

ORDINANCE No. 10865

AN ORDINANCE AMENDING 10.04.060 OF THE BELLINGHAM MUNICIPAL CODE ADDING A NEW SECTION FOR FAILURE TO SIGN A CITATION IN ORDER TO ACKNOWLEDGE RECEIPT OF THE CITATION AND ADDING A NEW SECTION AUTHORIZING PERSONS TO BE HELD IN CONTEMPT OF COURT FOR FAILURE TO PAY FINES AND/OR FAILURE TO PERFORM COMMUNITY SERVICE.

WHEREAS, there is no current provision in the Bellingham Municipal Code which penalizes failing to sign a civil infraction notice or for refusing to pay fines and/or perform community service; and

WHEREAS, the City has recently adopted civil infractions and there is a threat that enforcement efforts would be undermined if offenders refused to acknowledge receipt of their infraction notices; and

WHEREAS, the City needs to have a mechanism to insure obedience to Municipal Court orders so that the Court may properly administer the criminal laws and civil infractions of the City of Bellingham.

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Amending Bellingham Municipal Code Section 10.04.060 to add new subsections as follows:

A. Any person arrested for violation of this title, or Title 11, who is eligible for release on personal recognizance shall give his or her written promise to appear in Municipal Court at an agreed time in order to secure release pending said appearance.

B. Any person who fails to sign a notice of civil infraction is guilty of a misdemeanor.

C. Any person willfully violating his or her this written and signed promise to appear in court, or his or her written and signed promise to respond to a notice of civil or traffic infraction, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he or she was originally arrested or the disposition of the notice of civil or traffic infraction. A written promise to appear in court or a written promise to respond to a notice of infraction may be complied with by an appearance by counsel.

D. Any person who willfully fails to pay a monetary penalty or to perform community service as required by the Municipal Court under this title or Title 11 may be found in contempt of court as provided in RCW chapter 7.21.

E. Any person who willfully fails to respond as provided in Chapter 11.33 to five or more notices of parking infraction issued pursuant to Bellingham Municipal Code Chapter 11.33 or 11.36 shall be guilty of a misdemeanor regardless of the disposition of the notices of infraction.

B. F. Violating a written promise to appear or failure to respond to a criminal citation or summons, as directed by the citation or summons, shall be punishable by a fine not to exceed five hundred dollars, or imprisonment not to exceed ninety days, or by both such fine and imprisonment. The penalty for failure to respond to a civil or traffic infraction shall be a fine of twenty-five dollars. The penalty for failure to respond to five or more parking infractions shall be a fine of twenty-five dollars per infraction.

PASSED by Council this 28 day of July, 1997.



Council President

APPROVED by me this 13 day of Aug., 1997.




Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

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