

ORDINANCE NO. 2182

ORDINANCE RELATING TO PUBLIC SAFETY

[AMENDING SELAH MUNICIPAL CODE SECTION 6.02.030, AND CONFIRMING THAT THE INSTANT ORDINANCE IS A PUBLIC EMERGENCY ORDINANCE THAT IS EFFECTIVE IMMEDIATELY UPON ITS ADOPTION]

WHEREAS, on October 11, 2022, the City Council passed and adopted Ordinance No. 2171, which created a new version of SMC 6.02.030 that adopted by reference certain new state statutes regarding the enforcement of civil protection orders; and

WHEREAS, subsequently the City's prosecuting attorney has requested a few additional new state statutes also be added to SMC 6.02.030 via adoption by reference, which additional statutes are RCW 7.105.455 and 7.105.460; and

WHEREAS, for the same reasons recited in Ordinance No. 2171, which are incorporated within the instant Ordinance by this reference, those two additional statutes should be added to SMC 6.02.030 on an emergency, effective-immediately basis;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Findings of Fact. The recitals (*i.e.*, "WHEREAS" paragraphs) set forth Ordinance No. 2171 are hereby adopted by reference as the City Council's findings of fact that likewise support this Ordinance.

Section 2. Amendment of SMC 6.02.030. Selah Municipal Code 6.02.030 is hereby immediately amended as shown by the double-underscored text-addition editing marks:

6.02.030 Additional RCW sections adopted by reference.

The following sections of the Revised Code of Washington are adopted by reference as part of the Selah Criminal Code:

RCW 7.105.010 – Definitions

RCW 7.105.450 – Enforcement and penalties—Other than antiharassment protection orders and extreme risk protection orders.

RCW 7.105.455 – Enforcement and penalties – Antiharassment protection orders.

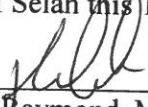
RCW 7.105.460 – Enforcement and penalties – Extreme risk protection orders – False petitions.

RCW 7.105.465 – Enforcement and penalties—Knowledge of order.

Section 3. Final Version to be Published without Editing Marks. When the new, as-amended version of SMC 6.02.030 is published, the double-underscored editing marks shall be removed and all text shall appear in plain text.

Section 4. Declaration of Emergency; Effective Date. This Ordinance – as a public emergency ordinance that is necessary for the protection of public health, public safety, public property and public peace, and which has been passed by a majority plus one of the whole membership of the City Council and also signed by the Mayor – shall take effect and be in full force immediately upon its adoption. Pursuant to RCW 35A.12.130, the non-exhaustive underlying facts necessary to support a declaration of emergency are included in the recitals (*i.e.*, “WHEREAS” paragraphs) set forth above, all of which are adopted by reference as findings of fact pursuant to Section 1 of above and likewise all of which shall by this additional reference be deemed fully repeated within this Section 4. This Ordinance shall take effect immediately. This Ordinance or a summary thereof shall be published in the City’s official newspaper.

PASSED by the City Council of the City of Selah this 13th day of December, 2022.



~~Sherry Raymond, Mayor~~

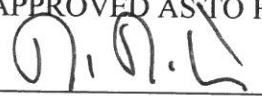
RUSSEN CARLSON, MAYOR
PRO TEMPORE

ATTEST:



Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:



Rob Case, City Attorney

RCW 7.105.455 Enforcement and penalties—Antiharassment protection orders. (1) When the court issues an antiharassment protection order under this chapter, the court shall advise the petitioner that the respondent may not be subjected to the penalties set forth in this section for a violation of the order unless the respondent knows of the order.

(2) A willful disobedience by a respondent age 18 years or over of any of the following provisions of an antiharassment protection order issued under this chapter is a gross misdemeanor:

(a) The restraint provisions prohibiting acts or threats of violence against, or unlawful harassment or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(b) A provision excluding the person from a residence, workplace, school, or day care;

(c) A provision prohibiting the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, a protected party's person, or a protected party's vehicle; or

(d) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent.

(3) Any respondent age 18 years or over who willfully disobeys the terms of any antiharassment protection order issued under this chapter may also, in the court's discretion, be found in contempt of court and subject to penalties under chapter 7.21 RCW.

(4) Any respondent under the age of 18 years who willfully disobeys the terms of an antiharassment protection order issued under this chapter may, in the court's discretion, be found in contempt of court and subject to the sanction specified in RCW 7.21.030(4), provided that the sanction specified in RCW 7.21.030(4) may be imposed only for willful disobedience of the provisions listed in subsection (2) of this section.

(5) A defendant arrested for violating any antiharassment protection order issued under this chapter is required to appear in person before a magistrate within one judicial day after the arrest. At the time of the appearance, the court shall determine the necessity of imposing a no-contact order or other conditions of pretrial release in accordance with RCW 9A.46.050.

(6) A defendant who is charged by citation, complaint, or information with violating any antiharassment protection order issued under this chapter and not arrested shall appear in court for arraignment in accordance with RCW 9A.46.050.

(7) Appearances required under this section are mandatory and cannot be waived. [2021 c 215 § 57.]

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.

RCW 7.105.460 Enforcement and penalties—Extreme risk protection orders—False petitions. (1) Any person who files a petition for an extreme risk protection order knowing the information in such petition to be materially false, or with the intent to harass the respondent, is guilty of a gross misdemeanor.

(2)(a) Except as provided in (b) of this subsection, any person who has in his or her custody or control, accesses, purchases, possesses, or receives, or attempts to purchase or receive, a firearm with knowledge that he or she is prohibited from doing so by an extreme risk protection order is guilty of a gross misdemeanor, and further is prohibited from having in his or her custody or control, accessing, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm for a period of five years from the date the existing order expires.

(b) A person is guilty of a class C felony for a violation under (a) of this subsection if the person has two or more previous convictions for violating an order issued under this chapter. [2022 c 268 § 22; 2021 c 215 § 58.]

Effective dates—2022 c 268: See note following RCW 7.105.010.

Effective date—2022 c 268; 2021 c 215: See note following RCW 7.105.900.