

ORDINANCE 2022 - 16

**AN ORDINANCE OF THE CITY OF SUNNYSIDE, WASHINGTON, ADDING A NEW CHAPTER 9.03 OF THE SUNNYSIDE MUNICIPAL CODE, PERTAINING TO THE CRIMINAL CODE AND ADOPTION OF CERTAIN PORTIONS OF THE REVISED CODE OF WASHINGTON**

**WHEREAS**, pursuant to Chapter 35A.13 of the Revised Code of Washington (RCW), the City Council is charged with legislative authority of the City of Sunnyside; and

**WHEREAS**, Title 9 of the Sunnyside Municipal Code governs the Criminal Code for the City of Sunnyside; and

**WHEREAS**, the City Council finds and determines that the Municipal Code should be amended to add additional sections of the RCW to the Municipal Code to allow for prosecution of cases that would otherwise be prosecutable as felonies but for non-prosecution by the County, and that such requested amendment should be approved, and that such approval is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

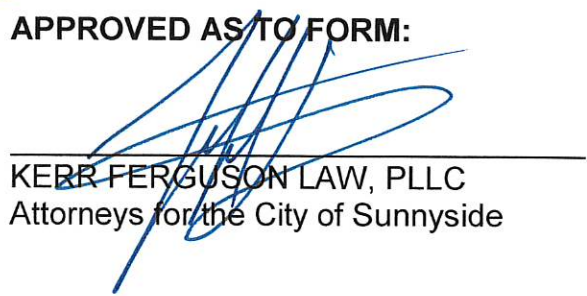
**SECTION 1.** Chapter 9.03 of the Sunnyside Municipal Code is added to the Municipal Code as set forth in “Exhibit A” attached hereto and incorporated herein by this reference.

**SECTION 2.** Except as amended herein, Title 9 SMC shall remain unchanged.

PASSED this 13<sup>th</sup> day of June, 2022.

  
DEAN BROERSMA, MAYOR

ATTEST:  
  
JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:  
  
KERR FERGUSON LAW, PLLC  
Attorneys for the City of Sunnyside

## EXHIBIT A

### 9.03.010 Adoption of RCW sections not specifically set forth.

A. With the exception of the RCW sections set forth in subsection C of this section, and notwithstanding the RCW sections that are specifically adopted by reference in this title, all RCW sections that constitute misdemeanors and gross misdemeanors and the RCW sections 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 the RCW 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 9.

C. The following RCW sections are not adopted by the City of Sunnyside:

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

RCW 9A.84.030 Disorderly Conduct.

RCW 9A.46.020 Definitions - Penalties, except those portions necessary to implement SMC 9.28.020.