

## Title 1

### GENERAL PROVISIONS

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#### Chapter 1.01

#### CODE ADOPTION

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**1.01.010 Adoption.**

Pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the RCW, there is adopted the "North Bonneville Municipal Code." (Ord. § 1, 1990)

**1.01.020 Title--Citation--Reference.**

This code shall be known as the "North Bonneville Municipal Code" and it shall be sufficient to refer to said code as the "North Bonneville Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "North Bonneville Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "North Bonneville Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the Code. (Ord. § 2, 1990)

**1.01.030 Codification authority.**

This Code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the City of North Bonneville, Washington, codified pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the Revised Code of Washington. (Ord. § 3, 1990)

**1.01.040 Ordinances passed prior to adoption of the Code.**

The last ordinance included in the initial code is Ordinance No. 655, passed in 1990. The following ordinances, passed subsequent to Ordinance No. 655 but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 656 through 731. (Amended during 1997 recodification: Ord. § 4, 1990)

**1.01.050 Reference applies to all amendments.**

Whenever a reference is made to this code as the "North Bonneville Municipal Code" or to any portion thereof, or to any ordinance of the City of North Bonneville, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. § 5, 1990)

**1.01.060 Title, chapter and section headings.**

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. § 6, 1990)

**1.01.070 Reference to specific ordinances.**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. § 7, 1990)

**1.01.080 Effect of code on past actions and obligations.**

Neither the adoption of this code nor the repeal or amendment hereby of any ordinances or portion of any ordinance of the City of North Bonneville shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinance relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. § 8, 1990)

**1.01.090 Effective date.**

This code shall become effective on the date the ordinance adopting this code as the "North Bonneville Municipal Code" shall become effective. (Ord. § 9, 1990)

**1.01.100 Constitutionality.**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The City Council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if or any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. § 10, 1990)

**Chapter 1.04**

**OPTIONAL CODE**

**Sections:**

- 1.04.010 Purpose.**
- 1.04.020 Non-Charter Code City.**
- 1.04.030 Continuation mayor-council plan.**
- 1.04.040 Saving rights, action.**
- 1.04.050 Effective date.**

**1.04.010 Purpose.**

It is the purpose of this chapter to adopt for the Town of North Bonneville the classification of Non-Charter Code City under Title 35A Optional Municipal Code of the Revised Code of Washington as the same may provide greater flexibility in the operation of the town's government and ability to meet the governmental needs of the community. (Ord. 259 § 1, 1974)

**1.04.020 Non-Charter Code City.**

The classification of Non-Charter Code City under Title 35A of the Revised Code of Washington be and the same is hereby adopted for the Town of North Bonneville, the town having heretofore and on November 26, 1973 adopted its Resolution No. 155 declaring the Council's intention to adopt such classification and the same having thereafter been published in a newspaper of general circulation and posted within the town without the filing of any referendum petition within ninety (90) days thereafter. (Ord. 259 § 2, 1974)

**1.04.030 Continuation mayor-council plan.**

No new form of organization of the town's government is intended to be adopted with its reclassification as a Non-Charter City, but the same shall continue under the Mayor-Council Plan as in RCW Chapter 35A.12 provided. (Ord. 259 § 3, 1974)

**1.04.040 Saving rights, action.**

It is the intention of the town that all rights and actions be preserved to it notwithstanding the adoption of the classification of Non-Charter Code City as in RCW 35A.90.010 provided including, without limitation, any direct representative, or derivative rights it may have or have had in regard to local service districts serving areas embraced by the town or having property or facilities therein. (Ord. 259 § 4, 1974)

**1.04.050 Effective date.**

Immediately upon passage by the Town Council, approval by the Mayor and publication according to law. (Ord. 259 § 5, 1974)

**Chapter 1.05**

**MAYOR AND COUNCILOR COMPENSATION**

**Sections:**

- 1.05.010 Council Compensation.**
- 1.05.020 Mayor Compensation.**
- 1.05.030 Pro-Tem Compensation**
- 1.05.040 Effective Dave.**
- 1.05.050 Expense Reimbursement.**

**1.05.010 Council Compensation.**

Commencing with the calendar year 2018 or the commencement of a new term of office, whichever is later, councilmember's elected or appointed subsequent to the previous year's general election shall receive \$25 reimbursement per city council regular meeting attended, not to exceed two meetings per month. (Ord. 1090, 2018; Ord. 1054, 2015)

**1.05.020 Mayor Compensation.**

Commencing July 1, 2018 and thereafter, the mayor shall receive a salary of \$3,225 per month. The mayor, serving in this capacity, shall not be eligible for overtime, holiday pay, medical benefits or other benefits. (Ord. 1102, 2018; Ord. 1090, 2018; Ord. 1054, 2015)

**1.05.030 Pro-Tem Compensation**

In a case where a pro-tem mayor fills the mayor's position for at least one full month, the pro-tem shall receive the mayor's compensation in his/her stead for each full month served. For existing council members, this provision shall become effective during a new term of office. (Ord. 1054, 2015)

**1.05.040 Effective Date.**

As provided in Washington State Constitution Art. 11§ 8, NBMC 1.05.010 does not permit an increase in the salary of any of the existing council member during their present term of office, but shall only establish a salary for those councilors during a subsequent term of office beginning from the time they take office. (Ord. 1054, 2015)

**1.05.050 Expense Reimbursement.**

Each member of the city council and the mayor shall be reimbursed for their actual expenses incurred in the discharge of their official duties upon presentation of a claim therefore after allowance and approval by the city council as evidenced by a voucher signature. Reimbursement for mileage shall be at the current rate allowed by the Internal Revenue Service for business travel. (Ord. 1054, 2015)

**Chapter 1.08**

**CIVIL VIOLATIONS AND ABATEMENT**

**Sections:**

- 1.08.010 Purpose.**
- 1.08.020 Definitions.**
- 1.08.030 Adoption of the "Infraction Rules for Courts of Limited Jurisdiction."**
- 1.08.040 Voluntary correction.**
- 1.08.050 Notice of civil infraction.**
- 1.08.060 Municipal Court hearings.**
- 1.08.070 Abatement by the City.**
- 1.08.080 Additional enforcement procedures.**
- 1.08.090 Conflicts.**
- 1.08.100 Meaning of terms.**

**1.08.010 Purpose.**

The purpose of this chapter is to establish an efficient system to enforce the noncriminal regulations of the City, to provide an opportunity for a prompt hearing and decision on alleged violations of these regulations, and to establish penalties for violations. (Ord. 718 (part), 1995)

**1.08.020 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 whatever means, manner and extent as the enforcement officer determines necessary in the interest of the general health, safety and welfare of the community.

"Act" means doing or performing something.

"Civil violation" means a violation for which a monetary penalty may be imposed as specified in this chapter.

"Emergency" means a situation which, in the opinion of the enforcement officer, requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property.

"Enforcement officer" means the Mayor of the City of North Bonneville, the director of a City of North Bonneville department, an officer of the North Bonneville Police Department, or any other person empowered by ordinance or by the City Mayor to enforce a city ordinance or regulation.

"Omission" means a failure to act.

"Person" means any individual, firm, association, partnership, corporation or any entity, public or private.

"Person responsible for the violation" means any person who is required by the applicable regulation to comply therewith, or who commits any act or omission which is a civil violation or causes or permits a civil violation to occur or remain upon property in the city, and includes but is not limited to the owner(s), lessor(s), or other person(s) entitled to control, use and/or occupy property where a civil violation occurs.

"Regulation" means:

1. Any ordinance or part thereof designated by the North Bonneville City Council as enforceable pursuant to this chapter; and
2. All standards, policies and procedures adopted pursuant to the above; and
3. The terms and conditions of any permit or approval issued by the city, or any concomitant agreement with the city.

"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 (2) years or a notice of civil violation has been issued within two (2) years.

"Violation" means an act or omission contrary to a City regulation including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission. (Ord. 718 (part), 1995)

#### **1.08.030 Adoption of the "Infraction Rules for Courts of Limited Jurisdiction."**

A. The "Infraction Rules for Courts of Limited Jurisdiction" (IRLJ) are incorporated in their entirety and as they may be amended hereafter. If there is a conflict between those rules and any other provisions of this chapter, the IRLJ governs. (Ord. 718 (part), 1995)

#### **1.08.040 Voluntary correction.**

A. Issuance of Voluntary Correction Agreement. Acting through an enforcement officer, the City may enter into a voluntary correction agreement between persons responsible for violations and the city.

1. Content. The voluntary correction agreement is a contract between the City 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 voluntary correction agreement 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 provision(s) of the City ordinance or 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 City may abate the violation and recover its costs and expenses and a monetary penalty pursuant to this chapter from the person responsible for the violation if terms of the voluntary correction agreement are not met; and

- f. An agreement that, by entering into the voluntary correction agreement, the persons responsible for the violation waives the right to any appeal of the violation and/or the required corrective action; and
  - g. Signatures of the person responsible and an enforcement officer.
2. Right to a Hearing Waived. The persons responsible for the violation waives any right to an appeal of the violation and the required corrective action upon entering into a voluntary correction agreement.
  3. Extension--Modification. An extension of the time limit for correction or a modification of the required corrective action may be granted by an enforcement officer if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation but unforeseen circumstances render completion of the corrective action according to the original terms impossible or impracticable.
  4. Abatement by the City. The City may abate the violation in accordance with Section 1.08.070 if the terms of the voluntary correction agreement are not met.
  5. Collection of Costs. If the terms of the voluntary correction agreement 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 Section 1.08.050(D), plus all costs and expenses of abatement, as set forth in Section 1.08.070(D). (Ord. 718 (part), 1995)

**1.08.050 Notice of civil infraction.**

- A. Notice of Infraction--Issuance, Service, Filing.
  1. RCW 7.80.050 is adopted by reference. (See also IRLJ Title 2).
  2. The notice shall also contain a statement that the costs and expenses of abatement incurred by the City pursuant to Section 1.08.070(D) and a monetary penalty in an amount per day for each violation as specified in Section 1.08.050(D) may be assessed against the person to whom the notice of civil violation is directed as ordered by the Municipal Court.
- B. Person Receiving Notice--Identification and Detention. RCW 7.80.060 is adopted by reference.
- C. Notice--Determination Final Unless Contested--Form. RCW 7.80.070 is adopted by reference (See also IRLJ Titles 2 and 3.)
- D. Monetary Penalties--Restitution. RCW 7.80.120 and IRLJ Title 6.2 are adopted by reference. In the absence of a specific penalty in the relevant City of North Bonneville ordinance or IRLJ Title 6.2, the monetary penalty shall be thirty-five dollars (\$35.00), not including statutory assessments, for each violation.
- E. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the person to whom the notice of civil violation was issued of the duty to correct the violation.
- F. Collection of Monetary Penalty.
  1. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any monetary penalty assessed must be paid to the City of North Bonneville at City Hall within ten (10) calendar days from the date of mailing of the Judge's decision of a notice from the City that penalties are due.
  2. The City Attorney is authorized to take appropriate action to collect the monetary penalty. (Ord. 718 (part), 1995)

**1.08.060 Municipal Court hearings.**

- A. Response to Notice--Contesting Determination--Mitigating Circumstances--Hearing--Failure to Respond or Appear. RCW 7.80.080 is adopted by reference (See also IRLJ Title 2.)
- B. Hearings--Rules of Procedure--Counsel. RCW 7.80.090 is adopted by reference (See also IRLJ Title 3.)
- C. Hearings--Contesting Determination that Infraction Committed--Appeal. RCW 7.80.100 is adopted by reference (See also IRLJ Title 3.)

D. Hearings--Explanation of Mitigating Circumstances. RCW 7.80.110 is adopted by reference (See also IRLJ Title 3.)

E. Monetary Penalties--Restitution. RCW 7.80.120 is adopted by reference. (See also IRLJ Title 3.)

F. Order of Court--Civil Nature--Modification of Penalty--Community Service. RCW 7.80.130 is adopted by reference (See also IRLJ Title 3.)

G. Costs and Attorney Fees. RCW 7.80.140 is adopted by reference.

H. Notice, Failure to Sign, Nonappearance--Failure to Satisfy Penalty. RCW 7.80.160 is adopted by reference. (See also IRLJ Titles 2 and 3.) (Ord. 718 (part), 1995)

#### **1.08.070 Abatement by the City.**

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

1. The terms of a voluntary correction agreement pursuant to Section 1.08.040 have not been met; and

2. A notice of civil violation has been issued pursuant to Section 1.08.050, a hearing has been held pursuant to Section 1.08.060 and the required correction has not been completed as specified in the Judge's order; or

3. The condition is subject to summary abatement as provided for in Section 1.08.070(B).

B. Summary Abatement. Whenever any violation of a regulation causes a condition the continued existence of which constitutes an immediate and emergency threat to the public health, safety or welfare or to the environment, the City 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 practicable after the abatement.

C. Authorized Action by the City. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition which is subject to abatement. The City 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 or occupy the property and shall become due and payable to the City of North Bonneville at City Hall within ten (10) calendar days. The term "incidental expenses" includes but is not limited to personnel costs, both direct and indirect, including attorney's fees; costs incurred in documenting the violation; hauling, storage and disposal expenses; and actual expenses and costs of the City in preparing notices, specifications and contracts, and in accomplishing or contracting for and inspecting the work, and the costs of any required printing and mailing.

E. Interference. No person shall obstruct, impede, or interfere with the City or its agents, or with any person who owns or holds any interest or estate in any property, in performing any tasks necessary to correct the violation. Violations of this subsection shall be a misdemeanor. (Ord. 718 (part), 1995)

#### **1.08.080 Additional enforcement procedures.**

The provisions of this chapter are not exclusive, and may be used in addition to other enforcement provisions authorized by the North Bonneville City Code except as precluded by law. (Ord. 718, 1995)

#### **1.08.090 Conflicts.**

In the event of a conflict between this chapter and any other provisions of the North Bonneville Municipal Code or City ordinances providing for a civil penalty, this ordinance shall control. The provisions of the Penal Code, Title 9 and Title 10 of the Revised Code of Washington, do not apply to this chapter. (Ord. 718 (part), 1995)

#### **1.08.100 Meaning of terms.**

For the purposes of this code, whenever "civil infraction" and "civil penalty" are used in any code, ordinance or regulation of the City, these terms shall be deemed to have the same meaning as the terms "civil violation" and "monetary penalty," respectively, as used herein. (Ord. 718 (part), 1995)