

**Ordinance No. 688  
Exhibit E**

**Penalty and Code Enforcement Amendments  
Various Titles**

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**TITLE 1 GENERAL PROVISIONS**

**Chapter 1.15 General Penalty Provisions**

Sections:

- 1.15.010 General civil penalty.
- 1.15.020 General criminal penalty.
- 1.15.025 [Other legal remedies.](#)
- 1.15.030 Failure to respond to a civil infraction.

**1.15.010 General civil penalty.**

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Unless specific penalties other than as set forth in this section are established in an ordinance of the city for a violation of that ordinance, a violation of a city ordinance is punishable by a fine of up to \$500.00 for each day that a violation occurs. In any court or administrative hearing to determine whether a violation has occurred the city shall have the burden of proving by a preponderance of the evidence that a violation occurred.

This section does not preempt the specific penalties set forth in ordinances of the city setting forth other penalties for violations of those ordinances.

**1.15.020 General criminal penalty.**

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For all ordinances of the city which set forth that a violation of the ordinance shall constitute a misdemeanor, upon conviction an offender shall be ~~punished~~[penalized](#) by imprisonment in the county or city jail for a period up to 90 days and a fine of up to \$1,000, or by both such fine and imprisonment. In addition, a defendant may be assessed court costs, jury fees and such other fees or costs as may be authorized in statute or court rules.

In any court proceeding to enforce this section, the city shall have the burden of proving by evidence beyond a reasonable doubt that a violation occurred. In a proceeding under this section a defendant shall be accorded each and every right protected under the Constitutions of the United States of America and the State of Washington, all applicable federal, state and local laws, and applicable court rules promulgated by the Washington Supreme Court and the inferior courts under the authority of the Washington Supreme Court.

**1.15.030 Other legal remedies.**

[Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of any ordinance of the city.](#)

**1.15.030 Failure to respond to a civil infraction.**

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It shall be a misdemeanor to fail to respond to a notice of civil infraction issued by a police officer or such other officers of the city as may be authorized to issue civil infractions.

In any court proceeding to enforce this section, the city shall have the burden of proving beyond a reasonable doubt both that the violator was personally served with the notice of civil infraction and that the violator willfully failed to respond to the infraction by either appearing in court as directed or by paying the fine for the infraction.

### **Chapter 1.30 Civil (nontraffic) infractions**

#### **1.30.020 Civil infraction – monetary penalties – restitution.**

A. Any person found to have committed a civil infraction shall be assessed a monetary penalty in the sum of \$~~500.00~~~~420.00~~, not including statutory assessments, unless a greater or lesser sum is specified for a particular infraction within the University Place Municipal Code.

## **TITLE 5 BUSINESS LICENSES AND REGULATIONS**

### **Chapter 5.05 Business Licenses**

#### **5.05.140 Penalties and ~~enforcement~~ legal remedies.**

A. Criminal Penalties. Any person who operates a business in the City of University Place without a valid business license shall be guilty of a misdemeanor and, upon conviction thereof, be ~~penalized~~ ~~punished~~ as provided ~~Chapter 1.15 UPMC.~~ ~~in RCW 9A.20.021(3).~~

B. Civil Penalties ~~In addition to any criminal penalties.~~ Any person who fails to comply with the provisions of this chapter ~~shall be is, in addition to any criminal penalties,~~ subject to a maximum civil penalty ~~in accordance with Chapter 1.15 UPMC~~ of \$500.00 for each day or portion of the day that the violation continues.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

~~D. Enforcement by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.~~

### **Chapter 5.10 Special Events**

#### **5.10.180 Penalties and ~~enforcement~~ for violation.**

~~A. Criminal Penalties~~ Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and ~~upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.~~ ~~shall, upon conviction, be punished by a fine not to exceed \$1,000 or by imprisonment not exceeding 90 days or both such fine and imprisonment. Each day or portion of a day that a violation is committed constitutes a separate offense.~~

~~B. Civil Penalties~~ ~~In addition to any criminal penalties,~~ any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

## **Chapter 5.15 Adult Entertainment Businesses**

### **5.15.150 Violation – Penalties and enforcement.**

A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be penalized as provided in Chapter 1.15 UPMC. punished by a fine of up to \$1,000, or by imprisonment of up to 90 days, or by both such fine and imprisonment.

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC. Any person who fails to comply with the provision of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to Chapter 1.20 UPMC.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

## **Chapter 5.25 Peddler/Solicitor/Master Solicitor License Required**

### **5.25.100 Penalties and enforcement violations**

Any person found in violation of any of the provisions of this chapter shall be guilty of a misdemeanor.

A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be penalized as provided in Chapter 1.15 UPMC. Any person who fails to comply with the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be punished as provided in RCW 9A.20.021(3). Any person violating or failing to comply with any of the provisions of this chapter may be punished by a fine of not more than \$500.00 or imprisoned for not more than 90 days, or both, for each day or part of a day during which the unlawful act or violation occurs. The person may also be ordered to discontinue the unlawful act or correct the violation.

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC. Any person who fails to comply with the provision of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to Chapter 1.20 UPMC.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

~~B. Civil Penalties. Any person who fails to comply with the provision of this chapter is, in addition to any criminal penalties, subject to a maximum civil penalty of \$500.00 for each day or portion of the day that the violation continues pursuant to Chapter 1.20 UPMC Chapter.~~

~~D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.~~

## **TITLE 9 PUBLIC SAFETY**

### **Chapter 9.10 Alarms**

#### **9.10.130 ~~Violation — Penalties and enforcement.~~**

~~A. Criminal Penalties. Any person violating any of the terms of this chapter shall be guilty of a misdemeanor and upon conviction thereof be penalized as provided in Chapter 1.15 UPMC.~~

~~B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.~~

~~Any violation of the provisions of this chapter is a civil violation punishable by a fine of up to \$500.00 a day for each day, or portion thereof, in which a violation occurs as provided for in Chapter 1.20 UPMC Chapter. The city manager or designee shall be the responsible department director for the purpose of enforcing this chapter.~~

~~In addition to the penalties and regulations provided herein, any person who violates any provisions of this chapter shall be guilty of a Class 1 misdemeanor.~~

~~C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.~~

~~D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.~~

### **Chapter 9.15 Abandoned and Junk Vehicles**

#### **9.15.050 Inoperable vehicles.**

The storage of inoperable vehicles on residentially zoned property is limited as provided for in the city zoning regulations and must be screened from neighboring properties and the public right-of-way. Failure to provide for view screening in accordance with city ordinances shall be subject to ~~enforcement and the~~ penalties ~~in accordance with outlined in~~ Chapter 1.15, and ~~enforcement in accordance with~~ Chapter 1.20 UPMC and/or ~~Chapter~~ 1.30 UPMC at the City's discretion.-

## **Chapter 9.35 Public Nuisances**

### **9.35.040 Penalties and Enforcement.**

A. Civil Penalties. Any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

B. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

C. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

~~The provisions of this chapter shall be enforced in accordance with the procedures set forth in Chapter 1.20 Chapter of the University Place Municipal Code.~~

## **Chapter 9.55 Pedestrian Interference**

### **9.55.020 Violations — Penalties and enforcement.**

A. A person is guilty of pedestrian interference if, in a public place, he or she intentionally:

1. Obstructs pedestrian or vehicular traffic; or
2. Aggressively begs.

B. Criminal Penalties. Pedestrian interference is a misdemeanor and ~~shall be punished as provided for in upon conviction thereof be penalized as provided in~~ Chapter 1.15 UPMCRGW 9A.20.020(3).

C. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

D. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

E. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

## **TITLE 10 TRAFFIC**

### **Chapter 10.40 Compression Brakes Prohibited**

#### **10.40.040 Violation — Penalties and enforcement.**

A. Criminal Penalties. Any person who violates any of the provisions of this chapter or who allows or permits any motor vehicle owned and/or operated by said person to be operated in violation of any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be ~~punished~~penalized as provided for in Chapter 1.15 UPMC RCW 9A.20.021(3).

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

## **TITLE 12 UTILITIES**

### **Chapter 12.10 Water Quality Standards**

#### **12.10.090 Penalties and Enforcement.**

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A. The Director is authorized to carry out enforcement actions pursuant to the enforcement and penalty provisions of this chapter, ~~and~~ Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

~~The Director is authorized to enforce against prohibited illicit discharges, prohibited illicit connections, and other violations of this chapter.~~

B. The Director shall gain compliance with this chapter by requiring the implementation of operational BMPs and, when necessary, AKART. The Director shall initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the Director determines a violation is a result of an intentional act or poses a hazard as defined in UPMC 12.10.080.

C. The Director may order the correction or discontinuance of any unsafe condition or operation or correction of any violation of this chapter. Any order issued by the Director may be appealed to the City's Hearings Examiner within 14 days of the order in accordance with the provisions of Chapter 1.20 UPMC or to the Court in accordance with Chapter 1.30 UPMC as appropriate. Such an appeal does not stay the requirement to comply with the order, and in particular any emergency order issued under UPMC 12.10.080.

D. In addition to or in the alternative to a correction order or civil infraction, the Director may issue a notice of civil violation for a violation of this chapter with a penalty of up to \$10,000, based upon the factors set forth in UPMC 12.10.100.

E. In addition to or in the alternative to a correction order or notice of civil violation, the Director may issue a civil infraction for a violation of this chapter, with a penalty in an amount of \$~~4~~500.00 per violation for minor violations, and \$1,000 per violation for significant violations. Each day the violation shall continue shall constitute a separate violation. A minor violation shall be one in which the damage or risk to the public or water quality is low and the violator acted unknowingly or in good faith. A significant violation is one in which the damage or risk to the public or water quality is great or is a repeat violation or the violator acted in bad faith.

## TITLE 13 PUBLIC WORKS CODE

### Chapter 13.05 Administration (Public Work Standards)

#### **13.05.445 Penalties ~~and enforcement.~~**

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~~A. Any violation of this code shall be a civil violation subject to the penalties and abatement process set forth in Chapter 1.20 UPMC as enacted or hereinafter amended.~~

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

C. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

D. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

E. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

### Chapter 13.25 Surface Water Management

#### **13.25.115 Adopting King County Surface Water Codes.**

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Chapter 9.04 and Section 16.82.100 of the King County Municipal Code are hereby adopted and incorporated herein fully by this reference with the exceptions enumerated below.

J. The last sentence of Section 9.04.100 is hereby revised to read:

If this liability insurance is not kept in effect as required, University Place may initiate enforcement action pursuant to ~~UPMC-Chapter 1.20 UPMC and/or Chapter 1.30 UPMC-~~ at the City's discretion.

## TITLE 14 BUILDING

### Chapter 14.05 Building and Construction Code

#### **14.05.120 ~~Violations and p~~Penalties and enforcement.**

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A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.



~~A. Civil Violation. Except as otherwise provided in this chapter, any violation of any of the provisions of this chapter shall constitute a civil violation subject to the penalties and abatement process detailed in Chapter 1.20 UPMC Chapter~~

~~B. Criminal Penalty. Except as otherwise provided, in addition to or as an alternative to any other penalty provided for in this chapter, any person, partnership, firm, association, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable as provided for in RCW 9A.20.021.~~

C. Additional Remedies. In addition to any other remedies provided by this chapter, the City may initiate injunction or abatement proceedings or any other appropriate action in the courts against any person, partnership, firm, association, or corporation who violates or fails to comply with any provision of this chapter, or any code adopted herein, to prevent, enjoin, abate, or terminate such violation or to restore a condition which existed prior to the violation. In all injunction, abatement and nuisance proceedings, the violator shall be required, in addition to any other relief, to pay the costs of such action, including reasonable attorneys' fees.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

#### **14.05.140 Hearings Examiner – Powers and duties.**

All appeals authorized by the international codes as to suitability of alternate materials and methods of construction and from other rulings, or interpretations ~~or enforcement actions~~ of those officials charged with administering enforcing the building codes shall be to the City's Hearings Examiner as established by Chapter 2.20 UPMC. The Hearings Examiner shall utilize the procedures and penalties set forth in Chapter 1.20 UPMC. The Hearings Examiner shall serve in lieu of all boards of appeals mentioned or described in the international codes as adopted and amended by the City.

### **Chapter 14.10 Moving of Buildings**

#### **14.10.080 Penalties and enforcement.**

~~Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished pursuant to Chapter 1.20 UPMC.~~

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.



## TITLE 17 CRITICAL AREAS

### Chapter 17.10 General Requirements

#### 17.10.065 Penalties ~~and~~, enforcement ~~and civil infractions~~.

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~~All violations of this title shall be subject to the provisions of Chapter 19.15 UPMC.~~

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

### Chapter 17.40 ENVIRONMENTAL REGULATIONS

#### 17.40.140 ~~Penalties and enforcement~~Violation – Civil infraction.

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In addition to any other sanction or penalty, or any remedial, judicial or administrative procedure available under separate city codes or state law, violation of any provision of this chapter or failure to comply with a decision of the responsible official or hearings examiner issued pursuant to this chapter constitutes a civil violation as defined in Chapter 1.20 UPMC and/or civil infraction as defined in Chapter 1.30 UPMC at the City's discretion.

## TITLE 19 ZONING

### Chapter 19.15 Enforcement and Penalties

#### 19.15.020 Violations.

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A. It is a violation of this title for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land or property within the City without first obtaining the permits or authorizations required for the use by this title.

B. It is a violation of this title for any person to use, construct, locate or demolish any structure, land or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to this title; provided, that the terms or conditions are explicitly stated on the permit or the approved plans.

C. It is a violation of this title for any person to remove or deface any sign, notice, complaint or order required by or posted in accordance with this title, Chapter 1.20 UPMC, or Chapter 1.30 UPMC.

D. It is a violation of this title for any person to misrepresent any material fact in any application, plans or other information submitted to obtain any land use authorization.

E. It is a violation of this title for any person to fail to comply with the requirements, [provisions, standards, criteria or processes](#) of this title, regardless of whether or not a permit is required.

#### **19.15.035 Investigation and notice of violation.**

A. The Director or his representative may investigate any structure or use which the Director reasonably believes does not comply with the standards and requirements of this title.

B. If, after investigation, the Director determines that this title has been violated, the Director may seek compliance and serve a notice of violation [or issue a notice of civil infraction](#) on the owner, tenant or other person responsible for the condition that violates this title and may otherwise enforce this title, pursuant to this chapter; UPMC [19.15.045](#), Emergency Order; Chapter [1.20](#) UPMC, Enforcement; [Chapter 1.30 UPMC, Civil Infractions](#); and Chapter [9.35](#) UPMC, Public Nuisances.

#### **19.15.045 Emergency order.**

C. Enforcement authority given the Director under this chapter is in addition to any authority granted under Chapter [1.20](#) UPMC, Enforcement; [Chapter 1.30 UPMC, Civil Infractions](#); and Chapter [9.35](#) UPMC, Public Nuisances.

#### **19.15.055 Penalties [and enforcement](#).**

[A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.](#)

[B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.](#)

[C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.](#)

[D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.](#)

#### **19.15.060 Additional relief.**

The Director may seek legal or equitable relief to enjoin any acts or practices and restore or abate any condition which constitutes or will constitute a violation of this title when civil or criminal penalties are inadequate to effect compliance. The Director may bring such an action under this chapter; Chapter [1.20](#) UPMC, Enforcement; [Chapter 1.30 UPMC, Civil Infractions](#); Chapter [9.35](#) UPMC, Public Nuisances; or under the common law or any applicable federal or State law or City ordinance.

## Chapter 19.75 Signs

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### 19.75.130. Penalties and Enforcement.

~~1.A.~~ Penalty-Violations. It shall be unlawful for any person, firm or corporation to erect, construct, paint, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the City, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter.;

~~2.~~ Any person, firm or corporation violating any of the provisions of this code shall be subject to a civil violation as defined in Chapter 1.20 UPMC, Enforcement.

~~A.B.~~ Right of Entry. Upon proper presentation of credentials including court orders if appropriate, the Director may enter at reasonable times any building, structure or premises within the City to perform any duty imposed by this code.

~~B.C.~~ Liability. The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person or persons erecting or owning any sign from personal injury or property damage resulting from the willful acts or negligence of such person, its agents, employees or workmen in the construction, maintenance, repair or removal of any sign or sign structure erected in accordance with a permit issued under this chapter. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval of any sign, materials or devices under the provisions of this code.

~~C.D.~~ Revocation of Permits. The Director is authorized and empowered to revoke any sign permit issued in error or on the basis of incorrect information, or in violation of the provisions upon failure of the holder thereof to comply with any provision or provisions of this code.

~~D.E.~~ Nuisance Declared – Abatement. Signs constructed, altered or maintained in violation of the provisions of this code are declared to be a public nuisance.

F. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

G. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

~~E.H.~~ Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC at the City's discretion.

## TITLE 21 SUBDIVISION REGULATIONS

### Chapter 21.70 Penalties and Enforcement

#### 21.70.010 Penalties.

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A. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this title, adopted pursuant to state law, relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land shall be guilty of a gross misdemeanor, and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC. ~~and e~~Each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of this title shall be deemed a separate and distinct offense.

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

CB. Any person who violates any court order or injunction issued pursuant to this title or state law shall be subject to a fine of not more than \$5,000 or imprisonment for not more than 90 days or both.

~~C. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of this title or any permit or written order or decision issued pursuant to this title shall be subject to a civil violation citation as defined in the City's civil violation ordinance.~~

D. If performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel under this chapter, the offer or agreement is not subject to the penalties above and does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

#### **21.70.020 Enforcement.**

All City staff shall submit all suspected violations of this title to the City Attorney.

A. Assessor-Treasurer. The county assessor-treasurer, when requested to segregate any parcel of land that appears to be in violation of this title, shall notify the City Attorney.

B. Building Inspection and Permits. All applicants for building permits shall show by instrument of conveyance and an affidavit from the vendor, grantor, or the applicant that their building lot is not a division from an original tract or that they or their predecessors have complied with or are exempt from this title. Building permits shall be denied to any applicant whose parcel, lot, or tract is not in compliance with this title. No building permit shall be issued for any lot within a plat or short plat until final approval is obtained from the appropriate City authority except as provided herein for model homes.

Building permits except as provided herein shall not be issued to any applicant until the site plan includes any required or mentioned element noted on the final plat, short plat, or binding site plan, including but not limited to building site location, access, drainage, sewers or septic tank, and water system. An occupancy certificate shall not be issued until all such required or mentioned elements are satisfied.

C. Health Department. Septic tank permits may be denied to any applicant whose parcel, lot, or tract is not divided in compliance with this title.

D. Assessor-Treasurer. A one-percent real estate excise tax affidavit shall be filed in the City Assessor-Treasurer's office for all transfers of real property within the City. The affidavit shall include a parcel number or numbers of the current tax account or accounts involved in the sale. If there is a separation of said tax account, the total acreage or square footage of said tax account shall be stated therein and a rough diagram of the original parcel and the divided parcel shall be drawn thereon. Said diagram shall identify the section, township, range, quarter section, and placement of existing buildings.

## TITLE 23 TELECOMMUNICATIONS

### Chapter 23.45 Wireless Telecommunications

#### 23.45.180 Violation — Penalties and enforcement.

~~A. Any person violating any of the provisions of this chapter upon conviction shall be punishable by a fine not to exceed \$1,000 or by imprisonment for a period of up to 90 days, or by both such fine and imprisonment, for each day during which an offense occurs.~~

~~B. In addition to receiving any monetary remuneration, the City shall have the right to seek injunctive relief for any and all violations of this chapter, for relief under Chapter 1.20 UPMC and all other remedies provided at law or in equity.~~

A. Criminal Penalties Any person, association, firm, partnership, or corporation that violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, be penalized as provided in Chapter 1.15 UPMC.

B. Civil Penalties. In addition to any criminal penalties, any person who fails to comply with the provisions of this chapter shall be subject to a civil penalty in accordance with Chapter 1.15 UPMC.

C. Other Legal Remedies. Nothing in this chapter limits the right of the City to pursue other lawful, criminal, civil or equitable remedies to abate, discontinue, correct or discourage unlawful acts under or in violation of this chapter.

D. Enforcement action by the City shall be in accordance with Chapter 1.20 UPMC and/or Chapter 1.30 UPMC for enforcement procedures and penalties.