

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 14th day of February, 2023.

Passed by the City Council this 14th day of February, 2023.

Approved by the Mayor this 14th day of February, 2023.

DocuSigned by:
Chris Grover
0B28E92C6A9E4DE...
Chris Grover, Mayor

ATTEST:

DocuSigned by:
Cindy Niemeier
A8FD6264CE0148A...

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

DocuSigned by:
Mike Kapaun
DE33BE1339A241B...

Michael J. Kapaun, City Attorney

Certificate Of Completion

Envelope Id: 63E0C9A9926D4EFEA070D02F2B17E3A3	Status: Completed
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)	cniemeier@cityofcheney.org
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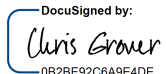
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Chris Grover
 cgrover@cityofcheney.org
 Mayor
 City of Cheney
 Security Level: Email, Account Authentication (None)

Signature


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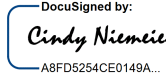
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Cindy Niemeier
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 Finance Director
 City of Cheney
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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
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Mark Schuller
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City Administrator
City of Cheney, WA
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Terri Cooper
tcooper@cityofcheney.org
Court Administrator
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Completed	Security Checked	2/16/2023 8:29:40 AM

Payment Events	Status	Timestamps
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Electronic Record and Signature Disclosure
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If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact City of Cheney:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: cniemeier@cityofcheney.org

To advise City of Cheney of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at cniemeier@cityofcheney.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from City of Cheney

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to cniemeier@cityofcheney.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with City of Cheney

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to cniemeier@cityofcheney.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to ‘I agree to use electronic records and signatures’ before clicking ‘CONTINUE’ within the DocuSign system.

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- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify City of Cheney as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by City of Cheney during the course of your relationship with City of Cheney.