

AN ORDINANCE relating to penalties: Amending specific ordinances to replace criminal penalties with civil penalties and to add civil penalties to ordinances needing an enforcement provision.

WHEREAS, the Gig Harbor City Council finds that criminal penalties in specific ordinances are inconsistent with their respective regulations and/or are not practical to enforce; and,

WHEREAS, the City Council also finds that enforcing criminal penalties in specific ordinances is not cost-effective; and,

WHEREAS, the City Council determined that specific ordinances need an enforcement provision to make them functional; and,

WHEREAS, the City Council determined that decriminalization of specific ordinances serves the interest of the public's health, welfare, and safety; **NOW, THEREFORE**,

The City Council for the City of Gig Harbor **DO ORDAIN** as follows:

Section 1. Codified Ordinance 1.16.010 is hereby repealed and replaced with the following:

1.16.010 GENERAL PENALTIES

- (1) Misdemeanor - Whenever the performance of any act is prohibited or specifically required by any statute or ordinance and no penalty for violating such statute or ordinance is imposed, the committing of such act or omission of such required act shall be a misdemeanor.
- (2) Gross Misdemeanor - Every person convicted of a gross misdemeanor shall be punished in accordance with R.C.W. 9A.20.021(2) and as hereafter amended.
- (3) Misdemeanor - Penalty - Every person convicted of a misdemeanor shall be punished in accordance with R.C.W. 9A.20.021(3) and as hereafter amended.
- (4) Civil Infractions - Penalties - A person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the City of Gig Harbor which are civil infractions shall be subject to a monetary penalty as follows:
 - (a) \$1,000.00
 - (b) \$ 500.00
 - (c) \$ 100.00
- (5) Continuing Offenses - Each day during any portion of which a violation of any provision of an ordinance is committed or is permitted is a separate offense.

Section 2. Penalty sections in the following codified ordinances are hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$1,000.00 as provided in Gig Harbor Code 1.16.010(4)."

Amended Ordinances (Codified):

- 8.20.150/Sale and Use of Fireworks
- 5.20.150/Regulating and Licensing Taxicabs
- 5.28.130/Regulating Special Events
- 15.36.140/Movement of Buildings

Section 3. Penalty sections in the following codified ordinances are hereby amended as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$500.00 as provided in Gig Harbor Code 1.16.010(4)"

Amended Ordinances (Codified):

- 5.24.070/Licensing and Regulating Cabarets
- 15.28.080/Security Devices
- 8.08.040/Junk Yards
- 8.04.080/Plant Nuisance
- 10.08.040/Mobile Home Parking

Section 4. Penalty sections in the following codified ordinances are hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in Gig Harbor Code 1.16.010(4)."

Amended Ordinances (Codified):

- 5.12.070/Merchant Patrolmen
- 17.92.010/Zoning Penalties
- 8.24.040/Motorboats
- 10.16.050/Through Truck Traffic
- 10.20.020/One-way Streets
- 10.24.030/Motor Vehicles in Parks
- 13.16.030/Water Use - Emergency

Section 5. The following Codified Ordinances are hereby amended by adding a penalty section to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$1,000.00 as provided in Gig Harbor Code 1.16.010(4)."

Amended Ordinances (Codified):

- 16.40/Short Subdivisions

Section 6. The following Codified Ordinances are hereby amended by adding a penalty section to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in Gig Harbor Code 1.16.010(4)"

Amended Ordinances (Codified):

- 15.20/Gasoline Service Stations
- 15.24/Television and Radio
- 6.08/Regulation of Kennels

Section 7. Chapter 5.16.110(A)/Temporary Businesses is hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in Gig Harbor Code 1.16.010(4). The license shall be suspended or denied until all fees and penalties are paid."

Section 8. Chapter 6.04.050/Regulating Dogs is hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in Gig Harbor Code 1.16.010(4), together with any costs incurred by the City in confining the dog."

Section 9. Chapter 13.28/Sewer System Rules and Regulations is hereby amended by adding a new penalty section to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$500.00 as provided in Gig Harbor Code 1.16.010(4) and for any costs incurred by the City relative to any violation and as otherwise provided in this chapter."

Section 10. Chapter 16.36.020/Subdivisions Enforcement is hereby amended to read as follows:

"Whenever any person or persons, firm or firms, or one or more corporations, at various and successive times, or at any one time, shall have attempted to plat, subdivide, or divide into smaller parts, any parcel of land or property into four or more such lots, plots, tracts, or smaller parts, the area of each of which is five acres or less, for purposes of providing building sites, now, or at any time hence, held in one ownership, either by contract or purchase, by deed or by both, and after the time of the adoption of the ordinance codified in this title, and have failed to comply with the provisions of this title, such attempted subdivision shall be null and void and the subdivider shall be subject to the penalty in accord with Gig Harbor Code 1.16.010(4)(b) for each of said lots, plots, tracts or smaller parts, in the discretion of the court; and whoever, being the owner or agent of the owner, of any land located within such plat or subdivision containing more than four such lots, plots, tracts or smaller parts, transfers or sells, or agrees to sell, or option any land, before such plat or subdivision has been approved by the city, shall be subject to the penalties in accord with Gig Harbor Code 1.16.010(4)(b). The planning commission may initiate an action to enjoin such transfer, sale, agreement or option by making application for an injunction in the superior court; or the planning commission may recover said penalty for the city by a civil action in any court of competent jurisdiction, if, in the opinion of the planning commission either of said actions is justifiable."

Section 11. Chapter 16.44.090/Land Clearing is hereby amended to read as follows:

"Violation of this chapter is an infraction and subject to a penalty of \$500.00 as provided in Gig Harbor Code 1.16.010(4). If civil proceedings are commenced to stop a violation of this chapter, such proceedings may be commenced in either the

municipal court or the superior court as the City determines."

Section 12. Chapter 8.28.070(D)/Public Docks is hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in Gig Harbor Code 1.16.010(4). Said violation shall be just cause for the violating boat to be cabled to the dock to insure compliance with this chapter. Upon proper notice in accordance with subsections F and G of this section, the violating boat shall be impounded."

Section 13. Chapter 10.04.011/Traffic Code is hereby amended to read as follows:

"Inattention to Driving. It is unlawful for any person to operate a vehicle in an inattentive manner over the streets of the city of Gig Harbor. For the purpose of this section, "inattentive" means the operation of a vehicle upon the streets of the city in such a manner so as to fail to maintain a careful lookout for persons or property in the direction of travel. Any person operating a vehicle in an inattentive manner is guilty of an infraction, and is punishable in accord with Gig Harbor Code 1.16.020(4)(c)."

Section 14. Chapter 10.04.020/Building Moving is hereby amended to read as follows:

"Building Moving Permit--Required. It is an infraction for any person, firm or corporation to move any building or structure over, along or across any street or alley in the city without first having obtained a permit so to do from the chief of police."

Section 15. Chapter 10.04.060/Building Moving is hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$1,000.00 as provided in Gig Harbor Code 1.16.010(4) and for any costs incurred by the City relative to any violation."

Section 16. Chapter 10.12/Abandoned Automobiles is amended by adding a penalty section to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$100.00 as provided in Gig Harbor Code 1.16.010(4) in addition to the other costs provided in this chapter."

Section 17. Chapter 12.04.060/Streets and Sidewalks Protection is hereby amended to read as follows:

"Any person violating any of the provisions hereof shall, upon conviction, be subject to a penalty as provided in Gig Harbor Code 1.16.010(4)(c) and for any costs incurred by the City relative to any violation."

Section 18. Chapter 12.08.270/Excavation is hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$1,000.00 as provided in Gig Harbor Code 1.16.010(4) and for any costs incurred by the City relative to any violation."

Section 19. Chapter 13.02.370/Water Service Regulations is hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$500.00 as provided in Gig Harbor Code 1.16.010(4) and for any costs incurred by the City relative to any violation or as otherwise provided in this chapter."

Section 20. Chapter 13.08/Water Construction Standards is hereby amended by adding a new penalty section to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$500.00 as provided in Gig Harbor Code 1.16.010(4) and for any costs incurred by the City relative to any violation and as otherwise provided in this chapter."

Section 21. Chapter 13.12.040/Public Works Construction Standards is hereby amended to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$500.00 as provided in Gig Harbor Code 1.16.010(4) and for any costs incurred by the City relative to any violation and as otherwise provided in this chapter."

Section 22. Chapter 13.24/Building Sewer Specifications is hereby amended by adding a penalty section to read as follows:

"Violation of any portion of this chapter is an infraction and subject to a penalty of \$500.00 as provided in Gig Harbor Code 1.16.010(4) and for any costs incurred by the City relative to any violation and as otherwise provided in this chapter."

Section 23. Severability. If any provision or section of this ordinance shall be held void or unconstitutional, all other parts, provisions and sections of this ordinance not expressly so held to be void or unconstitutional shall continue in full force and effect.

Section 24. Effective Date. This ordinance is effective and in full force five (5) days following its approval, passage, and publication by law.

PASSED by the City Council and **APPROVED** by the Mayor at a regular meeting this 13th day of May, 1985.


Ruth M. Bogue, Mayor

ATTEST:


Jeffrey Salder
Administrator