

## **ORDINANCE NO. 789**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CRIMES AND PUNISHMENTS, AMENDING SECTION 9.26.050 OF THE GIG HARBOR MUNICIPAL CODE, ADDING THE FOLLOWING STATE STATUTES TO THOSE ADOPTED BY REFERENCE IN THE CITY'S CRIMINAL CODE: RCW 9A.36.150 (REGARDING INTERFERING WITH REPORTING OF DOMESTIC VIOLENCE); RCW 10.22.010, 10.22.020, 10.22.030 (REGARDING COMPROMISE OF MISDEMEANORS); RCW 10.99.060 (REGARDING NOTIFICATION OF VICTIMS OF PROSECUTION DECISION); RCW 10.99.070 (REGARDING LIABILITY OF PEACE OFFICERS IN MAKING DOMESTIC VIOLENCE ARRESTS); RCW 26.50.035 (REGARDING DEVELOPMENT AND DISTRIBUTION OF INFORMATIONAL MATERIALS BY COURT); RCW 26.50.055 (REQUIRING INTERPRETERS FOR NON-ENGLISH SPEAKING PARTIES); RCW 26.50.085 AND 26.50.095 (REGARDING SERVICE BY PUBLICATION OF DOMESTIC VIOLENCE RESTRAINING ORDERS); RCW 26.50.110 (REGARDING PENALTIES FOR VIOLATING DOMESTIC VIOLENCE RESTRAINING ORDER); RCW 26.50.115 (REGARDING ENFORCEMENT OF EX PARTE RESTRAINING ORDERS); RCW 26.50.123 AND 26.50.125 (REGARDING SERVICE BY MAIL OR PUBLICATION OF DOMESTIC VIOLENCE ORDERS); AND RCW 26.50.135 (REGARDING RESIDENTIAL PLACEMENT OF CHILDREN DURING DOMESTIC VIOLENCE PROCEEDINGS); AMENDING THE TITLES OF STATE STATUTES WHICH WERE PREVIOUSLY ADOPTED BY REFERENCE TO REFLECT EXISTING STATE STATUTE TITLES, AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, the City of Gig Harbor has adopted a criminal code which is set forth in Title 9 of the Gig Harbor Municipal Code; and

WHEREAS, it has come to the attention of the City Council that the section which relates to domestic violence is no longer current with state law and needs to be updated; NOW, THEREFORE

BE IT ORDAINED by the City Council of the City of Gig Harbor, Washington as follows:

Section I. Section 9.26.050 of the Gig Harbor Municipal Code is hereby amended

to read as follows:

**9.26.050 Domestic violence ? State statutes adopted by reference.**

The following state statutes, including all future amendments, are hereby adopted by reference:

RCW

<u>9A.36.150</u>	<u>Interfering with the reporting of domestic violence.</u>
<u>10.22.010</u>	<u>When permitted ? Exceptions. [Compromise of misdemeanors.]</u>
<u>10.22.020</u>	<u>Procedure ? Costs.</u>
<u>10.22.030</u>	<u>Compromise in all other cases forbidden.</u>
<u>10.99.020</u>	<u>Definitions.</u>
<u>10.99.030</u>	<u>Law enforcement officers ? Training, powers, duties ? Domestic violence reports.</u>
<u>10.99.040</u>	<u>Restrictions upon and duties of court.</u>
<u>10.99.045</u>	<u>Appearances by defendant ? No-contact order</u> <u>Orders prohibiting contact.</u>
<u>10.99.050</u>	<u>Victim contact ? Restriction, prohibition ?</u> <u>Violation, penalties ? Written order ?</u> <u>Procedures. Restrictions or prohibition of</u> <u>contact with victim ? Procedures.</u>
<u>10.99.055</u>	<u>Enforcement of orders, against defendants.</u>
<u>10.99.060</u>	<u>Notification of victim of prosecution decision</u> <u>? Description of criminal procedures</u> <u>available.</u>
<u>10.99.070</u>	<u>Liability of peace officers.</u>
<u>26.50.010</u>	<u>Definitions.</u>
<u>26.50.020</u>	<u>Commencement of action ? Jurisdiction ?</u> <u>Venue.</u>
<u>26.50.030</u>	<u>Petition for an order for protection ?</u> <u>Availability of forms and instructional</u> <u>brochures ? Filing fee ? Bond not required.</u>
<u>26.50.035</u>	<u>Development of instructions, informational</u> <u>brochures, forms, and handbooks by the</u> <u>administrator for the courts ? Community</u> <u>resource list ? Distribution of master copy.</u>
<u>26.50.040</u>	<u>Fees not permitted ? Filing, service of</u> <u>process, certified copies. Application for</u> <u>leave to proceed in forma pauperis.</u>
<u>26.50.055</u>	<u>Appointment of interpreter.</u>
<u>26.50.060</u>	<u>Relief: ? Duration ? Realignment of</u>

	<u>designation of parties ? Award of costs, service fees, and attorneys' fees.</u>
26.50.070	Ex parte temporary order for protection.
26.50.080	Issuance of order ? Assistance of peace officer ? Designation of appropriate law enforcement agency.
<u>26.50.085</u>	<u>Hearing reset after ex parte order ? Service by publication ? Circumstances.</u>
26.50.090	Order ? Service- ? <u>Fees.</u>
<u>26.50.095</u>	<u>Order following service by publication.</u>
26.50.100	Order ? Transmittal to law enforcement agency ? Record in law enforcement information system ? Enforceability.
<u>26.50.110</u>	<u>Violation of order ? Penalties.</u>
<u>26.50.115</u>	<u>Enforcement of ex parte order ? Knowledge of order prerequisite to penalties ? Reasonable efforts to serve copy of order.</u>
26.50.120	Violation of order ? Prosecuting attorney or attorney for municipality may be requested to assist ? Costs and attorney's fee.
<u>26.50.123</u>	<u>Service by mail.</u>
<u>26.50.125</u>	<u>Service by publication or mailing ? Costs.</u>
26.50.130	Order ? Modification ? Transmittal.
<u>26.50.135</u>	<u>Residential placement or custody of a child ? Prerequisite.</u>
26.50.140	Peace officers ? Immunity.
26.50.200	Title of real estate ? Effect.
26.50.210	Proceedings additional.

Section 2. Codes adopted by Reference. Pursuant to RCW 35A.12.140, one copy of the statutes adopted by reference herein have been and are now on file with the City Clerk and are available for examination by the public.

Section 3 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4 - Effective Date. This ordinance shall take effect and be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the Council of the City of Gig Harbor,  
this day of April 27, 1998.

APPROVED:

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GRETCHEN

A. WILBERT, MAYOR

ATTEST:

By: \_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

Filed with City Clerk: 4/8/98  
Passed by City Council: 4/27/98  
Date Published: 5/6/98  
Date Effective: 5/11/98

## **SUMMARY OF ORDINANCE NO. 789**

of the City of Gig Harbor, Washington

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On the 27th day of April, 1998, the City Council of the City of Gig Harbor, passed Ordinance No. 789. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CRIMES AND PUNISHMENTS, AMENDING SECTION 9.26.050 OF THE GIG HARBOR MUNICIPAL CODE, ADDING THE FOLLOWING STATE STATUTES TO THOSE ADOPTED BY REFERENCE IN THE CITY'S CRIMINAL CODE: RCW 9A.36.150 (REGARDING INTERFERING WITH REPORTING OF DOMESTIC VIOLENCE); RCW 10.22.010, 10.22.020, 10.22.030 (REGARDING COMPROMISE OF MISDEMEANORS); RCW 10.99.060 (REGARDING NOTIFICATION OF VICTIMS OF PROSECUTION DECISION); RCW 10.99.070 (REGARDING LIABILITY OF PEACE OFFICERS IN MAKING DOMESTIC VIOLENCE ARRESTS); RCW 26.50.035 (REGARDING DEVELOPMENT AND DISTRIBUTION OF INFORMATIONAL MATERIALS BY COURT); RCW 26.50.055 (REQUIRING INTERPRETERS FOR NON-ENGLISH SPEAKING PARTIES); RCW 26.50.085 AND 26.50.095 (REGARDING SERVICE BY PUBLICATION OF DOMESTIC VIOLENCE RESTRAINING ORDERS); RCW 26.50.110 (REGARDING PENALTIES FOR VIOLATING DOMESTIC VIOLENCE RESTRAINING ORDER); RCW 26.50.115 (REGARDING ENFORCEMENT OF EX PARTE RESTRAINING ORDERS); RCW 26.50.123 AND 26.50.125 (REGARDING SERVICE BY MAIL OR PUBLICATION OF DOMESTIC VIOLENCE ORDERS); AND RCW 26.50.135 (REGARDING RESIDENTIAL PLACEMENT OF CHILDREN DURING DOMESTIC VIOLENCE PROCEEDINGS); AMENDING THE TITLES OF STATE STATUTES WHICH WERE PREVIOUSLY ADOPTED BY REFERENCE TO REFLECT EXISTING STATE STATUTE TITLES, AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 28<sup>th</sup> day of April, 1998.

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CITY CLERK, MOLLY TOWSLEE