

ORDINANCE NO. 481

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, RELATING TO ENFORCEMENT, AMENDING UNIVERSITY PLACE MUNICIPAL CODE CHAPTER 1.20, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has determined that certain violations of the University Place Municipal Code should be punishable as a misdemeanor crime and as civil infractions; and

WHEREAS, City staff has proposed a change to ensure that the University Place Municipal Code is in accord with State law, and particularly wishes to clarify the procedures under the authority provided under RCW 35.80; NOW, THEREFORE,;

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Enforcement. University Place Municipal Code 1.20 (Enforcement) is hereby amended to read as follows:

**Chapter 1.20
ENFORCEMENT**

Sections:

- 1.20.010 Purpose.
- 1.20.020 Definitions.
- 1.20.030 Voluntary eCorrection.
- 1.20.040 Notice of eCivil vViolation.
- 1.20.050 Hearing bBefore the hHearings eExaminer.
- 1.20.060 Abatement by the eCity.
- 1.20.070 Criminal pPenalties.
- 1.20.080 Alternative aAbatement pProcedures.
- 1.20.085 Collection of Civil Fines & Penalties
- 1.20.090 Additional eEnforcement pProcedures.
- 1.20.100 ConflictsRCW Chapter 35.80 Adopted.
- 1.20.110 Meaning of termsImprovement Officer and Appeals Commission Designated.
- 1.20.120 Improvement Officer Authority – Issuance of Complaint
- 1.20.130 Service of Complaint.
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- 1.20.180 Remediation / Penalties.
- 1.20.190 Tax Lien.
- 1.20.200 Salvage.
- 1.20.210 Designation of Officers and Enforcement.
- 1.20.220 Conflicts.
- 1.20.230 Meaning of Terms.

1.20.010 Purpose.

The purpose of this chapter is to establish an efficient system to enforce the development and use regulations of the eCity, to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations, and to establish monetary penalties for violations. This chapter shall apply to

violations of the public nuisance provisions of UPMC Title 9, Public Safety, UPMC Title 19, Zoning, and other sections making reference to this chapter.

~~(Ord. 100 § 1, 1996).~~

1.20.020 Definitions.

As used in this chapter, unless a different meaning is plainly required:

“Abate” means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes a civil violation by such means, in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

“Act” means doing or performing something.

“Applicable department director” means the director of the department or his or her designee or any designated alternate empowered by ordinance or by the eCity manager to enforce a eCity ordinance or regulation including the assigned code enforcement official.

“Civil violation” means a violation for which a monetary penalty may be imposed as specified in this chapter. Each day or portion of a day during which a violation occurs or exists is a separate violation.

“Development” means the erection, alteration, enlargement, demolition, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, and all acts authorized by a eCity regulation.

“Emergency” means a situation which, in the opinion of the applicable department director, requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

“Hearings eExaminer” means the University Place hHearings eExaminer and the office thereof established pursuant to Chapter 2.20 UPMC.

“Omission” means a failure to act.

“Person” means an individual, firm, association, partnership, corporation or any entity, public or private.

“Person responsible for the violation” means any person who has an interest in the property.

“Regulation” means and includes the following, as now or hereafter amended:

1. The public nuisance provisions of UPMC Title 9, Public Safety, and UPMC Title 19, Zoning;
2. All other eCity ordinances making reference to this chapter;
3. All standards, regulations and procedures adopted by the city making reference to this chapter;

and

4. The terms and conditions of any permit or approval issued by the city, or any concomitant agreement with the city pursuant to city ordinances making reference to this chapter.

“Repeat violation” means a violation of the same regulation in any location by the same person for which voluntary compliance previously has been sought within two years or a notice of civil violation has been issued within two years.

“Violation” means an act or omission contrary to a eCity regulation.

~~(Ord. 100 § 2, 1996).~~

1.20.030 Voluntary eCorrection.

A. Applicability. This section applies whenever the applicable department director determines that a violation of a regulation has occurred or is occurring.

B. General. The applicable department director or designee shall attempt to secure voluntary correction by contacting the person responsible for the violation where possible, explaining the violation and requesting correction.

C. Issuance of Voluntary Correction Agreement. A vVoluntary eCorrection aAgreement may be entered into between the person responsible for the violation and the eCity, acting through the applicable department director or designee.

_____ 1. Content. The vVoluntary eCorrection aAgreement is a contract between the eCity and the person responsible for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The vVoluntary eCorrection aAgreement shall include the following:

- a. The name and address of the person responsible for the violation; and
- b. The street address or a description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
- c. A description of the violation and a reference to the regulation which has been violated; and
- d. The necessary corrective action to be taken, and a date or time by which correction must be completed; and
- e. An agreement by the person responsible for the violation that the eCity may inspect the premises as may be necessary to determine compliance with the vVoluntary eCorrection aAgreement; and
- f. An agreement by the person responsible for the violation that the eCity may abate the violation and recover its costs and expenses and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if terms of the vVoluntary eCorrection aAgreement are not met; and
- g. An agreement that by entering into the vVoluntary eCorrection aAgreement, the person responsible for the violation waives the right to a hearing before the hHearings eExaminer under this chapter regarding the matter of the violation and/or the required corrective action.

2. Right to a Hearing Waived. Upon entering into a vVoluntary eCorrection aAgreement, the person responsible for the violation waives the right to a hearing before the hHearings eExaminer under this chapter regarding the matter of the violation and/or the required corrective action. Notice of the waiver must be contained in the vVoluntary eCorrection aAgreement.

3. Extension – Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render correction under the original conditions unattainable.

4. Abatement by the City. The eCity may abate the violation in accordance with UPMC 1.20.060 if the terms of the vVoluntary eCorrection aAgreement are not met.

5. Collection of Costs. If the terms of the vVoluntary eCorrection aAgreement are not met, the person responsible for the violation shall be assessed a monetary penalty commencing on the date set for correction and thereafter, in accordance with 1.20.040(E), plus all costs and expenses of abatement, as set forth in UPMC 1.20.060(D).

(Ord. 100 § 3, 1996).

1.20.040 Notice of eCivil vViolation.

A. Issuance.

1. When the applicable department director determines that a violation has occurred or is occurring and the eCity is unable to secure voluntary correction, pursuant to UPMC 1.20.030, the applicable department director may issue a nNotice of eCivil vViolation to the person responsible for the violation.

2. The applicable department director may issue a nNotice of eCivil vViolation without having attempted to secure voluntary correction as provided in UPMC 1.20.030 under the following circumstances:

- a. When an emergency exists; or
- b. When a repeat violation occurs; or
- c. When the violation creates a situation or condition which cannot be corrected; or
- d. When the person knows or reasonably should have known that the action is in violation of a eCity regulation; or
- e. The person cannot be contacted or refuses to communicate or cooperate with the eCity in correcting the violation.

B. Content. The nNotice of eCivil vViolation shall include the following:

- 1. The name and address of the person responsible for that violation; and
- 2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
- 3. A description of the violation and a reference to the provision(s) of the eCity regulation(s) which has been violated; and

_____ 4. The required corrective action and a date and time by which the correction must be completed after which the eCity may abate the unlawful condition in accordance with UPMC 1.20.060; and

_____ 5. The date, time and location of an appeal hearing before the hHearings eExaminer which will be at least 10 days but no more than 45 days from the date the nNotice of eCivil vViolation is issued; and

_____ 6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed, required corrective action at least 48 hours prior to the hearing; and

_____ 7. A statement that the costs and expenses of abatement incurred by the eCity pursuant to UPMC 1.20.060(D) and a monetary penalty in an amount per day for each violation as specified in subsection (E) of this section may be assessed against the person to whom the nNotice of eCivil vViolation is directed as specified and ordered by the hHearings eExaminer.

_____ C. Service of Notice. The applicable department director or designee shall serve the nNotice of eCivil vViolation upon the person responsible for the violation, either personally or by mailing a copy of the nNotice of eCivil vViolation to such person at their last known address. If the person responsible for the violation cannot be personally served within Pierce County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the nNotice of eCivil vViolation conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person personally or by mail.

_____ D. Extension. Extensions of the time specified in the nNotice of eCivil vViolation for correction of the violation may be granted at the discretion of the applicable department director or by order of the hHearings eExaminer.

_____ E. Monetary Penalty. The monetary penalty for each violation per day or portion thereof shall be \$500.00.

_____ F. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the nNotice of eCivil vViolation was issued of the duty to correct the violation.

_____ G. Collection of Monetary Penalty.

_____ 1. The monetary penalty constitutes a personal obligation of the person to whom the nNotice of eCivil vViolation is directed. Any monetary penalty assessed must be paid to the cCity within 10 calendar days from the date of mailing of the hHearings eExaminer's decision or a notice from the eCity that penalties are due.

_____ 2. The eCity aAttorney is authorized to take appropriate action to collect the monetary penalty.

(Ord. 100 § 4, 1996).

1.20.050 Hearing before the hHearings eExaminer.

_____ A. Notice. A person to whom a nNotice of eCivil vViolation is issued will be scheduled to appear before the hHearings eExaminer not less than 10 calendar days but no more than 45 days after the nNotice of eCivil vViolation is issued. Extensions may be granted at the discretion of the applicable department director.

_____ B. Prior Correction of Violation. The hearing will be canceled and no monetary penalty will be assessed if the applicable department director approves the completed required corrective action at least 48 hours prior to the scheduled hearing.

C. Procedure. The Hearings Examiner shall conduct a hearing on the civil violation pursuant to the rules of procedure of the Hearings Examiner. The applicable department director and the person to whom the Notice of Civil Violation was directed may participate as parties in the hearing and each party may call witnesses. The city shall have the burden of proof to demonstrate by a preponderance of the evidence that a violation has occurred and that the required corrective action will correct the violation. The determination of the applicable department director as to the need for the required corrective action shall be accorded substantial weight by the Hearings Examiner in determining the reasonableness of the required corrective action.

D. Decision of the Hearings Examiner.

1. The Hearings Examiner shall determine whether the city has established by a preponderance of the evidence that a violation has occurred and that the required correction will correct the violation and shall affirm, vacate, or modify the city's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions.

2. The Hearings Examiner shall issue an order to the person responsible for the violation which contains the following information:

a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

b. The required corrective action;

c. The date and time by which the correction must be completed;

d. The monetary penalties assessed based on the criteria in subsection (D)(3) of this section;

e. The date and time after which the city may proceed with abatement of the unlawful condition if the required correction is not completed.

3. Assessment of Monetary Penalty. Monetary penalties assessed by the Hearings Examiner shall be in accordance with the monetary penalty in UPMC 1.20.040(E).

a. The Hearings Examiner shall have the following options in assessing monetary penalties:

i. Assess monetary penalties beginning on the date the Notice of Civil Violation was issued and thereafter; or

ii. Assess monetary penalties beginning on the correction date set by the applicable department director or an alternate correction date set by the Hearings Examiner and thereafter; or

iii. Assess less than the established monetary penalty set forth in UPMC 1.20.040(E) based on the criteria of subsection (D)(3)(b) of this section; or

iv. Assess no monetary penalties.

b. In determining the monetary penalty assessment, the Hearings Examiner shall consider the following factors:

i. Whether the person responded to staff attempts to contact the person and cooperated with efforts to correct the violation;

ii. Whether the person failed to appear at the hearing;

iii. Whether the violation was a repeat violation;

iv. Whether the person showed due diligence and/or substantial progress in correcting the violation;

v. Whether a genuine code interpretation issue exists; and

vi. Any other relevant factors.

c. The Hearings Examiner may double the monetary penalty schedule if the violation was a repeat violation. In determining the amount of the monetary penalty for repeat violations the Hearings Examiner shall consider the factors set forth in subsection (D)(3)(b) of this section.

4. Notice of Decision. The Hearings Examiner shall send by certified mail return receipt requested a copy of the decision to the person to whom the Notice of Civil Violation was issued and to the applicable department director within 20 working days of the hearing.

E. Failure to Appear. If the person to whom the Notice of Civil Violation was issued fails to appear at the scheduled hearing, the Examiner will enter an order with findings pursuant to subsection (D)(2) of this section and assess the appropriate monetary penalty pursuant to subsection (D)(3) of this section. The City will enforce the Hearings Examiner's order and recover all related expenses, plus the cost of the hearing and any monetary penalty from that person.

_____ F. Appeal to Superior Court. An appeal of the decision of the Hearings Examiner must be filed with Pierce County Superior Court within ~~30 calendar days from the date the Hearings Examiner's decision was personally served upon or was mailed to the person to whom the Notice of Civil Violation was directed, or is thereafter barred~~ 21 days of the issuance of the Hearings Examiner's decision.

(Ord. 354 § 1, 2002; Ord. 100 § 5, 1996).

1.20.060 Abatement by the eCity.

_____ A. The eCity may abate a condition which was caused by or continues to be a civil violation when:

_____ 1. The terms of Voluntary Correction Agreement pursuant to UPMC 1.20.030 have not been met; or

_____ 2. A Notice of Civil Violation has been issued pursuant to UPMC 1.20.040 and a hearing has been held pursuant to UPMC 1.20.050 and the required correction has not been completed by the date specified in the Hearings Examiner's order; or

_____ 3. The condition is subject to summary abatement as provided for in subsection (B) of this section.

_____ B. Summary Abatement. Whenever any violation of a regulation causes a condition, the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the eCity may summarily and without prior notice, abate the condition. Notice of such abatement, including the reason for it, shall be given to the person responsible for the violation as soon as reasonably possible after the abatement.

_____ C. Authorized Action by the City. Using any lawful means, the eCity may enter upon the subject property and may remove or correct the condition which is subject to abatement. The eCity may seek such judicial process as it deems necessary to effect the removal or correction of such condition.

_____ D. Recovery of Costs and Expenses. The costs, including incidental expenses, of correcting the violation shall be billed to the person responsible for the violation and/or the owner, lessor, tenant or other person entitled to control, use and/or occupancy of the property and shall become due and payable to the eCity within 10 calendar days. The term "incidental expenses" includes but is not limited to personal costs, both direct and indirect, including attorneys' fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the eCity in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing.

(Ord. 100 § 6, 1996).

1.20.070 Criminal pPenalties.

_____ A. Any person who knowingly and unlawfully obstructs, hinders, or delays a eCity official in the enforcement of this chapter shall be guilty of a misdemeanor.

_____ B. Any person who knowingly and unlawfully violates a decision and ordinance issued by the Hearings Examiner shall be guilty of a misdemeanor.

_____ C. Any person who knowingly and unlawfully hinders, delays or obstructs the enforcement of an agreement between the eCity of University Place and a person responsible for a violation shall be guilty of a misdemeanor.

(Ord. 100 § 7, 1996).

1.20.080 Alternative aAbatement pProcedure.

_____ Any property on which violations of this chapter remain uncorrected after issuance of a Notice of Civil Violation may, in addition to the procedures outlined above, be abated in accordance with the following additional procedures pursuant to RCW 35.21.310:

_____A. When requested by the applicable department director and approved by the Hearings Examiner, the matter of a pending violation may be submitted to the City Council for consideration whenever the violation consists of debris upon property constituting a fire hazard or a menace to public health, safety or welfare. In such instance, the procedures set forth in UPMC 1.20.030 through 1.20.060 shall be complied with to the extent not in conflict herein except that the decision of the Hearings Examiner pursuant to UPMC 1.20.050(D) shall be in the form of a recommendation to the City Council. This alternate procedure may be requested by the applicable department director at any time prior to the hearing before the Hearings Examiner and only if the Hearings Examiner makes a finding that the violation constitutes a fire hazard or a menace to public health, safety or welfare requiring removal or destruction of the debris constituting the violation. After consideration, the Council may, by resolution, either accept, reject or modify the Hearings Examiner's recommendation and require the property owner to abate the violation by removal or destruction, at his or her cost and expense, within a time specified in the resolution.

_____B. The resolution shall not be passed until the property owner is given at least five days' notice of the pendency of the proposed resolution. Such notice shall be served by the applicable department director pursuant to UPMC 1.20.040(C). The notice, either accompanied with or incorporated into the Hearings Examiner's recommendation, shall describe the property involved, the nature of the hazardous condition, the corrective action required, and the date of the Council meeting during which the matter will be considered.

_____C. If the nuisance is not abated by the property owner within the time fixed in the resolution, the applicable department director may abate the same and mail a bill to the property owner covering the cost to the City of such abatement, including the applicable department director's expense. If the property owner fails or refuses to pay the bill immediately, the applicable department director shall file a lien therefor against the property, which lien shall be in the same form, filed with the same officer and within the same time and manner and enforced and foreclosed as is provided by law for liens for labor and material.

(Ord. 100 § 8, 1996).

1.20.085 Collection of Civil Fines and Penalties

_____Pursuant to RCW 19.16.500, the civil fines and penalties ordered by the City's Hearings Examiner may be collected by a licensed collection agency working under a contract with the City.

(Ord. 212 § 1, 1998).

1.20.090 Additional Enforcement Procedures.

_____A. Civil Infraction Citation. If after investigation, or after the complaint of residents or others, the applicable department director has probable cause to believe that the applicable standards or requirements of the University Place Municipal Code have been violated, the director may issue a civil infraction citation in accordance with RCW 7.80, which is incorporated herein by this reference, upon the owner, tenant, occupier, manager, agent, or other person responsible for the violation.

_____B. The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by City ordinance except as precluded by law.

(Ord. 100 § 9, 1996).

1.20.100 RCW Chapter 35.80 Adopted.

RCW Chapter 35.80 Unfit Dwellings, Buildings and Structures, as it currently exists or is hereinafter amended, is hereby adopted.

1.20.110 Improvement Officer and Appeals Commission Designated.

The Code Enforcement Official and the Code Enforcement Official's designee is designated as the City's "Improvement Officer," and shall have the full scope of authority granted to that official under RCW Chapter 35.80. The City of University Place's Hearings Examiner is designated as the City's "Appeals Commission," and shall have the full scope of authority granted to that commission under RCW Chapter

35.80.

1.20.120 Improvement Officer Authority – Issuance of Complaint.

If after a preliminary investigation of any dwelling, building, structure or premises, the Improvement Officer finds that it is unfit for human habitation or other use, the Improvement Officer may issue a complaint conforming to the provisions of RCW 35.80.030, stating in what respects such dwelling, building, structure or premises is unfit for human habitation or other use. In determining whether a dwelling, building, structure or premises should be repaired or demolished, the Improvement Officer shall be guided by the University Place Municipal Code and such other codes adopted pursuant to the University Place Municipal Code as the Improvement Officer deems applicable, in particular the most recent edition of the International Property Maintenance Code.

1.20.130 Service of Complaint.

A complaint issued under UPMC Chapter 1.20.120 shall be served on the parties and posted on the subject property pursuant to RCW 35.80.030, and shall also be filed with the Pierce County Auditor. All complaints or other documents posted on the subject property shall remain in place until the complaint has been resolved. For purposes of service, such complaints or other documents are deemed effective on the day of posting.

1.20.140 Complaint Hearing.

Not less than 10 days nor more than 30 days after serving a complaint, the Improvement Officer shall hold a hearing conforming to the provisions of RCW 35.80.030, at which all parties in interest shall be given the right to appear in person, to bring witnesses, and to give testimony regarding the complaint. At any time prior to or at the time of the hearing, any party may file an answer to the complaint. The Improvement Officer shall adopt procedural rules governing the procedure of such hearing, which shall be available for public inspection at the City Clerk's Office.

1.20.150 Determination, Findings of Fact, and Order.

Within 10 days of the complaint hearing, the Improvement Officer shall issue a Determination, Findings of Fact, and Order stating the Improvement Officer's determination as to whether the subject dwelling, building, structure or premises is unfit for human habitation or other use, the findings of fact supporting the determination, and an order specifying the actions necessary to address any unfitness and a deadline for completing the actions. The Determination, Findings of Fact, and Order shall be served and posted as set forth in UPMC 1.20.130, and if no appeal is filed within the deadline specified in UPMC 1.20.050, a copy of the Determination, Findings of Fact, and Order shall be filed with the Pierce County Auditor.

1.20.160 Appeal to Appeals Commission.

Within 30 days of service of a Determination, Findings of Fact, and Order, any party may file an appeal to the Appeals Commission. Such an appeal shall be governed by the City of University Place Hearings Examiner's procedural rules, except that the Appeals Commission shall conduct a hearing on the appeal and issue a ruling within 60 days from the date the appeal is filed; and if the Appeals Commission issues any oral findings of fact, the ruling shall contain a transcript of such findings in addition to any findings issued at the time of the ruling. The ruling shall be served and posted as set forth in UPMC 1.20.130, and if no appeal is filed within the deadline specified in UPMC 1.20.050, a copy of the ruling shall be filed with the Pierce County Auditor.

1.20.170 Appeal to Superior Court.

Any person affected by a Determination, Findings of Fact, and Order issued by the Improvement Officer, who has brought an appeal before the Appeals Commission pursuant to UPMC 1.20.160 may, within 30 days after the Appeals Commission's ruling has been served and posted pursuant to UPMC 1.20.130, petition the Pierce County Superior Court for an injunction restraining the Improvement Officer from carrying out the provisions of the Determination, Findings of Fact, and Order. In all such proceedings, the Court is authorized to affirm, reverse or modify the order, and such trial shall be heard de novo.

1.20.180 Remediation / Penalties.

If a party, following exhaustion of the party's rights to appeal, fails to comply with the Determination, Findings of Fact, and Order, the Improvement Officer may direct or cause the subject dwelling, building, structure or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished pursuant to RCW Chapter 35.80.

1.20.190 Tax Lien.

The cost of any action taken by the Improvement Officer under UPMC 1.20.180 shall be assessed against the subject property pursuant to RCW Chapter 35.80. Upon certification by the City of University Place Finance Director that the assessment amount is due and owing, the Pierce County Treasurer shall enter the amount of such assessment upon the tax rolls against the subject property pursuant to the provisions of RCW 35.80.030.

1.20.200 Salvage.

Materials from any dwelling, building, structure, or premises removed or demolished by the Improvement Officer shall, if possible, be salvaged and sold as if the materials were surplus property of the City of University Place, and the funds received from the sale shall be credited against the cost of the removal or demolition; and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Improvement Officer, after deducting the costs incident thereto.

1.20.210 Designation and Enforcement.

A. The Code Enforcement Officer(s) is/are the person(s) authorized by the City Manager to enforce the civil and criminal provisions of the University Place Municipal Code, including issuance of civil infraction, notice and orders of violation, and criminal misdemeanors.

B. The Code Enforcement Officer may call upon the police, fire, building, public works or any other appropriate City departments to assist in enforcement. As used in this chapter, "Code Enforcement Officer" shall also mean any applicable department director as designated by the City Manager.

C. This chapter shall be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.

1.20.140220 Conflicts.

In the event of a conflict between this chapter and any other provision of the eCity or eCity ordinances providing for a civil penalty, this chapter shall control. Provisions of the pPublic sSafety code in UPMC Title 9, Public Safety, do not apply to this chapter.

(Ord. 100 § 10, 1996).

1.20.140230 Meaning of tTerms.


For the purposes of this code, whenever "civil infraction" and "civil penalty" are used in any code, ordinance or regulation of the eCity, these terms shall be deemed to have the same meaning as the terms "civil violation" and "monetary penalty," respectively, as used herein.

(Ord. 100 § 10, 1996).


Section 2. Severability. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON THE 18TH DAY OF SEPTEMBER 2006


Gerald Gehring, Mayor

ATTEST:


Sarah Ortiz, CMC, City Clerk

APPROVED AS TO FORM:


Janean Parker, City Attorney

Passed by the City Council: 09/18/06

Published: 09/21/06

Effective Date: 09/26/06