

ORDINANCE NO. 2754

AN ORDINANCE OF THE CITY OF KIRKLAND, WASHINGTON RELATING TO DOMESTIC VIOLENCE AND AMENDING CHAPTER 11.36A OF THE KIRKLAND MUNICIPAL CODE.

Whereas, Chapter 10.99 of the Revised Code of Washington provides for court issuance of no contact orders in instances of domestic violence; and

Whereas, violation of a no contact order is a criminal offense under Chapter 10.99 RCW which cannot be prosecuted by the City of Kirkland because it has not been adopted into the Kirkland Municipal Code; and

Whereas, adoption of the following language would effect local adoption of the substance and intent of Chapter 10.99 RCW so that local violations of no contact orders could be prosecuted by the City; and

Whereas, the no contact order device has shown a measure of success in other cities which have adopted it into their local codes, now, therefore,

The City Council of the City of Kirkland, do ordain as follows:

Section 1. Chapter 11.36A of the Kirkland Municipal Code, the title of which shall henceforth be "Assault, Other Crimes Involving Physical Harm, and Domestic Violence," is hereby amended by the addition of new sections to read as follows:

11.36A.110 Purpose.

NEW SECTION RCW 10.99.010 is adopted by reference.

11.36A.120 Definitions.

NEW SECTION RCW 10.99.020 is adopted by reference. For purposes of this ordinance "peace officer" includes a Kirkland police officer, "law enforcement agency" includes the Kirkland police department, "public attorney" means the person or persons, attorney or attorneys who have been designated by the Kirkland city manager to provide legal services pursuant to KMC 3.16.040, and "legislature" shall include the City council.

11.36A.130 Police officers--Duties.

NEW SECTION

RCW 10.99.030 is adopted by reference.

11.36A.140 Court--Duties.

NEW SECTION

RCW 10.99.040 is adopted by reference. The written order provided for in RCW 10.99.040(2) shall bear the legend: Violation of this order is a criminal offense under KMC 11.36A.140.

11.36A.145 Defendant--Appearances by.

NEW SECTION

RCW 10.99.045 is adopted by reference.

11.36A.150 Sentencing--No contact order.

NEW SECTION

RCW 10.99.050 is adopted by reference. The written order provided for in RCW 10.99.050 shall bear the legend: Violation of this order is a criminal offense under KMC 11.36A.150

11.36A.155 No contact order--Enforcement.

NEW SECTION

RCW 10.99.055 is adopted by reference.

11.36A.160 Victim--Notification of prosecution decision.

NEW SECTION

RCW 10.99.060 is adopted by reference.

11.36A.170 Police officers--Liability.

NEW SECTION

RCW 10.99.070 is adopted by reference.

Section 2. The director of administration and finance shall maintain at all times as a public record of the city not less than one copy of RCW 10.99 for use by city officials and the general public.

Section 3. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

Section 4. This ordinance shall be in force and effect five days from and after its passage by the Kirkland City Council and posting or publication, as required by law.

Passed by majority vote of the Kirkland City Council in regular, open meeting this 5th day of July, 1983.

Signed in authentication thereof this 5th day of July, 1983.

Doris Cooper
MAYOR Pro Tem

ATTEST:

Tammy Anderson
Director of Administration & Finance
(ex officio City Clerk)

APPROVED AS TO FORM:

[Signature]
City Attorney

CERTIFICATION OF POSTING

I hereby certify under penalty of perjury that the foregoing ordinance was posted on the 8th day of July, 1983 in accordance with the provisions of RCW 35A.12.160 and City of Kirkland Ordinance No. 2600.

[Signature]
Clerk