

ORDINANCE 1784

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RE-NAMING NORTH BEND MUNICIPAL CODE CHAPTER 9.75 TO BE TITLED “CIVIL PROTECTION ORDERS AND DOMESTIC VIOLENCE PROTECTION”; RE-NAMING AND AMENDING NBMC SECTION 9.75.010 RELATING TO CIVIL PROTECTION ORDERS AND DOMESTIC VIOLENCE PROTECTION; AMENDING NBMC SECTION 9.120.010 OF THE NORTH BEND MUNICIPAL CODE RELATING TO HARASSMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN 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 in the Revised Code of Washington (“RCW”) to govern all types of protection orders, including domestic violence protection orders, sexual assault protection orders, stalking protection orders, antiharassment protection orders, vulnerable adult protection orders, and extreme risk protection orders; and

WHEREAS, North Bend Municipal Code (“NBMC”) Section 9.75.010, Domestic Violence Protection, adopts by reference sections of the RCW that criminalize domestic violence; and

WHEREAS, NBMC Section 9.120.010, Harassment, adopts by reference chapter 10.14 RCW, which criminalizes harassment; and

WHEREAS, the changes to State law adopted in E2SHB 1320 and effective July 1, 2022, include a new chapter and sections of the RCW which are not expressly identified in NBMC Section 9.75.010, and include the repeal of chapter 10.14 RCW which is expressly identified in NBMC Section 9.120.010; and

WHEREAS, to continue to effectively enforce civil protection orders, the City Council desires to amend NBMC Sections 9.75.010 and 9.120.010 to harmonize these sections with changes to State law effectuated by the enactment of E2SHB 1320; and

WHEREAS, the amendments to NBMC Sections 9.75.010 and 9.120.010 are necessary to protect the public health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Chapter 9.75, Renamed: North Bend Municipal Code Chapter 9.75 (Domestic Violence Protection) is hereby renamed “Civil Protection Orders and Domestic Violence Protection.” Except as provided in Section 2 of this Ordinance, NBMC Chapter 9.75 shall remain in full force and effect as currently adopted or hereinafter amended.

Section 2. NBMC Section 9.75.010, Re-Named and Amended: North Bend Municipal Code Section 9.75.010 (Domestic violence protection) is hereby re-named “Civil protection orders and domestic violence protection” and amended to read as follows:

9.75.010 Civil protection orders and Domestic violence protection.

The following ~~provisions~~ sections of the Revised Code of Washington (“RCW”) as ~~presently constituted~~ they now exist or hereinafter may hereafter be amended, renumbered, or recodified, whether in the same or different section, chapter, or title of the RCW, are hereby adopted by reference as a part of the North Bend Municipal Code, which is established in all respects as though such sections were set forth herein in full; and further provided, the inclusion of section captions is for convenience in identifying the subject of code sections only, and any error therein shall not affect the validity of the adoption by reference of the section so adopted:

RCW

<u>7.105.010</u>	<u>Definitions.</u>
<u>7.105.450</u>	<u>Enforcement and penalties – Other than antiharassment protection orders and extreme risk protection orders.</u>
<u>7.105.455</u>	<u>Enforcement and penalties – Antiharassment protection orders.</u>
<u>7.105.460</u>	<u>Enforcement and penalties – Extreme risk protection orders – False petitions.</u>
<u>7.105.465</u>	<u>Enforcement and penalties – Knowledge of order.</u>
<u>7.105.470</u>	<u>Enforcement – Prosecutor assistance.</u>
<u>7.105.550</u>	<u>Orders under this and other chapters – Enforcement and consolidation – Validity and enforcement of orders under prior chapters.</u>
<u>7.105.560</u>	<u>Title to real estate – Effect of chapter.</u>

7.105.565 Proceedings additional – Filing of criminal charges not required.
7.105.570 Other authority retained.
7.105.575 Liability.
 9A.36.150 Interfering with the reporting of domestic violence.
 10.99.020 Definitions.
 10.99.030 Law enforcement officers – Training, powers, duties.
 10.99.040 Restrictions upon and duties of court.
 10.99.045 Appearances by defendant – Orders prohibiting contact.
 10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures.
 10.99.055 Enforcement of orders against defendants.
~~26.09.300~~ ~~Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense – Peace officers, immunity.~~
~~26.50.010~~ ~~Definitions.~~
~~26.50.020~~ ~~Commencement of action – Jurisdiction – Venue.~~
~~26.50.030~~ ~~Petition for an order for protection – Availability of forms and instructional brochures – Bond not required.~~
~~26.50.040~~ ~~Application for leave to proceed in forma pauperis.~~
~~26.50.050~~ ~~Hearing – Service – Time.~~
~~26.50.060~~ ~~Relief.~~
~~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.~~
~~26.50.090~~ ~~Order – Service.~~
~~26.50.100~~ ~~Order – Transmittal to law enforcement agency – Record in law enforcement information system – Enforceability.~~
~~26.50.110~~ ~~Violation of order – Penalties.~~
~~26.50.120~~ ~~Violation of order – Prosecuting attorney or attorney for municipality may be requested to assist – Cost and attorney's fees.~~
~~26.50.130~~ ~~Order – Modification – Transmittal.~~
~~26.50.140~~ ~~Peace officers – Immunity.~~
~~26.50.200~~ ~~Title to real estate – Effect.~~
~~26.50.210~~ ~~Proceedings additional.~~

Section 3. NBMC Section 9.120.010, Amended: North Bend Municipal Code Section 9.120.010 (Harassment) is hereby amended to read as follows:

9.120.010 Harassment.

The following ~~provisions~~ sections of the Revised Code of Washington (“RCW”) as ~~presently constituted~~ they now exist or hereinafter may hereafter be amended, renumbered, or recodified, whether in the same or different section, chapter, or title of the Revised Code of Washington are hereby adopted by reference as a part of the North Bend Municipal Code, which is established in all respects as though such sections were set forth herein in full; and further provided, the inclusion of section captions is for convenience in identifying the subject of code sections only, and any error therein shall not affect the validity of the adoption by reference of the section so adopted:

RCW

- 9A.46.010 Legislative finding.
- 9A.46.020 Definition – 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.46.070 Enforcement of orders restricting contact.
- 9A.46.080 Order restricting contact – Violation.
- 9A.46.090 Nonliability of peace officer.
- 9A.46.100 “Convicted,” time when.
- 9A.46.110 Stalking.
- 9.61.230 Telephone calls to harass, intimidate, torment, embarrass.
- 9.61.240 Telephone calls to harass, intimidate, torment or embarrass – Permitting telephone to be used.
- 9.61.250 Telephone calls to harass, intimidate, torment or embarrass – Offense, where deemed committed.

~~Ch. 10.14 – Harassment. Chapter 10.14 RCW is adopted by reference in its entirety.~~

Section 4. Severability: Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity

of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date: This ordinance shall be published in the official newspaper of the City, and shall take effect, and be in full force, five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF NOVEMBER, 2022.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Lisa Marshall, City Attorney

ATTEST/AUTHENTICATED:

Published: November 25, 2022

Effective: November 30, 2022

Susie Oppedal, City Clerk