

**CITY OF ILWACO  
ORDINANCE NO. 845**

**AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, AMENDING THE ILWACO MUNICIPAL CODE IN ORDER TO UNIFORMLY ENFORCE THE CODE REQUIREMENTS WITH REGARDS TO VIOLATION AND PENALTIES AND TO UPDATE POLICY.**

**WHEREAS**, the Council of the City of Ilwaco wishes to make the Ilwaco Municipal Code uniformly consistent for enforcement; and

**WHEREAS**, certain sections of the Ilwaco Municipal Code require updating;

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

**Section 1.** The Ilwaco Municipal Code, is amended to read as follows:

**Chapter 1.20**

**GENERAL PENALTY**

Sections:

- 1.20.010 General penalty.
- 1.20.020 Procedural rules for infractions.
- 1.20.030 Procedural rules for criminal violations.
- 1.20.010 General penalty.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the city shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for violation of an ordinance of the city is punishable by a fine of not more than five thousand dollars (\$5,000.00), or by imprisonment not to exceed one year, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the city is punishable by a penalty of not more than five thousand dollars (\$5,000.00).

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provisions of the ordinances of the city is committed, continued or permitted by any such person, and such person shall be punishable accordingly. (Ord. 619 § 1, 1998)

1.20.020 Procedural rules for infractions.

All infractions which are not subject to Enforcement Procedures under Title 11, or for which the City elects to enforce pursuant to RCW Chapter 7.80 will be prosecuted in accordance with the Infraction Rules for Courts of Limited Jurisdiction. Wash. IRLJ 1.1 (2005). (Ord. 718 (part),

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**1.20.030 Procedural rules for criminal violations.**

All criminal violations will be prosecuted in accordance with the Criminal Rules for Courts of Limited Jurisdiction. Wash. CrRLJ 1.1 (2005). (Ord. 718 (part), 2006)

**1.20.040 Acts Enforceable Under Different Sections.**

In all cases where the same offense is made punishable or enforceable, or is created by, different sections of the code, the public official responsible for enforcement or prosecution may elect under which section to proceed, but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit, or abatement of a nuisance or unsafe condition, shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

**Section 2.** Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

**Section 3.** Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

**PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 8<sup>TH</sup> DAY OF JUNE, 2015.**

\_\_\_\_\_  
Mike Cassinelli, Mayor

ATTEST:

\_\_\_\_\_  
Ariel Smith, Treasurer

VOTE	Jensen	Karnofski	Marshall	Chambreau	Forner	Cassinelli
Ayes	X		X	X	X	
Nays						
Abstentions						
Absent		X				

PUBLISHED: June 17, 2015

EFFECTIVE: June 24, 2015

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