

Ordinance No. 00025

[\(Council Minutes 95/12/11\)](#)

ORDINANCE NO. 25

AN ORDINANCE of the City of Lakewood, 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 Lakewood will incorporate on February 28, 1996; and,

WHEREAS, as of that incorporation date, the City will have responsibility for enforcement of Ordinances, the violation of which would involve potential civil or criminal penalties; 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 LAKEWOOD, 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. For all Ordinances of the City which set forth that a violation of the Ordinance shall constitute a gross misdemeanor, upon conviction an offender shall be punished by imprisonment in the County or City Jail for a period up to one year and a fine of up to five thousand (\$5,000) 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.

This Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary, and on February 28, 1996.

ADOPTED by the City Council this 11th day of December, 1995

/S/ Bill Harrison

Mayor

Attest:

/S/ Alice M. Bush

City Clerk

Approved as to Form:

/S/ Daniel B. Heid

City Attorney

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