

# TOWN OF EATONVILLE

## Agenda Staff Report

Agenda Item No.: \_\_\_\_\_ Meeting Date: June 23, 2014  
Subject: Ordinance No. 2014-5 amending EMC Prepared by: Scott Clark,  
6.40.120, 10.18.050, 10.28.080, Contract Town Planner  
12.20.140 and 16.53.060 By Increasing Atty Routing No: \_\_\_\_\_  
Penalties To \$65.00 (1st Reading) Atty Review Date: \_\_\_\_\_

**Summary:** On April 16, 2014, the Eatonville Public Safety Committee requested a code amendment be brought forward increasing the penalties in 6.40.120, 10.18.050, 10.28.080, 12.20.140 and 16.53.060 to \$65.00. (Attachment A)

**Recommendation:** Staff recommends approval of Ordinance No. 2014-5 amending Eatonville Municipal Code sections “6.40.120 Violation – Misdemeanor, infraction, penalty”, “10.18.050 Violation – Penalty”, “10.28.080 Penalties – Civil non-traffic violations”, “12.20.140 Smoking prohibited”, and “16.53.060 Failure to comply”, in order to uniformly set the associated penalties at \$65.00.

**Motion for consideration:** I move to approve for first reading Ordinance No. 2014-5 amending Eatonville Municipal code Sections 10.18.050, 10.28.080, 12.20.140, 6.53.060, and 6.40.120, by uniformly increasing the associated penalties to \$65.00.

**Fiscal Impact:** Minor increases in fee collection anticipated. Proposed fee increases for each EMC section are as follows:

Section	Current Fee	Proposed Fee	Change
10.18.050	\$ 50.00	\$ 65.00	+ \$ 15.00
10.28.080	\$ 20.00	\$ 65.00	+ \$ 45.00
12.20.140	\$ 50.00	\$ 65.00	+ \$ 15.00
6.53.060	\$ 50.00	\$ 65.00	+ \$ 15.00
6.40.120	\$ 50.00	\$ 65.00	+ \$ 15.00

**Attachments:** Ordinance No. 2014-5  
Attachment A - Eatonville Public Safety Committee request

**ORDINANCE NO. 2014-5**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING CERTAIN CODE SECTIONS OF TITLES 6, 10, 12, AND 16 OF THE EATONVILLE MUNICIPAL CODE BY INCREASING PENALTIES**

**WHEREAS**, on April 16, 2014, the Eatonville Public Safety Committee requested a code amendment be brought forward increasing the penalties in 6.40.120, 10.18.050, 10.28.080, 12.20.140 and 16.53.060 to \$65.00; and

**WHEREAS**, the Town desires to amend the Code in order to increase and more uniformly set penalties; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:**

**Section 1.** Eatonville Municipal Code Section 16.40.120 is amended to read as follows:

**6.40.120 Violation – Misdemeanor, infraction, penalty.**

A. Except as provided in EMC 6.40.070 and in subsection C of this section, any person violating any of the provisions of this chapter shall be subject to the general penalty ordinance, EMC 1.12.010; provided, that any person who shall violate the provisions of EMC 6.30.030(A), Animals Running at Large on Public Grounds, where the animal has not caused damage to either person or property, then the offending party, in lieu of a court appearance, is authorized to post and forfeit the following bail amounts:

1. First offense in same calendar year: ~~\$50~~65.00;
2. Second offense in same calendar year: \$100.00;
3. Third offense and any additional offense in the same calendar year: \$250.00 (each infraction).

B. In addition to the bail that is posted, the person committing the infraction must pay to the town the cost of redeeming their dog or cat as set forth in this title.

C. Any person who shall violate provisions of EMC 6.40.070(A) shall be subject to a notice of infraction, with bail amount of \$250.00.

(Ord. 2006-14 § 1, 2006; Ord. 2001-12 § 1, 2002).

**Section 2.** Eatonville Municipal Code Section 10.18.050 is amended to read as follows:

**10.18.050 Violation – Penalty.**

Any person violating any provision of EMC 10.18.020, 10.18.030, or 10.18.040, whether as principal, agent or employee, for which violation no

other penalty is prescribed, shall be guilty of an infraction, and upon conviction shall be assessed a monetary penalty of not less than ~~\$50~~65.00 for each violation. Each day such a violation continues shall be considered a separate, distinct infraction. (Ord. 2006-07 § 5, 2006).

**Section 3.** Eatonville Municipal Code Section 10.28.080 is amended to read as follows:

**10.28.080 Penalties – Civil nontraffic violations.**

A. Any person, including a parent or guardian, violating any of the provisions of this chapter shall have committed a civil nontraffic violation and shall for a first infraction be given a written warning, for a second infraction shall be liable for a monetary penalty of ~~\$20~~65.00 and for each **additional infraction shall be liable for a monetary penalty of \$76.00.**

B. The court may waive, reduce, or suspend the penalty and clear the notice of violation as a warning for an individual who has not received a notice of violation of this chapter within one year, and provides proof that he or she has acquired an approved helmet at the time of appearance in court.

C. Each child under 18 not meeting the requirements of EMC 10.28.030 shall represent a separate violation.

D. Each rental and each event under EMC 10.28.040 shall be a separate violation. (Ord. 2008-26, 2008).

**Section 4.** Eatonville Municipal Code Section 12.20.140 is amended to read as follows:

**12.20.140 Smoking prohibited.**

The use of tobacco or any smoking products in any town park is prohibited and subject to a civil fine up to ~~\$50~~65.00. The chief of police is authorized to erect “no smoking ~~\$50~~65.00 fine” signs at prominent locations in each town park. The mayor may designate temporary smoking areas in town parks for special events. (Ord. 2008-20 § 1, 2008; Ord. 2007-20, 2007).

**Section 5.** Eatonville Municipal Code Section 16.53.060 is amended to read as follows:

**16.53.060 Failure to comply.**

A. Failure to comply with the requirements of this chapter or an order from the administrator or designee regarding best management practices at a construction or site development project shall be subject to a stop work order and/or a civil infraction citation in the amount of:

1. ~~Fifty dollars for the f~~First offence;: \$65.00
2. ~~One hundred dollars for the s~~Second offence (second day);: \$100.00
3. ~~Two hundred fifty dollars for e~~Each additional offence (third day and each day thereafter);: \$250.00.

B. Each additional day that the failure to comply continues shall constitute a distinct, separate offence. If the administrator or designee determines that any construction or site development practices on private property violate a provision of this chapter or are likely to create a hazard to the public safety, health or welfare, the environment, or public or private property, the administrator or designee may declare such condition a public nuisance and may direct the property owner or persons causing or contributing to the hazardous condition to abate the hazard within a specified period, or the administrator or designee may take action to abate the hazard and recover all costs incurred from the responsible parties. Payments shall be made within 90 days of the day the town submits a bill for costs and any stop work order issued will not be lifted prior to payment. In the event of nonpayment, the town may bring suit to recover such costs, including its attorney's fees, and upon obtaining a judgment, such amount shall become a lien against the property of the owner. A requirement or action to abate the hazard which is appealed pursuant to this or any other title of this code shall not be subject to a stay. (Ord. 2005-20 § 1, 2005).

**Section 6.** 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 7.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING:           06/23/2014  
2ND READING:           /    /2014

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 23<sup>rd</sup> day of June, 2014.

\_\_\_\_\_  
Mike Schaub  
Mayor

ATTEST:

\_\_\_\_\_  
Kathy Linnemeyer  
Town Clerk

APPROVED AS TO FORM:

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Gregory A. Jacoby  
Town Attorney

# ATTACHMENT A

**From:** Jason McGuire [<mailto:jmcguire@epdeatonville.org>]

**Sent:** Wednesday, April 16, 2014 10:54 AM

**To:** Doug Beagle; Kathy Linnemeyer

**Cc:** Abby Gribi; James Schrimpsheer

**Subject:** Change to fine amounts

Doug,

Here is the list the Public Safety Committee would like to change. Bail amount should be raised for each of them to \$65.00. The violation EMC is where the fine amount is listed in the code.

EMC	Title	Bail Amount	Violation
10.18.030	Trailer Parking	\$50.00	10.18.050
10.28.030.C	Helmets Required 1st offense	\$20.00	10.28.080
12.20.140	Smoking in Parks	\$50.00	12.20.140
16.53.040	Tracking from Construction	\$50.00	16.53.060
6.30.030.1	Animal at large 1st offense	\$50.00	6.40.120

Please let me know if you have any questions.

Jason



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