

ORDINANCE NO. 44

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, ENACTING CIVIL AND CRIMINAL PENALTIES FOR
VIOLATIONS OF CITY ORDINANCES AND CREATING A CRIMINAL
OFFENSE OF FAILING TO RESPOND TO A NOTICE OF CIVIL
INFRACTION**

WHEREAS, the City of University Place will incorporate on August 31, 1995;
and

WHEREAS, the City has enacted several ordinances which contain civil or
criminal penalties for a violation of an ordinance; and

WHEREAS, the City wishes to enact general civil and criminal penalties which
will apply to all ordinance violations excepting only those ordinances which establish
specific penalties for violations thereof; and

WHEREAS, the City wishes to encourage compliance with certain City
ordinances by making violations thereof a civil infraction; and

WHEREAS, the City needs to have an enforcement mechanism to assure that civil
infractions for ordinance violations are responded to by the violator; NOW,
THEREFORE,

**THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. 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,
a violation of a City ordinance is punishable by a fine of up to \$500 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.

Section 2. 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 punished by imprisonment in the County or City Jail for a period up to
ninety (90) days and a fine of up to one thousand (\$1,000) dollars, 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.

Section 3. 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.

Section 4. 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 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 6. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force on the date of incorporation.

PASSED BY THE CITY COUNCIL ON AUGUST 14, 1995


Stanley L.K. Flemming, Mayor

ATTEST:


Susan Matthew, Interim City Clerk

APPROVED AS TO FORM:


Robert J. Backstein, Interim City Attorney

Date of Publication: August 16, 1995

Effective Date: August 31, 1995