

ORDINANCE NO. 23-1676

AN ORDINANCE OF THE CITY OF LYNDEN AMENDING LYNDEN MUNICIPAL CODE CHAPTER 9.08 TO REMOVE STATUTES REPEALED BY THE STATE AND TO ADOPT BY REFERENCE RECENTLY CONSOLIDATED EQUIVALENTS

WHEREAS, the State Legislature repealed RCW 10.14.170 and RCW 26.50.110, statutes regarding penalties for violations of protection and antiharassment orders, and consolidated all such orders in a new chapter, RCW 7.105;

WHEREAS, the City of Lynden Police Department enforces protective orders and antiharassment orders within the City of Lynden, the prosecution of which occurs in Lynden Municipal Court;

WHEREAS, violations of protective orders cause great distress for victims of crime and can put victims in danger of future violence, further harassment, and undermine the administration of justice;

WHEREAS, prosecution of protection order violations is vital for the purposes of holding perpetrators of domestic violence accountable and protecting the community against those individuals that are violating court orders;

WHEREAS, this ordinance promotes the public good and is necessary for the protection of public health, property, safety, and welfare of citizens of the City of Lynden; and

WHEREAS, the foregoing recitals are material findings and declarations of the Lynden City Council;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Lynden, as follows:

Section 1: Lynden Municipal Code Section 9.14.005 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 7.105.010 Definitions.

RCW 7.105.450 Enforcement and penalties—Other than antiharassment protection orders 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 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 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 2. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 3. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

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

PASSED BY THE LYNDEN CITY COUNCIL THIS 6TH DAY OF NOVEMBER, 2023 BY A VOTE OF ___ IN FAVOR AND ___ AGAINST, AND SIGNED BY THE MAYOR THIS ___ DAY OF _____ 2023.

SCOTT KORTHUIS, MAYOR

ATTEST:

Pamela D. Brown, CITY CLERK

APPROVED AS TO FORM:

Robert A. Carmichael, CITY ATTORNEY