

MUNICIPAL CODE PROJECT CHECK LIST

City: _____ County: _____

Name of person completing form: _____

URL for the on line version, if any, of the City's Code _____

1. Are all misdemeanors and gross misdemeanors committed within the city prosecuted by the county prosecutor's office under the RCW in the name of the State of Washington pursuant to an RCW 39.34.180 interlocal agreement?
 Yes. If yes, you may stop here.
 No. If no, please proceed to question 2.
2. Has the city adopted by reference the Washington Model Traffic Code, Chapter 46.90 RCW and/or Chapter 308-330 WAC ?¹
 Yes. If yes, please proceed to question 3.
 No. If no, please proceed to question 4.
3. What is the citation for the municipal code provision that adopts the Washington Model Traffic Code? _____

Please quote the provision here and then proceed to question 4:

¹Pursuant to RCW 46.90.010,

“The addition of any new section to, or amendment or repeal of any section in, the model traffic ordinance is deemed to amend any city, town, or county, ordinance which has adopted by reference the model traffic ordinance or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7).”

4. Are there any locally defined traffic misdemeanor or gross misdemeanors in the code?
- No.
 - Yes. If yes, please attach the portion of the code that lists the city specific traffic crimes to this checklist.
5. Has the city adopted by reference non-traffic misdemeanor and gross misdemeanors contained in the RCW?
- No. If no, proceed to question 6.
 - Yes. If yes, please complete the following subparts before proceeding to question 6:
 - a. How does the code adopt state statutes by reference? Please check all of the applicable option(s) and provide the information, if any, requested by the checked option(s).
 - The code adopts by reference all state misdemeanors and gross misdemeanors in one or two sections. Please identify the sections and quote them here:

 - The code adopts by reference entire chapters of the RCW or portions of chapters of the RCW in multiple sections. Please identify the sections and which chapters or portions of chapters the section adopt, *i.e.* Brigadoon Municipal Code § 9.36.010 – Portions of Chapter 9A.36 RCW.

 - The code adopts by reference individual sections of the RCW in individual sections. An index of the city's non-traffic offenses is attached to this document.

- b. Do the code provision(s) that adopt non-traffic state misdemeanor or gross misdemeanor laws by reference include a temporal qualifier?
- No.
 - Yes. If yes, what date is specified: _____
- c. Does the code affirmatively adopt additions or amendments to the RCW that were adopted by reference?
- No.
 - Yes. Please check all that apply:
 - In each section that adopts all or portions of the RCW by reference.
 - In a separate section of the code. Please identify the code provision and insert the language of the provision here before proceeding to question 6:

6. Does the city code contain non-traffic misdemeanor or gross misdemeanor offenses that are either not included in state law or are defined differently than state law?
- No.
 - Yes. If yes, please attach a list of those crimes and the complete text of the predicates for recidivist offenses. A “recidivist offense” offense is a felony offense “where a prior conviction of the same offense or other specified offense is an element of the crime including, but not limited to: (a) Assault in the fourth degree where domestic violence is pleaded and proven, RCW 9A.36.041(3); (b) Cyberstalking, RCW 9.61.260(3)(a); (c) Harassment, RCW 9A.46.020(2)(b)(i); (d) Indecent exposure, RCW 9A.88.010(2)(c); (e) Stalking, RCW 9A.46.110(5)(b) (i) and (iii); (f) Telephone harassment, RCW 9.61.230(2)(a); and (g) Violation of a no-contact or protection order, RCW 26.50.110(5).” RCW 9.94A.030(41).

7. Are there any misdemeanors or gross misdemeanors in the RCW that do not have a comparable local counterpart *and* are not included in the municipal code due to a temporal restriction or the scope of the RCWs that were adopted by reference.

No.

Yes. If yes, please identify the most common RCW misdemeanor or gross misdemeanors that are omitted from the municipal code.

8. How are misdemeanors and gross misdemeanors that do not appear in the municipal code being adjudicated?

In the district court in an action filed by the State of Washington.

In the municipal court in an action filed by the City of _____.

Violations of these laws do not appear to be prosecuted in either the municipal or the district court.