

## ORDINANCE NO.1651

### **AN ORDINANCE OF THE CITY OF LYNDEN, WASHINGTON, DECLARING AN EMERGENCY, AND AMENDING THE LYNDEN MUNICIPAL CODE IN ORDER TO ADOPT BY REFERENCE UPDATED SECTIONS OF THE REVISED CODE OF WASHINGTON REGARDING ANTIHARASSMENT ORDERS AND NO CONTACT ORDERS.**

WHEREAS, the City of Lynden has established a municipal court pursuant to Chapter 3.50 RCW; and

WHEREAS, the Lynden Municipal Court has exclusive original criminal jurisdiction of all violations of City ordinances duly adopted by the City; and

WHEREAS, the City Council previously adopted by reference criminal statutes passed by the Washington State Legislature and codified in the Revised Code of Washington ("RCW"); and

WHEREAS, the Legislature adopted Engrossed Second Substitute House Bill 1320 (E2SHB 1320) during the 67th Legislative Session which repealed sections of Chapter 26.50 RCW ("Domestic Violence Prevention") which had previously been incorporated by reference into the Lynden Municipal Code; and

WHEREAS, the effective date of E2SHB was July 1, 2022; and

WHEREAS, the City Council must amend the Lynden Municipal Code to incorporate by reference the newly effective sections of the RCW regarding antiharassment orders and no contact orders to clearly establish the jurisdiction of the Lynden Municipal Court over alleged criminal violations of those statutes; and

WHEREAS, the Council finds that the uncertainty regarding the jurisdiction of the Lynden Municipal Court over these criminal offenses creates an emergency involving the immediate preservation of the public peace, health, or safety.

#### **NOW, THEREFORE, THE CITY OF LYNDEN DOES ORDAIN:**

**Section 1:** Findings of Fact. The City Council adopts the above "WHEREAS" recitals as findings of fact in support of this ordinance.

**Section 2:** Chapter 9.14 LMC ("Domestic Violence – Violations and Orders") is hereby amended as follows:

### 9.14.005 – Adoption by reference.

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 10.14.170 Violation of an anti-harassment order: Any respondent age eighteen years or over who willfully disobeys any civil anti-harassment protection order issued pursuant to this chapter shall be guilty of a gross misdemeanor.

RCW 10.99.020 Definitions.

RCW 10.99.030 Law enforcement officers—Training, powers, duties—Domestic violence reports.

RCW 10.99.040 Restrictions upon and duties of court.

RCW 10.99.045 Appearances by defendant—No-contact order.

RCW 10.99.050 Victim contact—Restriction, prohibition—Violation, penalties—Written orders—Procedures.

RCW 10.99.055 Enforcement of orders.

RCW 10.99.070 Liability of peace officers.

RCW 26.09.300 Restraining orders—Notice—Refusal to Comply—Arrest—Penalty—Defense.

~~RCW 26.50.010 Definitions.~~

~~RCW 26.50.110 Violation of protection order—Penalties.~~

~~RCW 26.50.140 Peace officers—Immunity.~~

[RCW 7.105.010 Definitions](#)

[RCW 7.105.450 Enforcement & Penalties- Other than antiharassment protection orders and extreme risk protection orders.](#)

[RCW 7.105.455 Enforcement & Penalties- Antiharassment protection orders](#)

[RCW 7.105.460 Enforcement & Penalties- Extreme risk protection orders—false petitions.](#)

[RCW 7.105.465 Enforcement & Penalties- Knowledge of order.](#)

RCW 9.41.040 Unlawful possession of firearms—Ownership, possession by certain persons.

RCW 9A.40.010 Definitions.

RCW 9A.40.070 Custodial interference in the second degree.  
RCW 9A.40.080 Custodial interference—Assessment of costs—Defense—  
Consent defense, restricted.

**Section 3. Effective Date.** This Ordinance shall take effect immediately.

**PASSED** by the City Council this 15 day of August, 2022. Signed by the Mayor  
on this \_\_\_\_\_ day of August, 2022.

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SCOTT KORTHUIS, MAYOR

ATTEST:

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PAM BROWN, CITY CLERK

APPROVED AS TO FORM:

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ROBERT CARMICHAEL, CITY ATTORNEY