

CODE

**CITY OF REDMOND  
ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON AMENDING RMC 9.34.030 TO DELETE ADOPTION OF OUTDATED SECTIONS OF THE REVISED CODE OF WASHINGTON REGARDING DOMESTIC VIOLENCE PROTECTIVE ORDER ORDERS AND TO ADOPT CERTAIN PROVISIONS OF CHAPTER 7.105 RCW RELATED TO THE VIOLATION OF CIVIL PROTECTION ORDERS; REPEALING RMC 9.34.060 PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

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WHEREAS, Article XI Section 11 of the Washington State Constitution authorizes cities to establish such crimes as necessary to protect the public safety, health, and welfare, so long as said crimes do not conflict with state law; and

WHEREAS, the Legislature has authorized code cities such as Redmond to adopt and enforce misdemeanors and gross misdemeanors as appropriate to good government of the City through RCW 35A.11.020; and

WHEREAS, code cities may adopt by reference Washington State statutes per RCW 35A.12.140; and

WHEREAS, Chapter 9.34 of the Redmond Municipal Code (RMC) identifies certain criminal acts involving harm to persons, including acts of domestic violence; and

WHEREAS, domestic violence offenses are among the most significant criminal violations of City code in terms of both seriousness and impact to the victims and community; and

WHEREAS, the City Council of the City of Redmond has previously adopted by reference certain sections of RCW chapter 26.50 relating to violations of Domestic Violence Protection Orders and other civil protection orders issued by courts and such adoption is codified in RMC 9.34.030 and 9.34.060; and

WHEREAS, the Legislature enacted Engrossed Second Substitute House Bill 1320 in 2021 (Chapter 215, Laws of 2021) in an attempt to streamline and harmonize the various civil protection order statutes in order to clarify and simplify the process for petitioners, respondents, law enforcement, and courts; and

WHEREAS, section 170 of ESSHB 1320 repealed chapter 26.50 in its entirety effective July 1, 2022; and

WHEREAS, ESSHB 1320 enacted a new RCW chapter 7.105, including new RCW sections that continue to define a violation of civil protection orders as a crime; and

WHEREAS, adopting these new sections of RCW chapter 7.105 will define the order violations previously made illegal by RCW 26.50.110 as a crime against the City of Redmond; and

WHEREAS, the City Council finds that the seriousness of order violations merits repealing the adoption of chapter 26.50 RCW and affirmatively adopting the criminal provisions of RCW chapter

7.105 to ensure violators may be promptly and effectively prosecuted by the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1.      Amendment of RMC 9.34.030.      RMC 9.34.030 is hereby amended to read as follows:

**9.34.030 Domestic violence - State statutes adopted by reference.**

The following statutes of the state of Washington, as the same now exist or shall hereafter be amended, superseded, or recodified, are hereby adopted by reference:

RCW 10.99.020 Definitions

RCW 10.99.030 Law enforcement officers - Training, powers, duties

RCW 10.99.040 Restrictions upon and duties of court

RCW 10.99.045 Appearances by defendant - Orders prohibiting contact

RCW 10.99.050 Restriction or prohibition of contact with victim - Procedures

RCW 10.99.055 Enforcement of orders against defendants

~~[RCW 26.50.010 DEFINITIONS~~

~~RCW 26.50.020 COMMENCEMENT OF ACTION — JURISDICTION —  
VENUE~~

~~RCW 26.50.030 PETITION FOR AN ORDER FOR PROTECTION —  
AVAILABILITY OF FORMS AND INSTRUCTIONAL  
BROCHURES — FILING FEE — BOND NOT  
REQUIRED~~

~~RCW 26.50.040 APPLICATION FOR LEAVE TO PROCEED IN  
FORMA PAUPERIS~~

~~RCW 26.50.050 HEARING — SERVICE — TIME~~

~~RCW 26.50.060 RELIEF~~

~~RCW 26.50.070 EX PARTE TEMPORARY ORDER FOR PROTECTION~~

~~RCW 26.50.080 ISSUANCE OF ORDER — ASSISTANCE OF PEACE  
OFFICER — DESIGNATION OF APPROPRIATE  
LAW ENFORCEMENT AGENCY~~

~~RCW 26.50.090 ORDER — SERVICE~~

~~RCW 26.50.100 ORDER — TRANSMITTAL TO LAW ENFORCEMENT  
AGENCY — RECORD IN LAW ENFORCEMENT  
INFORMATION SYSTEM — ENFORCEABILITY~~

~~RCW 26.50.110 VIOLATION OF ORDER — PENALTIES~~

~~RCW 26.50.120 VIOLATION OF ORDER — PROSECUTING  
ATTORNEY OR ATTORNEY FOR MUNICIPALITY  
MAY BE REQUESTED TO ASSIST — COSTS AND  
ATTORNEY'S FEES~~

~~RCW 26.50.130 ORDER — MODIFICATION — TRANSMITTAL~~

~~RCW 26.50.140 PEACE OFFICERS IMMUNITY~~

~~RCW 26.50.200 TITLE TO REAL ESTATE EFFECT~~

~~RCW 26.50.210 PROCEEDINGS ADDITIONAL]~~

RCW 7.105.010 Definitions.

RCW 7.105.175 Service - Development of best practices.

RCW 7.105.450 Enforcement and penalties - Other than  
antiharassment 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.

RCW 7.105.470 Enforcement - Prosecutor assistance.

RCW 7.105.550 Orders under this chapter and others -  
Enforcement and consolidation - Validity  
and enforcement of orders under prior  
chapters.

RCW 7.105.565 Proceedings additional - Filing of  
criminal charges not required.

RCW 7.105.570 Other authority retained.

RCW 7.105.575 Liability.

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

Section 3.      Repeal of Subsection.    9.34.060 Violation of Civil anti-harassment orders, is hereby repealed in its entirety:

~~[9.34.060 VIOLATION OF CIVIL ANTI-HARASSMENT ORDERS.]~~

~~IT IS A GROSS MISDEMEANOR TO WILFULLY DISOBEY A TEMPORARY OR PERMANENT ANTI-HARASSMENT ORDER ISSUED PURSUANT TO RCW CH. 10.14.]~~

Section 4.      Effective Date.    This ordinance shall take effect five days after its publication, or publication of a summary thereof, in the City's official newspaper, or as otherwise provided by law.

ADOPTED by the Redmond City Council this \_\_\_ day of \_\_\_\_\_,  
2022.

CITY OF REDMOND

\_\_\_\_\_  
ANGELA BIRNEY, MAYOR

ATTEST:

\_\_\_\_\_  
CHERYL XANTHOS, MMC, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
JAMES E. HANEY, CITY ATTORNEY

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
SIGNED BY THE MAYOR:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO: