

ORDINANCE NO. 1840
AN ORDINANCE REPEALING ORDINANCE NO. 1833 and 1836
IN THEIR ENTIRETY AND ADOPTING A NEW ORDINANCE
REPLACING ORDINANCE NO. 1833 AND 1836 AND MAKING
CERTAIN TECHNICAL CORRECTIONS REQUIRED BY
STATE LAW

Whereas, the courts of the State of Washington have 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 Dayton Municipal Code in order to have penalty provisions that are consistent with 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 been otherwise adopted by State law by reference by the City of Dayton, or are no longer necessary, it is therefore advisable to amend City of Dayton Municipal Code so as to eliminate ordinance sections that are already covered by State law, or are no longer necessary, and

Whereas, after further review, certain technical corrections need to be made in prior Ordinance No. 1833 and 1836, and therefore Ordinance No. 1833 and 1836 are hereby repealed in their entirety and in their place Ordinance No. 1840 is hereby adopted.

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

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Chapter 1.8 pertaining to the City of Dayton Police Department is hereby repealed in its entirety due to the contract existing between the City of Dayton and the Columbia County Sheriff's Department for enforcement purposes.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 7.80 of the Revised Code of Washington as it now exists, or may be hereafter amended, is hereby by this reference, adopted as the law of the City of Dayton, and said civil infractions are punishable by penalties as set forth below.

(a) The maximum penalty and the default amount for a class 1 civil infraction shall be \$250.00, not including statutory assessments, except for an infraction of state law involving potentially dangerous litter as specified in RCW

70.93.060(4) and an infraction of state law involving violent video or computer games under RCW 9.91.180, in which case the maximum penalty and default amount is \$500.00.

(b) The maximum penalty and default amount for a class 2 civil infraction shall be \$125.00, not including statutory assessments.

(c) The maximum penalty and default amount for a class 3 civil infraction shall be \$50.00, not including statutory assessments; and

(d) The maximum penalty and default amount for a class 4 civil infraction shall be \$25.00, not including statutory assessments.

(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 ninety (90) days.

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 subject, upon conviction, to a fine of not more than \$300.00 or imprisonment for not more than 90 days or by both such fine and imprisonment.

“any person violating the provisions of Section 1-9.28, shall be deemed to have committed 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.

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 4-2.102 shall be amended as follows: There shall be a fee of 20.00 for turning water on at the request of the property owner.

Chapter 4-2.103 shall be amended as follows: There shall be a fee of \$5.00, per month, for inactive commercial or public use facilities in those instances where the property owner has requested the service.

Chapter 4-2.116 and 4.2-132 Pertaining to Enforcement Violations and Pertaining to Penalties are hereby amended and violations shall be punished as a misdemeanor.

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 \$15.00 or more.

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 upon ninety (90) days of delinquency.

Chapter 4-4.20 is hereby repealed 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 in violation and shall be guilty of a misdemeanor.

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 Chapter 4-6.

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 deemed to have committed a class 1 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 class 1 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, RCW 70.94.

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 class 2 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 RCW 16.40.270.

Chapter 6-4.24 is hereby amended as follows: All vehicles impounded at the direction of a ~~Dayton Police Officer~~ a designated law enforcement officer(s) shall be examined and its contents inventoried for the protection of all parties concerned. These parties include the ~~Dayton Police Department~~ designated law enforcement agency, the investigating officer, the vehicle owner/driver, and the tow truck operator.

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 deemed to have committed a class 2 civil infraction. The violator shall also reimburse the cost of the City in moving and disposing of said junk vehicle.

Title 6 Chapter-5: Whereas, the Dayton City Council has found that it is still advisable to have an ordinance pertaining to animals running at large, and

Whereas, by prior ordinance 1833, the former animals at large statute was repealed, and it is therefore necessary to update and replace said ordinance; now, therefore, the City Council of the City of Dayton, Washington, do ordain as follows:

6-5.20 Recovery by Owner in 24 hours – Costs.

If, within twenty-four (24) hours after the taking up and impounding any animals under this chapter, any person shall appear and claim the same, and shall pay to the animal control officer the sum of \$25.00, he or she shall be entitled to possession of the same.

6-5.24 Disposition of unclaimed animals – Notice.

If said animals shall not be taken from the pound within twenty-four (24) hours, as provided in Section 6.5.20, the animal control officer shall forthwith post three (3) notices in the City of Dayton, one at the city pound, one at the front of the city hall, and one at the front door of the courthouse, describing such animal so taken up, and stating that unless the owner or other person having interest therein shall claim possession of the same, and pay all costs and charges of the keeping and advertising the same, together with a fee as provided in Section 6-5.44, he will apply to the District Court of Columbia County, Washington, at that office in said city at a certain day and hour to be named in said notice, for an order of sale of said animal, for the expense of taking up and keeping said animal, and the cost of the proceedings. The time set in said notice for applying to said court for an order of sale shall not be less than five (5), nor more than ten (10) days from the date of posting said notices; provided, if any animal taken up and impounded shall have any plain brand or mark that is recorded in the office of the Auditor of Columbia County, State of Washington, the animal control officer shall mail to the person in whose name the brand or mark is recorded, at the post office in Dayton, a copy of the notice provided in this section.

6-5.28 Claim by owner – Costs.

At the time set in said notice for applying to the District Court Judge for an order of sale, unless the owner or someone having an interest in said animal shall appear and pay the costs and expenses as herein provided, the animal control officer shall file with the District Court Judge a verified petition for an order of sale, in which he shall state the place where, and the time when said animal was found, and that notices had been posted as provided for in Section 6-5.24. At the same time any person claiming to be the owner or entitled to the possession of said animal, may appear and deny the allegations in said petition, and the pleadings shall be settled and the issue tried according to the laws of the State of Washington applicable to civil trials in county district court.

6-5.32 Animals not claimed – Sale.

If, at the time named in the notice provided in Code Section 6-5.24, no person appears to claim possession and pay fees, costs, and charges of taking up and keeping such animal, or shows cause why the same should not be sold to pay the same, or if, after the appearance of the owner or other person claiming an interest in said animal, the district court judge shall, upon due investigation and hearing of the party claiming to be aggrieved, deem that said animal has run at large within the city limits of the City of Dayton, contrary to the provisions of this chapter, he shall thereupon adjudge that the said animal has so run at large, and

order the animal control officer to sell the same at public auction to the highest bidder for cash at the city pound; provided that, any dogs or cats subject to this above paragraph shall be taken to the Blue Mountain Humane Society for possible adoption by other persons.

6-5.36 Sale – Notice – Procedure.

Upon an order of sale being entered by the district court judge, the animal control officer shall advertise the sale of said animal by posting three (3) notices, one at the city pound, one in front of the city hall, and one at the front of the Superior courthouse in said city, giving a description of said animal, and a statement that same will be sold to the highest bidder for cash at the city pound at the time named therein, which shall not be less than five (5) days nor more than ten (10) days from the date of posting said notices. At the time set for sale, the animal control officer shall attend and sell said animal to the highest bidder, and the title of the animal shall vest absolutely in the purchaser; provided, if there shall not be more than one bid, the animal control officer may postpone the sale in the manner provided for the postponements of sales by the laws of the State of Washington, but not more than five (5) days. The animal control officer shall make due return of said sale within ten (10) days thereafter to the district court judge, in which he shall specify the amount received at said sale, and the amount of costs, after deducting fees allowed to the animal control officer, and court fees, as herein provided, he shall pay the balance to the city treasurer, taking his receipt in duplicate showing the total amount received from said sale and the total amount of costs and expenses, and shall file the duplicate receipt with the city clerk.

6-5.40 Repossession by owner before sale – Costs.

Any person claiming to be the owner or entitled to possession of said animal, may appear at any time before the sale, and by paying to the animal control officer the accrued costs, fees and expenses as herein provided, shall be entitled to the possession of said animal.

6-5.44 Costs – Fee Schedule.

The fees, costs and expenses to be charged and collected under this chapter shall be as follows: To be paid to the City Clerk-Treasurer the sum of \$25.00 for taking up and impounding any animal covered by this chapter and the sum of \$7.00 for each day said animal is kept in the city pound; and, the sum of \$25.00 for posting notices of disposition of unclaimed animals to be paid to the City Clerk-Treasurer.

6-5.48 Recovery by owner after sale.

If, within six (6) months after the date of sale, any person shall appear before the district court judge and make satisfactory proof that he is the owner of any animal sold under this chapter, the district court judge shall issue him a certificate to the mayor stating that fact, and the time when said animal sold, the total amount realized from said sale, and the total costs, fees and expenses, and upon presentation of said certificate to the Mayor, he shall cause a warrant to be issued to said owner for the amount of said sale, less the fees, costs and expenses.

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 Chapter 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 deemed to have committed a class 2 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:

4. License fees for dogs:
 - a. Female dog - \$30.00
 - b. Male dog - \$30.00
 - c. Spayed or neutered dog - \$20.00
 - d. Dogs Classified as Dangerous (before January 31 of each year) - \$120.00
 - e. Late fee (after January 31 of each year and in addition to regular fee) - \$20.00

No dog will be licensed as spayed or neutered without proof that such surgery was performed.

New residents must license their dog(s) within thirty (30) days from date of residency or late fees will be assessed.

Chapter 6-8.28(4) is hereby amended as follows:

~~License tags—Penalties for non-licensed dogs:~~

- ~~(a) 1st offense—Infraction with maximum civil penalty of \$50.00.~~
- ~~(b) 2nd offense—Infraction with a maximum civil penalty of \$75.00.~~
- ~~(c) 3rd offense—Infraction with a maximum civil penalty of \$125.00.~~
- ~~(d) 4th offense—Misdemeanor with a maximum fine of \$150.00 and/or 30 days in jail.~~
- ~~(e) 5th offense—Misdemeanor with a maximum fine of \$175.00 and/or 60 days in jail.~~

Any person violating any of the provisions of this section shall be deemed to have committed a class 2 civil infraction.

Chapter 6-8.28(5) is hereby amended as follows:

The license shall be effective from the date of purchase through the end of January of the following year. In addition to the license fee prescribed by this section, each applicant who applies after the last day of January, the time when he/she is required to have the license, shall pay a ~~penalty of \$10.00 for late fee as prescribed in DMC 6-28.24(4)~~ for each license issued and/or for each dog. Licenses for the following year may be purchased within ~~90~~ sixty (60) days prior to expiration date. Those persons having already purchased a dog license prior to the effective date of the ordinance codified in this chapter shall not be required to purchase a new license until the expiration of said license.

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 as follows: The fee provisions of section 6-8.24 shall not apply to:

- ~~(a) — Seeing eye dogs properly trained to assist blind persons if such dogs are actually being used by blind persons to assist them in moving from place to place;~~
- ~~(b) — Hearing dogs properly trained to assist deaf persons if such dogs are actually used by deaf persons to aid them in responding to sounds;~~

- a) Trained guide dogs or service animals individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a trained guide dog or service animal must be directly related to the handler's disability.

Chapter 6-8.36 - Dogs, fowl, and livestock running at large is hereby amended as follows:

1. It shall be unlawful for the owner or person having charge, care, custody or control of a nonaggressive or non-vicious/dangerous dog, fowl or livestock to allow such animal at any time to run at large. The owner or person charged with responsibility for such an animal found running at large shall be strictly liable for a violation of this section regardless of the precautions taken to prevent the escape of the animal and regardless of whether or not he knows that the animal is running at large.

~~1. Penalties:~~

~~(a)~~

~~1st offense — Infraction with maximum penalty of \$50.00.~~

~~(b)~~

~~2nd — Infraction with a maximum penalty of \$100.00.~~

~~(c)~~

~~3rd— Infraction with a maximum penalty of \$200.00.~~

~~(d)~~

~~4th— Misdemeanor with a maximum fine of \$300.00 and/or 30 days in jail.~~

~~2.~~

~~Impound fees, board fees.~~

~~All pickups and confinements\$25.00~~

~~Board per day7.00~~

2. Any person violating provisions of this section shall be deemed to have committed a Class 2 civil infraction.

Chapter 6-8.52 is hereby repealed in its entirety and in place thereof, there is hereby adopted by reference, the following : RCW 16.08.70, RCW 16.08.080, RCW 16.08.090, RCW 16.08.100, as each now exists, or may hereafter be amended pertaining to the regulation of dangerous dogs.

Chapter 6-8.56 is hereby repealed in its entirety.

Chapter 6-8.96 is hereby deleted in its entirety as the subject of said ordinance is already regulated by State statute, Chapter 16.52 RCW, 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:

Permit fees:

- a) Kennels, catteries, groomeries, pet shops, veterinary clinics or hospitals\$150.00
- b) Riding stables\$150.00
- c) Late fee\$50.00

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 do those acts required, or by doing any act prohibited herein, shall be deemed to have committed a class 1 civil infraction. Each day of such violation is committed, or permitted to continue, shall constitute a separate offense and shall be punishable as a class 1 civil infraction.

Chapter 6-9 pertaining to dead animals is hereby repealed in its entirety as it is otherwise covered by State statute, Chapter 16.68 RCW, and is classified as a misdemeanor.

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 Chapter 308-330 WAC, Washington Model Traffic Ordinance.

Chapter 7-8.07 is hereby repealed as it is covered by the Chapter 308-330 WAC, Washington Model Traffic Ordinance.

Chapter 7-10.04 is hereby repealed in its entirety s it is covered under Chapter 6-4 (Ordinance 1494).

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 DMC 9-26.

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, DMC 9-26.

Chapter 8-7.16 and 8-7.20 are hereby amended so as to refer to the public works director or his designee 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 8-8.04 is hereby amended so as to refer to the enforcement thereof shall be the responsibility of the public works director or his designee.

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 8-9.04 is hereby repealed in its entirety. There is hereby adopted a new chapter 8-9.04 which shall provide as follows: Prior to opening any street the applicant shall apply for a street opening permit on forms approved by the public works director or his designee at least forty-eight (48) hours in advance of beginning work.

Chapter 8-9.20 is hereby amended so as to refer to the enforcement thereof shall be the responsibility of the public works director or his designee.

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 deemed to have committed a class 2 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 DMC 9-26.07 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.

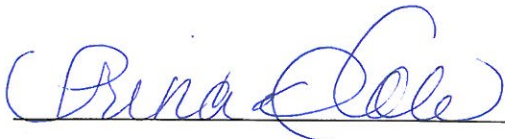
Section 3. Effective Date: This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Passed by the City Council of the City of Dayton, Washington this 28TH day of OCTOBER, 2013.



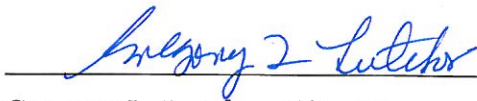
Mayor

Attest:



Trina D. Cole, City Clerk-Treasurer

Approved as to form:



Gregory L. Lutch, City Attorney