

**ORDINANCE NO. 1903**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DAYTON,  
WASHINGTON, AMENDING CODIFIED DAYTON MUNICIPAL CODE  
TITLES 10, 11, 12, 17, 19 FOR CONSISTENCY WITH TITLE 10,  
ADMINISTRATION OF DEVELOPMENT REGULATIONS AND TITLE 21,  
CODE COMPLIANCE**

**WHEREAS**, the Dayton City Council adopted Ordinance 1894 on March 14, 2016 creating a new Title 21 "Code Compliance"; and

**WHEREAS**, the Dayton City Council adopted Ordinance 1841 on November 12, 2013 creating a new Title 10 "Administration of Development Regulations"; and

**WHEREAS**, this ordinance provides a housekeeping function in amending the Dayton Municipal Code Titles 10, 11, 12, 17 and 19 for consistency with Title 10 and consistency with Title 21; and

**WHEREAS**, the City staff posted and published notice of the public hearing; and

**WHEREAS**, the hearing was held on November 14, 2016, and all persons who wished to testify were provided an opportunity to do so; and

**WHEREAS**, the City Council deliberated as to whether the proposed code amendments would comply with state and local law, the Comprehensive Plan and benefit the City and residents of Dayton at their regular open public meeting on November 14, 2016; and

**WHEREAS**, the City Council finds and determines that the amendments are in the benefit the City and residents of Dayton.

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

**Section 1. Title 10 - Administration of Development Regulations, Section 10-10.010 – "Enforcement". Section 10-10.010 is amended to read as follows:**

Enforcement of development code violations of the Dayton Municipal Code (DMC) Title 10 shall be in accordance with the provisions of DMC Title 21, Code Compliance. The planning director or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations of development codes as referenced herein and shall have the authority to initiate corrective action as provided in DMC Title 21.

**Section 2. Title 11 – Zoning, Section 11-18.030 – “Violation—Enforcement authority, notice and penalties”. Section 11-18.030 is amended to read as follows:**

It is the intent of this section to establish consistent procedures for code enforcement toward violations of this title. The planning director or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations of this title and shall follow the notice requirements and procedures of Dayton Municipal Code (DMC) Title 21, Code Compliance for violations of the Zoning Code, unless DMC 11-18.040 is applicable. Penalties for violations are set forth in DMC Title 21, Code Compliance.

**Section 3. Title 11 – Zoning, Section 11-18.040 “Revocation of permit, or variance”. Section 11-18.040 title and text is amended to read as follows:**

**“Revocation of approval, permit, or variance.”**

The planning director may revoke or suspend any approval, permit, or variance granted under this title if any of the following conditions is found to exist:

- A. Fraud in obtaining the approval, permit, or variance;
- B. Concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports;
- C. The operation is found to be in violation of the approved plans, conditions of approvals, time limits or the terms of the permit and the owner has failed to correct the violation after proper notice thereof.

The decision of the planning director is appealable as set forth in Title 10 as a Type II application.

- D. Code enforcement under DMC 11-18-030 shall apply to a violation, where there was no approval, permit, or variance issued by the city.

**Section 4. Title 12 – Signs Code, Section 12-1.12. – “Sign administration”. Section 12-1.12 is amended to read as follows:**

- 1. All signs under this code require a sign permit to erect, alter or relocate a sign, except exempt non-structural signs. All signs whether permanent, temporary, or exempt are subject to DMC 12.1.24 “General sign requirements”, as applicable. No sign shall include a component or feature which is listed as prohibited in DMC 12-1.20 “Prohibited signs”.
- 2. It shall be the duty of the planning director to interpret sign requirements for all signs under this title; and issue all non-structural sign permits.

3. It shall be the duty of the building official to issue all structural sign permits for the construction, alteration, and erection of signs in accordance with the provisions of the adopted Washington State Building Codes.
4. It shall be the duty of the hearing examiner to review any appeals of the planning director's decisions in regards to interpretation of Title 12, Signs Code.

**Section 5. Title 12 – Signs Code, Section 12-1.28. – “Enforcement and penalties.” Section 12-1.28 is amended to read as follows:**

The following section sets out treatment of non-conforming signs and the enforceable penalties for violation of this code.

1. Non-conforming signs.
  - a. A non-conforming sign, which is non-conforming due to its size, shall not be replaced with a sign that is larger than the original non-conforming sign.
  - b. If a business has more signs than is allowed by this code, new signs shall only be allowed in replacement of existing signs.
  - c. Any sign removed from more than 30 days shall lose its non-conforming status and can only be replaced if it is brought into compliance with the requirements of this code.
  - d. Portable non-conforming signs shall be removed within three months of the effective date of this code or, if located within an area being annexed to the city, within three months of the effective date of annexation, whichever is later.
2. Enforcement provisions. For any sign that violates any provision of this code, and does not qualify as a nonconforming sign or as an exempt sign in compliance with this title, the city shall utilize the following enforcement provisions:
  - a. The following signs may be summarily removed by the planning director or any designated alternate empowered by ordinance or authorized by the mayor:
    1. Signs located on public or private property that create an immediate threat to the safety of the public;
    2. Unauthorized signs that are placed on any utility pole, public property, public building or public structure, or on any traffic control device;
    3. Signs placed in the right-of-way not permitted by this title.
  - b. Signs on private property in violation of this title will be removed or will be subject to corrective action in accordance with the provisions of DMC Title 21, Code Compliance. The planning director or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations as referenced herein and shall have the authority to initiate corrective action as provided in DMC Title 21.

**Section 6. Title 17 Critical Areas, Section 17-01.020 - "Penalties for noncompliance".**  
**Section 17-01.020 is amended to read as follows:**

A. It is the intent of this section to establish consistent procedures for code enforcement toward violations of this title. The planning director or any designated alternate empowered by ordinance or authorized by the mayor, shall be responsible for the investigation of potential violations of this title and shall follow the notice requirements, procedures and penalties of Title 21, Code Compliance of the DMC for violations, , unless superseded by enforcement under Title 15, Shoreline Management.

B. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this title and other applicable regulations. Nothing contained herein shall prevent the planning director from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 7. Title 17 Critical Areas, Section "17.01.600 – "Enforcement". Section "17.01.600 is amended to read as follows:**

The methods of enforcement of critical area protection shall include inspections, monitoring, reporting requirements, bonds, permit revocation, civil penalties, and abatement. Enforcement procedures shall comply with Title 21, Code Compliance of the DMC, unless superseded by enforcement under Title 15, Shoreline Management.

**Section 8. Title 19 Land Divisions, Section "19-01.060. - Administration and enforcement".**  
**Section 19-01.060 is amended to read as follows:**

The planning director is vested with the duty of administering and enforcing subdivision and platting regulations within the municipal boundaries of Dayton, and may prepare and require the use of such forms as are essential to their administration.

Any person violating or failing to comply with any of the provisions of Title 19 shall be subject to the enforcement provisions contained in Title 21, Code Compliance.

The planning director or any designated alternate empowered by ordinance or authorized by the mayor shall be responsible for the investigation of potential violations of this title and shall follow the notice requirements, procedures and penalties of DMC Title 21, Code Compliance for violations.

**Section 9. Severability.** 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity

of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 10. Transmittal to Department.** Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce.

**Section 11. Effective Date.** This ordinance shall be published and shall take effect and be in full force five (5) days after the date of publication.

PASSED by the City Council of the City of Dayton this 14<sup>TH</sup> day of November, 2016.

City of Dayton, Washington



By: Craig George, Mayor

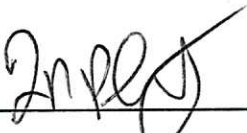
Attested:



By: Trina Cole, City Clerk-Treasurer

Approved as to form:

Menke Jackson Beyer, LLP



By: Quinn N. Plant, City Attorney