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**CITY OF LYNNWOOD**  
**ORDINANCE NO. 3391**

**AN ORDINANCE OF THE CITY OF LYNNWOOD,  
WASHINGTON, RELATING TO THE CITY’S CRIMINAL  
CODE; AMENDING SECTION 10.02.010 OF THE  
LYNNWOOD MUNICIPAL CODE; AND PROVIDING FOR  
AN EFFECTIVE DATE, SEVERABILITY AND SUMMARY  
PUBLICATION.**

WHEREAS, Section 10.02.010 of the Lynnwood Municipal Code (LMC) currently contains a list of statutes that are adopted by reference, including statutes pertaining to Revised Code of Washington (RCW) 69.41 Legend Drugs—Prescription Drugs and 69.50 Uniformed Controlled Substances Act; and

WHEREAS, RCW 69.41.030 relating to Sale, Delivery, or Possession of Legend Drug Without Prescription or Order Prohibited—Exceptions—Penalty, RCW 69.50.202 relating to Nomenclature, RCW 69.50.204 relating to Schedule I, RCW 69.50.206 relating to Schedule II, RCW 69.50.208 relating Schedule III, RCW 69.50.210 relating to Schedule IV, RCW 69.50.212 relating to Schedule V, RCW 69.50.4011 relating to Counterfeit substances—Penalties, and RCW 69.50.4014 Possession of Forty Grams or Less of Marijuana—Penalty, are currently omitted from the list of statutes adopted by reference in LMC 10.02.010; and

WHEREAS, the omission of RCW 69.41.030, RCW 69.50.202, RCW 69.50.204, RCW 69.50.206, RCW 69.50.208, RCW 69.50.210, RCW 69.50.212, RCW 69.50.4011, and RCW 69.50.4014, precludes the prosecution of individuals who are in violation of newly implemented Revised Code of Washington statutes relating to the possession or use of controlled substances, legend drugs, and counterfeit substances laws; and

WHEREAS, amending LMC 10.02.010 to add RCW 69.41.030, RCW 69.50.202, RCW 69.50.204, RCW 69.50.206, RCW 69.50.208, RCW 69.50.210, RCW 69.50.212, RCW 69.50.4011, and RCW 69.50.4014, to the list of adopted statutes would provide statutory authority for the City to prosecute violations of these criminal violations; and

WHEREAS, the City Council has determined that it is in the best interests of the public’s health, safety and general welfare to amend LMC 10.02.010 as stated in this Ordinance;

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

Section 1. Amendment. Section 10.02.010 of Lynnwood Municipal Code is amended as follows:

**10.02.010 Statutory provisions – Adopted by reference – Scope.**

The following statutes are adopted by reference as and for a portion of the criminal ordinance and code of this city as if set forth in full herein, with the exception of the penalty provisions

37 thereof which are superseded by the penalty provisions of this chapter as set forth in LMC  
38 10.02.080, and which are made applicable to these statutes. Any reference to felonies or  
39 classification of felonies shall refer to the statutes of the state of Washington for definition and  
40 prosecution.

41 RCW

42 Preliminary Article

43 9A.04.050 People capable of committing crimes—Capability of child.

44 9A.04.060 Common law to supplement statute.

45 9A.04.070 Who amenable to criminal statutes.

46 9A.04.080 Limitation of actions.

47 9A.04.100 Proof beyond reasonable doubt.

48 9A.04.110 Definitions.

49

50 Principles of Liability

51 9A.08.010 General requirements of culpability.

52 9A.08.020 Liability for conduct of another—Complicity.

53 9A.08.030 Criminal liability of corporations and persons acting for them.

54

55 Insanity

56 9A.12.010 Insanity.

57

58 Defenses

59 9A.16.010 Defenses—Definitions.

60 9A.16.020 Use of force—When lawful.

61 9A.16.060 Duress.

62 9A.16.070 Entrapment.

63 9A.16.080 Action for being on store premises for investigation “reasonable grounds” as  
64 defense.

65 9A.16.090 Intoxication.

66

67 Anticipatory Offenses

68 9A.28.020 Criminal attempt.

69 9A.28.030 Criminal solicitation.

70 9A.28.040 Criminal conspiracy.

71

72 Assault

73 9A.36.041 Assault in the fourth degree.

74 9A.36.050 Reckless endangerment.

75 9A.36.070 Coercion.

76 9A.36.150 Interfering with reporting domestic violence.

77 9A.40.070 Custodial interference second degree.

78

79 Harassment

80 9A.46.010 Legislative finding.

81 9A.46.020 Definitions—Penalties.

82 9A.46.030 Place where committed.

- 83 9A.46.040 Court-ordered requirements upon defendant—Violation.
- 84 9A.46.050 Arraignment—No-contact order.
- 85 9A.46.060 Crimes included in harassment.
- 86 9A.46.070 Enforcement of orders restricting contact.
- 87 9A.46.080 Order restricting contact violation.
- 88 9A.46.090 Nonliability of peace officer.
- 89 9A.46.100 “Convicted,” time when.
- 90 9A.46.110 Stalking.
- 91
- 92 Inhaling Toxic Fumes
- 93 9.47A.020 Unlawful inhalation exception.
- 94 9.47A.030 Possession of certain substances prohibited, when.
- 95 9.47A.040 Sale of certain substances prohibited, when.
- 96
- 97 Arson, Reckless Burning, Malicious Mischief
- 98 9A.48.010 Definitions.
- 99 9A.48.050 Reckless burning in second degree.
- 100 9A.48.060 Reckless burning—Defense.
- 101 9A.48.090 Malicious mischief in third degree.
- 102 9A.48.100 Malicious mischief—“Physical damage” defined.
- 103 9A.49.050 Reckless burning in second degree.
- 104
- 105 Burglary and Trespass
- 106 9A.52.010 Definitions.
- 107 9A.52.040 Inference of intent.
- 108 9A.52.050 Other crime in committing burglary punishable.
- 109 9A.52.060 Making or having burglary tools.
- 110 9A.52.070 Criminal trespass in the first degree.
- 111 9A.52.080 Criminal trespass in the second degree.
- 112 9A.52.090 Criminal trespass—Defenses.
- 113 9A.52.100 Vehicle prowling in the second degree.
- 114 9A.52.120 Computer trespass in the second degree.
- 115
- 116 Theft and Robbery
- 117 9A.56.010 Definitions.
- 118 9A.56.020 Theft—Definition, defense.
- 119 9A.56.050 Theft in the third degree.
- 120 9A.56.060 Unlawful issuance of checks.
- 121 9A.56.096 Theft of rental property.
- 122 9A.56.140 Possessing stolen property—Definitions—Access devices, presumption.
- 123 9A.56.170 Possessing stolen property in the third degree.
- 124 9A.56.180 Obscuring the identity of a machine.
- 125 9A.56.220 Theft of subscription television services.
- 126 9A.56.240 Forfeiture and disposal of device used to commit violation.
- 127 9A.56.260 Connection of channel converter.
- 128 9A.56.270 Shopping cart theft.

- 129 9A.56.330 Possession of another's identification.
- 130
- 131 Fraud
- 132 9A.60.010 Fraud—Definitions.
- 133 9A.60.045 Criminal impersonation in the second degree.
- 134 9A.60.050 False certification.
- 135
- 136 Defrauding a Public Utility
- 137 9A.61.010 Definitions.
- 138 9A.61.020 Defrauding a public utility.
- 139 9A.61.050 Defrauding a public utility in the third degree.
- 140
- 141 Perjury and Interference with Official Proceedings
- 142 9A.72.010 Definitions.
- 143 9A.72.040 False swearing.
- 144 9A.72.140 Jury tampering.
- 145 9A.72.150 Tampering with physical evidence.
- 146
- 147 Obstructing Governmental Operations
- 148 9A.76.010 Definitions.
- 149 9A.76.020 Obstructing a law enforcement officer.
- 150 9A.76.030 Refusing to summon aid for a peace officer.
- 151 9A.76.040 Resisting arrest.
- 152 9A.76.050 Rendering criminal assistance definition of term.
- 153 9A.76.060 Relative defined.
- 154 9A.76.080 Rendering criminal assistance in the second degree.
- 155 9A.76.090 Rendering criminal assistance in the third degree.
- 156 9A.76.100 Compounding.
- 157 9A.76.130 Escape in the third degree.
- 158 9A.76.160 Introducing contraband in the third degree.
- 159 9A.76.170 Bail jumping.
- 160 9A.76.175 Making a false or misleading statement to a public servant.
- 161
- 162 Abuse of Office
- 163 9A.80.010 Official misconduct.
- 164
- 165 Public Disturbance
- 166 9A.84.010 Riot.
- 167 9A.84.020 Failure to disperse.
- 168 9A.84.030 Disorderly conduct.
- 169 9A.84.040 False reporting.
- 170
- 171 Sexual Misconduct—Prostitution
- 172 9.68A.011 Definitions.
- 173 9.68A.090 Communicating with a minor for immoral purposes.
- 174 9.68A.110 Certain defenses barred, permitted.

- 175 9A.44.010 Definitions.
- 176 9A.44.096 Sexual misconduct with a minor in the second degree.
- 177 9A.88.010 Indecent exposure.
- 178 9A.88.030 Prostitution.
- 179 9A.88.050 Prostitution—Sex of parties immaterial—No defense.
- 180 9A.88.090 Permitting prostitution.
- 181 9A.88.110 Patronizing a prostitute.
- 182
- 183 Extreme Risk Protection Orders
- 184 7.94.010 Purpose—Intent.
- 185 7.94.020 Definitions.
- 186 7.94.030 Petition for order.
- 187 7.94.040 Hearings on petition—Grounds for order issuance.
- 188 7.94.050 Ex parte orders.
- 189 7.94.060 Service of orders.
- 190 7.94.070 Service by publication or mail.
- 191 7.94.080 Termination and renewal of orders.
- 192 7.94.090 Firearms—Surrender.
- 193 7.94.100 Firearms—Return—Disposal.
- 194 7.94.110 Reporting of orders.
- 195 7.94.120 Penalties.
- 196 7.94.130 Other authority retained.
- 197 7.94.140 Liability.
- 198 7.94.150 Instructional and informational material.
- 199 7.94.900 Short title—2017 c 3 (Initiative Measure No. 1491).
- 200
- 201 Miscellaneous
- 202 2.48.170 Only active members (of the state bar) may practice (law).
- 203 2.48.180 Definitions—Unauthorized practice a crime—Causes for discipline.
- 204 9.12.010 Barratry.
- 205 9.26A.120 Fraud in operation—Coin-box telephone or other receptacle.
- 206 9.27.015 Harassing judge, juror, or witness.
- 207 9.38.010 False representation concerning credit.
- 208 9.38.015 False representation concerning deposit account applicant.
- 209 9.69.100 Duty of witness of offense against child or any violent offense—Penalty.
- 210 9.73.030 Recording conversation without consent.
- 211 13.32A.080 Harboring a runaway.
- 212 69.41.030 Sale, delivery, or possession of legend drug without prescription or order
- 213 prohibited—Exceptions—Penalty.
- 214 69.41.070 Illegal possession of steroids without prescription.
- 215 69.50.101 Uniform controlled substances act—Definitions.
- 216 69.50.102 Drug paraphernalia—Definitions.
- 217 69.50.202 Nomenclature.
- 218 69.50.204 Schedule I.

- 219 69.50.206 Schedule II.
- 220 69.50.208 Schedule III.
- 221 69.50.210 Schedule IV.
- 222 69.50.212 Schedule V.
- 223 69.50.401 Prohibited acts: A—Penalties.
- 224 69.50.4011 Counterfeit substances—Penalties.
- 225 69.50.4013 Possession of controlled substance—Penalty.
- 226 69.50.4014 Possession of forty grams or less of marijuana—Penalty.
- 227 69.50.412 Prohibited acts: E—Penalties.
- 228 69.50.4121 Drug paraphernalia—Selling or giving—Penalty.
- 229 69.50.505 Seizure and forfeiture.
- 230 70.74.020 Delivery of explosives to a minor.
- 231 77.16.250 Loaded shotgun or rifle in vehicle.

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 233 Section 2. Effective Date. The provisions of this ordinance shall be effective five days following  
 234 publication.

235 Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this  
 236 ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,  
 237 such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any  
 238 other section, subsection, sentence, clause, phrase or word of this ordinance.

239 Section 4. Summary Publication. Publication of this ordinance shall be by summary publication  
 240 consisting of the ordinance title.

241 PASSED BY THE CITY COUNCIL this 14<sup>th</sup> day of May 2021.

242 APPROVED:

243 *Nicola Smith* 6/15/2021

244 \_\_\_\_\_  
 245 Nicola Smith, MAYOR

246 ATTEST/AUTHENTICATED:

247 *Karen Fitzthum*

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 249 Karen Fitzthum  
 250 City Clerk

251 APPROVED AS TO FORM:

252 *Rosemary Larson*

253 \_\_\_\_\_  
 254 Rosemary Larson  
 255 City Attorney