

ORDINANCE NO. 1362

**AN ORDINANCE OF THE CITY OF LYNDEN,
WASHINGTON, IMPOSING A PENALTY ASSESSMENT
ON CRIMES INVOLVING ILLEGAL DRUGS AND ALCOHOL**

WHEREAS, the City of Lynden maintains a municipal court pursuant to Chapter 3.50 RCW;

WHEREAS, all courts organized under Title 3 RCW may impose a penalty assessment up to, but not exceeding, one hundred dollars (\$100.00) on any person convicted of a crime involving alcohol or drugs pursuant to Section 9.95.210 RCW;

WHEREAS; the City wishes to impose an illegal drug and alcohol assessment, pursuant to Section 9.95.210 RCW; and

WHEREAS; the revenue gained from the drug and alcohol assessment shall be used solely for those purposes authorized by 9.95.210 RCW including but not limited to illegal drugs and alcohol enforcement, investigation, drug related training, the purchase of evidence, and the purchase of equipment related to controlled substance statutes and City Ordinances.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF LYNDEN, as follows:

Section A. A new Section, 9.08.010 DRUG AND ALCOHOL ASSESSMENT, of the Lynden Municipal Code is hereby enacted and codified in the Lynden Municipal Code as follows:

CHAPTER 9.08 – CONTROLLED SUBSTANCES

9.08.010 Drug and Alcohol Assessment.

- A. Any person convicted of a crime involving illegal drugs and/or alcohol may be assessed a penalty of up to, but not exceeding, one hundred dollars (\$100.00) (“Drug and Alcohol Assessment”). This assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided for by law.**
- B. A “crime involving illegal drugs and/or alcohol,” as used in this subsection, means any crime as defined by Chapter 5.04 and 9.08 of the Lynden Municipal Code, Chapters 46.61 RCW, 6.44 RCW, and 69.50 RCW, as presently constituted or hereinafter amended, and the violation of any equivalent ordinances not stated above, whether presently or hereinafter enacted by the City of Lynden.**
- C. “Convicted,” as used in this subsection shall include a plea of guilty, a finding of guilty regardless of whether the imposition of the sentence is deferred or any part of the penalty is suspended, or the levying of a fine. Nothing herein prevents the City from assessing the Drug and Alcohol Assessment upon the stipulation of the accused as part of a plea or other agreement when a person has been charged with a crime involving drugs and/or alcohol.**

Section B. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences,

clauses or phrases has been declared invalid or unconstitutional, and if for any reason, this ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section C. Any ordinance or parts of ordinances in conflict herewith are hereby repealed.

Section D. This ordinance shall be in full force and effect five (5) days after its passage, approval and publication as provided by law.

**PASSED BY THE LYNDEN CITY COUNCIL BY AN AFFIRMATIVE VOTE,
7 IN FAVOR AND 0 AGAINST, AND SIGNED BY THE MAYOR THIS
9 DAY OF September, 2009.**


MAYOR JACK LOUWS

ATTEST:


CITY CLERK BILL VERWOLF

APPROVED AS TO FORM:


CITY ATTORNEY ROBERT CARMICHAEL