

ORDINANCE NO. 1275

AN ORDINANCE OF THE CITY OF SNOQUALMIE, WASHINGTON, AMENDING SNOQUALMIE MUNICIPAL CODE CHAPTER 9.54 “VEHICLE TRESPASS” AND SECTION 9.82.010, “ADOPTION OF STATE LAW BY REFERENCE”; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, according to the annual Crime in Washington report issued by the Washington Association of Sheriffs and Police Chiefs (WASPC) in July of 2022, motor vehicle theft in Washington increased by 27.3 percent and theft of motor vehicle parts increased by 100 percent in 2021; and

WHEREAS, due to limited resources, not all motor vehicle theft and felony level theft of motor vehicle parts cases can be prosecuted as felonies; and

WHEREAS, RCW 9A.56.063 criminalizes making or possessing motor vehicle theft tools as a gross misdemeanor; and

WHEREAS, many cities criminalize vehicle trespass to allow their prosecutor to file charges against an individual who knowingly enters or remains unlawfully in a vehicle that belongs to another in circumstances that either do not arise to the level or are not pursued as felony motor vehicle theft charges; and

WHEREAS, in order to help combat rising motor vehicle theft and theft of motor vehicle parts, the City Council desires to amend Chapter 9.54 SMC, to adopt a new section criminalizing vehicle trespass and to adopt by reference RCW 9A.56.063, criminalizing making or possessing motor vehicle theft tools;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SNOQUALMIE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. SMC Section 9.58.010 Adopted. Chapter 9.54 of the Snoqualmie Municipal

Code is hereby amended to read as follows:

Chapter 9.54 Vehicle Trespass

SMC 9.58.010 Vehicle trespass.

A. A person is guilty of vehicle trespass if they knowingly enter, attempt to enter or remain unlawfully in a vehicle that belongs to another.

B. As used in this section:

1. The word “enter” shall include the entrance of the person, or the insertion of any part of their body, or any instrument or weapon held in their hand.

2. A person enters or remains unlawfully in or upon a vehicle when they are not licensed, invited, or otherwise privileged to so enter or remain.

C. Vehicle trespass under this section is a misdemeanor, punishable by up to 90 days in jail and up to a \$1,000 fine, or by both such fine and imprisonment.

Section 2. SMC Section 9.82.010 Amended. Section 9.82.010 of the Snoqualmie

Municipal Code is hereby amended to read as follows:

9.82.010 Adoption of state law by reference.

A. The following sections of the Revised Code of Washington as they now exist or may hereafter be amended, renumbered or recodified, whether in the same or different section, chapter or title of the Revised Code of Washington, are hereby adopted by reference as a part of the Snoqualmie criminal code which is established in all respects as though such sections were set forth herein in full; and further provided, the inclusion of section captions is for convenience in identifying the subject of code sections only, and any error therein shall not affect the validity of the adoption by reference of the section so adopted:

RCW

7.105.010 Definitions.

7.105.450 Enforcement and penalties—Other than antiharassment protection orders and extreme risk protection orders.

7.105.455 Enforcement and penalties—Antiharassment protection orders.

7.105.460 Enforcement and penalties—Extreme risk protection orders—False petitions.

7.105.465 Enforcement and penalties—Knowledge of order.

- 7.105.470 Enforcement—Prosecutor assistance.
- 7.105.550 Orders under this and other chapters—Enforcement and consolidation—Validity and enforcement of orders under prior chapters.
- 7.105.560 Title to real estate—Effect of chapter.
- 7.105.565 Proceedings additional—Filing of criminal charges not required.
- 7.105.570 Other authority retained.
- 7.105.575 Liability.
- 9.01.130 Sending letter, when complete.
- 9.03.010 Abandoning, discarding refrigeration equipment.
- 9.03.020 Permitting unused equipment to remain on premises.
- 9.03.040 Keeping or storing equipment for sale.
- 9.04.050 False, misleading, deceptive advertising.
- 9.04.070 False, misleading, deceptive advertising—Penalty.
- 9.08.020 Diseased animals.
- 9.08.070 Pet animals—Taking, concealing, injuring, killing, etc.—Penalty.
- 9.16.040 Displaying goods with false trademark.
- 9.26A.120 Fraud in operating coin-box telephone or other receptacle.
- 9.26A.130 Penalty for manufacture or sale of slugs to be used for coin.
- 9.40.100 Tampering with fire alarm or firefighting equipment—False alarm—Penalties.
- 9.41.010 Definitions.
- 9.41.050 Carrying firearms.
- 9.41.060 Exceptions to restrictions on carrying firearms.
- 9.41.070 Concealed pistol license—Application—Fee—Renewal.

9.41.080	Delivery to ineligible persons.
9.41.100	Dealer licensing and registration required.
9.41.120	Firearms as loan security.
9.41.140	Alterations of identifying marks—Exceptions.
9.41.170	Alien's license to carry firearms—Exceptions.
9.41.230	Aiming or discharging firearms, dangerous weapons.
9.41.240	Possession of pistol by person from eighteen to twenty-one.
9.41.250	Dangerous weapons—Penalty.
9.41.260	Dangerous exhibitions.
9.41.270	Weapons apparently capable of producing bodily harm—Unlawful carrying or handling—Penalty—Exceptions.
9.45.062	Failure to deliver leased property—Requisites for prosecution—Construction.
9.45.070	Mock auctions.
9.45.080	Fraudulent removal of property.
9.45.090	Knowingly receiving fraudulent conveyance.
9.61.230	Telephone harassment.
9.61.240	Telephone harassment—Permitting telephone to be used.
9.61.250	Telephone harassment—Offense, where deemed committed.
9.62.010	Malicious prosecution.
9.66.010	Public nuisance.
9.66.020	Unequal damage.
9.66.030	Maintaining or permitting nuisance.
9.66.040	Abatement of nuisance.

9.66.050	Deposit of unwholesome substance.
9.68.015	Obscene literature, shows, etc.—Exemptions.
9.68.030	Indecent articles, etc.
9.68.050	“Erotic material”—Definitions.
9.68.060	“Erotic material”—Determination by court—Labeling—Penalties.
9.68.070	Prosecution for violation of RCW 9.68.060—Defense.
9.68.080	Unlawful acts.
9.68.090	Civil liability of wholesaler or wholesaler-distributor.
9.68.100	Exceptions to RCW 9.68.050 through 9.68.120.
9.68.110	Motion picture operator or projectionist exempt, when.
9.68.120	Provisions of RCW 9.68.050 through 9.68.120 exclusive.
9.68.130	“Sexually explicit material”—Defined—Unlawful display.
9.73.020	Opening sealed letter.
9.86.010	“Flag,” etc., defined.
9.86.020	Improper use of flag prohibited.
9.86.030	Desecration of flag.
9.86.040	Application of provisions.
9.86.050	Penalty.
9.91.020	Operating railroad, steamboat, vehicle, etc., while intoxicated.
9.91.060	Leaving children unattended in parked automobile.
9A.04.100	Proof beyond a reasonable doubt.
9A.04.110	Definitions.
9A.08.010	General requirements of culpability.

9A.08.020	Liability for conduct of another—Complicity.
9A.12.010	Insanity.
9A.16.010	Definitions.
9A.16.020	Use of force—When lawful.
9A.16.060	Duress.
9A.16.070	Entrapment.
9A.16.080	Action for being detained on mercantile establishment or premises for investigation—“Reasonable grounds” as defense.
9A.16.090	Intoxication.
9A.16.100	Use of force on children—Policy—Actions presumed unreasonable.
9A.28.020	Criminal attempt.
9A.28.030	Criminal solicitation.
9A.28.040	Criminal conspiracy.
9A.36.041	Assault in the fourth degree.
9A.36.050	Reckless endangerment.
9A.36.070	Coercion.
9A.46.020	Definitions—Penalties.
9A.46.030	Place where committed.
9A.46.040	Court-ordered requirements upon person charged with crime—Violation.
9A.46.050	Arraignment—No-contact order.
9A.46.060	Crimes included in harassment.
9A.46.070	Enforcement of order restricting contact.
9A.46.080	Order restricting contact—Violation.

9A.46.090	Nonliability of peace officer.
9A.46.100	“Convicted,” time when.
9A.46.910	Severability.
9A.48.090	Malicious mischief in the third degree.
9A.48.100	Malicious mischief—“Physical damage” defined.
9A.52.010	Definitions.
9A.52.060	Making or having burglar tools.
9A.52.070	Criminal trespass in the first degree.
9A.52.080	Criminal trespass in the second degree.
9A.52.090	Criminal trespass—Defenses.
9A.52.100	Vehicle prowling in the second degree.
9A.56.010	Definitions.
9A.56.020	Theft—Definitions, defenses.
9A.56.050	Theft in the third degree.
9A.56.060	Unlawful issuance of checks or drafts.
<u>9A.56.063</u>	<u>Making or possessing motor vehicle theft tools.</u>
9A.56.100	Theft and larceny equated.
9A.56.170	Possessing stolen property in the third degree.
9A.56.180	Obscuring the identity of a machine.
9A.76.010	Definitions.
9A.76.020	Obstructing a law enforcement officer.
9A.76.030	Refusing to summon aid for a peace officer.
9A.76.040	Resisting arrest.

9A.76.050	Rendering criminal assistance—Definition of term.
9A.76.060	Relative defined.
9A.76.080	Rendering criminal assistance in the second degree.
9A.76.090	Rendering criminal assistance in the third degree.
9A.76.100	Compounding.
9A.76.130	Escape in the third degree.
9A.84.010	Criminal mischief.
9A.84.020	Failure to disperse.
9A.84.030	Disorderly conduct.
9A.84.040	False reporting.
9A.88.010	Indecent exposure.
9A.88.030	Prostitution.
9A.88.050	Prostitution—Sex of parties immaterial—No defense.
9A.88.090	Permitting prostitution.
10.99.020	Definitions.
10.99.030	Law enforcement officers—Training, powers, duties—Domestic violence reports.
10.99.035	Law enforcement agencies—Domestic violence records.
10.99.040	Duties of court—No-contact order.
10.99.045	Appearances by defendant—Defendant’s history—No-contact order.
10.99.050	Victim contact—Restriction, prohibition—Violation, penalties—Written order—Procedures—Notice of change.
10.99.055	Enforcement of orders.
10.99.060	Prosecutor’s notice to victim—Description of available procedures.

10.99.070	Liability of peace officers.
10.99.080	Penalty assessment.
10.99.100	Sentencing—Factors—Defendant’s criminal history.
10.99.900	Severability.
28A.635.020	Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty.
28A.635.030	Disturbing school, school activities or meetings—Penalty.
28A.635.090	Interference by force or violence—Penalty.
28A.635.100	Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful—Penalty.
28A.635.110	Intimidating any administrator, teacher, classified employee, or student by threat of force or violence unlawful—Penalty.
28A.635.120	Violations under RCW 28A.635.090 and 28A.635.100—Penalty.
66.44.010	Local officers to enforce law—Authority of board—Liquor enforcement officers.
66.44.040	Sufficiency of description of offenses in complaints, informations, process, etc.
66.44.050	Description of offense in words of statutes—Proof required.
66.44.060	Proof of unlawful sale establishes prima facie intent.
66.44.070	Certified analysis is prima facie evidence of alcoholic content.
66.44.080	Service of process on corporation.
66.44.090	Acting without license.
66.44.100	Opening or consuming liquor in public place—Penalty.
66.44.120	Unlawful use of seal.
66.44.130	Sales of liquor by drink or bottle.

- 66.44.140 Unlawful sale, transportation of spirituous liquor without stamp or seal—
Unlawful operation, possession of still or mash.
- 66.44.150 Buying liquor illegally.
- 66.44.160 Illegal possession, transportation of alcoholic beverages.
- 66.44.170 Illegal possession of liquor with intent to sell—Prima facie evidence, what
is.
- 66.44.175 Violations of law.
- 66.44.180 General penalties—Jurisdiction for violations.
- 66.44.200 Sales to persons apparently under the influence of liquor—Purchases or
consumption by persons apparently under the influence of liquor on
licensed premises—Penalty—Notice—Separation of actions.
- 66.44.210 Obtaining liquor for ineligible person.
- 66.44.240 Drinking in public conveyance—Penalty against carrier—Exception.
- 66.44.250 Drinking in public conveyance—Penalty against individual—Restricted
application.
- 66.44.270 Furnishing liquor to minors—Possession, use—Penalties—Exhibition of
effects—Exceptions.
- 66.44.280 Minor applying for permit.
- 66.44.290 Minor purchasing or attempting to purchase liquor—Penalty.
- 66.44.300 Treats, gifts, purchases of liquor for or from minor, or holding out minor
as at least twenty-one, in public place where liquor sold.
- 66.44.310 Minors frequenting off-limits area—Misrepresentation of age—Penalty—
Classification of licensees.
- 66.44.316 Certain persons eighteen years and over permitted to enter and remain
upon licensed premises during employment.
- 66.44.320 Sales of liquor to minors a violation.
- 66.44.325 Unlawful transfer to minor of age identification.

66.44.328	Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card—Penalty.
69.50.101	Definitions.
69.50.102	Drug paraphernalia—Definitions.
69.50.201	Enforcement of chapter—Authority to change schedules of controlled substances.
69.50.202	Nomenclature.
69.50.203	Schedule I tests.
69.50.204	Schedule I.
69.50.205	Schedule II tests.
69.50.206	Schedule II.
69.50.207	Schedule III tests.
69.50.208	Schedule III.
69.50.209	Schedule IV tests.
69.50.210	Schedule IV.
69.50.211	Schedule V tests.
69.50.212	Schedule V.
69.50.213	Republishing of schedules.
69.50.302	Registration requirements.
69.50.306	Records of registrants.
69.50.307	Order forms.
69.50.308	Prescriptions.
69.50.309	Containers.
69.50.401	Prohibited acts: A—Penalties.

69.50.402	Prohibited acts: B—Penalties.
69.50.403	Prohibited acts: C—Penalties.
69.50.404	Penalties under other laws.
69.50.405	Bar to prosecution.
69.50.406	Distribution to persons under age eighteen.
69.50.407	Conspiracy.
69.50.408	Second or subsequent offenses.
69.50.410	Prohibited acts: D—Penalties.
69.50.412	Prohibited acts: E—Penalties.
69.50.425	Misdemeanor violations—Minimum imprisonment.
69.50.500	Powers of enforcement personnel.
69.50.505	Seizure and forfeiture.
69.50.506	Burden of proof; liabilities.
69.50.509	Search and seizure of controlled substances.
69.50.601	Pending proceedings.
69.50.605	Severability.
70.54.010	Polluting water supply—Penalty.
70.54.020	Furnishing impure water—Penalty.
70.54.030	Pollution of watershed of city in adjoining state—Penalty.
77.16.250	Loaded firearms in vehicles.
77.16.260	Shooting firearms from public highways.

B. Notwithstanding the RCW sections that are specifically adopted by reference in this code, all RCW sections that constitute misdemeanors or gross misdemeanors and the RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement and

enforcement of misdemeanors or gross misdemeanors are hereby adopted by reference as currently enacted or as they may hereafter be amended or recodified and shall be given the same force and effect as if fully set forth herein.

C. Penalty Imposed. Violation of any of the RCW sections adopted in subsection B of this section shall be a misdemeanor or gross misdemeanor, as may be specified in the subsection adopted, and upon conviction thereof shall be punished in the manner as set forth in the Snoqualmie Municipal Code. Any subsection adopted for which no penalty is specified in that subsection or other adopted subsection, or which is not otherwise expressly classified as a civil infraction or gross misdemeanor, shall constitute a misdemeanor as provided in SMC Section 9.82.020(A).

Section 3. 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 4. Effective Date. This ordinance shall be effective five (5) days after passage and publication, as provided by law. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City.

Section 5. Corrections by the City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations, or ordinance numbering and section/subsection numbering.

ADOPTED BY the City Council of the City of Snoqualmie this 27th day of March, 2023.

Katherine Ross, Mayor

Attest:

Approved as to form:

Deana Dean, City Clerk

Bob Sterbank, City Attorney