

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6745

AN ORDINANCE repealing Chapter 10.02 of the Bellevue City Code (BCC) and adopting a new Chapter 10.02 BCC for incorporating by reference Washington State Statutes; providing for severability; and establishing an effective date.

WHEREAS, RCW 35A.12.140 permits the City to adopt by reference sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes; and

WHEREAS, pursuant to RCW 35A.12.140, the City adopted Ordinance No. 5622 adopting by reference in Chapter 10.02 BCC sections of Washington state statutes creating misdemeanor and gross misdemeanor crimes as they were “currently enacted or as hereafter amended or recodified from time to time”; and

WHEREAS, when adopting such state statutes, the city council declared in BCC 10.00.010.E that “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 Bellevue”; and

WHEREAS, the Bellevue City Attorney’s Office prosecutes misdemeanor and gross misdemeanor crimes which have been adopted by reference in the BCC that occur within the City of Bellevue; and

WHEREAS, since the adoption of Ordinance No. 5622, the Washington State Legislature has crafted new crimes; and

WHEREAS, in order for the Bellevue City Attorney’s Office to continue to prosecute all misdemeanor and gross misdemeanor crimes occurring within the city limits, the City must readopt Chapter 10.02 BCC to capture new state-created misdemeanor and gross misdemeanor criminal offenses added since the adoption of Ordinance No. 5622 in 2005; and

WHEREAS, this Ordinance will protect the health, safety and welfare of the people in Bellevue; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Repeal. Chapter 10.02 of the Bellevue City Code is hereby repealed.

Section 2. Adoption. A new Chapter 10.02 of the Bellevue City Code is hereby added to read as follows:

Chapter 10.02
ADOPTION OF RCW SECTIONS NOT SPECIFICALLY SET FORTH

Sections:

10.02.010 Adoption of RCW sections not specifically set forth.

10.02.010 Adoption of RCW sections not specifically set forth.

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 state statutes that create misdemeanors and gross misdemeanors and the state statutes 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 state statutes 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 section and of Chapter 10.00 BCC.

C. The following RCW section is not adopted by the city of Bellevue:

RCW 9A.16.110 Defending against violent crime – Reimbursement.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this Ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2023 and signed in authentication of its passage this _____ day of _____, 2023.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____