CITY OF SAMMAMISH
WASHINGTON
ORDINANCE NO. O2004-152

AN ORDINANCE OF THE CITY OF SAMMAMISH, WASHINGTON, AMENDING SMC 9.05.240 REGARDING FRAUD; AMENDING 69.05.010 REGARDING CONTROLLED SUBSTANCES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the State Legislature had adopted certain new misdemeanor criminal provisions to take effect July 1, 2004; and

WHEREAS, in the interest of the public health, safety, and welfare, the City Council desires to adopt by reference certain of those provisions to also take effect July 1, 2004;

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

Section 1. SMC 9.05.240, Amended. Sammamish Municipal Code Section 9.05.240 (Fraud) is hereby amended to read as follows:

9.05.240 Fraud.
The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW
9.26A.110 Fraud in obtaining telecommunications service – Penalty.
9.45.060 Encumbered, leased, or rented personal property – Construction.
9.45.070 Mock auctions.
9.45.080 Fraudulent removal of property.
9.45.090 Knowingly receiving fraudulent conveyance.
9.45.100 Fraud in assignment for benefit of creditors.
9A.56.096 Theft of rental, leased, or lease-purchased property.
9A.60.010 Definitions.
9A.60.040 Criminal impersonation in the first degree.
9A.60.045 Criminal impersonation in the second degree.
9A.60.050 False certification.
9A.61.010 Definitions.
9A.61.020 Defrauding a public utility.
9A.61.050 Defrauding a public utility in the third degree.
9A.61.060 Restitution and costs.
Section 2. SMC 69.05.010, Amended. Sammamish Municipal Code Section 69.05.010 (Controlled substances) is hereby amended to read as follows:

69.05.010 Controlled substances.
The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:
RCW
69.50.101 Definitions.
69.50.102 Drug paraphernalia – Definitions.
69.50.204(c)(14) Schedule I – Marihuana or marijuana.
69.50.309 Containers.
69.50.4014 Possession of forty grams of marihuana – Penalty.
69.50.408 Second or subsequent offenses.
69.50.412 Prohibited acts: E-penalties.
69.50.420 Violations – Juvenile driving privileges.
69.50.425 Misdemeanor violations – Minimum imprisonment.
69.50.505 Seizure and forfeiture.
69.50.506 Burden of proof; liabilities.
69.50.509 Search and seizure of controlled substances.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.


CITY OF SAMMAMISH

[Signature]
Mayor Kathleen Huckabay

ATTEST/AUTHENTICATED:

[Signature]
Melanie Anderson, City Clerk
Approved as to form:

[Signature]

Bruce L. Disend, City-Attorney

Filed with the City Clerk: June 25, 2004
First Reading: July 6, 2004
Passed by the City Council: July 20, 2004
Date of Publication: July 26, 2004
Effective Date: July 31, 2004