

ORDINANCE NO. 2006-09-088

AN ORDINANCE OF THE CITY OF BELLINGHAM, WASHINGTON AMENDING BELLINGHAM MUNICIPAL CODE SECTION 10.04.090 REGARDING SIGNING CIVIL INFRACTIONS.

WHEREAS, the Washington State Legislature passed and the Governor signed Substitute House Bill ("SHB") 1650 during the 2006 legislative session; and

WHEREAS, SHB 1650, in pertinent part, removes the requirement that a person cited for a traffic or other civil infraction or citation sign the notice of infraction or citation and decriminalizes the refusal to sign such notices; and

WHEREAS, Bellingham Municipal Code ("BMC") 10.04.090 currently makes failing to sign a notice of civil infraction a misdemeanor; and,

WHEREAS, BMC 10.04.090 needs to be revised to comply with the newly enacted state law;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: Bellingham Municipal Code Section 10.04.090 is hereby amended as follows:

10.04.090 - Promise Of Court Appearance, Non-Appearance Penalty, Fail To Pay

A. Except for traffic or other civil infractions or citations, 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 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.

C. 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.

D. 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 as a misdemeanor. The penalty for failure to respond to five or more parking infractions shall be a fine of \$25 per infraction.

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

Ordinance Amending
BMC Section 10.04.090 (1)

PASSED by the Council this 11th day of September, 2006.



Council President

APPROVED by me this 15th day of September, 2006.



Mayor

Attest:



Finance Director

Approved as to form:



Office of the City Attorney

Published: September 15, 2006

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Ordinance Amending
BMC Section 10.04.090 (2)

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