

**ORDINANCE NO. 1940**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON,  
WASHINGTON, AMENDING CERTAIN SECTIONS OF TITLE 21 OF THE DAYTON  
MUNICIPAL CODE (DMC), CODE COMPLIANCE**

**WHEREAS,** COLUMBIA COUNTY PLANNING AND BUILDING IS CONTRACTED WITH THE CITY OF DAYTON TO PROVIDE BUILDING SERVICES AND PLANNING SERVICES FOR THE CITY OF DAYTON; AND,

**WHEREAS,** USE OF THE CODE AS IT READS NOW HAS PROVEN TO BE CAUSE FOR PROBLEM AND OFFERS LACK OF ENFORCEMENT OPTIONS IN REGARDS TO CODE COMPLIANCE; AND,

**WHEREAS,** DISCUSSION BETWEEN CITY COUNCIL AND THE PLANNER DURING OPEN CITY COUNCIL MEETINGS DETERMINED THE NEED TO REVIEW AND AMEND THE CODE TO ALLOW FOR BETTER ADMINISTRATIVE USE; AND,

**WHEREAS,** THE PROPOSED AMENDMENTS DO NOT CHANGE ANY ADOPTED COMPREHENSIVE PLANS POLICIES OR LAND USE DESIGNATIONS; AND,

**WHEREAS,** THE ADOPTION OF THIS ORDINANCE IS CATEGORICALLY EXEMP FROM SEPA REVIEW, PER WAC 197-11-800(19),

**WHEREAS,** THE DAYTON PLANNING COMMISSION DULY ADVERTISED AND HELD A PUBLIC HEARING ON OCTOBER 16<sup>TH</sup>, 2018 REGARDING THE PROPOSED CHANGES; AND,

**WHEREAS,** AFTER RECEIVING PUBLIC TESTIMONY FROM ZERO MEMBERS OF THE PUBLIC DURING THE ADVERTISED HEARING, THE PLANNING COMMISSION UNANIMOUSLY MOTIONED FOR CITY COUNCIL TO ADOPT THE FOLLOWING ORDINANCE AMENDMENTS.

**NOW, THEREFORE, THE CITY COUNCIL OF CITY OF DAYTON,  
WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1**

Section 21-35.040 of the Dayton Municipal Code is hereby amended to read as follows:

- A. Civil penalties for code violations shall be imposed for remedial purposes and shall be assessed for each violation, pursuant to applicable code section(s) and/or the following schedule:

<b>Code Section Violation</b>	<b>First Violation</b>	<b>History of less than three similar violations</b>	<b>History of three or more similar violations</b>
6-9.020.3.a Debris. Filthy or overgrown premises.	\$100	\$150	\$250
6-9020.3.b Dangerous structures or falling fences	\$100	\$150	\$250
6-9.020.3.c Potential vermin habitat or fire hazard	\$250	\$350	\$500
6-9.020.3.d Attractive nuisance that proves detrimental to children.	\$250	\$350	\$500
6-9.020.3.e Abandoned vehicles- private property	\$150	\$250	\$350
6-9.020.3.f Abandoned vehicles- public property	\$150	\$250	\$350
6-9.020.3.g Health officer violation	\$350	\$500	\$750
6-9.020.3.h Obstructions to the public	\$150	\$250	\$350

right-of-way			
6-9.020.3.i Illegal Dumping	\$250	\$350	\$500
6-9.020.3.j Dumping in waterways	\$350	\$500	\$750
6-9.020.3.k Noise nuisance	\$100	\$150	\$250
6-9.020.3.l Unpermitted development	\$100	\$150	\$250
6-9.020.3.m Burning nuisance	\$100	\$150	\$250
6-9.020.3.n Animal manure or excreta	\$100	\$150	\$250
6-9.020.3.o Abandonment of personal property in right-of-way	\$150	\$250	\$350
6-9.020.3.p Unsecured excavations or pits	\$250	\$350	\$500
6-9.020.3.q Illegal discharge of sewage	\$500	\$1000	\$1500
6-9.020.3.r Man-caused pool of water causing breeding ground for insects	\$100	\$150	\$250
6-9.020.3.s Growing of marijuana	\$100	\$150	\$250

where readily seen or smelled from public or private property			
--	--	--	--

- B. If the violation(s) are not corrected as required by the notice and order and/or stop work order, or a voluntary compliance agreement is not entered into within the time period specified, and if no administrative appeal is filed, the penalties for the next 15 day period shall be 150 percent of the initial penalties, and the penalties for the second 15-day period shall be 200 percent of the the initial penalties. The intent of this subsection is to increase penalties beyond the maximum penalties stated as an additional means to achieve timely compliance.
- C. Civil penalties shall be paid within 30 days of service of the notice and order and/or stop work order if not appealed. Payment of the civil penalties assessed under this chapter does not relieve a person found to be responsible for a code violation of his or her duty to correct the violation and/or to pay any and all civil penalties or other cost assessments issued pursuant to this chapter.
- D. The city may suspend civil penalties if the person responsible for a code violation has entered into a voluntary compliance agreement. Penalties shall begin to accrue again pursuant to the terms of the voluntary compliance agreement if any necessary permits applied for are denied, canceled, or not pursued; if corrective action identified in the voluntary compliance agreement is not completed as specified; or if the property is allowed to return to a condition similar to that condition which gave rise to the voluntary compliance agreement.
- E. Civil penalties assessed create a joint and several personal obligation in all persons responsible for a code violation.
- F. The city shall seek to recover the costs of civil penalties as authorized in chapter 21-60 DMC.

## **SECTION 2**

**Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the other remaining parts which shall remain in full force and effect.

## **SECTION 3**

**Effective Date.** A summary thereof of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF DAYTON, WASHINGTON, AT A REGULAR MEETING THIS 14<sup>th</sup> DAY OF November, 2018.

APPROVED:

/s/

\_\_\_\_\_  
Craig George, Mayor

ATTEST:

/s/

\_\_\_\_\_  
Trina D. Cole, City Clerk

APPROVED AS TO FORM:

/s/

\_\_\_\_\_  
Quinn Plant, City Attorney

**ORDINANCE SUMMARY BY TITLE ONLY FOR PUBLICATION PURPOSES  
ORDINANCE AMENDING TITLE 21 OF THE DAYTON MUNICIPAL CODE: CODE  
COMPLIANCE**

**ORDINANCE NO. 1940**

**AN ORDINANCE OF THE CITY OF DAYTON, WASHINGTON AMENDING  
TITLE 21 OF THE DAYTON MUNICIPAL CODE.**

The full text of the Ordinance No. 1940 amending Title 21, adopted the 14th day of November, 2018, is available for examination at the Dayton Planning and Building Office, 111 S. 1<sup>st</sup> St., Dayton, WA during normal business hours, 7:00 a.m. to 4:00 p.m., Monday - Thursday.

By: /s/ Craig George, Mayor

Attest: /s/ Trina Cole, City Clerk-Treasurer

Approved as to from: /s/ Quinn Plant, City Attorney

Published: 11/22/2018

*The Dayton Chronicle*