

POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2023-12

SUBJECT: Amending PMC 9.02.460 Civil Protection Orders

CONFORM AS TO DATES & SIGNATURES

- Filed with the City Clerk: 08/30/2023
- Passed by the City Council: 09/13/2023
- Signature of Mayor
- Signature of City Clerk
- Publication: 09/18/2023
- Effective: 09/23/2023
- Recorded: _____

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Kati Diehl
Deputy City Clerk

09/14/2023
Date

ORDINANCE NO. 2023-12

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTION 9.02.460 OF THE POULSBO MUNICIPAL CODE (PMC) TO UPDATE THE CITY'S ADOPTION OF STATE REGULATIONS REGARDING CIVIL PROTECTION ORDERS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS since the last time PMC Section 9.02.460, Harassment—Statutes adopted by reference, was updated in 2014, the state of Washington has adopted new regulations and procedures for civil protection orders; and

WHEREAS, code cities like Poulsbo may adopt state statutes by reference per RCW 35A.13.180 and RCW 35A.12.140; and

WHEREAS, the Mayor, City Police Chief, and the City Prosecuting Attorney have recommended that the City PMC Section 9.02.460 to adopt the revised and new civil protection order statutes to be consistent with state law; and

WHEREAS, the Poulsbo City Council concurs with the recommendation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. PMC Section 9.02.460 Amended. PMC Section 9.02.460 is hereby amended to read as follows:

9.02.460 ~~Harassment~~ Civil Protection Orders—Statutes adopted by reference.

Pursuant to the authority contained in RCW 35A.12.140, the following sections of Chapter ~~10.12~~ 7.105 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties:

RCW

~~10.14.020—Definitions~~

~~10.14.030—Course of conduct, determination of purpose~~

~~10.14.040—Protection order—Petition~~

~~10.14.050— Administrator for courts—Forms, information~~
~~10.14.055— Fees excused, when~~
~~10.14.060— Proceeding in forma pauperis~~
~~10.14.065— Orders—Judicial information system to be consulted~~
~~10.14.070— Hearing—Service~~
~~10.14.080— Antiharassment protection orders—Ex parte temporary—Hearing—Longer term, renewal~~
~~10.14.085— Hearing reset after ex parte order—Service by publication—Circumstances~~
~~10.14.090— Representation or appearance~~
~~10.14.100— Service or 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~~
~~10.14.155— Personal jurisdiction—Nonresident individual~~
~~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 family law proceedings~~
~~10.14.210— Court appearance after violation~~

7.105.010 Definitions.

7.105.175 Service – Development of best practices.

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

7.105.455 Enforcement and penalties – Antiharassment protection orders.

7.105.460 Enforcement and penalties – Extreme risk protection orders – False petitions.

7.105.465 Enforcement and penalties – Knowledge of order.

7.105.470 Enforcement – Prosecutor assistance.

7.105.550 Orders under this chapter and other chapters – Enforcement and consolidation – Validity and enforcement of orders under prior chapters.

7.105.565 Proceedings additional – Filing of criminal charges not required.

7.105.570 Other authority retained.

7.105.575 Liability.

Section 2. 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 3. Corrections. The City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbers and section/subsection numbering.

Section 3. Effective Date. This ordinance shall take effect and be in full force five (5) days from its passage and publication as required by law.

APPROVED:

DocuSigned by:

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MAYOR BECKY ERICKSON

ATTEST/AUTHENTICATED:

DocuSigned by:

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CITY CLERK RHIANNON FERNANDEZ CMC

APPROVED AS TO FORM BY THE
OFFICE OF CITY ATTORNEY:

BY: 
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OGDEN MURPHY WALLACE, PLLC

FILED WITH THE CITY CLERK: 08/30/2023
PASSED BY THE CITY COUNCIL: 09/13/2023
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SUMMARY OF ORDINANCE NO. 2023-12
of the City of Poulsbo, Washington

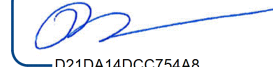
On September 13, 2023 the City Council of the City of Poulsbo, Washington, approved Ordinance No. 2023-12, the main point of which may be summarized by its title as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTION 9.02.460 OF THE POULSBO MUNICIPAL CODE (PMC) TO UPDATE THE CITY'S ADOPTION OF STATE REGULATIONS REGARDING CIVIL PROTECTION ORDERS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be mailed upon request.

DATED this 13th day of September, 2023

DocuSigned by:



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CITY CLERK RHIANNON FERNANDEZ CMC