

**CITY OF LYNNWOOD
ORDINANCE NO. 2698**

AN ORDINANCE RELATING TO PENALTIES IMPOSED BY THE LYNNWOOD MUNICIPAL CODE AND AMENDING SECTIONS 5.06.070; 5.08.120; 5.20.100; 5.30.110; 5.40.340; 5.45.050; 5.49.120; 5.51.220; 5.54.040; 5.55.220; 5.60.100; 5.62.140; 5.63.060; 5.81.110; 5.82.090; 6.02.020; 6.02.050; 6.02.070; 6.02.080; 6.02.110; 6.02.140; 6.02.160 THEREOF; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR SUMMARY PUBLICATION.

Whereas, the City Council of the City of Lynnwood has found that penalty sections of the Lynnwood Municipal Code are in need of amendment;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1. Section 5.06.070 of the Lynnwood Municipal Code is amended as follows:

5.06.070 Penalty for violation.

Any violation of this chapter is a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by imprisonment not to exceed 90 days or by both such fine and imprisonment.

Section 2. Section 5.08.120 of the Lynnwood Municipal Code is amended as follows:

5.08.120 Penalty for violation.

The violation of any of the provisions of this chapter shall constitute a misdemeanor, punishable by a fine not to exceed \$100.00.

Section 3. Section 5.20.100 of the Lynnwood Municipal Code is amended as follows:

5.20.100 Penalty for violations.

Any violation of the provisions of this chapter shall be deemed a misdemeanor, and shall be punished by a fine not to exceed \$300.00 or imprisonment not to exceed 90 days or by both such fine and imprisonment.

Section 4. Section 5.30.110 A of the Lynnwood Municipal Code is amended as follows:

5.30.110 Violation-- Penalties.

- A. It shall be a misdemeanor for any person, firm, corporation, organization or association to violate any of the provisions of this chapter or the conditions imposed upon any permit issued hereunder, which shall be punishable by a fine not to exceed \$1,000.00 or imprisonment not to exceed 90 days. Each day, or part thereof, during which any such violations occur or are continued shall constitute a separate offense.

Section 5. Section 5.40.340 A of the Lynnwood Municipal Code is amended as follows:

5.40.340 Penalties.

- A. Violations of LMC 5.40.040 shall be a misdemeanor and upon conviction shall be punished by a fine up to \$1,000.00 and/or imprisonment not to exceed 90 days.

Section 6. Section 5.45.050 of the Lynnwood Municipal Code is amended as follows:

5.45.050 Penalty.

Any person, firm, business, partnership, corporation, association or other entity which operates as provided in LMC 5.45.010 without registering with the Lynnwood city clerk, pursuant to LMC 5.45.020, shall be guilty of a criminal misdemeanor punishable by a fine up to \$500.00 and/or imprisonment not to exceed 90 days.

Section 7. Section 5.49.120 A of the Lynnwood Municipal Code is amended as follows:

5.49.120 Violations and penalties.

- A. Any violation of any of the provisions of this chapter shall be a gross misdemeanor, subject to a fine up to \$5,000.00 and/or imprisonment of up to 1 year. Each day that any such violation continues shall be a separate offense.

Section 8. Section 5.51.220 of the Lynnwood Municipal Code is amended as follows:

5.51.220 Violation and penalty.

Any violation of the provisions of this chapter is unlawful. Any person convicted of a violation of this chapter is guilty of a misdemeanor, and shall be punished by a fine up to \$500.00 or imprisonment of up to 90 days.

Section 9. Section 5.54.040 A of the Lynnwood Municipal Code is amended as follows:

5.54.040 Violation– Penalty.

- A. Any violation of the provisions of this chapter shall constitute a misdemeanor, punishable by a fine of up to \$500.00 or imprisonment not to exceed 90 days or by both such fine and imprisonment. Each day that any such violation exists or continues shall constitute a separate offense.

Section 10. Section 5.55.220 of the Lynnwood Municipal Code is amended as follows:

5.55.220 Violation and penalty.

Any violation of the provisions of this chapter is unlawful. Any person convicted of a violation of this chapter is guilty of a misdemeanor, and shall be punished by a fine of up to \$500.00 or by imprisonment up to 90 days.

Section 11. Section 5.60.100 of the Lynnwood Municipal Code is amended as follows:

5.60.100 Violation– Penalty.

Any person convicted of a violation of this chapter or any provision of this title is guilty of a misdemeanor and shall be punished by a fine of up to \$300.00 or imprisonment up to 90 days or by both such fine and imprisonment.

Section 12. Section 5.62.140 A of the Lynnwood Municipal Code is amended as follows:

5.62.140 Code violations, penalties and enforcement.

- A. The violation of any provision of this chapter shall constitute a misdemeanor punishable by a fine of up to \$1,000.00 or imprisonment up to 90 days or by both such fine and imprisonment.

Section 13. Section 5.63.060 of the Lynnwood Municipal Code is amended as follows:

5.63.060 Violation– Penalty.

The penalty for the violation of this chapter shall be a fine of up to \$300.00; provided, that each day this chapter is violated shall constitute a separate violation hereof.

Section 14. Section 5.81.110 of the Lynnwood Municipal Code is amended as follows:

5.81.110 Violation– Penalty.

Any person, firm or corporation who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of up to \$500.00.

Section 15. Section 5.82.090 A of the Lynnwood Municipal Code is amended as follows:

5.82.090 Violation deemed misdemeanor– Penalty.

- A. Any firm, person or corporation violating by omission or commission any provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and be punished by a fine

of up to \$1,000.00 or imprisonment not to exceed 90 days or by both such fine and imprisonment.

Section 16. Section 6.02.020 of the Lynnwood Municipal Code is amended as follows:

6.02.020 Licensing.

- D. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: First offense: Twenty-five Dollars (\$25.00); Second offense: Fifty Dollars (\$50.00). Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed One thousand Dollars (\$1,000.00) and confinement not to exceed ninety (90) days. Any person who receives two infractions for violations of this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by a fine not to exceed \$1,000.00 and confinement not to exceed 90 days.

Section 17. Section 6.02.050 of the Lynnwood Municipal Code is amended as follows:

6.02.050 Guard dogs.

- B. Any person who violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by confinement not to exceed 90 days and/or a fine not to exceed \$1,000.

Section 18. Section 6.02.070 of the Lynnwood Municipal Code is amended as follows:

6.02.070 Running at large prohibited.

- C. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days. Any person who receives two infractions for violations of this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by confinement not to exceed 90 days and a fine not to exceed \$1,000

Section 19. Section 6.02.080 of the Lynnwood Municipal Code is amended as follows:

6.02.080 Public parks, beaches and/or playgrounds.

- B. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed

\$1,000 and confinement not to exceed 90 days. Any person who receives two infractions for violations of this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by confinement not to exceed 90 days and a fine not to exceed \$1,000.

Section 20. Section 6.02.110 of the Lynnwood Municipal Code is amended as follows:

6.02.110 Confining animals in season.

The owner or person having charge of any unsprayed female animal shall confine such animal in a building or enclosed area during the period such dog is in heat. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days. Any person who receives two infractions for violations of this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by confinement not to exceed 90 days and a fine not to exceed \$1,000.

Section 21. Section 6.02.140 D of the Lynnwood Municipal Code is amended as follows:

6.02.140 Nuisance.

- D. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days. Any person who receives two infractions from violations of this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by confinement not to exceed 90 days and a fine not to exceed \$1,000.

Section 22. Section 6.02.160 of the Lynnwood Municipal Code is amended as follows:

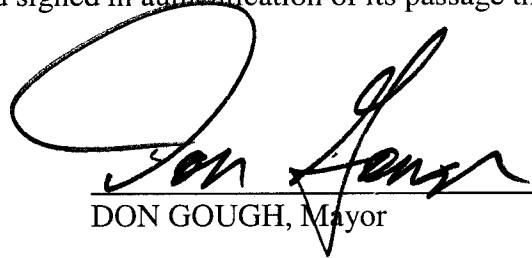
6.02.160 Owner responsibility to remove animal manure.

- C. Any person who violates this section shall be guilty of a civil infraction and shall pay a monetary fine as follows: first offense, \$25.00; second offense, \$50.00. Any owner who fails to respond to a notice of civil infraction as promised or to appear at a requested hearing shall be guilty of a misdemeanor and may be punished by a fine not to exceed \$1,000 and confinement not to exceed 90 days. Any person who receives two infractions for violations of this section within one year and who subsequently violates this section shall be guilty of a misdemeanor and may, upon conviction, be punished by confinement not to exceed 90 days and a fine not to exceed \$1,000.

Section 23. 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 24. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED THIS 8th day of October, 2007, and signed in authentication of its passage this 10th day of October, 2007.



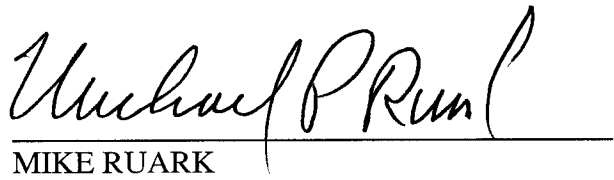
DON GOUGH, Mayor

ATTEST:

APPROVED AS TO FORM:



VICKI HEILMAN
Interim Finance Director



MIKE RUARK
City Attorney