

**ORDINANCE NO. 1999-09-057**

**AN ORDINANCE AMENDING TITLE 10 CRIMINAL CODE , OF THE BELLINGHAM MUNICIPAL CODE, CHAPTER 10.08 CONTROLLED SUBSTANCES, AMENDING SECTION 10.08.070 (2) AND TITLE 8 PARKS, CEMETERIES, AND PUBLIC PLACES, CHAPTER 8.04 GENERAL REGULATIONS, AMENDING SECTION 8.04.150 B ALCOHOLIC BEVERAGES TO PROVIDE THAT VIOLATION OF THESE SECTIONS IS A CIVIL INFRACTION.**

**WHEREAS**, the current code section pertaining to opening, possessing, or consuming liquor in public provides that every violator shall be guilty of a misdemeanor and punished by a fine of not more than \$100.

**WHEREAS**, the Washington state legislature has amended statute RCW 66.44.100 to provide that opening or drinking liquor in a public place shall be an infraction punishable by a fine, the Bellingham municipal ordinances need to conform to state law.

**WHEREAS**, the state has amended RCW 66.44.100 in order to more effectively administer violations of this law. Under the previous statute, a violation could only be penalized by fine even though it was a misdemeanor offense. Since jail time could not be imposed, bench warrants could not be issued for failure to appear in court. Thus the court had difficulty enforcing the law with this statute.

**NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:**

1. Section 10.80.070 (2) is hereby amended as follows:

10.08.070 (2) Opening, Possessing, Or Consuming Liquor in a Public Place

(2) Every person who violates any provision of this section shall be guilty of a civil infraction.

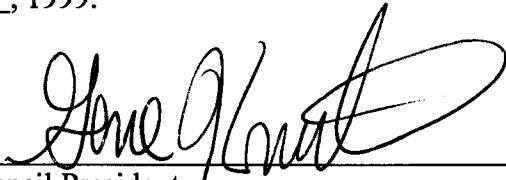
2. Section 8.04.150 B is hereby amended as follows:

8.04.150 B Alcoholic Beverages

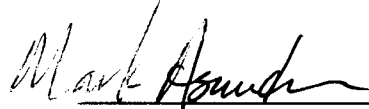
B. A violation of this section is a civil infraction.

**City of Bellingham**  
CITY ATTORNEY  
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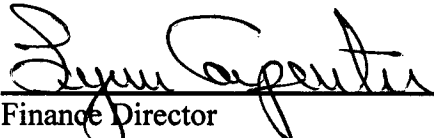
PASSED by Council this 20th day of September, 1999.

  
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Council President

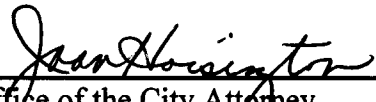
APPROVED by me this 4th day of October, 1999

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Finance Director

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Office of the City Attorney

Published:

N/A  
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