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**TOWN OF WILBUR ORDINANCE NO. 378**

An ordinance of the Town of Wilbur, Washington, amending certain provisions of the Wilbur Municipal Code relating to infraction penalties and other fees and providing for the effective date thereof.

WHEREAS, the Town Council adopted Ordinance 373 adopting a new land use abatement code for the Town and repealing the former land use nuisance code; and

WHEREAS, the Town Council adopted Ordinance 376 amending the penalties, fees and charges for certain violations of the Wilbur Municipal Code; and

WHEREAS, in the adoption of Ordinance 376 an error was made in not including the provisions of the newly adopted land use nuisance code;

WHEREAS, in the adoption of Ordinance 376, section 18.64.090 relating to penalties for building code violations was inadvertently omitted; now therefore

THE TOWN COUNCIL OF THE TOWN OF WILBUR DO ORDAIN AS FOLLOWS:

SECTION 1. Section 1.08.030 of the Wilbur Municipal Code is hereby amended to read as follows: Section 1.08.030 Infraction penalty and other fees and charges. The following infractions shall have the monetary penalty and/or the following fees and rates shall be charged by the town of Wilbur and credited to the appropriate fund in the case of fees which are not infraction penalties as follows:

1. The sewer loan fee as established by Ordinance No. 310 will be reduced by three dollars and sixty cents per account.
2. The garbage rate will be increased to forty-five cents for the first can and thirty cents per can thereafter per week for disposal fees.
3. Section 13.20.080(A)(1), ambulance rates amended to one hundred sixty dollars.
4. Section 13.20.080(A)(2), ambulance amended to one hundred sixty dollars.
5. Section 13.20.080 (A)(3), call out fee nontransport to one hundred sixty dollars.
6. Section 13.20.080(D), waiting time amended to one hundred dollars per hour.
7. Section 13.20.040, the utility tax will be raised to two dollars and fifty cents per account per month.
8. Section 5.14.070, failure to obtain peddlers, solicitors or canvasser license. Fine of five hundred dollars, plus state assessments, per occurrence.
9. Section 6.04.110, failure to license dog. First offense, fifty dollars, plus state assessments; second offense, one hundred nineteen dollars, plus state assessments, and for each subsequent offense, one hundred nineteen dollars, plus state assessments,

10. Section 6.04.100, nuisance dog, howling, yelping or barking. First offense, fifty dollars, plus state assessments, second offense, one hundred dollars, plus state assessments; and one hundred fifty dollars, plus state assessments, for each subsequent offense.
11. Section 6.05.050(1), failure of certification of dangerous dog. Not less than two hundred nineteen dollars, plus state assessments, nor more than five hundred dollars, plus state assessments.
12. Section 6.05.050(1), violation of dangerous dogs. Fine of not less than two hundred nineteen dollars, plus state assessments, or more than five hundred dollars, plus state assessments.
13. Section 6.05.050(2), violation of potentially dangerous dog. Fine of two hundred fifty dollars, plus state assessments.
14. Section 6.05.050(2), failure to warn of potentially dangerous dog. Fine of two hundred fifty dollars, plus state assessments.
15. Section 6.05.050(3), nuisance dog running at large. First offense, fine of fifty dollars, plus state assessments; second offense, one hundred dollars, plus state assessments; and each subsequent offense, one hundred fifty dollars, plus state assessments.
16. Section 6.08.020, running at large of chickens, ducks, geese or other domestic fowl. First offense, fifty dollars, plus state assessments; second offense, one hundred dollars, plus state assessments; and each subsequent offense, one hundred fifty dollars, plus state assessments.
17. Section 6.12.030, unlawful to keep within corporate limits of town, sheep, goats or swine. Fine of one hundred dollars, plus state assessments.
18. (~~Section 8.10.080, violation of public nuisance. Fine of two hundred fifty dollars, plus state assessments, and each day constitutes a separate violation.~~)  
Section 8.10.610, cost of abatement and administrative fees. Actual costs and expenses of abatement, plus the following administrative fee:
  - a. Where abatement is accomplished and approved by the Director prior to a Board hearing, the administrative fee shall be \$200.00, except that these fees shall be waived for a first offense if abatement is accomplished and approved 48 hours prior to a Board hearing.
  - b. Where abatement is accomplished and approved by the Director less than 48 hours prior to a Board hearing, the administrative fee shall be \$300.00.
  - c. Where abatement is accomplished and approved by the Director following breach of an agreement or understanding between the property owner(s) and the Director, Board, or the Town Council, the administrative fee shall be \$600.00.
  - d. Where the abatement is accomplished by the Town following hearing or default of the property owner(s), the administrative fee shall be \$1,000.00.
19. Section 8.12.180, receptacles, unlawful to damage. Fine of two hundred fifty dollars, plus state assessments.
20. Section 8.12.180, sweeping litter into gutter prohibited. Fine of two hundred fifty dollars, plus state assessments.

21. Section 8.12.180, throwing or distributing handbills in public place. Fine of two hundred fifty dollars, plus state assessments.
22. Section 8.12.180, depositing handbills on vacant property. Fine of two hundred dollars, plus state assessments.
23. Section 8.12.180, failure of retrieval of fallen objects from vehicle. Fine of two hundred fifty dollars, plus state assessments.
24. Section 8.17.040, public disturbance noise. Fine of two hundred fifty dollars, plus state assessments.
25. Section 8.20.040, fertilizer gases nuisance. Fine of five hundred nineteen dollars, plus state assessments. Each day considered a separate occurrence.
26. Section 8.20.040, location near residential facilities prohibited. Fine of five hundred nineteen dollars, plus state assessments. Each day considered a separate occurrence.
27. Section 9.12.010, expectoration and obstruction of passageway prohibited. Fine of two hundred fifty dollars, plus state assessments.
28. Section 10.08.020, wrong way on alley between Division and Knox Streets, Fine as imposed as now or hereafter set by rule of the State Supreme Court (JTIR).
29. Section 10.16.020, occupancy of travel trailer prohibited outside of trailer parks. Fine of two hundred fifty dollars, plus state assessments.
30. Section 10.16.030, parking on streets or lots. Fine of two hundred fifty dollars, plus state assessments.
31. Section 10.22.030, designated street and term of closure, Division from Main to Front Street and Railway street from Division Street to Broadway street. Fine of two hundred fifty dollars, plus state assessments.
32. Section 10.24.100, hours of operation. Fine of three hundred dollars, plus state assessments.
33. Section 10.24.100, unlawful to permit operation by unqualified person. Fine of three hundred dollars, plus state assessments.
34. Section 10.24.100(A) through (N), regulations for operation. Fine of three hundred dollars, plus state assessments.
35. Section 10.24.100, registration required. Fine of three hundred dollars, plus state assessments.
36. Section 10.28.010, limit restrictions. First offense, one hundred two dollars, plus state assessments; second offense, one hundred fifty-two dollars, plus state assessments; third offense, one hundred seventy-nine dollars, plus state assessments, plus three cents per pound overweight.
37. Section 12.08.030, visibility required. Fine of one hundred fifty dollars, plus state assessments.
38. Section 12.10.070, resolution of necessity –liability of abutting property. Fine of two hundred fifty dollars, plus state assessments, and each day shall be a separate offense.
39. Section 12.16.030, street and sidewalk obstructions prohibited. Fine of two hundred fifty dollars, plus state assessments.
40. Section 12.16.030, placement of obstructions to cause accidents. Fine of two hundred fifty dollars, plus state assessments.

41. Section 12.20.030, duty of occupant to keep sidewalks clear. Fine of one hundred dollars, plus state assessments.
42. Section 12.24.040, placing material across creek—permit required. Fine of fifty dollars, plus state assessments.
43. Section 13.04.270, storm water discharge not permitted. Fine of seven hundred fifty dollars, plus state assessments.
44. Section 13.04.270, storm water discharge not permitted. Fine of seven hundred fifty dollars, plus state assessments.
45. Section 13.04.270, unpolluted discharge shall have approved outlet. Fine of seven hundred fifty dollars, plus state assessments.
46. Section 13.04.270, storm water connection not permitted in sanitary system. Fine of seven hundred fifty dollars, plus state assessments.
47. Section 13.04.270, enforcement office is working. No fine amount.
48. Section 13.04.270, opening a public sewer without permit. Fine of eight hundred dollars, plus state assessments.
49. Section 13.04.270, sewer construction of extension without permit. Fine of eight hundred dollars, plus state assessments.
50. Section 13.04.270, additional work without permit. Fine of eight hundred dollars, plus state assessments.
51. Section 13.04.270, permit duration—working past date of permit. Fine of eight hundred dollars, plus state assessments.
52. Section 13.04.270, permit display—failure to display permit in a proper manner. Fine of eight hundred dollars, plus state assessments.
53. Section 13.04.270, permit required. Fine of eight hundred dollars, plus state assessments.
54. Section 13.04.270, violation of sewer specifications. Fine of eight hundred dollars, plus state assessments.
55. Section 13.04.270, excavation safety and restoration. Fine of eight hundred dollars, plus state assessments.
56. Section 13.04.270, permit inspection. Fine of eight hundred dollars, plus state assessments.
57. Section 13.04.270, filling trenches without inspection. Fine of eight hundred dollars, plus state assessments.
58. Section 13.04.270, right of entry for inspector. Fine of eight hundred dollars, plus state assessments.
59. Section 13.04.270, delay of work restoration authority. Fine of eight hundred dollars, plus state assessments.
60. Section 13.04.270, improper work. Fine of eight hundred dollars, plus state assessments.
61. Section 13.04.270, repair of obstructed or broken sewers. Fine of eight hundred dollars, plus state assessments.
62. Section 13.04.270, injury to public sewer. Fine of eight hundred dollars, plus state assessments.
63. Section 13.04.270, deposition of rubbish unlawful. Fine of eight hundred dollars, plus state assessments.

64. Section 13.04.270, discharge of exhaust, steam and hot water. Fine of eight hundred dollars, plus state assessments.
65. Section 13.04.270, draining inflammable substances. Fine of eight hundred dollars, plus state assessments.
66. Section 13.04.270, grease traps required. Fine of eight hundred dollars, plus state assessments.
67. Section 13.04.270, obstructions—planting of certain trees and shrubbery prohibited. Fine of eight hundred dollars, plus state assessments.
68. Section 13.04.270, correction of noncomplying side sewer. Fine of eight hundred dollars, plus state assessments.
69. Violation of Section 13.24.010 through 13.24.080. Fine of two hundred fifty dollars, plus state assessments, and two hundred fifty dollars, plus state assessments, for every day of continued violation.
70. Violation of Section 13A.10.010 through 13A.10.130. Fine of five hundred dollars, plus state assessments. Each day considered a separate offense.
71. Section 18.64.090, violation – penalty. Fine of three hundred dollars, plus state assessments, plus payment of all costs and expenses involved in the case. Each day such violation shall continue may be considered a separate offense.

SECTION 2. Section 7 of Ordinance 376 amending previously repealed Section 8.10.080 of the Wilbur Municipal Code to read as follows: “Section 8.10.080 Penalties. In addition to the costs of abatement, any person violating any portion(s) of this chapter shall be deemed to have committed a civil infraction commencing upon the date that the enforcement officer or the town council had specified for completion of abatement, whichever date is later, and shall be subject to a fine as set forth in WMC 1.08.030. A separate offense shall be deemed committed on each day during or on which a violations occurs or continues.” IS REPEALED.

SECTION 3. Section 18.64.090 of the Wilbur Municipal Code is hereby amended to read as follows: Section 18.64.090 Violation – Penalty. Violation of the provisions of ~~(this +) Title 18 of the Wilbur Municipal Code~~ or failure to comply with any of its requirements may upon ~~(conviction thereof)~~ a finding of committed result in a fine ~~(of not more than three hundred dollars or imprisonment for not more than thirty days, or both,)~~ as set forth in WMC 1.08.030, for the violator, who shall, in addition, pay all costs and expenses involved in the case. Each day such violation continues may be considered a separate offense.

SECTION 4. All ordinances or parts thereof in conflict are hereby repealed.

SECTION 5. The attached ordinance summary is hereby approved and the Town Clerk is directed to publish the same in the Town’s official newspaper pursuant to RCW 35.27.300.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full effect five (5) days from and after passage, approval and publication.

PASSED this 3<sup>rd</sup> day of October 2001.

FOR:  
AGAINST:

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Donald G. Reid, MAYOR

ATTEST:

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Carla Shirley, Clerk/Treasurer

APPROVED AS TO FORM:

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Cynthia E. McMullen, Town Attorney

## **WILBUR ORDINANCE NO. 378 SUMMARY**

AN ORDINANCE of the Town of Wilbur, Washington, passed the City Council Amending Ordinance 376 and Sections 1.08.030 and 18.64.090 of the Wilbur Municipal Code relating to infraction penalties, and other fees and charges, incorporating the provisions of Ordinance 373 relating to the fees applicable in land use nuisance abatements; repealing all ordinances or parts thereof in conflict with the new provisions, and providing that such ordinance shall be effective five days after publication.

A COPY OF THE FULL TEXT OF THIS ORDINANCE IS AVAILABLE AT THE WILBUR TOWN CLERK'S OFFICE, P.O. Box 214, 14 NW Division Street, Wilbur, Washington 99185-0214.