

ORDINANCE NO. 2201

ORDINANCE RELATING TO PUBLIC SAFETY AND PUBLIC PEACE

[ENACTING NEW SECTION 6.02.040, "RCW AMENDMENTS", OF THE SELAH MUNICIPAL CODE; PROVIDING FOR SEVERABILITY; AUTHORIZING CORRECTIONS; CONFIRMING THAT THE INSTANT ORDINANCE ADDRESSES A PUBLIC EMERGENCY AND THUS IS EFFECTIVE IMMEDIATELY; AND DIRECTING PUBLICATION]

WHEREAS, Chapter 6.02 of the Selah Municipal Code (SMC) is titled "Criminal Code", and dates back to at least 1990 and Ordinance No. 974; and

WHEREAS, Sections 6.02.020 and 6.02.030 recite the numerous Revised Code of Washington (RCW) state statutes that the City Council has – from time to time, via Ordinance – adopted by reference as the City is authorized to by RCW 35.21.180 or other applicable law, with the effect being that those statutes are also applicable as city-level laws and accordingly can be enforced directly by the Selah Police Department and adjudicated at the Selah Municipal Court; and

WHEREAS, the City Council now desires to adopt a new Section 6.02.040 of the SMC, so as to clarify the City Council's legislative intent regarding any amendments, additions and/or recodifications enacted or effectuated by the state government as to any of the RCW state statutes that are adopted by the City Council by reference within SMC Chapter 6.02; and

WHEREAS, this Ordinance pertains to public safety and public peace, the change to be effectuated by this Ordinance is necessary for the immediate and continuing protection of public safety and public peace, and thus a public emergency presently exists which justifies this Ordinance taking effect immediately; and

WHEREAS, the City Council finds that good cause exists;

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 above are hereby adopted by reference as the City Council's findings of fact that support this Ordinance.

Section 2. Enactment of New SMC Section. A new section of the Selah Municipal Code, specifically numbered as Section 6.02.040 and labeled as "RCW Amendments", is hereby enacted to read as follows:

**6.02.040 RCW Amendments.**

Each and every Revised Code of Washington (RCW) state statute that the City Council adopts by reference within SMC Chapter 6.02 means and includes the

statute in its then-existing form and, also, each and every future form of the statute following any amendment, addition or recodification that the state government enacts or effectuates.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or other portion of this Ordinance or the application of this Ordinance to any person, entity, situation or circumstance is for any reason declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity or applicability of the reading portions hereof.

Section 4. Corrections. The City Attorney and the codifiers of the Selah Municipal Code are authorized to make any necessary or desirable clerical or formatting changes – including but not limited to correcting scrivener errors, changing formatting, changing numbering and correcting references – when publishing or republishing the official text of the Selah Municipal Code due to any amendment, addition or enactment effectuated by this Ordinance.

Section 5. Declaration of Emergency; Effective Date; Directing of Publication. This Ordinance – which 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. Consistent with RCW 35A.12.160 (1<sup>st</sup> & 2<sup>nd</sup> ¶¶), this Ordinance or a summary of it shall be published at least once in the City's designated official newspaper.

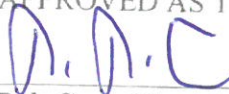
PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH, WASHINGTON, this 11<sup>th</sup> day of July, 2023.

  
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Sherry Raymond, Mayor

ATTEST:

  
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Dale E. Novobielski, Clerk/Treasurer

APPROVED AS TO FORM:

  
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Rob Case, City Attorney