

ORDINANCE 773

CITY OF LACEY

AN ORDINANCE PROVIDING FOR ENFORCEMENT AND A CIVIL PENALTY FOR VIOLATION OF VARIOUS CODES OF THE CITY AND ADOPTING A NEW CHAPTER 14.40 TO THE LACEY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LACEY, WASHINGTON, as follows:

There is hereby added to the Lacey Municipal Code a new Chapter 14.40 to read as follows:

"14.40.010 Civil Penalty. In addition to, or as an alternative to any other penalty provided by the Lacey Municipal Code or State law, any person, firm or corporation which violates the provisions of Chapter 8.04, Chapter 9.52 or Titles 14, 15, or 16 of this Code shall incur a civil penalty in the amount of \$25.00 per day from the date set pursuant to this chapter for the correction of said violation until the violation is corrected.

"14.40.020 Notice of Violation--Authority to Issue. Whenever the enforcing officer determines that a violation of any of the chapters or titles of this code set forth in Section 14.40.010 exists or is occurring, the enforcing officer is authorized to issue a notice of violation directed to the person, firm, or corporation permitting, committing, or causing such violation.

"14.40.030 Notice of Violation--Contents. The notice or violation shall contain:

"A. The name and address or the person(s) to whom the notice of violation is directed;

"B. The street address when available or a legal description sufficient for identification of the building, structure, premises or land upon or within which the violation is occurring;

"C. A concise description of the nature of the violation;

"D. A statement of the action required to be taken and a date for correction.

"E. A statement that a civil penalty in the amount of \$25.00 per day shall be assessed against the person to whom the notice of violation is directed for each and every day following the date set for correction on which the violation continues; and

"F. A statement that the enforcing officer's determination of violation may be appealed to a board of appeals or hearings examiner, whichever has jurisdiction, by filing with the city written notice of appeal within 10 days of service of the notice of violation.

"14.40.040 Notice of Violation--Service. The notice of violation shall be served upon person(s) to whom it is directed either personally in the manner provided for personal service of civil summons or by mailing a copy of the notice of violation by certified mail, postage prepaid, return receipt requested, to such person at the last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring time, date and the manner by which service was made.

"14.40.050 Appeal Procedure. Appeals from notices of violation of the provisions of Chapters 14.01 through 14.14 of the Lacey Municipal Code shall be heard by the board of appeals established in Section 14.15.030 of this code. Appeals of notices of

violation relating to the land clearing code set forth in Chapter 14.32 shall be governed by Section 14.32.080 of that code. All other appeals from notices of violation shall be to the hearings examiner in accordance with Chapter 2.40 of the Lacey Municipal Code. Notwithstanding other provisions of the Code, all appeals under this chapter must be filed within 10 days of receipt of the notice of violation. The daily civil penalty provided for in this chapter shall not accrue after the filing of a notice of appeal and prior to a decision being rendered upon that appeal.

"14.40.060 Fees. The fees to be paid upon the filing of an appeal shall be established by resolution of the city council. Provided, however, until such time as the council sets such fee by resolution, the fee shall be in the sum of \$100.00. Until all fees have been paid in full, the appeal shall not be considered to have been filed, no action shall be required to be taken by the city, and the civil penalty shall continue to accrue daily. If the appeal is successful, the appeal fee shall be refunded.

"14.40.070 Date for Correction of Violation May Be Extended. For good cause shown, the enforcing officer may extend the date for correction in the notice of violation; provided, that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.

"14.40.080 Collection of Civil Penalty. The civil penalty constitutes a personal obligation of the person(s) to whom the notice of violation is directed. The city attorney on behalf of the city is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay

nor terminate the accrual of additional per diem penalties so long as the violation continues.

"14.40.090 Compromise, Settlement and Disposition of Suits. The city is authorized to enter into negotiations with the parties or their legal representative, named in a lawsuit, for the collection of civil penalties to negotiate a settlement, or otherwise dispose of a lawsuit when to do so will be in the best interests of the city.

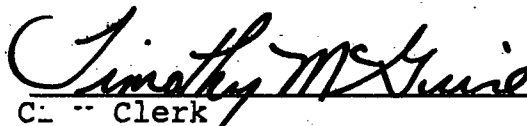
"14.40.100 Enforcing Officer--Appointment. The city manager shall appoint such enforcing officers as shall be necessary to administer and enforce this chapter and the provisions of the Lacey Municipal Code covered by this chapter."

PASSED BY THE CITY COUNCIL OF THE CITY OF LACEY,
WASHINGTON, this 27th day of March, 1986.

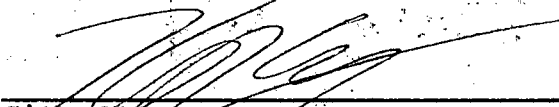
CITY COUNCIL

By 
Mayor

Attest:


City Clerk

Approved as to form:


City Attorney

Published: 4-2-86