

# TOWN OF WOODWAY

## ORDINANCE 2022-640

AN ORDINANCE OF THE TOWN OF WOODWAY REPEALING AND REINACTING IN ITS ENTIRETY WOODWAY MUNICIPAL CODE (“WMC”) CHAPTER 7.16 THE WOODWAY CRIMINAL CODE; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Town criminal code provisions in Chapter 7.16 of the Woodway Municipal Code (WMC”) have become outdated by the revision and enactment of state statutes that deal with adults committing misdemeanors or gross misdemeanors, the issuance and enforcement of protection orders, and criminal procedures; and

WHEREAS, the Town staff and the Town Prosecutor’s Office have recommended the passage of this Ordinance so that the Court and Town Prosecutor’s Office may continue to prosecute misdemeanor and gross misdemeanor crimes defined in state statute, including the violation of civil protection orders; and

WHEREAS, the Town Council reasonably believes that adoption of this Ordinance is in the best interest of the health, safety, and welfare of the citizens of the Town;

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:


Section 1. Chapter 7.16 WMC is hereby repealed in its entirety and reenacted to read in full as set forth in Exhibit A.

Section 2. If any part or portion of this Ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion.


Section 3. This Ordinance shall take effect 5 days after date of publication by ordinance title only.

PASSED this 15<sup>th</sup> day of August 2022 by the Town Council of the Town of Woodway.

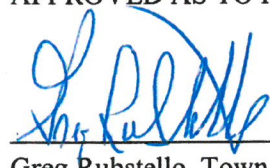
TOWN OF WOODWAY

  
Michael S. Quinn, Mayor

ATTEST:

  
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Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:

  
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Greg Rubstello, Town Attorney

Date Passed by the Town Council: 15 Aug 2022

Date Published: 31 Aug 2022

Effective Date: 5 Sept 2022

# **TOWN OF WOODWAY**

## **ORDINANCE 2022-640 | EXHIBIT A**

### **WMC CHAPTER 7.16: TOWN CRIMINAL CODE – STATE PROVISIONS ADOPTED**

#### Sections:

- 7.16.010 RCW Title 9 – Crimes and Punishments
- 7.16.020 RCW Title 9A – Washington Criminal Code
- 7.16.030 RCW Title 10 – Criminal Procedure
- 7.16.040 RCW Title 7.105 – Civil Protection Orders
- 7.16.050 RCW Amendments Adopted
- 7.16.060 Indigent Defense Standards

#### **7.16.010 RCW TITLE 9 – CRIMES AND PUNISHMENTS.**

All sections in RCW Title 9 that deal with adults committing misdemeanors or gross misdemeanors, together with all associated statutes and regulations incorporated by reference therein and including all penalties provided therein, are adopted by reference to the same extent as if full set forth in this chapter.

#### **7.16.020 RCW TITLE 9A – WASHINGTON CRIMINAL CODE.**

All sections in RCW Title 9A that deal with adults committing misdemeanors or gross misdemeanors, together with all associated statutes and regulations incorporated by reference therein and including all penalties provided therein, are adopted by reference to the same extent as if full set forth in this chapter.

#### **7.16.030 RCW TITLE 10 – CRIMINAL PROCEDURE.**

All sections in RCW Title 10 that deal with adults committing misdemeanors or gross misdemeanors, together with all associated statutes and regulations incorporated by reference therein and including all penalties provided therein, are adopted by reference to the same extent as if full set forth in this chapter.

#### **7.16.040 RCW TITLE 7.105 – CIVIL PROTECTION ORDERS.**

All sections in RCW Title 7.105 that deal with the issuance and enforcement of protection orders, together with all associated statutes and regulations incorporated by reference therein and including all penalties provided therein, are adopted by reference to the same extent as if full set forth in this chapter.

#### **7.16.050 RCW AMENDMENTS ADOPTED.**

Notwithstanding the RCW sections that are specifically adopted by reference in this Title, all RCW sections that constitute misdemeanor and gross misdemeanor criminal behavior, and all RCW sections that state the penalties therefore, and all RCW sections necessary for the investigation, arrest, prosecution, sentencing, confinement, and enforcement of misdemeanors

and gross misdemeanors, as such RCW sections are currently enacted or as they may hereafter be amended or recodified from time to time, are adopted by reference, and shall be given the same force and effect as if set forth here in full. To the extent otherwise enforceable by the State of Washington, said RCW sections shall likewise be enforceable by the Town of Woodway, through its police department and its prosecuting attorney, all in the same manner as the statute may be enforced or prosecuted in the name of the State.

**7.16.060 INDIGENT DEFENSE STANDARDS.**

All indigent defense services provided in the prosecution of crimes under this chapter shall be provided in accordance with the indigent defense standards adopted from time to time by the Washington State Supreme Court pursuant to the rules adopted by Order of the Court, as the same exists or is hereafter amended.

- A. Defense counsel shall be guided in the provision of services by the standards adopted by the Washington State Bar Association, Standards for Indigent Defense Services as the same exists or is hereafter amended.
- B. These standards are adopted pursuant to the authorization and requirement of RCW 10.101.020, Standards. Appointed defense counsel shall certify their compliance quarterly.