

**CITY OF PACIFIC  
WASHINGTON**

**ORDINANCE NO. 1797**

**AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON AMENDING PACIFIC MUNICIPAL CODE SECTION 20.82.090 NOTICE OF INFRACTION - CONTENTS – ISSUANCE – SERVICE, SUBSECTION (A)**

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**WHEREAS** it is in the best interests of the health and welfare of the City of Pacific to make certain amendments to Pacific Municipal Code (PMC) Subsection 20.82.090, Subsection (A).

**NOW, THEREFORE, THE CITY COUNCIL OF PACIFIC, WASHINGTON, DOES ORDAIN AS FOLLOWS**

(Repealed language is noted by strike through and new language is in bold)

20.82.090 Notice of infraction – Contents – Issuance – Service.

A. Whenever the enforcement officer determines that a violation of the code has occurred, there may be served upon the owner or other responsible person a notice of infraction that shall:

1. State that the notice of infraction represents a determination that a civil infraction has been committed by the person cited, and that the determination is final unless contested;

2. State that a civil infraction is not a criminal offense and that imprisonment may not be imposed as a sanction;

3. Separately identify each infraction and that a separate infraction is committed every day that the violation continues to occur, and the daily fine imposed for each violation, and explain the possible response to the notice of infraction, and how each may be exercised;

~~4. Identify any necessary corrective action and a time for compliance;~~

5. **4.** State that with regard to a contested infraction, the city shall bear the burden of proving by a preponderance of the evidence at a hearing that the violation(s) occurred, and that at such hearing the alleged violator may call witnesses, including the enforcement officer, and present evidence; and that with regard to a request for a hearing on mitigating circumstances, the person cited will be deemed to have committed the infraction and will not be allowed to subpoena witnesses;

6. **5.** State that the person must respond within 15 days of the date of the notice and require that the person named in the notice of infraction sign a promise to respond; and

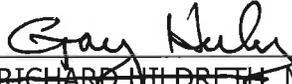
7. **6.** State that a failure to respond or appear as promised will result in the entry of a default judgment in the amount of the fine that has accrued to the date of entry of the default judgment that daily fines will continue to accrue, and that failure to respond or to appear as promised is a misdemeanor punishable by a fine and/or imprisonment.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

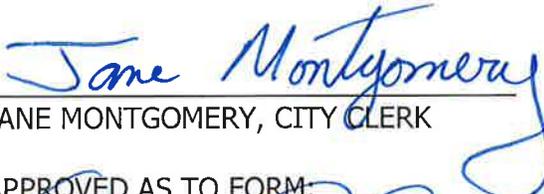
Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five days after the date of publication.

Passed by the City Council of the City of Pacific, the 14<sup>TH</sup> day of February, 2011.

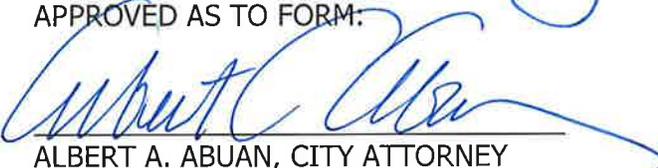
APPROVED:

  
\_\_\_\_\_  
RICHARD HILDRETH, MAYOR, PRO TEM

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALBERT A. ABUAN, CITY ATTORNEY