



ORDINANCE NO. 3990-23

An ORDINANCE Relating to the Everett Municipal Criminal Code, Title 10 EMC; amending EMC 10.02.265, 10.18.025, 10.23.050, and 10.78.110; and creating new sections of Chapter 10.16 EMC and Chapter 10.78 EMC.

WHEREAS,

- A. The Washington State Legislature from time-to-time amends and updates various criminal laws of the State of Washington.
- B. The Everett Municipal Court enjoys exclusive original jurisdiction over all criminal violations of duly adopted city ordinances, per RCW 3.50.020.
- C. The City of Everett may adopt state law via city ordinance into the city code and therefore exercise original jurisdiction over criminal behavior occurring within the city limits of Everett.
- D. The Everett City Council deems it appropriate to adopt the revisions proposed herein to keep the Everett Municipal Code consistent with State Law in relation to enforcement of criminal violations of the affected sections.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. EMC 10.02.265 is amended as follows:

~~“Unlawful harassment” means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, harasses torments, or is detrimental to such person, and which serves no legitimate or lawful purpose. The course of conduct shall be such as would cause a reasonable person to suffer substantial emotional distress, and shall actually cause substantial emotional distress to the petitioner, or, when the course of conduct is contact by a person over age eighteen that would cause a reasonable parent to fear for the well-being of their child.~~

Section 2. EMC 10.18.025 is amended as follows:

10.18.025 Cyberstalking Harassment.

~~A. RCW 9A.90.120, as currently enacted or later amended, is adopted by reference as if set forth in full herein.~~

~~A. A person is guilty of cyberstalking if he or she, with intent to harass, intimidate, torment, or embarrass any other person, and under circumstances not constituting telephone harassment, makes an electronic communication to such other person or a third party:~~

- ~~1. Using any lewd, lascivious, indecent, or obscene words, images or language, or suggesting the commission of any lewd or lascivious act;~~
 - ~~2. Anonymously or repeatedly, whether or not conversation occurs; or~~
 - ~~3. Threatening to inflict injury on the person or property of the person called or any member of his or her family or household.~~
- B. ~~Cyberstalking harassment~~ is a gross misdemeanor, except as provided in RCW ~~9A.90.120(2)(b) 9.61.260(3)~~ as now or hereafter amended.
- C. ~~For purposes of this chapter, “electronic communication” means the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means. “Electronic communication” includes, but is not limited to, electronic mail, Internet-based communications, pager service, and electronic text messaging.~~

Section 3. EMC 10.23.050 is amended as follows:

As used in this chapter, “harassment” may include but is not limited to any of the following crimes:

- A. Harassment (Chapter 10.23 EMC);
- B. Telephone harassment (EMC 10.18.010);
- C. Assault (EMC10.16.010);
- D. Reckless endangerment (EMC 10.16.020);
- E. Coercion (EMC10.16.040);
- F. Criminal trespass in the first degree (EMC10.68.030);
- G. Criminal trespass in the second degree (EMC 10.68.040);
- H. Criminal mischief (EMC 10.66.040);
- I. Interference with property (EMC 10.66.020);
- J. Stalking (EMC 10.16.050);
- K. ~~Cyberstalking harassment~~ (EMC 10.18.025);
- L. Disclosing intimate images (EMC 10.18.027);
- M. Violation of a temporary, permanent, or final protective order issued pursuant to Chapter 7.90, 7.105, 9A.46, 10.14, 10.99, 26.09, or 26.50 RCW.

Section 4. EMC 10.78.110 is amended as follows:

RCW 9.41.280, as currently enacted or later amended, is adopted by reference as if set forth in full herein. For the purposes of this section, the definitions of RCW 9.41.010, as now or hereafter amended, shall apply.

- A. ~~It is unlawful for a person to carry onto, or to possess on, public or private elementary or secondary school premises, school provided transportation, or areas of facilities while being used exclusively by public or private schools:~~
- ~~1. Any firearm;~~
 - ~~2. Any other dangerous weapon as defined in RCW 9.41.250 as now or hereafter amended;~~



~~3. Any device commonly known as “nunchu-ka sticks,” consisting of two or more lengths of wood, metal, plastic, or similar substance connected with wire, rope, or other means;~~

~~4. Any device, commonly known as “throwing stars,” which are multipointed, metal objects designed to embed upon impact from any aspect; or~~

~~5. Any air gun, including any air pistol or air rifle, designed to propel a BB, pellet, or other projectile by the discharge of compressed air, carbon dioxide, or other gas.~~

~~B. Any such person violating subsection A of this section is guilty of a gross misdemeanor. If any person is convicted of a violation of subsection (A)(1) of this section, the person shall have his or her concealed pistol license, if any, revoked for a period of three years. Anyone convicted under this subsection is prohibited from applying for a concealed pistol license for a period of three years. The court shall send notice of the revocation to the Department of Licensing, and the city, town, or county which issued the license.~~

~~C. Subsection A of this section does not apply to:~~

- ~~1. Any student or employee of a private military academy when on the property of the academy;~~
- ~~2. Any person engaged in military, law enforcement, or school district security activities;~~
- ~~3. Any person who is involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the firearms of collectors or instructors are handled or displayed;~~
- ~~4. Any person while the person is participating in a firearms or air gun competition approved by the school or school district;~~
- ~~5. Any person in possession of a pistol who has been issued a license under RCW 9.41.070, or is exempt from the licensing requirement by RCW 9.41.060, while picking up or dropping off a student;~~
- ~~6. Any nonstudent at least eighteen years of age legally in possession of a firearm or dangerous weapon that is secured within an attended vehicle or concealed from view within a locked unattended vehicle while conducting legitimate business at the school;~~
- ~~7. Any nonstudent at least eighteen years of age who is in lawful possession of an unloaded firearm, secured in a vehicle while conducting legitimate business at the school; or~~
- ~~8. Any law enforcement officer of the federal, state, or local government agency.~~

~~D. Subsections (A)(3) and (A)(4) of this section do not apply to any person who possesses nunchu-ka sticks, throwing stars, or other dangerous weapons to be used in martial arts classes authorized to be conducted on the school premises.~~

~~E. Except as provided in subsections (C)(2), (C)(3), (C)(6) and (C)(8) of this section, firearms are not permitted in a public or private school building.~~

~~F. “GUN-FREE ZONE” signs shall be posted around school facilities giving warning of the prohibition of the possession of firearms on school grounds.~~

Section 5. Chapter 10.78 EMC is amended to add the following section:

EMC 10.78.XXX

Possessing Dangerous Weapons on Child Care Premises – Penalty – Exceptions.

RCW 9.41.282, as currently enacted or later amended, is adopted by reference as if set forth in full herein. For the purposes of this section, the definitions of RCW 9.41.010, as now or



hereafter amended, shall apply.

Section 6. Chapter 10.16 EMC is amended to add the following section:

EMC 10.16.XXX

Hazing.

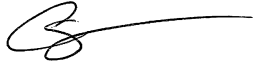
RCW 28B.10.901, as currently enacted or later amended, is adopted by reference as if set forth in full herein. For the purposes of this section, the definitions of RCW 28.10.016 and RCW 28B.10.901, as now or hereafter amended, shall apply.

Section 7. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 8. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 9. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 10. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.



Cassie Franklin, Mayor

ATTEST:



Marista Jorve, City Clerk

PASSED: 12/20/2023

VALID: 12/21/2023

PUBLISHED: 12/23/2023

EFFECTIVE DATE: 1/4/2024










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Final Audit Report

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