

Ordinance No. _____

AN ORDINANCE of the City of Olympia, Washington relating to Uniform Civil Enforcement and amending Sections 4.44.020 and 4.50.060 of the Olympia Municipal Code.

WHEREAS, this Ordinance is adopted pursuant to Article 11, Section 11, of the Washington State Constitution and any other applicable legal authority; and

WHEREAS, this Ordinance is supported by the staff report, attachments and documents on file with the City of Olympia; and

WHEREAS, this Ordinance is supported by the professional judgment and experience of staff directly involved in the enforcement against graffiti; and

WHEREAS, the City of Olympia City Council deems it appropriate to have higher civil infraction penalties for repeat code violators even when the violations involve different subject matter categories;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 4.44.020. Section 4.44.020 of the Olympia Municipal Code is hereby amended to read as follows:

4.44.020 Definitions

"Code Enforcement Officials" shall mean any of the following officials or employees of the City of Olympia: the sworn police officers, the City Manager or his or her designee, the Director of Community Planning and Development or his or her designee, the Director of Public Works or his or her designee, the City's Building Official or his or her designee and the Fire Marshal or his or her designee.

"Person" shall mean any natural person or any firm, association, corporation, or other entity however constituted.

"Repeat Offender" shall mean a property owner, tenant, hired contractor or property manager who has a confirmed history of violating OMC Titles 4, 8, 13, 16, 17, or 18 three or more times within a 24-month period.

Section 2. Amendment of OMC 4.50.060. Section 4.50.060 of the Olympia Municipal Code is hereby amended to read as follows:

4.50.060 Monetary penalties - Restitution

A. Class of civil infractions. Unless otherwise provided, a person found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. The maximum penalty and default amount for a first offense, which is a Class 3 civil infraction shall be Fifty Dollars (\$50), not including statutory assessments.

2. The maximum penalty and default amount for a second offense arising out of same facts as a first offense, which is a Class 2 civil infraction shall be One Hundred Twenty-Five Dollars (\$125), not including statutory assessments.

3. The maximum penalty and default amount for a third offense and additional offenses arising out of same facts as first and second offenses, which is a Class 1 civil infraction, shall be Two Hundred Fifty Dollars (\$250), not including statutory assessments.

4. Notwithstanding the provisions above, a repeat offender, as defined in Section 4.44.020, shall be subject to a Class 1 civil infraction, which is a penalty of Two Hundred Fifty Dollars (\$250), not including statutory assessments for the violation that creates repeat offender status and for each violation committed by a repeat offender.

B. Whenever a monetary penalty is imposed by the court under this Chapter, it is immediately payable. The court may not impose a penalty in excess of the monetary penalty provided for by ordinance. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the City Attorney of the failure to pay.

C. Payment of a monetary penalty or performance of the required community service shall not relieve a person of the duty to correct the violation.

D. The court may also order a person found to have committed a civil infraction to make restitution.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or application of the provision to other persons or circumstances, shall be unaffected.

Section 4. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. Effective Date. This ordinance shall take effect five (5) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Darren Nienaber
DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: