

ORDINANCE NUMBER 1833

AN ORDINANCE AMENDING THE PENALTY PROVISIONS
FOR VIOLATIONS OF THE CITY OF DAYTON MUNICIPAL
CODE AND REPEALING CERTAIN SECTIONS OF SAID CODE
THAT ARE IN CONFLICT WITH STATE LAW, OR THAT ARE
OTHERWISE COVERED BY STATE LAW, OR THAT ARE
NO LONGER NECESSARY.

WHEREAS, the Washington State Court Administrator's Office has promulgated a bail schedule to be used uniformly throughout the State in District Court, as well as Municipal Court, and

WHEREAS, it is necessary to amend certain sections of the City of Dayton Municipal Code in order to have penalty provisions that are acceptable to the Washington State Court Administrator's Office and match those set forth in the statewide bail schedule, and

WHEREAS, certain sections of the Municipal Code deal with subject matters that are already covered by existing State law, or have otherwise been adopted State law by reference by the City of Dayton, or are no longer necessary, it is therefore advisable to amend the City of Dayton Municipal Code so as to eliminate ordinance sections that are already covered by State law, or are no longer necessary.

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

Section 1. Now, therefore, the following sections of the City of Dayton Municipal Code are hereby amended or repealed:

Title 1: Organization and Administration:

Chapter 1.8 pertaining to the City of Dayton Police Department is hereby repealed in its entirety due to the contract existing between the City of Dayton and the Columbia County Sheriff's Department for enforcement purposes.

There is hereby added to Title 1, a new chapter 1.8 entitled Violations of City of Dayton Municipal Code

Chapter 1-8.01: Adoption by Reference. The following State statute is adopted by reference as a law of the City of Dayton:

(1) Civil infractions. Chapter 7.8 of the Revised Code of Washington as it now exists, or may be hereafter amended, is by this reference, adopted as the law of the City of Dayton, and is punishable by an assessment of up to \$250.00.

(2) Misdemeanors. A violation that is designated as a misdemeanor is hereby made punishable by a fine up to \$1,000.00, and imprisonment in the County Jail for a period of up to one (1) year.

Chapter 1-9.32 is hereby repealed, and in its place, the penalty provision of the Fire Department shall state as follows: "any person violating the provisions of Section 1-9.28, shall be guilty of a misdemeanor, and punished as set forth above.

Chapter 1-20.04 is hereby repealed. There shall be added a new section 1-20.04 which shall state as follows: The service fee for a bench warrant issued by the Municipal Court Judge shall be that as currently set by the judge at the time the warrant is issued.

Title 2-15: Pertaining to Sales and Use Tax is hereby repealed in its entirety.

There is hereby adopted an amended Title 2-15 as follows:

The regulation of sales and use tax shall be as set forth in RCW 82.08 and RCW 82.12, which are hereby adopted by this reference as they now exist, or as they may be hereafter amended.

Chapter 2-26 City of Dayton Municipal Ordinance Chapter 2-26 dealing with leasehold tax is hereby repealed in its entirety.

There is hereby adopted a new Chapter 2-26 which shall state as follows: There is hereby adopted by reference RCW 82.29A as it now exists, or as it may be hereafter amended pertaining to the regulation of leasehold excise tax.

Chapter 2-27 City of Dayton Municipal Ordinance, Chapter 2-27 dealing with leasehold tax is hereby repealed in its entirety. There is hereby adopted a new Chapter 2-27 dealing with excise tax and lodging which shall state as follows: There is hereby adopted by reference RCW 67.28 as it now exists, or as it may be hereafter amended.

Title 3:

Chapter 3-2 Pertaining to Admission Tax on Swimming and Golfing is hereby repealed in its entirety.

Chapter 3-56 Pertaining to the Penalty for Violation of the Provisions Dealing with Utility Tax is hereby repealed in its entirety.

There shall be added a new Chapter 3-56 as follows: Any person violating or failing to comply with any of the provisions of this chapter, or any lawful rule or regulation adopted by the City Treasurer pursuant thereto, shall be deemed guilty of a misdemeanor.

Chapter 3-4 Pertaining to Gambling is hereby repealed in its entirety. There is hereby adopted a new Chapter 3-4 pertaining to Gambling as follows: The City of Dayton hereby adopts the RCW 9.46 by reference as it now exists, or may be hereafter amended.

Chapter 3-5 Dealing with Peddlers and Solicitors is hereby amended such that Section 3-5.28 pertaining to violations of the chapter is hereby repealed in its entirety, and a new section 3-5.28 is adopted as follows: A violation of this chapter shall be punishable as a misdemeanor.

Title 4:

Chapter 4-2 Dealing with Water Systems and Connections. The provision in Chapter 4-2 pertaining to state law reference shall be amended such that the state laws referred to shall be RCW 35.92.

Chapter 4-102 and 4-103 shall be amended as follows: There shall be a fee of \$20.00 for turning water on or off at the request of the property owner.

Chapter 4-2.128 Pertaining to Enforcement Violations and Chapter 4-2.132 Pertaining to Penalties are hereby deleted in their entirety and in place thereof, the following State statute is hereby adopted by reference, RCW 9.A.61.050 is hereby adopted in its entirety as it now exists or as it may be hereafter amended.

Chapter 4-3 Pertaining to Water Rights are hereby amended as follows: Chapter 4-3.060 Pertaining to Rebilling Charges on Delinquent Accounts is hereby amended in the second paragraph thereof to provide as follows: A service charge shall be \$15.00 for accounts with balances of \$15.01 or greater.

Chapter 4-4 Pertaining to Apartment House Rates is hereby amended as follows: Chapter 4-4.16 is hereby repealed in its entirety, and in place thereof, is hereby adopted the following: All delinquent water charges hereunder shall become a lien upon the premises so served.

Chapter 4-4.20 is hereby deleted in its entirety and in place thereof, it is hereby amended to state as follows: Any person, firm or corporation failing or neglecting to make the report to the said water collector as provided shall be punished as set forth in RCW 35.72 and RCW 9.A.61.050 which are hereby adopted by reference as they now exist, or may be hereafter amended.

Chapter 4-5 Pertaining to Sewers, Chapter 4-5.112(d) is hereby amended to state as follows: Any person who shall continue any violation beyond the time limit provided for in each section shall be guilty of a misdemeanor. Each day in which the violation shall occur shall be deemed a separate offense.

Chapter 4-6.24 is hereby repealed in its entirety. In place thereof, the City of Dayton hereby adopts by reference RCW 35.21.130 and RCW 35.21.140 as though fully set forth herein as it now exists, or as it may be hereafter amended.

Chapter 4-6A is hereby repealed in its entirety as the topic covered therein is covered by a prior ordinance.

Chapter 4-7.16 Pertaining to Park Regulations:

Chapter 4-7.16 is hereby repealed in its entirety and there is hereby created a new section for 4-7.16 providing as follows: Any person violating any of the provisions of this chapter, unless otherwise specified, shall be deemed guilty of a misdemeanor.

Title 5: Buildings

Chapter 5-1 Pertaining to Fire Limits is hereby repealed in its entirety for the reason that RCW 35.24.290 (14) upon which it was based, was repealed in 1994, and the topic is now regulated by the Clean Air Act, RCW 70.94.

Chapter 5-2 Pertaining to International Codes: Chapter 5-2.04 is hereby amended so as to update the codes referred to therein to the year 2012, as it now exists or may be hereafter amended.

Chapter 5-2.56 is hereby repealed in its entirety and shall be replaced by a new section 5-2.56 which will state that a person, firm or corporation, violating any of the above provisions shall be guilty of a civil infraction. For any violation of a continuing nature, each day's violation shall be considered a separate offense, and shall subject the offender to the additional civil infraction penalty.

Chapter 5-3.110 is hereby amended so as to refer to the most recent edition of the Uniform Building Code, Housing Chapters 14, 15 and 16 as it now exists, or may be hereafter amended.

Chapter 5-6 Rubbish Burning is hereby repealed in its entirety as it is now covered under the Washington Clean Air Act.

Chapter 5-8 Pertaining to Flood Damage Prevention, Chapter 5-8.18 pertaining to penalties shall be repealed and the new section shall state as follows: No structure or land shall be hereafter constructed, located, extended, converted, or altered without full compliance with the terms of this chapter, and other applicable regulations (including violations of conditions established in connection with conditions, any violation of which shall constitute a misdemeanor). Nothing herein contained shall prevent the City of Dayton from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter 5-9 Pertaining to Barbed Wire Fences, specifically Chapter 5-9.08 shall hereby be repealed in its entirety and shall be amended to provide as follows: Any person convicted of violating the provisions of the foregoing section shall be guilty of a civil infraction.

Chapter 5-12.830 is hereby repealed. A new Chapter 5-12.830 is hereby adopted and shall state as follows: Any violation of this chapter shall be considered a misdemeanor.

Chapter 5-12.840 is hereby amended to provide for a time limit of twenty-one (21) days within which to request an administrative decision or request an interpretation.

Title 6:

Chapter 6-3 is hereby repealed in its entirety as the topic dealt with is covered by State law, specifically RCW16.40.270.

Chapter 6-4.32 pertaining to violations regarding junk vehicles is hereby repealed, and a new Chapter 6-4.32 is hereby adopted, which shall state as follows: Any person violating any provision of this chapter shall be guilty of a civil infraction. The violator shall also reimburse the cost of the City in moving and disposing of said junk vehicle.

Chapter 6-5 pertaining to animals at large is hereby repealed in its entirety as the subject is otherwise covered under the Animal Control Ordinance, Ordinance No. 6.8.

Chapter 6-6 pertaining to animals in the street, Chapter 6-6.16 is hereby repealed in its entirety, and in place thereof there is hereby enacted an amended Ordinance 6-6.16 which shall provide as follows: Any person violating any of the provisions of this chapter, or whose drivers or herders do not exercise due care while driving the livestock through and along any city street of the City of Dayton, to prevent such livestock from trespassing on private property, shall be guilty of a civil infraction.

Chapter 6-7 pertaining to hogs is hereby repealed in its entirety.

Chapter 6-8 Animal Control: Chapter 6-8.04(8); 6-8.04(20) and 6-8.12(3) are hereby repealed in its entirety.

Chapter 6-8.24(4) is hereby amended to provide for the following license fees for dogs:

Female Dog: \$30.00
Male Dog: \$30.00
Spayed/Neutered Dog: \$20.00
Late Fee:
Female/Male Dog: \$20.00
Spayed/Neutered Dog: \$10.00

Chapter 6-8.28(4) and the civil penalties are raised to \$75.00 for first offense, \$100.00 for second offense, and \$125.00 for third offense, and shall be considered a misdemeanor for any further offense.

Chapter 6-8.32(1) is hereby deleted in its entirety as it is covered by a prior ordinance.

Chapter 6-8.32(2)(a) is hereby amended so as to add to the category of seeing eye dogs, the category of a “service animal”.

Chapter 6-8.36 is hereby deleted in its entirety as it is covered by a prior ordinance.

Chapter 6-52 is hereby repealed in its entirety and in place thereof, there is hereby adopted by reference, RCW 16.08.080 as it now exists, or may hereafter be amended pertaining to the regulation of dangerous dogs.

Chapter 6-8.96 is hereby deleted in its entirety as the subject of said ordinance is already regulated by State statute, and is classified as a felony.

Chapter 6-8.104(3) shall be amended so that the permit fees and effective date of this ordinance shall be:

Chapter 6-8.116 is hereby repealed in its entirety. There shall be a new section 6-8.116 which shall provide as follows: Any person violating the provisions of this chapter, either by failing to those acts required, are by doing any act prohibited herein, shall be guilty of a civil infraction. Each day of such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as such.

Chapter 6-9 pertaining to dead animals is hereby repealed in its entirety as it is otherwise covered by State law.

Title 7:

Chapter 7-1.04 is hereby amended so as to provide that the Washington Model Traffic Ordinance, WAC 308-330 is hereby adopted by reference as the traffic ordinance for the City of Dayton as said administrative rule currently exists or as may be hereafter amended, and as if it were set forth in full in this chapter.

Chapter 7-1.06 is hereby repealed in its entirety as it is part of the above-referenced WAC.

Chapter 7-80.7 is hereby repealed as it is covered by the Revised Code of Washington.

Chapter 7-10.04 is hereby repealed in its entirety as it is covered under prior ordinance.

Title 8:

Chapter 8-1.20 is hereby repealed and is replaced with the following provision: Any person or corporation who violates the terms of this chapter shall be guilty of a misdemeanor.

Chapter 8-5 obstruction of sidewalks is hereby repealed in its entirety as it conflicts with a previous sign ordinance.

Chapter 8-6 Removal of vegetation is hereby repealed in its entirety, as the subject matter is covered under the City of Dayton Nuisance Ordinance.

Chapter 8-7.16 and 8-7.20 are hereby amended so as to refer to the public works director as the authorized person to issue a permit or grant approval for blockage of the street.

Chapter 8-7.28 is hereby repealed and in its stead, it is hereby adopted the below statement: Any person, firm or corporation found guilty of violating this chapter, or any provisions thereof, shall be guilty of a misdemeanor.

Chapter 8-8 Main Street Regulations.

Chapter 8-8.04 is hereby amended so as to refer to the enforcement thereof shall be the responsibility of the public works director.

Chapter 8-8.24 is repealed in its entirety and in place thereof, there is hereby adopted a new chapter 8-8.24 which shall provide as follows: Violation of this chapter shall constitute a misdemeanor.

Chapter 8-9.24 is hereby repealed in its entirety. There is hereby adopted a new chapter 8-9.24 which shall provide as follows: Any person violating any of the provisions or failing to comply with any of the requirements of the chapter shall be guilty of a civil infraction.

Title 9:

Chapter 9-1.36 is hereby repealed in its entirety as the subject matter has been covered in Title 1 by a classification of crimes either being misdemeanors or civil infractions.

Chapter 9-26.07(a)(b) are hereby repealed in their entirety and shall be replaced by the following amendment: Violation of, or failure to comply with any provisions of this chapter shall be a misdemeanor.

Chapter 9-26.10 is hereby repealed in its entirety as it is no longer needed since the violation of this ordinance has been reclassified by prior ordinance as a misdemeanor.

Chapter 9-28.160 is hereby repealed in its entirety and shall be replaced by the following amendment set forth below: Except as otherwise provided in this chapter, any person violating any provision of this chapter or any permit issued pursuant to this chapter, is guilty of a misdemeanor. A person is guilty of a separate offense for each day or occurrence during which he or she commits, continues or permits a violation of any permit issued under this chapter.

Chapter 9-56 is hereby repealed in its entirety as the subject matter has been pre-empted by the state pursuant to RCW 9.41.290.

Chapter 9-57.32(b) pertaining to curfew for minors is hereby repealed in its entirety. Subsection (a) of 9-57.32 shall still remain in full force and effect.

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.

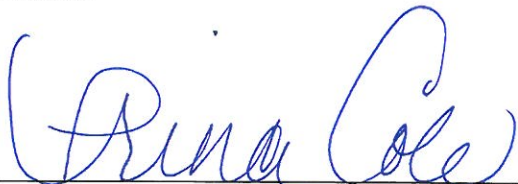
SECTION 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Passed by the City Council of the City of Dayton, Washington this 22ND day of APRIL, 2013.



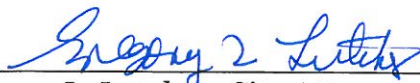
Craig George, Mayor

Attest:



Trina Cole, City Clerk-Treasurer

Approved as to form:



Gregory L. Lutch, City Attorney