

**ORDINANCE NO. 1723**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, PIERCE COUNTY, WASHINGTON, REGARDING; AMENDING CHAPTER 9.10 OF THE BONNEY LAKE MUNICIPAL CODE (BLMC) FOR THE PURPOSE OF; ADDING NEW SECTION 9.10.030 VEHICLE TRESPASS PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the Bonney Lake City Council wishes to promote safety and efficiency in the enforcement of criminal laws within the City of Bonney lake; and

**WHEREAS**, the number of vehicle thefts in Washington increased by 88% from 2021 to 2022 according to Washington Association of Sheriffs & Police Chief; and

**WHEREAS**, the number and volume of possession of stolen vehicle and vehicle theft cases has become increasing challenging for Pierce County to prosecute the offenders; and

**WHEREAS**, despite the Bonney Lake Police Department's considerable efforts to bring these offenders to justice, a large number of them are currently unable to be prosecuted or punished adequately to suffice as a deterrent; and

**WHEREAS**, making vehicle trespass a gross misdemeanor would allow the Bonney Lake Office of the Prosecuting Attorney to prosecute unlawful entry or unlawful attempts to enter into vehicles; and

**WHEREAS**, the City Council has determined that this ordinance is in the interest of community health, safety, and welfare.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BONNEY LAKE, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** A new Section 9.10.030 is hereby added to the Bonney Lake Municipal Code to read as follows:

**9.10.030 Vehicle Trespass**

- A. A person is guilty of vehicle trespass if they knowingly enter or remain unlawfully in a vehicle that belongs to another.
- B. As used in this section:

- a. The word “enter” shall include the entrance of the person, or the insertion of any part of their body, or any instrument or weapon held in their hand.
- b. A person enters or remains unlawfully in or upon a vehicle when they are not licensed, invited, or otherwise privileged to so enter or remain.
- C. Vehicle trespass under this section is a gross misdemeanor, punishable by up to 364 days in jail and up to a \$5,000 fine, or by both such fine and imprisonment.

**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.

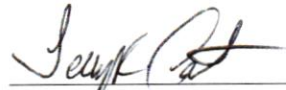
**Section 3. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 4. Corrections.** Upon the approval of the city attorney, the city clerk, and/or the code publisher is authorized to make any necessary technical corrections to this ordinance, including but not limited to the correction of scrivener’s/clerical errors, references, ordinance numbering, section/subsection numbers, and any reference thereto.

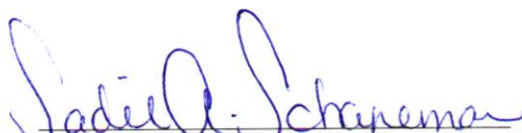
**Section 5. Effective Date.** This Ordinance shall be effective thirty (30) days after adoption and publication as provided by law.

**ADOPTED** by the City Council of the City of Bonney Lake and attested by the City Clerk in authentication of such passage on this 27th day of August 2024.

**APPROVED** by the Mayor this 27<sup>th</sup> day of August 2024.

  
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Terry Carter, Mayor

AUTHENTICATED:

  
\_\_\_\_\_  
Sadie A. Schaneman, CMC, City Clerk

AB 24-88
Passed: 8/27/2024
Valid: 10/5/2024
Published: 9/5/2024
Effective Date: 10/5/2024
This Ordinance totals 2 page(s)

**City of Bonney Lake, Washington  
City Council Agenda Bill (AB)**

<b>Agenda Item Type:</b> Ordinance	<b>Agenda Bill Number &amp; Ordinance/Resolution/Motion Number:</b> AB 24-88/Ordinance D24-88	
<b>Department/Division Submitting:</b> Prosecutor	<b>Presenter:</b> Dena Burke – Deputy City Attorney – Prosecutor Joshua Candia – Prosecutor	<b>City Strategic Goal Category:</b> <b>DON'T FILL OUT YET</b>

**Agenda Subject:** Ordinance Amending BLMC Chapter 9.10.


**Full Title/Motion:** An Ordinance Of The City Council Of The City Of Bonney Lake, Pierce County, Washington, Regarding; Amending Chapter 9.10 Of The Bonney Lake Municipal Code (BLMC) For The Purpose Of; Adding New Section 9.10.030 Vehicle Trespass Providing For Severability And Corrections; And Establishing An Effective Date.

**Administrative Recommendation:** Approve.

**Short Background Summary:** Vehicle Theft Crimes Increased By 88% In The State Of Washington Between The Years 2021 And 2022 According To The Washington Association Of Sheriffs & Police Chiefs And By Observation, That Number Has Remained Significantly High Since. Due To The Sheer Volume Of Vehicle Theft Cases, Pierce County Is Unable To Robustly Prosecute All Such Offenders Resulting In A Significant Number Of Charges Being Dismissed Or Declined. Currently, The Revised Code Of Washington Defines The Possession Of Stolen Vehicles Or Theft Of A Motor Vehicle As A Felony Crime; However, Only The Offender In Possession Of The Vehicle Or Found To Have Actually Stolen The Vehicle May Be Charged Under These Statutes. This Means That When Pierce County Declines To Charge The Offenders, The City Is Left Without The Option To Charge As A Misdemeanor, And Passengers Who Knowingly Enter A Stolen Vehicle Are Not Charged. In The Interest Of Bringing These Offenders To Justice, Keeping The Community Safe, And Deterring The Theft Of Motor Vehicles Or Possession Of Stolen Vehicles, The Proposed Ordinance Would Make Knowingly Entering And Remaining In A Stolen Vehicle A Gross Misdemeanor And Give The City The Ability To Pursue Charges When Pierce County Is Unable To Do So.

**Attachments:**

<b>BUDGET INFORMATION</b>			
<b>Budgeted Amount</b>	<b>Current Balance</b>	<b>Expenditure Amount Needed</b>	<b>Budgeted Balance Difference</b>
<b>Budget Explanation:</b> No Direct Budget Impact.			

<b>COMMITTEE, BOARD &amp; COMMISSION REVIEW</b>					
<b>Public Hearing Date:</b>	<b>Name Of Committee/Commission Public Hearing Was Done At:</b>				
<b>Date &amp; Name Of Committee/ Commission Meeting</b>	<b>Return To Committee/ Commission/Board</b>	<b>Council Workshop Discussion</b>	<b>Consent Agenda</b>	<b>Council Full Issues</b>	<b>Chair's Signature For Approval Of Next Steps</b>
Date: 8/13/2024 Name: Public Safety	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	
Date: Name:	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	

<b>COUNCIL ACTION</b>	
Workshop Date(s): Meeting Date(s): 8/27/2024	Public Hearing Date(s): Tabled To:

<b>APPROVALS</b>		
<b>Department Director:</b> John Vodopich	<b>Mayor:</b> Terry Carter	<b>Date Reviewed By City Attorney (if applicable):</b>