

**CITY OF MAPLE VALLEY, WASHINGTON**

**ORDINANCE NO. O-19-658**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON ADDING SECTION 9.05.455 TO THE MAPLE VALLEY CRIMINAL CODE, CHAPTER 9.05, ADOPTING BY REFERENCE THE STATE STATUTE THAT MAKES THE PROVISION OF FALSE OR MISLEADING STATEMENTS TO PUBLIC SERVANTS A GROSS MISDEMEANOR; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND REVISIONS BY THE CODE REVISER.**

**WHEREAS**, the City Council of Maple Valley has adopted state criminal statutes by reference in order to obtain jurisdiction to prosecute misdemeanor and gross misdemeanor offenses; and

**WHEREAS**, the state statute that criminalizes making false statements to public servants, RCW 9A.76.175, has not been adopted by reference within the Maple Valley Municipal Code (MVMC) and therefore the City prosecutor does not have the appropriate jurisdiction to prosecute these types of offenses; and

**WHEREAS**, by adding section 9.05.455 to the MVMC, the City will have jurisdiction to prosecute making false statement to public servant offenses;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** A new section, 9.05.455, is hereby adopted to read as follows:

**9.05.455 Making a false or misleading statement to a public servant.**

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

RCW 9A.76.175 Making a false or misleading statement to a public servant.

**Section 2. Severability.** If 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date.** This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect

five (5) days after passage and publication of an approved summary thereof consisting of the title.

**Section 4. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary non-substantive corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF  
ON THE 28<sup>TH</sup> DAY OF JANUARY 2019.

CITY OF MAPLE VALLEY

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Sean P. Kelly, Mayor

ATTEST/AUTHENTICATED:

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Shaunna Lee-Rice, City Clerk

APPROVED AS TO FORM:

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Patricia Taraday, City Attorney

Date of Publication: February 1, 2019

Effective Date: February 6, 2019