

ORDINANCE NO. 1402

AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON related to monetary penalties for civil infractions, and amending DMMC 1.24.190.

WHEREAS, the City Council passed Ordinance No. 1009 on February 11, 1993, establishing rules and procedures for civil infractions, and setting court-imposed penalties for civil infractions committed in the City of Des Moines, and

WHEREAS, on April 5, 2007, the Washington State Supreme Court increased penalties for civil infractions by five dollars (\$5.00), Laws of 2007, effective April 30, 2007, and

WHEREAS, the Washington State Supreme Court further increased court-imposed assessment and penalty amounts for civil infractions by five dollars (\$5.00), effective April 30, 2007, and

WHEREAS, following April 30, 2007, civil infraction penalties currently imposed by the Des Moines Municipal Court may result in a revenue loss for the City of Des Moines without an increase of five dollars (\$5.00) per violation, and

WHEREAS, the Des Moines City Council finds it in the best interest of the City to amend the civil infraction monetary penalty amounts as ordered by the Washington State Supreme Court; now therefore,

THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:

Sec. 1. DMMC 1.24.190 and section 19 of Ordinance No. 1009 as amended by section 1 of Ordinance No. 1325 are each amended to read as follows:

**Monetary penalties - Amounts.** A person found to have committed a civil infraction is assessed a monetary penalty:

(1) The maximum penalty and the default amount for a class 1 civil infraction is \$517.00, not including statutory assessments;

(2) The maximum penalty and the default amount for a class 2 civil infraction is \$267.00, not including statutory assessments;

(3) The maximum penalty and the default amount for a class 3 civil infraction is \$142.00, not including statutory assessments;

(4) The maximum penalty and the default amount for a class 4 civil infraction is \$92.00, not including statutory assessments;

(5) The maximum penalty and the default amount for a class 5 civil infraction is \$67.00, not including statutory assessments; and

(6) The maximum penalty and the default amount for a class 6 civil infraction is \$42.00, not including statutory assessments.

**Sec. 2. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

**Sec. 3. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

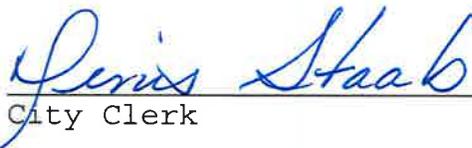
**PASSED BY** the City Council of the City of Des Moines this 24th day of May, 2007 and signed in authentication thereof this 24th day of May, 2007.

  
M A Y O R

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

ATTEST:

  
\_\_\_\_\_  
City Clerk

Published: June 13, 2007

Effective Date: June 23, 2007

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1402, Adopted May 24, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to monetary penalties for civil infractions, and amends DMMC 1.24.190.

The full text of the ordinance will be mailed without cost upon request.

Denis Staab  
City Clerk

Published: June 13, 2007