

COPY

CITY OF UNION GAP, WASHINGTON
ORDINANCE NO. 2850

AN ORDINANCE amending sections of Union Gap Municipal Code Title 11, Street and Sidewalks.

WHEREAS, the City Attorney's office working in conjunction with the Yakima County District Court, which provides Municipal Court services to the City of Union Gap under contract, has identified certain areas of the Union Gap Municipal Code that require clarification;

WHEREAS, Union Gap Municipal Code Title 11 currently prohibits certain conduct but is not clear concerning the penalty provision for non-compliance or for a violation;

WHEREAS, it is recommended that the Code be amended to make clear the penalty provisions;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNION GAP DOES ORDAIN as follows:

Section 1. Title 11 Amended. The following sections of Title 11, Street and Sidewalks, of the Union Gap Municipal Court are amended as follows:

Chapter 11.08, Sidewalk Obstructions, section 11.08.010 - Snow and ice obstructions.

No person shall cause snow or ice to be placed in any public street, alley, sidewalk or public way; provided, that this section shall not apply to Union Gap town employees performing the regular course of their duties. Violation of this section shall be a civil non-traffic infraction with a penalty of ~~one hundred~~ two hundred fifty dollars.

Chapter 11.12, Street Intersections, section 11.12.010 - View obstruction—Prohibited.

It is unlawful to install, set out or maintain, or to allow the installation, setting out or maintenance of, or to permit any sign, hedge, trees, shrubbery, natural growth or other obstruction to view on property at any corner formed by intersecting streets when the obstruction is higher than three feet above the level of the center of the adjacent intersection within the area bounded by the centerlines of the adjacent intersecting streets, extending from such point of intersection to points extending along the centerlines eighty feet from the point of intersection and a straight line connecting the latter points. A violation under this provision is a misdemeanor crime which shall be punished by imprisonment of not more than ninety

days, or by a fine in an amount not more than one thousand dollars or both such imprisonment and fine.

Chapter 11.16, Right of Way or Property Paving, section 11.16.040 - Violation—Penalty.

Any violation of this chapter is a misdemeanor and is punishable by up to ~~two hundred fifty~~ one thousand dollars fine and/or ninety days in jail.

Chapter 11.24, Businesses on Rights-of-Way, section 11.24.010 - Prohibited.

(a) No owner, manager or employee of any business shall use any city or public property or right-of-way or sidewalk for purposes of advertising or conducting business or displaying or storing inventory, equipment or other business property. Each applicant for a business license shall sign a statement, on such form as may be furnished by the city, indicating an understanding of and willingness to comply with this section. Failure or refusal to sign the statement will be grounds for denial of the license.

(b) The city shall notify person(s) violating this section to remove all illegally situated property immediately.

(c) In the event the person(s) violating this section does not comply with directives of the city, the city may remove all property remaining on the city or public property or right-of-way or sidewalk and dispose of such property in any practical manner. The person(s) with dominion and control over the property shall be responsible to pay the cost of removing such property.

(d) In addition to any other cost or remedy available to the city, the failure or refusal to comply with this section shall constitute a civil non-traffic infraction. The civil penalty shall be two hundred fifty dollars per violation. Each day shall constitute a violation.

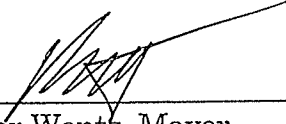
Chapter 11.28, Personal Property in Right of Way, section 11.28.050 - Violation—Penalty.

In addition to any other cost, the failure or refusal to remove personal property from the city right-of-way in accordance with this chapter shall be a ~~civil infraction.~~ a misdemeanor crime which shall be punished by imprisonment of not more than ninety days, or by a fine in an amount not more than one thousand dollars or both such imprisonment and fine. ~~The civil penalty shall be two hundred fifty dollars per violation. Each day shall constitute a violation.~~

Section 2. Effective Date.


This amending Ordinance shall take effect and be in force five (5) days after final passage by the City Council and publication.

ORDAINED this 27th day of January, 2014.




Roger Wentz, Mayor

ATTEST:



Karen Clifton, City Clerk

APPROVED AS TO FORM:



Robert F. Noe, City Attorney