

ORDINANCE NO. 1494

ORIGINAL

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

WHEREAS, the Redmond 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 REDMOND, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. Section 9.01.050 of the Redmond Municipal
Code is hereby amended to add a new subsection (C) to read as
follows:

- C. A person 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 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, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum and shall take effect five (5) days after passage and publication of the attached approved summary.

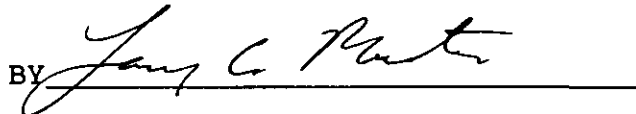
APPROVED:


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK:	6-1-89
PASSED BY THE CITY COUNCIL:	6-6-89
PUBLISHED:	6-11-89
EFFECTIVE DATE:	6-16-89
ORDINANCE NO. <u>1494</u>	