

Chapter 1.15

GENERAL PENALTY INFRACTION 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.
- 1.15.040 Enforcement officers.

1.15.010 General civil penalty.

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~~ the municipal code, a violation of ~~a City ordinance~~ the Municipal Code is punishable by a fine of up to \$500.00 for each day that a violation occurs. In addition to the imposition of a civil penalty, a court may order a person found to have committed a civil infraction to make restitution, including any costs or expenses incurred by the City in abating or eliminating a public nuisance. 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~~ the Municipal Code.

~~**1.15.020 General criminal penalty.**~~

~~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 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.~~

1.15.025 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 the Code.

1.15.030 Failure to respond to a civil infraction.

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.

1.15.040 Enforcement officers.

Department heads or supervisors and City employees as designated by the department head or supervisor, or employees of other governments performing enforcement services for the City pursuant to an interlocal

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agreement, shall be and are designated and appointed as “enforcement officers” and are authorized to initiate, issue and serve notices of civil infraction for violations of the University Place Municipal Code for regulation provisions or sections that are subject to their supervision, interpretation or enforcement. Such individuals are “citing officers,” as defined by Rule 1.2(j) of the Infraction Rules for Courts of Limited Jurisdiction.