

CITY OF GIG HARBOR

ORDINANCE NO. 535

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER 3.30 TO THE GIG HARBOR MUNICIPAL CODE TO AUTHORIZE THE DEPOSIT OF PROCEEDS FROM DRUG SEIZURES AND FORFEITURES INTO A SEPARATE FUND TO BE USED FOR DRUG ENFORCEMENT PURPOSES; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council recognizes that pursuant to the provisions of state and federal laws, the Gig Harbor Police Department seizes and forfeits assets and monies each year which are used in drug transactions, and

WHEREAS, the Gig Harbor City Council recognizes that when assets are seized and forfeited pursuant to RCW 69.50.505, the statute provides that after a deduction for expenses, 75% of the money forfeited and the proceeds from the sales of assets forfeited shall be deposited in the City's general fund and the remaining 25% shall be remitted to the state treasurer, and

WHEREAS, the Gig Harbor City Council recognize that RCW 69.50.505 also provides that all of the money and proceeds forfeited may be deposited in the City's general fund if the total amount of money and proceeds does not exceed \$5,000.00 and such funds are used exclusively for drug enforcement, and

WHEREAS, the City of Gig Harbor desires to use the proceeds from drug seizures and forfeitures for drug enforcement purposes and that such uses will cause an unnecessary amount of adjustments and transfers among City funds if the proceeds are deposited in the general fund, and

WHEREAS, the Gig Harbor City Council recognizes that it is difficult to budget such transfers from the general fund because it is not feasible to predict or estimate the quantity of assets and amounts of monies which will be seized and forfeited each year as a result of police narcotics investigations, and

WHEREAS, the Gig Harbor City Council believes that the creation of a separate fund for the proceeds of drug seizures and forfeitures would alleviate the unnecessary transfers created by depositing such monies directly into the general fund, and

WHEREAS, the Gig Harbor City Council also finds that the creation of a separate fund for law enforcement use is advisable under the U.S. Attorney General's Guidelines on Seized and Forfeited Property, dated May 24, 1985, to receive property forfeited by the federal government under the Comprehensive Crime Control Act of 1984 when the Gig Harbor Police Department has directly participated in the acts which led to the seizure or forfeiture,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, DO ORDAIN as follows:

Section 1. There is hereby added to the Gig Harbor City Code, a new chapter 3.30 entitled "Drug Enforcement Fund" to read as follows:

3.30.010 Fund Created. There is hereby created and established a special fund to be know as the "Drug Enforcement Fund" into which all monies and proceeds from the sale of property seized during drug investigations and forfeited pursuant to RCW 69.50.505 and all other applicable state and federal laws shall be deposited after amounts are deducted in accordance with state and federal laws.

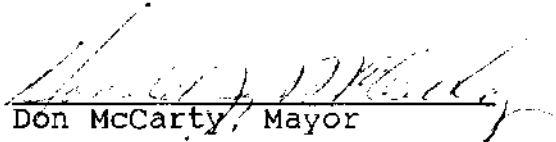
3.30.020 Purposes--Expenditures. This fund has been established for the purpose of accumulating funds for expansion or improvement of law enforcement services including drug enforcement needs, drug awareness educational purposes and the purchase, lease and maintenance of equipment and other items necessary for drug enforcement by the Gig Harbor Police Department. The monies deposited in the Drug Enforcement Fund shall be expended only for such purposes and for no other purpose when appropriated by the City Council and shall not supplant pre-existing funding sources.

3.30.030 Unexpended Funds. Any unexpended funds remaining in the Drug Enforcement Fund at the end of any budget year shall not be transferred to the general fund or otherwise lapse, rather such unexpended funds shall be carried forward from year to year until expended for the purposes set forth in Section 3.30.020.


Section 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect five (5) days after passage and publication of the attached summary which is hereby approved.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of June, 1988.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 6/9/88  
Passed by city council: 6/27/88  
Date published: 7/6/88  
Date effective: 7/11/88

SUMMARY OF ORDINANCE NO. 535

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On June 27, 1988, the City Council of the City of Gig Harbor passed Ordinance No. 535, which provides as follows:


Section 1. Creates a Drug Enforcement Fund for the deposit of all monies and proceeds from the sale of assets seized and forfeited under state and federal laws and specifies that the monies in this fund shall be used for drug enforcement purposes.

Section 2. Contains a severability clause.

Section 3. Sets an effective date of 5 days from the date of publication of this approved summary.

The full text of this ordinance will be mailed without charge to anyone who submits a written request to the City Clerk of the City of Gig Harbor for a copy of the text.

APPROVED by the City Council at their meeting of June 27, 1988.

  
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Michael R. Wilson  
City Administrator/Clerk