

City of Cheney
609 Second Street
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. Y-40**

**AN EMERGENCY ORDINANCE AMENDING SECTION 9A.03.010 OF
THE CHENEY MUNICIPAL CODE TO ADOPT CHANGES IN STATE
CRIMINAL LAWS, AND OTHER MATTERS PROPERLY RELATED
THERE TO**

WHEREAS, the City of Cheney has adopted as and for laws of the City RCW 9, 9A, 66 and 69 as they exist and may be amended, excepting therefrom any provision relating to any act which is a felony, unless the provision also relates to an act which is a misdemeanor or gross misdemeanor and is within the jurisdiction of the Cheney Municipal Court;

WHEREAS, in July 2022, the State of Washington consolidated the laws of a no-contact orders under RCW 7.105, including the statute under which a municipality may criminally charge an individual for violation of a no-contact order;

WHEREAS, the purpose of Cheney Municipal Code Section 9A.03.010 is to adopt the laws of the State of Washington as set forth above, to provide for public safety and regulate activities within the City of Cheney;

WHEREAS, the current Cheney Municipal Code Section 9A.03.010 does not specifically adopt the recently codified RCW 7.105, resulting in the City no longer being able to criminally charge an individual for violation of a no-contact order;

WHEREAS, the City finds that the need to enforce no-contact orders and other criminal laws of the State of Washington within the jurisdiction of the City of Cheney constitutes an emergency and is necessary for the protection of public health, public safety, public property and public peace;

WHEREAS, the amendments set forth below are to support and promote these purposes;
and

WHEREAS, the amendments are not harmful to the public health, safety and welfare and are in the public interest.

NOW, THEREFORE, the City Council of the City of Cheney do ordain as follows.

Section 1. Findings. The City Council hereby finds and declares it is in the best interests of the residents of the City of Cheney to amend Section 9A.03.010 as set forth below, to incorporate and adopt the provisions of RCW 7 into the Cheney Municipal Code to promote public safety and welfare.

Section 2. Amend Section. Section 9A.03.010 entitled "**RCW titles adopted by reference**" is hereby amended to read in its entirety as follows:

9A.03.010 – RCW titles adopted by reference.

The following laws of the State of Washington are adopted as laws of the City of Cheney:

(1) RCW title 7, as the same now exists and as it may hereafter be amended, except so much thereof as relates to felony crimes and does not pertain to misdemeanor and gross misdemeanor offenses;

(2) RCW title 9, as the same now exists and as it may hereafter be amended, except so much thereof as relates to felony crimes and does not pertain to misdemeanor and gross misdemeanor offenses;

(3) RCW title 9A, as the same now exists and as it may hereafter be amended, except so much thereof as relates to felony crimes and does not pertain to misdemeanor and gross misdemeanor offenses;

(4) RCW title 66, as the same now exists and as it may hereafter be amended, except so much thereof as relates to felony crimes and does not pertain to misdemeanor and gross misdemeanor offenses;

(5) RCW title 69, chapters 69.40, 69.41, 69.50, as the same now exists and as it may hereafter be amended, except so much thereof as relates to felony crimes and does not pertain to misdemeanor and gross misdemeanor offenses.

Section 3. Corrections. The City Clerk 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 4. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 5. Effective Date. This ordinance shall become immediately effective after its passage, approval, and publication.

Introduced this _____ day of _____, 2023.

Passed by the City Council this _____ day of _____, 2023.

Approved by the Mayor this _____ day of _____, 2023.

Chris Grover, Mayor

ATTEST:

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

Michael J. Kapaun, City Attorney