

ORDINANCE 1541

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S CRIMINAL CODE; ADDING SECTION 9.26.110 TO THE GIG HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE RCW 9A90.030, RCW 9A.90.050, RCW 9A.90.070, RCW 9A.90.090, RCW 9A.90.110, and RCW 9A.90.120 RELATING TO COMPUTER TRESPASS AND OTHER MISDEMEANOR CYBER CRIMES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35A.11.020 authorizes the legislative body of code cities to adopt and enforce criminal codes related to misdemeanor and gross misdemeanor offenses; and

WHEREAS, Gig Harbor Municipal Code 9.26 adopts certain sections of state law relating to crimes relating to persons; and

WHEREAS, the application of traditional criminal enforcement measures that apply long-standing concepts of trespass, fraud, and theft to activities in the electronic frontier has not provided the essential clarity, certainty, and predictability that law enforcement requires; and

WHEREAS, the City currently has no prescribed penalty for violations of RCW 9A.90 addressing cybercrimes; and

WHEREAS, the City of Gig Harbor desires to adopt by reference RCW 9A.90, in part, to allow the City to prosecute misdemeanor crimes relating to computer trespass and other related cybercrimes;

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. The Gig Harbor Municipal Code is hereby amended to add section 9.26.110, as follows:

9.26.110 Cybercrimes.

The following state statutes, including all future amendments, repeals, or additions thereto, are hereby adopted by reference:

RCW 9A.90.030 Definitions

RCW 9A.90.050 Computer Trespass in the Second Degree

RCW 9A.90.070 Spoofing

RCW 9A.90.090 Electronic Data Tampering in the Second Degree
RCW 9A.90.110 Commission of Other Crime
RCW 9A.90.120 Cyber Harassment

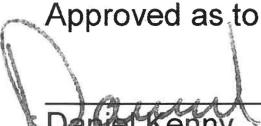
Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

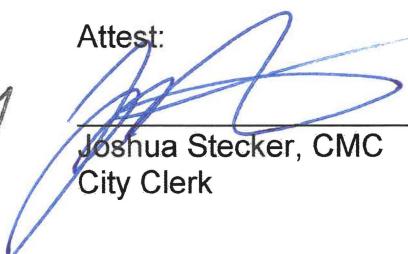
ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 28th day of April, 2025.


Mary K. Barber
Mayor

Approved as to form:


Daniel Kenny
City Attorney

Attest:


Joshua Stecker, CMC
City Clerk