

Ordinance No. _____

AN ORDINANCE RELATED TO PROPERTY CRIMES; AMENDING SECTIONS 9.40.000 AND 9.40.020 OF THE OLYMPIA MUNICIPAL CODE; AND ADDING A NEW SECTION 9.40.150, RECKLESS BURNING, TO CHAPTER 9.40 OF THE OLYMPIA MUNICIPAL CODE

WHEREAS, adopting an ordinance protecting public and private property against malicious mischief and recklessly setting fires is in the best interest of the City of Olympia; and

WHEREAS, adopting the Washington State version of Malicious Mischief in the Third Degree by reference will permit a potential enhanced sentence for repeat offenders if committed against an intimate partner; and

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other applicable authority;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 9.40.000. Section 9.40.000 of the Olympia Municipal Code is hereby amended to read as follows:

Chapter 9.40
OFFENSES AGAINST PROPERTY

9.40.000 Chapter Contents

Sections:

- 9.40.010 Definitions.
- 9.40.020 State statutes adopted by reference.
- 9.40.040 Receiving stolen property.
- 9.40.060 Unlawful issuance of bank check.
- 9.40.070 Criminal impersonation.
- 9.40.080 Criminal trespass.
- 9.40.090 Property damage.
- 9.40.095 Graffiti.
- 9.40.100 Bill posting and distribution –Commercial advertising.
- 9.40.110 Disposal of litter –Penalty for violation.
- 9.40.115 Unlawful Balloon Releasing.
- 9.40.120 Interfering with utility apparatus or public fountains.
- 9.40.130 Auction sales.
- 9.40.140 False advertising.
- 9.40.150 Reckless Burning.

Section 2. Amendment of OMC 9.40.020. Section 9.40.020 of the Olympia Municipal Code is hereby amended to read as follows:

9.40.020 State statutes adopted by reference

The following sections of the Revised Code of Washington (RCW), as they appear now or are hereafter amended, are hereby adopted by reference as though fully set forth in this chapter:

RCW 9A.52.100 – Vehicle Prowling in the Second Degree

RCW 9A.56.050 – Theft in the Third Degree

RCW 9A.56.170 – Possessing Stolen Property in the Third Degree

RCW 9A.48.090 – Malicious Mischief in the Third Degree

Section 3. New Section OMC 9.40.150. There is hereby added to the Olympia Municipal Code a NEW SECTION 9.40.150, Reckless Burning, to read as follows:

9.40.150 Reckless Burning

A. A person is guilty of reckless burning if he or she knowingly causes a fire or explosion, whether on his or her own property or that of another, and thereby recklessly places a building or other structure, or any other property, in danger of destruction or damage.

B. Reckless burning is a gross misdemeanor.

Section 4. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 6. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 7. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: