

ORDINANCE NO. 1378

**AN ORDINANCE OF THE CITY OF LYNDEN,
WASHINGTON, CREATING A DRUG BUY IMPREST FUND
FOR CRIMES INVOLVING ILLEGAL DRUGS AND/OR ALCOHOL**

WHEREAS; The City wishes to thoroughly investigate crimes relating to the unlawful possession, sale, and or distribution of illegal substances and/or alcohol.

WHEREAS; The City is currently restricted in its ability to investigate these crimes with no financial mechanism in place to facilitate the covert investigation of crimes relating to the unlawful possession, sale, and or distribution of illegal substances and/or alcohol.

WHEREAS; The City must currently request manpower and financial assistance from an outside law enforcement agency in order to conduct these investigations within the City of Lynden.

WHEREAS; In order that the Drug Buy Imprest Fund may be self sustaining, the City has recently enacted City Ordinance #1362 imposing a penalty assessment up to, but not exceeding, one hundred dollars (\$100.00) on any person convicted of a crime involving illegal drugs and/or alcohol pursuant to violations of the RCW and LMC.

WHEREAS; The Drug Buy Imprest Fund shall be used solely for investigation of, training, manpower, and purchase of equipment and evidence for crimes including, but not limited to, violations as defined by Chapter 5.04 and 9.08 of the Lynden Municipal Code, Chapters 46.61 RCW, 66.44 RCW, and 69.50 RCW, as presently constituted or hereinafter amended, and the violation of any equivalent statutes or ordinances not stated above, whether presently or hereinafter enacted by the State of Washington or City of Lynden.

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

Section A. New Sections, 3.07.050 to 3.07.080, DRUG BUY IMPREST FUND of the Lynden Municipal Code are hereby enacted and codified in the Lynden Municipal Code as follows:

CHAPTER 3.07 ~ REVENUE AND FINANCE

3.07.050 Drug Buy Imprest Fund—Created.

There is created and established a “Drug Buy Imprest Fund” in an amount not to exceed \$40,000.

3.07.060 Drug Buy Imprest Fund—Source of revenues.

The Drug Buy Imprest Fund shall include deposits from the following sources including but not limited to:

- A. Such general fund appropriations as the city council may from time to time appropriate;
- B. All fines, forfeitures, assessments, and penalties ordered paid by a court into the fund; as authorized by Lynden City Ordinance 1362;
- C. Money obtained as a result of seized assets, whether cash, negotiable instruments, or other forms of securities seized as evidence;
- D. All conveyances, including aircraft, water craft, vessels or vehicles, and real property, or any other form of asset seized, as a result of its use in the manufacture, possession or distribution of illegal drugs, as outlined in RCW Chapters 10.105 and 69.50.

3.07.070 Drug Buy Imprest Fund—Allowable Expenditures.

The Chief of Police will act as the custodian of the Drug Buy Imprest Fund. The Chief of Police or his designee may authorize disbursements and expenditures from the Drug Buy Imprest Fund for purposes relating to enforcement, training, manpower reimbursed through normal city payroll process, equipment, purchase of evidence, and investigation of controlled substances and/or alcohol violations of the RCW and City Ordinances. The Chief of Police, or his designee, shall keep records with respect to all such disbursements and expenditures according to current City policy.

3.07.080 Drug Buy Imprest Fund—Recordkeeping.

Section A. Security and the required recordkeeping shall be the responsibility of the Chief of Police or his designee and will be accomplished according to city standards.

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 7th DAY OF June, 2010.


MAYOR SCOTT KORTHUIS

ATTEST:


CITY CLERK BILL VERWOLF

APPROVED AS TO FORM:


CITY ATTORNEY ROBERT CARMICHAEL