

CITY OF GIG HARBOR

ORDINANCE NO. 562

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PRESCRIBING ADDITIONAL PENALTIES FOR CONTROLLED SUBSTANCES VIOLATIONS AS REQUIRED BY STATE LAW, CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council recognizes that the Washington State Legislature has preempted the area of penalties imposed for misdemeanor violations involving controlled substances, and

WHEREAS, revisions to the controlled substance penalty provisions are necessary to make the city provisions consistent with state laws,

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

Section 1. Section 9.01.060 of the Gig Harbor Municipal Code is hereby amended to add a new subsection to read as follows:

- C. In addition to the penalty provisions set forth in this section, a person who is convicted of a misdemeanor violation of any provision of RCW 69.50 adopted by reference shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred-fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community service. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the

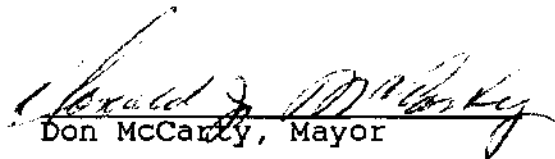
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suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

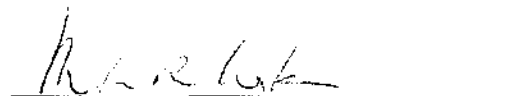
Section 2. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of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

Section 3. This ordinance shall take effect and be in full force five (5) days after publication as required by law.

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 14th day of August, 1989.

  
Don McCarty, Mayor

ATTEST:

  
Michael R. Wilson  
City Administrator/Clerk

Filed with city clerk: 7/21/89  
Passed by city council: 8/14/89  
Date published: 9/27/89  
Date effective: 10/2/89