

**ORDINANCE NO. 1425**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S CRIMINAL CODE; AMENDING SECTION 9.28.010 TO THE GIG HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE RCW 9A.56.063 RELATING TO MAKING OR POSSESSING MOTOR VEHICLE THEFT TOOLS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, RCW 35A.11.020 authorizes the legislative body of code cities to adopt and enforce criminal codes related to misdemeanor and gross misdemeanor offenses; and

WHEREAS, Gig Harbor Municipal Code 9.28.010 adopts certain sections of state law relating to property crimes; and

WHEREAS, the City currently has no prescribed penalty for violations of RCW 9A.56.063 prohibiting the possession or manufacture of motor vehicle theft tools under circumstances evincing an intent to use or employ, or allowing the same to be used or employed, in the commission of motor vehicle theft, or knowing that the same is intended to be so used; and

WHEREAS, the City of Gig Harbor desires to adopt by reference RCW 9A.56.063 in order to allow the City to prosecute crimes relating to violations of making or possession of motor vehicle theft tools; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 9.28.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**9.28.010 Theft, unauthorized issuance of bank checks and possession of stolen property.**

The following state statutes, including all future amendments, repeals, or additions thereto, are hereby adopted by reference:

RCW


- 9.54.130 Restoration of stolen property – Duty of officers.
- 9A.56.010 Definitions.
- 9A.56.020 Theft – Definition, defense.
- 9A.56.050 Theft in third degree.


- 9A.56.060 Unlawful issuance of checks or drafts.
- 9A.56.063 Making or possessing motor vehicle theft tools.
- 9A.56.096 Theft of rental, leased or lease-purchased property.
- 9A.56.140 Possessing stolen property – Definition, access devices, presumption.
- 9A.56.170 Possessing stolen property in the third degree.
- 9A.56.220 Theft of cable television services.
- 9A.56.230 Unlawful sale of cable television services.
- 9A.56.240 Forfeiture and disposal of device used to commit violation.
- 9A.56.260 Connection of channel converter.
- 9A.56.270 Shopping cart theft.

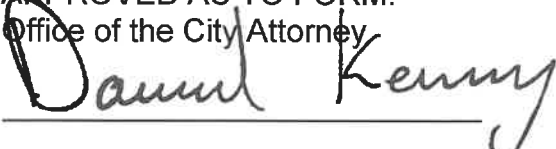
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase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

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 23rd day of September 2019.

CITY OF GIG HARBOR  
  
\_\_\_\_\_  
Mayor Kit Kuhn

ATTEST/AUTHENTICATED:  
  
\_\_\_\_\_  
Molly Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney  
  
\_\_\_\_\_

FILED WITH THE CITY CLERK: 08/19/19  
PASSED BY THE CITY COUNCIL: 09/23/19  
PUBLISHED: 10/03/19  
EFFECTIVE DATE: 10/08/19  
ORDINANCE NO: 1425