

ORDINANCE NO. 2016-16

**AN ORDINANCE OF THE TOWN OF EATONVILLE,
WASHINGTON, AMENDING CHAPTER 1.12 OF THE EATONVILLE
MUNICIPAL CODE CLARIFYING THE GENERAL PENALTY**

WHEREAS, the Eatonville Municipal Code contains chapters dealing with General Nuisance, Junk Vehicles, Public Noise Nuisances, and a General Penalty (these Chapters are collectively referred to herein as the “Nuisance Code”), which prohibits certain conduct within the Town and provides penalties for violations; and

WHEREAS, law enforcement and Town officers charged with enforcing the Nuisance Code have found the Nuisance Code difficult to interpret and therefore difficult to enforce; and

WHEREAS, the Eatonville Town Council, in an effort to clarify the Nuisance Code in order to better inform the public and ease enforcement efforts, finds that the public health, safety, and welfare will be served by amending the various chapters of the Eatonville Municipal Code which form the Nuisance Code; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE
AS FOLLOWS:**

Section 1. Eatonville Municipal Code Chapter 1.12 is AMENDED to read as follows:

Chapter 1.12

GENERAL PENALTY*

Sections:

1.12.010 Designated.

1.12.020 Civil infractions.

1.12.030 Civil infractions – Monetary penalties – Restitution.

*For statutory provisions authorizing towns to impose fines up to \$5,000.00 or imprisonment up to one year, or both such fine and imprisonment, see RCW 35.27.370(14).

1.12.010 Designated.

A. Unless otherwise specifically provided, any person violating any provisions or failing to comply with any of the mandatory requirements of

the ordinances of the town is guilty of a misdemeanor, punishable in accordance with EMC 9.02.005.

B. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of the ordinances of the town is committed, continued or permitted by any such person, and he shall be punished accordingly.

1.12.020 Civil infractions.

A. Any act or omission constituting a violation of any regulation, ordinance, or code provision designated in this code, or the noncodified ordinances of the town, as a civil infraction, shall be issued and processed in accordance with Chapter 7.80 RCW, as currently enacted or as hereinafter amended, which is incorporated herein by reference.

B. Enforcement officers, pursuant to RCW 7.80.040, as currently enacted or as hereinafter amended, shall include law enforcement officers, the town prosecutor, or the prosecutor for any municipality or political subdivision providing prosecution services pursuant to interlocal agreement, the municipal court, or the municipal court operated by the municipality or political subdivision providing municipal court services pursuant to interlocal agreement, and any other individual specifically authorized by the mayor.

C. The Town of Eatonville Municipal Court, or the municipal court operated by the municipality or political subdivision providing municipal court services pursuant to interlocal agreement, shall have jurisdiction over all civil infractions occurring within the Town of Eatonville.

D. Each day during which a violation under this chapter occurs or exists shall be deemed a separate civil infraction.

1.12.030 Civil infractions – Monetary penalties – Restitution.

A. All persons found to have committed a civil infraction shall be assessed a monetary penalty and restitution as follows, unless otherwise provided by law:

1. The maximum penalty and the default amount for a civil infraction designated as a class 1 civil infraction shall be \$250.00, not including statutory assessments;

2. The maximum penalty and the default amount for a civil infraction designated as a class 2 civil infraction shall be \$125.00, not including statutory assessments;

3. The maximum penalty and the default amount for a civil infraction designated as a class 3 civil infraction shall be \$50.00, not including statutory assessments; and

4. The maximum penalty and the default amount for a civil infraction designated as a class 4 civil infraction shall be \$25.00, not including statutory assessments.

B. All civil infractions which are not classified in this code as class 1, class 2, class 3 or class 4 civil infractions are hereby designated as class 1 civil infractions.

C. The court may also order a person found to have committed a civil infraction to make restitution.

D. Whenever a monetary penalty is assessed under this chapter it is immediately payable. If the person is unable to pay at that time the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the town prosecutor of the failure to pay.

E. Payment of a monetary penalty, restitution, or performance of required community service shall not relieve a person of the duty to correct the violation.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 08/08/2016

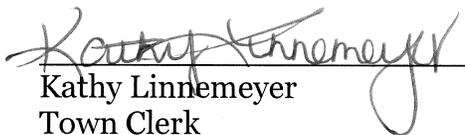
2ND READING: 08/22/2016

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 22nd day of August, 2016.



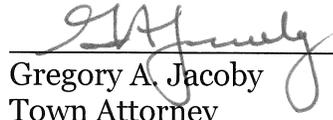
Mike Schaub
Mayor

ATTEST:



Kathy Linnemeyer
Town Clerk

APPROVED AS TO FORM:



Gregory A. Jacoby
Town Attorney