under the LFPMCity-law shall be the same as the penalty prescribed for that crime under state law. as they now exist or may hereafter be amended, renumbered or recodified, as though such sections were set forth fully herein.

**9.04.030 RCWs available to the public.**

The enactments of the State Legislature adopted by reference in this chapter are available in the Revised Code of Washington. A copy of the Revised Code of Washington containing such enactments shall be made available for the use and examination by the public.

**9.04.040 Disposition of fines and forfeitures.**

All fines and forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this chapter shall be paid into the general fund of the city.

**9.04.050 Disposal of forfeited firearms.**

Firearms that are: (A) judicially forfeited and no longer needed for evidence; or (B) forfeited due to a failure to make a claim under RCW 63.32.010 ~~or RCW 63.40.010~~; and not retained by the Lake Forest Park police department subject to RCW 9.41.098, ~~must~~ may either be destroyed, traded, or arranged for auction by the chief of police pursuant to RCW 9.41.98(2)(b), except that antique firearms or firearms of historical significance under RCW 9.41.098 must be auctioned or traded to licensed dealers. All proceeds of an auction shall be placed in the general fund.

Section 2. SEVERABILITY. Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. CORRECTIONS. The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. EFFECTIVE DATE. This ordinance shall take effect five (5) days after passage and publication.

**Commented [KA2]:** RCW 63.40 is applicable to unclaimed property in the hand of the Sheriff.

**Commented [KA3]:** FYI - RCW 9.41.098(2)(a) provides for disposal in any manner determined by the City Council. "Upon order of forfeiture, the court in its discretion may order destruction of any forfeited firearm. A court may temporarily retain forfeited firearms needed for evidence. (a) Except as provided in (b), (c), and (d) of this subsection, firearms that are: (i) Judicially forfeited and no longer needed for evidence; or (ii) forfeited due to a failure to make a claim under RCW 63.32.010 or 63.40.010; may be disposed of in any manner determined by the local legislative authority. Any proceeds of an auction or trade may be retained by the legislative authority. This subsection (2)(a) applies only to firearms that come into the possession of the law enforcement agency after June 30, 1993."

**APPROVED BY A MAJORITY** the Lake Forest Park City Council this XXX day of XXX, 2023.

APPROVED:

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Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

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Matthew McLean  
City Clerk

APPROVED AS TO FORM:

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Kim Adams Pratt  
City Attorney

Introduced:  
Adopted:  
Posted:  
Published:  
Effective: