CITY OF MARYSVILLE AGENDA BILL

EXECUTIVE SUMMARY FOR ACTION

CITY COUNCIL MEETING DATE: 5/14/2018

AGENDA ITEM:	
Amending chapter 6.06 MMC relating to adopting RCW's by reference	
PREPARED BY:	**DIRECTOR APPROVAL:**
Jon Walker	
DEPARTMENT:	
Legal	
ATTACHMENTS:	
BUDGET CODE:	**AMOUNT:**
SUMMARY:	

The city frequently adopts by reference sections of the revised code of Washington (RCW) to become part of the municipal code. These are typically criminal statutes and this process is both more efficient and makes Marysville's criminal code consistent with unincorporated Snohomish County and other jurisdictions throughout the state. The city does not have authority to adopt felony crimes or penalties nor does the municipal court have authority to hear such cases or impose felony penalties. Rather than continue the current practice of excluding felony crimes when an RCW is adopted, this amendment would make that automatic and would also apply to any RCW's that were adopted in the past. This chapter also provides that amendments to RCW's or their repeal will be automatically reflected in the municipal code, but does not address the recodification of statutes. Codification is the process of assigning a number to a section of a session law adopted by the legislature and approved by the governor (or assigned to an ordinance adopted by the city council and approved by the mayor). From time to time the legislature will recodify statutes and this amendment to the municipal code will clarify that recodification does not affect the adoption of the RCW (i.e. it is still a crime regardless of the number being changed). While staff endeavors to identify statutes that have been recodified, this amendment will ensure that a minor technicality does not affect the city's ability to hold persons accountable for violating the law.

RECOMMENDED ACTION:
Staff recommends that Council consider adopting the amendments to chapter 6.06 of the municipal code.

CITY OF MARYSVILLE

Marysville, Washington

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARYSVILLE, WASHINGTON, AMENDING CHAPTER 6.06 OF THE MUNICIPAL CODE.

WHEREAS, the city frequently adopts by reference sections of the revised code of Washington (RCW) to become part of the municipal code; and

WHEREAS, the city does not have authority to adopt felony crimes or penalties; and

WHEREAS, the municipal code currently contemplates automatically adopting amendments and repealers of adopted RCW's, but does not contemplate when a statute is recodified; and

WHEREAS, by amending the code to provide that portions of statutes relating to felony crimes are not adopted, it will no longer be necessary to adopt this language each time a criminal statute that refers to a felony crime is adopted; and

WHEREAS, amending the code to automatically adopt recodified statutes clarifies the effect of recodification by the legislature or code reviser and puts citizens on notice of prohibited behavior.

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

SECTION 1. Chapter 6.06 of the municipal code is amended as set forth in Exhibit A.

SECTION 2. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

SECTION 3. Effective Date. This ordinance shall become effective five days after the date of its publication by summary.

PASSED by the City Council and APPROVED by the Mayor this _____ day of _____, 20_____.

CITY OF MARYSVILLE

By_____
       JON NEHRING, MAYOR

Attest:

By_____
     _____, DEPUTY CITY CLERK

Approved as to form:

By_____
      JON WALKER, CITY ATTORNEY

Date of publication:_____
Effective Date (5 days after publication):_____

EXHIBIT A

Chapter 6.06
ADOPTION OF STATE PROVISIONS

Sections:

6.06.010 Adoption of state statutes by reference.

Statutes that are adopted by reference become a part of of the state of Washington Revised Code of Washington specified in the Marysville Municipal Code are adopted by reference as and for a portion of the penal code of the city of Marysville as if set forth in full, with the exception of the penalty provisions thereof which are superseded by the penalty provisions of said chapters, as set forth in MMC 6.03.120 except that any part of an adopted statute defining a felony or setting felony penalties does not become part of the municipal code.

6.06.020 Automatic amendments.

If a statute adopted by reference is amended, recodified, or repealed, The amendment or repeal by the Washington State Legislature of any of the statutes adopted in the MMC by reference shall be deemed to automatically amend or repeal said chapters in conformity therewith, and it shall not be it is not necessary for the legislative authority of the city council to take any action with respect to such amendments, recodification, or repealers which will be deemed to automatically conform the municipal code to such amendment, recodification, or repeal.

6.06.030 Statute incorporated by reference.

The following statute is incorporated in this chapter by reference:

RCW

9A.04.110   Definitions.