

ORDINANCE NO. 10724

**AN ORDINANCE RELATING TO CRIMES AND CRIMINAL PENALTIES, PROVIDING PENALTIES FOR VIOLATIONS OF STOP WORK ORDERS, ADDING A SECTION, 10.24.060 TO THE BELLINGHAM MUNICIPAL CODE, AMENDING SECTION 10.24.090 AND DECLARING AN EMERGENCY**

**WHEREAS**, the Bellingham Municipal Code provides authority for administrative officers to issue stop work orders when developments or activities are performed in violation of code requirements; and

**WHEREAS**, state law now generally prohibits the arrest of persons for non-jailable offenses; and

**WHEREAS**, the violations for which stop work orders are issued are usually non-jailable offenses; and

**WHEREAS**, without the power to arrest persons violating stop work orders, the City's land use ordinances cannot be effectively enforced; and

**WHEREAS**, recent events involving defiance of posted stop work orders have demonstrated the need for immediate provisions for effective enforcement of stop work orders; and

**WHEREAS**, the penalty provision in Section 10.24.090 should be amended to conform to state law for offenses similar to those stated in Sections 10.24.010 and 10.24.050, and to provide enhanced deterrence for violations of stop work orders and other crimes against public order;

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

**SECTION 1.** A new section is added to Bellingham Municipal Code Chapter 10.24 to read as follows:

10.24.060 Violation of stop work order

It is unlawful for a person to knowingly engage in any activity which has been prohibited by a stop work order issued pursuant to the provisions of the Bellingham Municipal Code, provided such stop work order has been posted on, or on the right-of-way adjacent to, the site of the activity, or delivered to such person.

**SECTION 2.** Section 10.24.090 of the Bellingham Municipal Code shall be amended to read as follows:

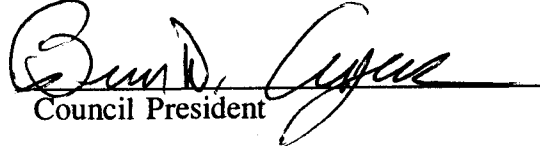
City of Bellingham  
CITY ATTORNEY  
210 Lottie Street  
Bellingham, Washington 98225  
Telephone (360)676-6903

10.24.090 Penalties for Violation

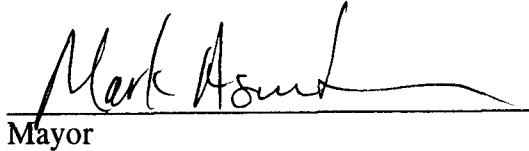
Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed ~~five hundred~~ one thousand dollars or imprisonment not to exceed ninety days, or by both such fine and imprisonment.

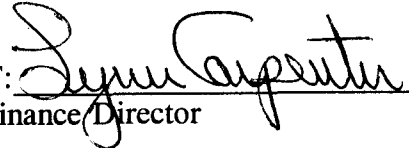
SECTION 3. An emergency exists in that it is necessary to the public health, safety and welfare that provisions be made immediately for punishment of violations of stop work orders. This ordinance shall be effective immediately upon passage.

PASSED BY COUNCIL THIS 1st DAY OF APRIL, 1996.

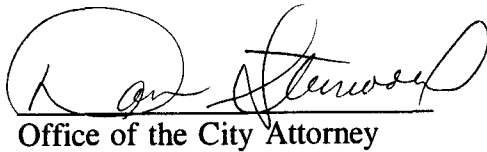
  
Council President

APPROVED BY ME THIS 8th DAY OF APRIL, 1996.

  
Mayor

ATTEST:   
Finance Director

APPROVED AS TO FORM:

  
Office of the City Attorney

Published: 4/12/96

# LEGAL ADVERTISING INSERTION ORDER/INVOICE

# THE BELLINGHAM HERALD

676-2600 • 384-0878 P.O. Box 1277 • Bellingham, WA 98227

Your Legal Advertising for the total month will be summarized on your monthly statement.

676-6900

INCHES		TOTAL LINES <u>19</u>		AFFIDAVIT CHARGE		TOTAL CHARGE	
		_____ \$ _____		\$ <u>0</u>		\$ <u>14.91</u>	
		_____ \$ _____					
DAY	MON	TUE	WED	THU	<u>FRI</u>	SAT	SUN
MONTH	1	2	3	4	5	6	7
DATE	1	2	3	4	5	6	7
	11	12	13	14	15	16	17
	21	22	23	24	25	26	27
	31						
AFFIDAVIT:				LEGAL NO.		P.O. #	DAYS RUN
<input type="checkbox"/> BLUE <input type="checkbox"/> WHITE <input type="checkbox"/> NO AFFIDAVIT				<u>15942</u>			<u>4/12</u>
							* ACCOUNT NUMBER
							<u>404064</u>
MAIL AFFIDAVIT TO:				AD CONTENTS:			
_____				<u>Ordinance 10724</u>			
_____				_____			
_____				_____			

\* PLEASE REFERENCE ACCOUNT NUMBER WHEN PAYING

STATE OF WASHINGTON,  
COUNTY OF WHATCOM,

ss **Affidavit of Publication**

Gail Kihn

being first

duly sworn on oath says: That (s)he is the Public Notices Clerk of The Bellingham Herald, a daily newspaper of general circulation in said county and state and of Federated Publications, Inc., a Delaware Corporation (publisher of said newspaper), and authorized to make this affidavit; that the legal notice entitled in the cause and court named on the attached copy which is a true and correct copy of the original (and hereinafter referred to as "Notice") was published in the regular and entire issue, and not in supplement, of each number of said newspaper published and circulated on the following dates, to wit:

April 12, 1996

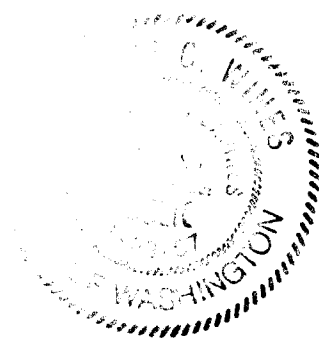
ORDINANCE NO. 10724  
AN ORDINANCE RE-  
LATING TO CRIMES  
AND CRIMINAL PENAL-  
TIES PROVIDING PENAL-  
TIES FOR VIOLA-  
TIONS OF STOP WORK  
ORDERS, ADDING A  
SECTION, 10.24.090 TO  
THE BELLINGHAM MU-  
NICIPAL CODE,  
AMENDING SECTION  
10.24.090 AND DECLAR-  
ING AN EMERGENCY.  
FOR FULL CONTEXT  
OF THE ORDINANCE,  
CALL THE FINANCE  
DEPT. 576-6900.

(L5942)

that for more than six months prior to the date of the first publica-  
tion of said Notice, at all times since, and now, the said "The Bell-  
ingham Herald" has been established, published and circulated in  
the English language continuously and continually as a daily  
newspaper in the city of Bellingham, Whatcom County, Washing-  
ton, the same being at all times printed either in whole or in part in  
an office maintained at said place of publication; that such news-  
paper has been approved as a legal newspaper by order of the  
Superior Court of Whatcom County, Washington; that the full  
amount of the fee charged for such publication is \$ 14.91

Gail Kihn

Subscribed and sworn to before me this  
15th day of April, 19 96



Dalene C. Wiles  
NOTARY PUBLIC in and for the State of Washington,  
residing at Bellingham

