

# ORDINANCE 1793

## AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ADOPTING A NEW NORTH BEND MUNICIPAL CODE SECTION 9.190.020 RELATING TO VEHICLE TRESPASS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

**WHEREAS**, according to the annual Crime in Washington report issued by the Washington Association of Sheriffs and Police Chiefs (“WASPC”) in July 2022, motor vehicle theft in Washington State increased by 27.3 percent in 2021; and

**WHEREAS**, due to limited resources, not all motor vehicle theft cases can be prosecuted as felonies; and

**WHEREAS**, many cities criminalize vehicle trespass to allow their prosecutors to file criminal charges against an individual who knowingly enters, attempts to enter, or remains unlawfully in a vehicle that belongs to another in circumstances that do not rise to the level of, or are not pursued as, felony motor vehicle theft charges; and

**WHEREAS**, to combat rising motor vehicle theft, the City Council desires to adopt a new section to Chapter 9.190 of the North Bend Municipal Code to criminalize vehicle trespass;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1. New NBMC Section 9.190.020, Vehicle Trespass, Adopted:** A new North Bend Municipal Section 9.190.020, to be entitled “Vehicle trespass,” is adopted to read as follows:

### **9.190.020 Vehicle trespass.**

- A. A person is guilty of vehicle trespass if the person knowingly enters, attempts to enter, or remains unlawfully in a vehicle that belongs to another.
- B. As used in this section:
  - 1. The word “enter” shall include the entrance of the person, or the insertion of any part of the person’s body or any instrument or weapon held in the person’s hand.

2. A person enters or remains unlawfully in a vehicle when the person is not licensed, invited, or otherwise privileged to so enter or remain.

- C. Vehicle trespass under this section is a misdemeanor, punishable by up to 90 days in jail or up to a \$1,000 fine, or by both such fine and imprisonment.

**Section 2. Severability:** Should 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 shall be published in the official newspaper of the City and shall take effect, and be in full force, five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 4<sup>TH</sup> DAY OF APRIL, 2023.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Rob McFarland, Mayor**

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**Lisa Marshall, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: April 14, 2023

Effective: April 19, 2023

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**Susie Oppedal, City Clerk**