



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 "Goldendale Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Goldendale Municipal Code" and such references shall apply

to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 1040 §2, 1989)

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 Goldendale, Washington, codified pursuant to the provisions of RCW 35.21.500 through 35.21.570. (Ord. 1040 §3, 1989)

1.01.040 Ordinances passed prior to adoption of code. The last ordinance included in the initial code is Ordinance 1028, passed September 6, 1988. The following ordinances passed subsequent to Ordinance 1028, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinances 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039 and 1040. (Ord. 1040 §4, 1989)

1.01.050 Reference applies to all amendments. Whenever a reference is made to this code as the "Goldendale Municipal Code" or to any portion thereof, or to any ordinances of the city of Goldendale, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 1040 §5, 1989)

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. 1040 §6, 1989)

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. 1040 §7, 1989)

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 ordinance or part or portion of any ordinance of the city 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 the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal provision 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. 1040 §8, 1989)

1.01.090 Effective date. This code and the ordinance codified in this chapter shall become effective thirty days after its passage by the city council and publication in the city's official newspaper. (Ord. 1040 §9, 1989)

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 council 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 for any reasons this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 1040 §10, 1989)

Chapter 1.04GENERAL PROVISIONSSections:

- 1.04.010 Title--Citation--Reference.
- 1.04.020 Reference applies to all amendments.
- 1.04.030 Title, chapter and section headings.
- 1.04.040 Codification authority.
- 1.04.050 Definitions.
- 1.04.060 Grammatical interpretation.
- 1.04.070 Prohibited acts include causing or permitting.
- 1.04.080 Construction,
- 1.04.090 Reference to specific ordinances.
- 1.04.100 Effect of code on past actions and obligations.
- 1.04.110 Repeal shall not revive any ordinances.
- 1.04.120 Repeal.
- 1.04.130 Exclusions.
- 1.04.140 Effective date.
- 1.04.150 Constitutionality.

1.04.010 Title--Citation--Reference. This code shall be known as the "Goldendale Municipal Code" and it shall be sufficient to refer to said code as the "Goldendale 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 "Goldendale Municipal Code." Further, reference may be had to the titles, chapters, sections and subsections of the "Goldendale Municipal Code" and such reference shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Prior code §1.01.020)

1.04.020 Reference applies to all amendments. Whenever a reference is made to this code as the "Goldendale Municipal Code" or to any portion thereof, or to any ordinance of the city of Goldendale, Washington the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Prior code §1.01.030)

1.04.030 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. (Prior code §1.01.040)

1.04.040 Codification authority. The code consists of all of the regulatory and penal ordinances and certain of the administrative ordinances codified pursuant to RCW 35.21.500 through 35.21.570. (Prior code §1.01.050)

1.04.050 Definitions. The following words and phrases whenever used in the ordinances of the city of Goldendale, Washington shall be construed as defined in this section unless from the context a different meaning is intended or unless different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" means the city of Goldendale, Washington, or the area within the territorial limits of the city over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the city council of the city of Goldendale, Washington. "All its members" or "all councilmen" means the total number of councilmen provided by the general laws of the state of Washington.

C. "County" means the county of Klickitat, Washington.

D. "Law" denotes applicable federal law, the constitution and statutes of the state of Washington, the ordinances of the city of Goldendale, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Must" and "shall." Each is mandatory.

G. "Oath" includes affirmation.

H. Office. The use of the title of any officer, employee or any office, or ordinance shall mean such officer, employee or ordinance of Goldendale unless otherwise specifically designated.

I. "Ordinance" means a law of the city; provided that a temporary or special law, administrative action, order or directive, may be in the form of a resolution.

J. "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

K. "State" means the state of Washington.

L. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

M. "Written" includes printed, typewritten, mimeographed or multigraphed. (Prior code §1.01.060)

1.04.060 Grammatical interpretation. The following grammatical rules shall apply in the ordinances of the city of Goldendale, Washington:

A. Gender. Any gender includes the other genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa.

D. Use of Words and Phrases. Words and phrases not specifically defined shall be construed according to the context and approved usage of the language. (Prior code §1.01.070)

1.04.070 Prohibited acts include causing or permitting. Whenever in this code any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Prior code §1.01.080)

1.04.080 Construction. The provisions of this code and all proceedings under it are to be construed with a view to effect its objects and to promote justice. (Prior code §1.01.090)

1.04.090 Reference to specific ordinances. The provisions of this code shall not in any manner affect deposits or others 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. (Prior code §1.01.100)

1.04.100 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city 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 ordinances relating to the collection of any such license, fee or penalty, on 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. (Prior code §1.01.110)

1.04.110 Repeal shall not revive any ordinances. The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby. (Prior code §1.01.120)

1.04.120 Repeal. All general ordinances of the city of Goldendale, Washington not included in this code or excluded from the operation and effect of this section are hereby repealed. (Prior code §1.01.130)

1.04.130 Exclusions. Every special ordinance of the city governing the following subject matter whether contained in whole or in part within this code, is excluded from the operation and effect of Section 1.04.120 and is not affected by the repeal provisions of this chapter. Annexations; franchises, naming roads, streets and public places, acquisition or disposal of public property; vacation of streets, alleys, or public ways; acceptance of any gift, devise, license or other benefit; provided, that the foregoing enumeration of exceptions or exclusions shall not be deemed to be exclusive or exhaustive, it being the intent and purpose to exclude from repeal any and all ordinances not of a general nature. (Prior code §1.01.140)

1.04.140 Effective date. This code shall become effective on the date the ordinance adopting this code as the "Goldendale Municipal Code" shall become effective. (Prior code §1.01.150)

1.04.150 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 council 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 for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Prior code §1.01.160)

## Chapter 1.08

### FORM OF GOVERNMENT

#### Sections:

1.08.010 Classification adopted.

1.08.010 Classification adopted. There is adopted for the city classification of noncharter code city operating under the mayor-council plan of government. (Ord. 1152 §1, 1995: Ord. 972 §1, 1988: prior code §1.02.010)

Chapter 1.12

RIGHT OF INITIATIVE AND REFERENDUM

Sections:

1.12.010 Established--Effective date.

1.12.010 Established--Effective date. The right of initiative and referendum, per RCW 35A.29.170, will be in effect for the citizens of Goldendale, effective forty-five days from the effective date of the ordinance codified in this section. (Prior code §1.12.010)

Chapter 1.16

RIGHT OF ENTRY

Sections:

1.16.010 Designated.

1.16.010 Designated. Whenever necessary to make an inspection to enforce any provision of this code, or whenever there is reasonable cause to believe that there exists a violation of this code in any building or upon any premises within the jurisdiction of the city, any authorized official of the city may, upon presentation of proper credentials, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him by this code; provided, that except in emergency situations he shall first give the owner and/or occupant, if they can be located after reasonable effort, twenty-four hours written notice of the authorized official's intention to inspect. In the event the owner and/or occupant refuses entry the official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Prior code §1.08.010)

Chapter 1.20CIVIL INFRACTIONSSections:

- 1.20.010 Purpose--Applicability.
- 1.20.020 Definitions.
- 1.20.030 Authorization--Chapter 7.80 RCW.
- 1.20.040 Issuance of process.
- 1.20.050 Notice of infraction--Issuance, service, filing.
- 1.20.060 Person receiving notice--Identification.
- 1.20.070 Notice--Determination final unless contested--Form.
- 1.20.080 Response to notice--Contesting determination--Mitigating circumstances--Hearing--Failure to respond or appear--Certificate of correction.
- 1.20.090 Hearings--Rules of procedure--Counsel.
- 1.20.100 Hearings--Contesting determination that infraction committed--Appeal.
- 1.20.110 Hearings--Explanation of mitigating circumstances.
- 1.20.120 Monetary penalties--Restitution.
- 1.20.130 Order of court--Civil nature--Modification of penalty.
- 1.20.140 Costs.
- 1.20.150 Notices--Record of--Cancellation prohibited, penalty--Audit.
- 1.20.160 Failure to exercise notice options--Failure to satisfy penalty.
- 1.20.170 Emergency--Requirement of immediate action.
- 1.20.180 Headings not part of law.
- 1.20.190 Severability.

1.20.010 Purpose--Applicability. A. It is imperative that certain city of Goldendale code provisions are properly enforced. To better accomplish this goal, the city of Goldendale has designated certain violations of the Goldendale Municipal Code to be civil infractions pursuant to Chapter 7.80 RCW. The purpose of this chapter is remedial. Use of the civil infraction procedure, as set forth in this chapter, will better protect the public from

the harmful effects of certain violations of the Goldendale Municipal Code, will aid and streamline enforcement, and will partially reimburse the city for the expenses of enforcement and the related judicial process. This enforcement procedure shall be supplemental to any enforcement procedures otherwise provided by law.

No person owning, leasing, renting, occupying or having charge or possession of any property in the city, including vacant lots, shall maintain or allow to be maintained on any such property a violation of any of the following regulations (as they currently exist, are amended or as superseded) or any other city regulation which refers to the provisions of this chapter as the enforcement procedure for said regulation:

1. Animals (Title 6);
2. Litter (Chapter 8.08);
3. Weeds (Chapter 8.12);
4. Watering restrictions (Chapter 8.16);
5. Nuisances (Chapter 8.45);
6. Noise (Chapter 9.10);
7. Abandoned, unauthorized and junk vehicles (Chapter 10.20);
8. Sidewalk obstructions (Chapter 12.04);
9. The city of Goldendale building and construction codes (Title 15);
10. Zoning (Title 17).

B. Additionally, no person, firm, corporation or association, or any agent thereof, shall violate or fail to comply with any condition set forth in any city development agreement, or any condition imposed by the city pursuant to the city's environmental policy ordinance (Chapter 18.04).

C. Any person violating any of the mandatory requirements of the ordinances set forth herein shall be assessed a monetary penalty not exceeding the sum established for class one civil infraction by RCW 7.80.120, as the same currently exists or as may be hereafter amended. (Ord. 1365 § 1(part), 2007)

1.20.020 Definitions. The definitions set forth in this section shall apply throughout this chapter:

"City" means the city of Goldendale.

"City attorney" means the Goldendale city attorney or his or her designee.

"Civil infraction" means a violation of the Goldendale Municipal Code for which a monetary penalty may be imposed under this chapter as set forth in GMC Section 1.20.010 or elsewhere in the Goldendale Municipal Code. Each day or portion thereof during which a violation occurs or exists shall be deemed a separate civil infraction. Traffic violations pursuant to GMC Title 10 (except regarding abandoned, unauthorized, and junk vehicles as set forth at Chapter 10.20 GMC), are specifically excluded from the application of this chapter.

"Code" means any provision of the Goldendale Municipal Code.

"Court" means the Goldendale municipal court.

"Department" means all city of Goldendale departments and/or divisions.

"Enforcement officer" means the city administrator and any person authorized by the city administrator to enforce the provisions of the code or chapter in which the civil infraction is established, but shall not include private citizens.

"May" is optional and permissive and does not impose a requirement.

"Permit" or "permit conditions" means an official authorization, license, document, certificate, or other written permission or conditions attached thereto given to a person by the city of Goldendale authorizing any person to perform a specified activity.

"Person" means an individual, partnership, corporation, or other legal entity.

"Shall" is mandatory and imposes a requirement.  
(Ord. 1365 § 1(part), 2007)

1.20.030 Authorization--Chapter 7.80 RCW. This chapter is adopted pursuant to the provisions of Chapter 7.80 RCW as now enacted or hereafter amended. Nothing contained herein is in any way intended to diminish or limit the powers granted to city public officials through application of Chapter 7.80 RCW. (Ord. 1365 § 1(part), 2007)

1.20.040 Issuance of process. Notwithstanding any other provision of law governing service of process in civil cases, a court of limited jurisdiction having jurisdiction over an alleged civil infraction may issue process

anywhere within Washington State. (Ord. 1365 § 1(part), 2007)

1.20.050 Notice of infraction--Issuance, service, filing. A. A civil infraction proceeding is initiated by the issuance, service, and filing of a notice of civil infraction.

B. A notice of civil infraction may be served and issued by an enforcement officer when the civil infraction occurs in the officer's presence.

C. A court may issue a notice of civil infraction if an enforcement officer files with the court a written statement that the civil infraction was committed in the officer's presence or that the officer has reasonable cause to believe that a civil infraction was committed.

D. Service of a notice of civil infraction issued under subsection B or C of this section shall be as provided by in IRLJ 2.2(c)(1) and (3), as applicable.

E. A notice of civil infraction shall be filed with the court within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. A notice of civil infraction not filed within the time limits prescribed in this section may be dismissed without prejudice. (Ord. 1365 § 1(part), 2007)

1.20.060 Person receiving notice--Identification. A person who is to receive a notice of civil infraction under GMC Section 1.20.050 is required to identify himself or herself to the enforcement officer by giving his or her name, address, and date of birth. Upon the request of the officer, the person shall produce reasonable identification, such as a driver's license or identicard. (Ord. 1365 § 1(part), 2007)

1.20.070 Notice--Determination final unless contested--Form. A. A notice of civil infraction represents a determination that a civil infraction has been committed. The determination is final unless contested as provided for in this chapter.

B. The form for the notice of civil infraction shall be as prescribed by rule of the Washington Supreme Court and shall include the following:

1. A statement that the notice represents a determination that a civil infraction has been committed by

the person named in the notice and that the determination is final unless contested as provided for in this chapter;

2. A statement that a civil infraction is a noncriminal offense for which imprisonment may not be imposed as a sanction;

3. A statement or description of the specific civil infraction for which the notice was issued and a reference to the code provision(s) that has been violated;

4. A statement of the monetary penalty established for the civil infraction, which shall be deemed to be the sum established for a class three civil infraction by RCW 7.80.120, as the same currently exists or as may be hereafter amended, unless a repeat violation exists or unless a different amount is specifically set forth elsewhere in the Goldendale Municipal Code;

5. A statement of the options provided in this chapter for responding to the notice of civil infraction and the procedures necessary to exercise these options;

6. A statement that at any hearing to contest the determination, the city has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that the person may subpoena witnesses including the enforcement officer who issued the notice of civil infraction;

7. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person shall be deemed to have committed the civil infraction and may not subpoena witnesses;

8. A statement that the person must respond to the notice as provided for in this chapter within fifteen days;

9. A statement that failure to respond to the notice of civil infraction or failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney for criminal prosecution for failure to respond or appear;

10. A statement that failure to respond to a notice of civil infraction as promised or to appear at a requested hearing is a misdemeanor and may be punished by

a fine or imprisonment in jail or both. (Ord. 1365  
§ 1(part), 2007)

1.20.080 Response to notice--Contesting determination--Mitigating circumstances--Hearing--Failure to respond or appear--Certificate of correction. A. Any person who receives a notice of civil infraction shall respond to such notice as provided for in this section within fifteen days of the date of the notice.

B. If the person determined to have committed the civil infraction does not contest the determination, the person shall respond by completing the appropriate portion of the notice of civil infraction and submitting it, either by mail or in person, to the court. A check or money order in the amount of the civil penalty prescribed for the civil infraction must be submitted with the response. The clerk of the court may accept cash as payment for a civil infraction. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records.

C. If the person determined to have committed the civil infraction does contest the determination, the person shall respond by completing that portion of the notice of civil infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

D. If the person determined to have committed the civil infraction does not contest the determination but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing that portion of the notice of civil infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of hearing, except by agreement.

E. The court shall enter a default judgment assessing the monetary penalty prescribed for the civil infraction and may notify the prosecuting attorney of the

failure to respond to the notice of civil infraction, or to appear at a requested hearing, if any person issued a notice of civil infraction:

1. Fails to respond to the notice of civil infraction as provided in subsection B of this section; or
2. Fails to appear at a hearing requested pursuant to subsection C or D of this section.

F. Upon request, the enforcement officer may reinspect the location of any site to determine if correction of a cited violation has been accomplished. If the enforcement officer verifies that correction has been accomplished, he or she shall sign and provide a certificate of correction. If at least forty-eight hours prior to any hearing on any infraction a person presents a duly signed certificate of correction relating to the matters identified in any said infraction, the court may dismiss the infraction. (Ord. 1365 § 1(part), 2007)

1.20.090 Hearings--Rules of procedure--Counsel.

A. Procedures for the conduct of all hearings provided in this chapter may be established by rule of the Washington Supreme Court.

B. Any person subject to proceedings under this chapter may be represented by legal counsel.

C. The attorney representing the city may appear in any proceeding under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary. (Ord. 1365 § 1(part), 2007)

1.20.100 Hearings--Contesting determination that infraction committed--Appeal. A. A hearing held for the purpose of contesting the determination that a civil infraction has been committed shall be without a jury and shall be recorded in the manner provided for in courts of limited jurisdiction.

B. The court may consider the notice of civil infraction and any other written report made under oath submitted by the enforcement officer who issued the notice or whose written statement was the basis for the issuance of the notice in lieu of the officer's personal appearance at the hearing. The person named in the notice of civil infraction may request of the court issuance of subpoenas for witnesses, including the enforcement officer who is-

sued the notice, and has the right to present evidence and examine witnesses present in court.

C. The burden of proof is upon the city to establish the commission of the civil infraction by a preponderance of the evidence.

D. After consideration of the evidence and argument, the court shall determine whether the civil infraction was committed. Where it has not been established that the civil infraction was committed, an order dismissing the notice of civil infraction shall be entered in the court's records. Where it has been established that the civil infraction was committed, an appropriate order shall be entered in the court's records.

E. An appeal from the court's determination or order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction. (Ord. 1365 § 1(part), 2007)

1.20.110 Hearings--Explanation of mitigating circumstances. A. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of a civil infraction shall be an informal proceeding. The person shall not be allowed to subpoena witnesses. At a hearing held for the purpose of explaining mitigating circumstances, the court shall not allow the determination that a civil infraction has been committed to be contested.

B. After the court has heard the explanation of the circumstances surrounding the commission of the civil infraction, an appropriate order shall be entered in the court's records.

C. There is no appeal from the court's determination or order. (Ord. 1365 § 1(part), 2007)

1.20.120 Monetary penalties--Restitution. A. Each day or portion thereof during which a violation occurs or exists shall be deemed a separate civil infraction.

B. A person found to have committed a civil infraction shall be assessed a monetary penalty in the amount provided for a given class of infraction by RCW 7.80.120, as currently exists or as may be hereafter amended. Any violation established hereunder shall be deemed a class three civil infraction unless a different level of infraction is specifically set forth elsewhere in the Goldendale

Municipal Code; provided, however, that a first repeat violation shall be deemed a class two civil infraction and that a second or any subsequent repeat violations shall be deemed a class one civil infraction. "Repeat violation" means a violation of the same regulation in any location by the same person, for which voluntary compliance previously has been sought or a notice of civil infraction has been issued, within the immediately preceding twelve-consecutive-month period. A repeat violation may involve the same condition, action or omission as a previous violation.

C. Whenever a monetary penalty is imposed by the court under this chapter it is immediately payable. 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.

D. Payment of a monetary penalty shall not relieve a person of the duty to correct the violation or preclude the city from taking action to abate any unlawful condition as may be provided by applicable law.

E. The court may also order a person found to have committed a civil infraction to make restitution. (Ord. 1365 § 1(part), 2007)

1.20.130 Order of court--Civil nature--Modification of penalty. A. An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining mitigating circumstances is civil in nature.

B. The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction. (Ord. 1365 § 1(part), 2007)

1.20.140 Costs. Each party to a civil infraction case is responsible for costs incurred by that party, but the court may assess witness fees against a nonprevailing respondent. Attorney fees may be awarded to either party in a civil infraction case. (Ord. 1365 § 1(part), 2007)

1.20.150 Notices--Record of--Cancellation prohibited, penalty--Audit. A. Every department authorized to issue notices of civil infractions shall provide, in appropriate form, notices of civil infractions which shall be issued in books with notices in quadruplicate.

B. The director of each department shall be responsible for the issuance of such books and shall maintain a record of every such book and each notice contained therein issued to enforcement officers of the department and shall require and retain a receipt for every book so issued. Every enforcement officer, upon issuing a notice of civil infraction to an alleged perpetrator of a civil infraction, shall deposit the original notice of civil infraction with the court as provided in GMC Section 1.20.050.

C. Upon the deposit of the original notice of civil infraction with the court, the original or copy may be disposed of only as provided in this chapter.

D. It is unlawful and is official misconduct for any enforcement officer or Goldendale city employee to dispose of a notice of civil infraction or copies thereof or of the record of the issuance thereof in a manner other than as required in this section.

E. The director of every department authorized to issue notices of civil infraction shall require the return to him or her of a copy of every notice issued by an enforcement officer under his or her supervision to an alleged perpetrator of a civil infraction and of all copies of every notice which has been spoiled or upon which an entry has been made and not issued to an alleged perpetrator.

F. Such director shall also maintain or cause to be maintained in connection with every notice issued by an enforcement officer under his or her supervision, a record of the disposition of the charge by the court in which the original notice of civil infraction was deposited.

G. Any person who cancels or solicits the cancellation of any notice of civil infraction, in any manner other than as provided for in this section, is guilty of a misdemeanor.

H. Every record of notices as required in this section shall be audited monthly by the finance director of the city of Goldendale. (Ord. 1365 § 1(part), 2007)

1.20.160 Failure to exercise notice options--Failure to satisfy penalty. A. Any person who after receiving a statement of the options provided in this chapter for responding to the notice of civil infraction and the procedures necessary to exercise these options, fails to exercise one of the options in a timely manner is guilty of a misdemeanor; regardless of the disposition of the notice of civil infraction. A notice of civil infraction may be complied with by an appearance by counsel.

B. A person who willfully fails to pay a monetary penalty or to perform community restitution as required by a court under this chapter may be found in contempt of court as provided in Chapter 7.21 RCW. (Ord. 1365 § 1(part), 2007)

1.20.170 Emergency--Requirement of immediate action. An "emergency" means any situation that in the opinion of a code enforcement officer requires immediate action to prevent or eliminate an immediate threat to the health or safety of persons or property. Notwithstanding any provision of this chapter, when a violation citation is issued in the case of an emergency, immediate action shall be required by the person(s) to whom the violation citation is issued. No action shall be stayed pending the filing of an appeal. If the city does not obtain immediate action by the responsible person upon issuance of the violation citation, the city is authorized to immediately abate the violation itself as otherwise provided by law. (Ord. 1365 § 1(part), 2007)

1.20.180 Headings not part of law. Headings and captions used in this chapter are not any part of the law. (Ord. 1365 § 1(part), 2007)

1.20.190 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 1365 § 1(part), 2007)