

ORDINANCE NO. 2001-11-079

AN ORDINANCE AMENDING SEVERAL SECTIONS OF THE BELLINGHAM MUNICIPAL CODE TO CHANGE REFERENCES FROM "CLASS C MISDEMEANORS" TO "MISDEMEANORS" AND TO CHANGE REFERENCES FROM "CLASS A MISDEMEANORS" TO "GROSS MISDEMEANORS".

WHEREAS, the City has previously enacted ordinances with penalties designated as "Class A misdemeanors" and "Class C misdemeanors"; and

WHEREAS, the City and the State of Washington now refer to these penalties as "gross misdemeanors" and "misdemeanors", respectively; and

WHEREAS, the City desires to use the current terminology and practice in describing penalties for criminal offenses under the Bellingham Criminal Code and to avoid confusion that may be caused by the use of outdated terminology,

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Section 2.57.070 of the Bellingham Municipal Code shall be amended as follows:

2.57.070 - Violation - Penalty

It is unlawful for any person to fail or refuse to obey any provision of this chapter or any rule, regulation, ordinance, or order lawfully established or enacted pursuant to this chapter. Any such violation shall be considered a class-A gross misdemeanor.

Section 2. Section 10.12.110 of the Bellingham Municipal Code shall be amended as follows:

10.12.110 - Interfering With Street Signs

A. It is unlawful for any person to remove, deface, injury, destroy, or obscure any street sign, barricade, or warning erected by the City, by the City's delegate, or pursuant to any previous of this code, on or adjacent to any street or sidewalk.

B. Removing or damaging street signs shall be considered a ~~Class-C~~ misdemeanor.

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

Section 3. Section 10.12.120 of the Bellingham Municipal Code shall be amended as follows:

10.12.120 - Laying Poison For Animals

- A. It is unlawful for any person to lay out or expose any kind of poison, or to leave exposed any poisoned food or drink, for any animal; or any substance or fluid whatever whereon or wherein there is or shall be deposited or mingled any kind of poison or deadly substance or fluid whatsoever, on the premises of another, or in any enclosed place, or to aid or abet any person in so doing.
- B. Poisoning animals shall be considered a ~~Class-C~~ misdemeanor unless an animal is actually affected by the subject poison in which case the offense shall be considered a ~~Class-A~~ gross misdemeanor.

Section 4. Section 10.12.130 of the Bellingham Municipal Code shall be amended as follows:

10.12.130 - Throwing Articles

- A. It is unlawful for any person to throw anything at, against, or upon any house, building, structure, vehicle, car, or premises of another to the annoyance of any person.
- B. Throwing articles shall be considered a ~~Class-C~~ misdemeanor.

Section 5. Section 10.28.050 of the Bellingham Municipal Code shall be amended as follows:

10.28.050 - Violation - Penalty

- A. It is unlawful for any owner, occupant, or agent of the owner or occupant to permit, maintain, suffer, carry on, or allow upon any premises or waterway a public nuisance as declared by this chapter.
- B. It is unlawful for any person to create, maintain, carry on, or do any of the acts or things declared by this chapter to be a public nuisance.
- C. It is unlawful for any person to willfully omit or refuse to perform any legal duty relating to the removal of such nuisance as provided in this chapter.
- D. Any person convicted of violating any provision of this chapter shall be guilty of a ~~class-C~~ misdemeanor. Any person convicted of violating the provisions of this chapter may, in the sound discretion of the court in which he was convicted, be directed by the court to abate or remove any public nuisance prior to the date of the execution of the sentence or any part thereof.
- E. The abatement of any nuisance by the city or by any person or persons shall not preclude the charging of a violation of any provision of this chapter on account of which such nuisance was abated.

Section 6. Section 10.56.060 of the Bellingham Municipal Code shall be amended as follows:

10.56.060 - Violation - Penalty

Any person violating any provisions of this chapter including any conditions placed upon any permits issued under this chapter shall be guilty of a ~~Class-C~~ misdemeanor.

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

Section 7. Section 15.20.160 of the Bellingham Municipal Code shall be amended as follows:

15.20.160 - Violation--Penalty.

A violation of Section 15.20.120E, or any attempt to reconnect service terminated by the city or to connect to the city's service without city approval, shall be punished as a ~~Class A~~ gross misdemeanor with a maximum penalty of five hundred dollars fine and/or one hundred eighty days in jail. All other violations of this chapter shall be punished as ~~Class C~~ misdemeanors carrying a maximum penalty of a \$500 fine, except that a failure to pay charges assessed shall not be considered a criminal violation for purposes of this chapter; provided further, however, continued use of the services after being ordered to terminate service by the city shall be a violation punishable as a ~~Class A~~ gross misdemeanor.

PASSED by Council this 5 Day of NOVEMBER, 2001.


Council President


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

APPROVED by me this 19th day of November, 2001.



Mayor

ATTEST:



Finance Director

APPROVED AS TO FORM:



Office of the City Attorney

Published: 11-9-2001

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