

**TOWN OF YARROW POINT
ORDINANCE NO. 724**

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 9.04.040, "STATE STATUTES ADOPTED", TO HARMONIZE THE CHAPTER WITH RECENT CHANGES TO STATE LAW; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, in 2021, the Washington State Legislature enacted Engrossed Second Substitute House Bill 1320 (E2SHB 1320) with the purpose of modernizing, harmonizing, and improving the efficacy of the state's laws concerning civil protection orders; and

WHEREAS, E2SHB 1320 established a new chapter of the Revised Code of Washington (RCW) to govern all types of protection orders, including domestic violence protection orders (DVPOs), sexual assault protection orders (SAPOs), stalking protection orders (Stalking POs), anti-harassment protection orders (AHPOs), vulnerable adult protection orders (VAPOs), and extreme risk protection orders (ERPOs); and

WHEREAS, Section 9.04.010 of the Yarrow Point Municipal Code (YPMC), "State Statutes Adopted" adopts by reference former sections of the RCW that criminalized violations of various types of protection orders and penalized such violations as gross misdemeanors; and

WHEREAS, these references have changed with enactment of E2SHB 1320, effective July 1, 2022, and are no longer consistent with state law; and

WHEREAS, in order for the Town to effectively enforce the state's protection order violation laws, the Town Council must amend YPMC Section 9.04.010 to adopt the recodified laws by reference; and

WHEREAS, the Town Council desires to amend YPMC Section 9.04.010 to harmonize with changes to state law effectuated by enactment of E2SHB 1320; and

WHEREAS, the Town Council finds that the seriousness of order violations merits affirmatively adopting the criminal provisions of Chapter 7.105 RCW to ensure violators may be promptly and effectively prosecuted in the Yarrow Point Municipal Court, and

WHEREAS, the Town Council finds that a legal question of whether these provisions of Chapter 7.105 RCW have been adopted by the Town of Yarrow Point can lead to delayed justice and potential danger to victims of domestic violence, stalking, harassment, and sexual assault, and elder abuse and constitutes a public emergency requiring that these amendments become effectively immediately upon adoption.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF YARROW POINT, WASHINGTON AS FOLLOWS:

SECTION 1. Findings. The foregoing recitals are hereby adopted as findings of fact in support of the adoption of this Ordinance.

SECTION 2. Amendment to YPMC Section 9.04.010. Yarrow Point Municipal Code Section 9.04.010 is hereby amended to read as follows:

9.04.010 State statutes adopted.

The following statutes as set forth in the Revised Code of Washington are adopted by reference as and for a portion of the penal code of the town as if set forth in full in this section. Also adopted by reference are all subsequent modifications to the sections or chapters of the RCW set forth in this section as the same may be changed, amended or added to:

RCW

7.105 Civil Protection Orders

- 9.01.130 Sending criminal letter
- 9.03.010 Abandoning, discarding refrigeration equipment
- 9.03.020 Permitting unused equipment to remain on premises
- 9.40.100 Injuring or tampering with fire alarm apparatus or equipment – False alarm
- 9.41.010 Terms defined
- 9.41.050 Carrying pistol
- 9.41.060 Exceptions
- 9.41.230 Aiming and discharging firearms
- 9.41.240 Use of firearms by minor
- 9.41.250 Dangerous weapons – Evidence
- 9.41.260 Dangerous exhibitions
- 9.41.270 Weapons apparently capable of producing bodily harm, carrying, exhibiting, displaying or drawing unlawful – Penalty – Exceptions
- 9.47A.010 Definition
- 9.47A.020 Unlawful inhalation – Exception
- 9.47A.030 Possession of certain substances prohibited, when
- 9.47A.040 Sale of certain substances prohibited, when
- 9.47A.050 Penalty
- 9.61.230 Telephone harassment
- 9.61.240 Telephone harassment – Permitting telephone to be used
- 9.61.250 Telephone harassment – Offense, where deemed committed
- 9.61.260 Cyberstalking
- 9.62.010 Malicious prosecution
- 9.69.100 Duty of witness of offense against child or any violent offense – Penalty
- 9.72.090 Committal of witness – Detention of documents
- 9.91.025 Unlawful bus conduct
- 9.91.060 Leaving children unattended in parked automobile
- 9.92.020 Punishment of gross misdemeanor when not fixed by statute
- 9.92.030 Punishment of misdemeanor when not fixed by statute
- 9A.04.010 Title, effective date, application, severability, captions
- 9A.04.030 State criminal jurisdiction
- 9A.04.040 Classes of crimes
- 9A.04.050 People capable of committing crimes
- 9A.04.060 Common law to supplement statutes
- 9A.04.070 Who amenable to criminal statutes
- 9A.04.080 Limitation of actions
- 9A.04.090 Application of general provisions of code
- 9A.04.100 Proof beyond reasonable doubt

9A.04.110 Definitions
 9A.08.010 General requirements of culpability
 9A.08.020 Liability for conduct of another – Complicity
 9A.08.030 Corporate and personal liability
 9A.16.010 Definitions
 9A.16.020 Use of force – When lawful
 9A.16.060 Duress
 9A.16.070 Entrapment
 9A.16.090 Intoxication
 9A.16.100 Use of force on children – Policy – Actions presumed unreasonable
 9A.16.110 Defending against violent crime – Reimbursement
 9A.20.010 Classification and designation of crimes
 9A.20.030 Alternatives to a fine – Restitution
 9A.28.020 Criminal attempt
 9A.28.030 Criminal solicitation
 9A.28.040 Criminal conspiracy
 9A.36.041 Assault in the fourth degree
 9A.36.050 Reckless endangerment
 9A.36.070 Coercion
 9A.40.010 Definitions
 9A.40.070 Custodial interference in the second degree
 9A.42.037 Criminal mistreatment in the fourth degree
 9A.46.020 Definitions – Penalties
 9A.46.030 Place where committed
 9A.46.040 Court-ordered requirements upon person charged with crime – Violation
 9A.46.050 Arraignment – No contact order
 9A.46.060 Crimes included in harassment
 9A.46.080 Order restricting contact – Violation
 9A.48.050 Reckless burning in the second degree
 9A.48.090 Malicious mischief in the third degree
 9A.48.100 Malicious mischief – “Physical damage” defined
 9A.52.010 Definitions
 9A.52.060 Making or having burglar tools
 9A.52.070 Criminal trespass in the first degree
 9A.52.080 Criminal trespass in the second degree
 9A.52.090 Criminal trespass – Defenses
 9A.52.100 Vehicle prowling in the second degree
 9A.56.010 Definitions
 9A.56.050 Theft in the third degree
 9A.56.060 Unlawful issuance of checks or drafts
 9A.56.063 Making or possessing motor vehicle theft tools
 9A.56.140 Possessing stolen property – Definitions – Presumption
 9A.56.170 Possessing stolen property in the third degree
 9A.72.010 Definitions
 9A.72.040 False swearing
 9A.72.140 Jury tampering
 9A.72.150 Tampering with physical evidence
 9A.76.010 Definitions
 9A.76.020 Obstructing a law enforcement officer
 9A.76.030 Refusing to summon aid for a peace officer

9A.76.040 Resisting arrest
 9A.76.050 Rendering criminal assistance – Definition of term
 9A.76.080 Rendering criminal assistance in the second degree
 9A.76.090 Rendering criminal assistance in the third degree
 9A.76.100 Compounding
 9A.76.130 Escape in the third degree
 9A.76.170 Bail jumping
 9A.84.020 Failure to disperse
 9A.84.030 Disorderly conduct
 9A.84.040 False reporting
 9A.88.010 Indecent exposure
 9A.88.030 Prostitution
 9A.88.090 Permitting prostitution
 9A.88.110 Patronizing a prostitute
~~10.99 et seq. Domestic violence – Official response~~
~~26.09 et seq. Dissolution proceedings – Legal separation~~
~~26.50 et seq. Domestic violence prevention~~
 66.44.100 Opening or consuming liquor in a public place – Penalty
 66.44.180 General penalties – Jurisdiction for violations
 66.44.270 Furnishing liquor to minors – Possession, use – Penalties – Exhibition of effects – Exceptions
 66.44.292 Sales to minors by licensee or employee – Board notification to prosecuting attorney to formulate charges against minors
 69.50.401 Prohibited acts: A – Penalties
 69.50.412 Prohibited acts: E – Penalties
 69.50.4014 Possession of 40 grams or less of marihuana – Penalty

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this Ordinance.

SECTION 4. Corrections. The Town Clerk-Treasurer 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 5. Declaration of Emergency; Effective Date. This Ordinance, as a public emergency ordinance necessary for the protection of the public health, safety, and welfare, shall take effect and be in full force immediately upon its adoption. A non-exhaustive list of facts supporting this emergency declaration are included in the recitals above, which are adopted by reference as findings of fact as if fully set forth herein. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the Town of Yarrow Point.

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF YARROW POINT ON THE 8th DAY OF November, 2022 AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THE 9th DAY OF November 2022.

Page 4 of 5

Katy K Harris
Katy Kinney Harris, Mayor

Approved as to form:
Town Attorney

Emily Wallace
Ogden Murphy Wallace, PLLC

Attest/Authenticated:

Bonnie Ritter
Bonnie Ritter, Town Clerk-Treasurer

PUBLISHED BY THE TOWN COUNCIL: November 8, 2022
PUBLISHED: November 14, 2022
EFFECTIVE DATE: November 15, 2022
ORDINANCE NO.: 724



RECEIVED

NOV 22 2022

TOWN OF YARROW POINT
Clerk's Office

The Seattle Times

AFFIDAVIT OF PUBLICATION

Bonnie Ritter
Town Of Yarrow Point
4030 95th Ave NE
Yarrow Point WA 98004

**YARROW POINT, WASHINGTON
ORDINANCE NO. 724**

On the 8th day of November, 2022, the Town Council of the Town of Yarrow Point, Washington passed Ordinance No. 724. A summary of the content of said ordinance, consisting of the title is as follows:

AN ORDINANCE OF THE TOWN OF YARROW POINT, WASHINGTON, AMENDING YARROW POINT MUNICIPAL CODE SECTION 9.04.040, "STATE STATUTES ADOPTED", TO HARMONIZE THE CHAPTER WITH RECENT CHANGES TO STATE LAW; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request

Bonnie Ritter, Clerk-Treasurer

STATE OF WASHINGTON, COUNTIES OF KING AND SNOHOMISH

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by orders of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

11/14/2022

Agent

Hanh Bui

Signature

Hanh Bui

Subscribed and sworn to before me on

11/17/2022

Debbie Collantes

Debbie Collantes

(Notary Signature) Notary Public in and for the State of Washington, residing at Seattle

Publication Cost: \$57.98
Order No: 43896
Customer No: 466
PO #:

