

ORDINANCE 1514

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S CRIMINAL CODE; AMENDING SECTION 9.26.070 OF THE GIG HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE RCW 7.105 RELATING TO PROTECTION ORDERS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35A.11.020 authorizes the legislative body of code cities to adopt and enforce criminal codes related to misdemeanor and gross misdemeanor offenses; and

WHEREAS, Gig Harbor Municipal Code 9.26.070 adopts certain sections of state law relating to protection orders; and

WHEREAS, RCW 10.14, concerning protection orders was previously adopted into Gig Harbor Municipal Code; and

WHEREAS, RCW 10.14 was repealed by the state legislature in 2021 and recodified to include updated language concerning protection orders to RCW 7.105; and

WHEREAS, because RCW 10.14 is no longer a valid statute, it should be repealed from the Gig Harbor Municipal Code; and

WHEREAS, it is the desire of the city, through the Gig Harbor Municipal Court, to continue to enforce protection order violations defined in RCW 7.105; and

WHEREAS, adoption of RCW 7.105 into municipal code would be required to continue the authority of the Gig Harbor Municipal Court to hear these criminal cases;

NOW THEREFORE, The City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. Section 9.26.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

The following state statutes are adopted by reference as currently enacted and as hereinafter amended from time to time and shall be given the same force and effect as if set forth herein in full:

RCW

7.105.010 Definitions

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

~~10.14.010 — Legislative findings, intent.~~

~~10.14.020 — Definitions.~~

~~10.14.030 — Course of conduct — Determination of purpose.~~

~~10.14.040 — Protection order — Petition.~~

~~10.14.050 — Administrative reports — Forms, information.~~

~~10.14.060 — Proceeding in forma pauperis.~~

~~10.14.070 — Hearing — Service.~~

~~10.14.080 — Anti-harassment protection orders — Ex parte orders — Renewals.~~

~~10.14.085 — Hearing reset after ex parte order.~~

~~10.14.090 — Representation or appearance.~~

~~10.14.100 — Service of order.~~

~~10.14.105 — Order following service by publication.~~

~~10.14.110 — Notice to law enforcement agencies — Enforceability.~~

~~10.14.115 — Enforcement of order — Knowledge prerequisite to penalties — Reasonable efforts to serve copy of order.~~

~~10.14.120 — Disobedience of order — Penalty.~~

~~10.14.125 — Service by publication — Cost.~~

~~10.14.130 — Exclusion of certain actions.~~

~~10.14.140 — Other remedies.~~

~~10.14.150 — Jurisdiction.~~

~~10.14.160 — Where action may be brought.~~

~~10.14.170 — Criminal penalty.~~

~~10.14.180 — Modification of order.~~

~~10.14.190 — Constitutional rights.~~

~~10.14.200 — Availability of orders in proceedings under chapter 26.09, 26.10, or 26.26 RCW.~~

~~10.14.900 — Severability.~~

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

Section 3. Correction of Errors. The city clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

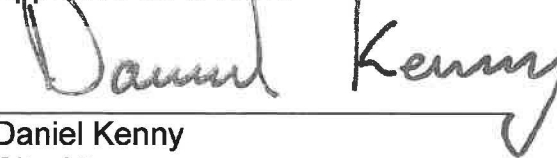
Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 26th day of June, 2023.




Tracie Markley
Mayor

Approved as to form:



Daniel Kenny
City Attorney

Attest:



Joshua Stecker, CMC
City Clerk