

**CITY OF PACIFIC  
WASHINGTON**

**ORDINANCE NO. 2022-2058**

**AN ORDINANCE OF PACIFIC, WASHINGTON, PERTAINING TO STORMWATER MAINTENANCE AND MANAGEMENT; AMENDING PACIFIC MUNICIPAL CODE SECTIONS 24.04.110, 24.04.120, 24.04.130, 24.08.040, 21.08.080, 24.08.100, 24.08.110, 24.08.200, 24.08.220, 24.08.330, 24.08.340, 24.08.360, 24.10.120, AND ADDING NEW SECTIONS 24.08.120, 24.08.130, 24.08.140 FOR COMPLIANCE WITH STATE LAW AND THE CITY'S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT; PROVIDING FOR SEVERABILITY AND CORRECTIONS; AND ESTABLISHING AN EFFECTIVE DATE**

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**WHEREAS**, the City of Pacific is required to adopt a stormwater design manual with guidelines and technical requirements for new development and redevelopment projects to ensure compliance with all local, state, and federal regulations; and

**WHEREAS**, the Washington State Department of Ecology ("Ecology") and King County publish stormwater manuals which comply with regulations; and

**WHEREAS**, Ecology issues a Phase II Municipal National Pollution Discharge Elimination System (NPDES) Permit to the City, one of the permit requirements is that the City adopt the 2021 Edition of King County's Surface Water Design Manual, and the 2021 Edition of the King County Stormwater Pollution Prevention Manual with an effective date of July 1, 2022; and

**WHEREAS**, this ordinance reflects amendments to the Pacific Municipal Code (PMC) necessary to adopt the 2021 Manual, make other required modifications to the stormwater regulations, and update references to previous iterations of state stormwater regulations; and

**WHEREAS**, the City sent notice of the Proposed Amendments to the Washington State Department of Commerce pursuant to RCW 36.70A.106; and

**WHEREAS**, on May 27, 2022, the City's SEPA official issued a determination of non-significance for the proposed code amendments and there have been no appeals; and

**WHEREAS**, on June 13, 2022, the City Council held a public hearing on the proposed code amendments; and

**WHEREAS**, the City Council, after careful consideration of the proposed code amendments and all public comments and testimony, finds that the proposed code amendments are consistent with the City's Comprehensive Plan and development regulations, the Growth Management Act, Chapter 36.70A RCW, and that the amendments herein are in the best interests of the residents of the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFIC DO HEREBY ORDAIN AS FOLLOWS:**

**Section 1. PMC 24.04.110, Amended.** Section 24.04.110 Compliance, of the Pacific Municipal Code is hereby amended to read as follows:

**24.04.110 Compliance.**

Property owners are responsible for the maintenance, regular inspection, operation or repair of private stormwater drainage systems and BMPs. Property owners shall maintain, operate and repair these facilities in compliance with the requirements of this ~~chapter~~title and the ~~m~~Manual.

**Section 2. PMC 24.04.120, Amended.** Section 24.04.120 Administration, of the Pacific Municipal Code is hereby amended to read as follows:

**24.04.120 Administration.**

A. Director. The ~~mayor~~public works director or a designee shall administer this chapter and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this chapter. For the purposes of this title, when the term “director” is used, it shall automatically include the director’s designee.

B. Inspection Authority. The director or designee is directed and authorized to develop an inspection program for stormwater facilities in the city of Pacific in compliance with this title and with the Western Washington Phase II Municipal Stormwater Permit issued under the NPDES.

C. Enforcement Authority. The director shall enforce this chapter using the enforcement procedures contained in Chapter 24.10 PMC.

**Section 3. PMC 24.04.130, Amended.** Section 24.04.130 Inspection, of the Pacific Municipal Code is hereby amended to read as follows:

**24.04.130 Inspection.**

Whenever implementing the provisions of the inspection program or whenever there is reasonable cause to believe that a violation of this ~~chapter~~title has been or is being committed, the director or designee is authorized to inspect during regular working hours and at other reasonable times all stormwater drainage systems within the city of Pacific to determine compliance with the provisions of this ~~chapter~~title. In addition, in accordance with the terms of the Western Washington Phase II Municipal Stormwater Permit, the director or designee is authorized to perform routine inspections, including inspections to determine whether the maintenance requirements of this title are met. The authorized representative may enter private property at all reasonable times to conduct inspections, tests or to carry out other duties imposed by the code, provided the City shall first notify the proper owner or person responsible for the premises. If entry is refused, the director shall have recourse to every remedy provided by law to secure entry.

**Section 4. PMC 24.08.040, Amended.** Section 24.08.040, Definitions, of the Pacific Municipal Code is hereby amended in part as follows:

**24.08.040 Definitions.**

For the purposes of this chapter, the definitions below apply, provided unless otherwise defined in this chapter the definitions provided found within the Manuals: the King County Surface Water Design Manual; the Department of Ecology Western Washington Phase II Municipal Stormwater Permit, Appendix 1 – Minimum Technical Requirements as adopted by reference in PMC 24.08.100; and the following shall apply. If there is a conflict, the definitions in this section shall govern.

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“Fill” means a deposit of earth material placed by artificial means.

“Flow control BMP” means BMPs that control the volume rate, frequency, and flow duration of stormwater surface runoff.

“Illegal discharge” means any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in PMC 24.10.050.

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**Section 5. PMC 24.08.080, Amended.** Section 21.08.080, Regulated activities, of the Pacific Municipal Code is hereby amended in part as follows:

**24.08.080 Regulated activities.**

Consistent with the minimum requirements contained in this chapter, the city of Pacific shall approve or disapprove the following activities, unless exempted under PMC 24.08.090:

A. New development, including, but not limited to:

1. Land disturbing activities;
2. Structural development, including construction; installation or expansion of a building or other structure;
3. Creation of impervious surfaces;
4. Class IV general forest practices that are conversions from timber land to other uses; and
5. Subdivision, short subdivision and binding site plans, as defined in RCW 58.17.020.

B. Redevelopment. On an already developed site, the creation or addition of impervious surfaces, structural development including construction, installation or expansion of a building or other structure, land disturbing activity, and/or replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities associated with structural or impervious redevelopment.

All development proposal activities in the city shall comply with the standards, specifications, and requirements contained in the Pacific Municipal Code and Manual. When best management practices (BMPs) are required by this chapter or any other chapter of the PMC, they shall be implemented in compliance with the Manual and the property owner or responsible party shall be required to maintain in perpetuity such BMPs consistent with the Manual.

Where there are differences and/or conflicts between the Manual and/or Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, the most restrictive criteria shall apply.

**Section 6. PMC 24.08.100, Amended.** Section 24.08.100, Stormwater management manuals adopted, of the Pacific Municipal Code is hereby amended in part as follows:

**24.08.100 Stormwater management manuals adopted.**

The ~~April 24, 2016~~ 2021 Edition of King County's Surface Water Design Manual, ~~and the 2016~~ 2021 Edition of the King County Stormwater Pollution Prevention Manual, and Appendices 1 and 8 of the Western Washington Phase II Municipal Stormwater Permit are hereby adopted by reference and are collectively referred to as the Manual. If there is any conflict between this chapter and the requirements of the Manual, this chapter shall prevail.

**Section 7. PMC 24.08.110, Amended.** Section 24.08.110, Stormwater best management practices (BMPs), of the Pacific Municipal Code is hereby amended in part as follows:

**24.08.110 Stormwater best management practices (BMPs)**

A. General. BMPs shall be used to control pollution from stormwater. BMPs shall be used to comply with the standards in this chapter. ~~BMPs are in the manual.~~

B. Source Control BMP Requirements. The Manual provides information on source control pollution prevention best management practices (BMPs) for commercial, industrial, multifamily residential, single-family residential, and public sites that shall be implemented in accordance with this chapter to reduce the contamination of stormwater, surface water, and groundwater. The source control requirements shall also be applicable to pollutant generating sources associated with existing land uses and activities included in the Western Washington Phase II Municipal Stormwater Permit, as amended, which includes the following businesses and activities: Activities for Animal Production, Construction of Buildings, Heavy and Civil Engineering Construction, Specialty Trade Contractors, Beverage, Food, and Tobacco Manufacturing, Wood Product Manufacturing, Paper Manufacturing, Printing and Related Support Activities, Chemical Manufacturing, Petroleum and Coal Products Manufacturing, Plastics and Rubber Product Manufacturing, Leather and Allied Product Manufacturing, Nonmetallic Mineral Product Manufacturing, Primary Metal Manufacturing, Fabricated Metal Product Manufacturing, Machinery, Computer, and Electronic Product manufacturing, Electrical Equipment, Appliance, and Component Manufacturing, Transportation Equipment Manufacturing, Rail Transportation and Ground Passenger Transportation, Truck Transportation and Warehousing, Support Activities for Transportation, Utilities, Wholesale Trade – Durable Goods, Wholesale Trade – Nondurable Goods, Building Materials, Hardware, Garden Supplies Dealers, Food and Beverage Stores, Automotive Dealers and Gasoline Service Stations, Food Services and Drinking Places, Rental and Leasing Services, Repair and Maintenance, Ambulatory Health Care Services and Hospitals, Educational Services, Museums, and Historical Sites, and Similar Institutions.

All proposals for new development and redevelopment shall include source control pollution prevention BMPs as required by the Manual.

In applying the Manual to prohibited discharges from normal single-family residential activities, the director shall use public education and technical assistance as the primary method of gaining compliance with this chapter. Enforcement action will be used if the director determines:

a. The discharge from a normal single-family residential activity, whether singly or in combination with other discharges, is causing a significant contribution of contaminants to surface and stormwater or groundwater; or

b. The discharge from a normal single-family residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of City right-of-way, utilities, or other City-owned or maintained property.

In applying the source control BMPs to prohibited discharges from existing commercial, industrial, multifamily and public sites, the City may require the application of operational or structural source control BMPs at any time through formal code enforcement for pollutant generating sources associated with existing land uses and activities where necessary to prevent illicit discharges. Failure to comply shall result in enforcement action in accordance with this Chapter.

CB. Experimental BMPs. In those instances where appropriate BMPs are not in the manual, experimental BMPs should be considered. Experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the manual in an effort to improve stormwater quality technology. Experimental BMPs must be approved in accordance with the approval process outlined in the manual

#### D. Exemptions.

1. Persons implementing BMPs through another approved Federal, State, or local program will not be required to implement the BMPs prescribed in the Manual, unless the director determines that the other program's BMPs are ineffective at minimizing the discharge of contaminants. If the other program requires the development of a stormwater pollution prevention plan, the person shall make their plan available to the City upon request. Persons who qualify for exemptions include, but are not limited to, persons who:

a. Have obtained and are complying with a general or individual permit under the NPDES Stormwater Permit Program from the Washington State Department of Ecology;

b. Are a public facility implementing BMPs in compliance with the stormwater management program of an NPDES municipal stormwater permit;

c. Are voluntarily implementing other BMPs, which are equivalent measures, methods, or practices to the BMPs in the Manual.

**Section 8. PMC 24.08.120, Adopted.** A new Section 24.08.120, Illicit discharges, of the Pacific Municipal Code is hereby adopted as follows:

#### **24.08.120 Illicit discharges.**

Illicit discharges or illicit connections to a stormwater drainage system are prohibited, as set out in Chapter 24.10 PMC.

**Section 10. PMC 24.08.130, Adopted.** A new Section 24.08.130, Conditional discharges, of the Pacific Municipal Code is hereby adopted as follows:

#### **24.08.130 Conditional discharges.**

A. The following types of discharges shall not be considered illicit discharges for the purpose of this title if they meet the stated conditions, or unless the director and/or designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 mg/L (ppm) or less, pH adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

2. Lawn watering and other irrigation runoff are permitted but shall be minimized.

3. De-chlorinated swimming pool, spa and hot tub discharges. These discharges are allowed only if no other option, such as discharging to a sanitary sewer, is available. These discharges shall be de-chlorinated to a total residual chlorine concentration of 0.1 mg/L (ppm) or less, pH adjusted, and deoxygenized if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the stormwater system.

4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents or chemicals of any kind. Wash water is required to be kept at a minimum. Pressure washing that results in paint or other building materials in wash water is prohibited from entering the stormwater drainage system. Street flushing at construction sites is prohibited in Pacific.

5. Fire Sprinkler System Flushing. These discharges are allowed only if no other option, such as discharging to a sanitary sewer, is available. Sprinkler system flushing water with any chemicals added is prohibited in the stormwater drainage system. Sprinkler system flushing water discharges shall be de-chlorinated to a concentration of 0.1 mg/L (ppm) or less, pH adjusted, if necessary and discharged in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

6. Non-stormwater discharges covered by an individual or general NPDES permit; provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations.

7. Other non-stormwater discharges. The discharges shall be in compliance with requirements of a Stormwater Pollution Prevention Plan (SWPPP) reviewed and approved by the City of Pacific, which addresses control of such discharges by applying all known and reasonable technologies (AKART) to prevent contaminants from entering surface water and groundwater. The City of Pacific shall require a SWPPP in the event that non-stormwater discharges are not being controlled.

**Section 10. PMC 24.08.140, Adopted.** A new Section 24.08.140, Allowable discharges, of the Pacific Municipal Code is hereby adopted as follows:

**24.08.140 Allowable discharges.**

A. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter unless the director and/or designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

1. Diverted stream flows.

2. Rising groundwater.

3. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20).

4. Uncontaminated pumped groundwater.

5. Foundation drains.

6. Air conditioning condensation.

7. Irrigation water from agricultural sources that is commingled with urban stormwater.

8. Springs.

9. Water from crawl space pumps.

10. Footing drains.

11. Flows from riparian habitats and wetlands.

12. Discharges from emergency firefighting activities.

**Section 11. PMC 24.08.200, Amended.** Section 24.08.200, Minimum requirement No. 1 – Preparation of stormwater site plans, of the Pacific Municipal Code is hereby amended in part as follows:

**24.08.200 Minimum requirement No. 1 – Preparation of stormwater site plans.**

As part of a complete application for the following permits/approvals, all developers/property owners shall submit a stormwater site plan, which shall be prepared in accordance with ~~Section 2.1~~ of the Manual.

**Section 12. PMC 24.08.220, Amended.** Section 24.08.202, Minimum requirement No. 3 – Source control of pollution, of the Pacific Municipal Code is hereby amended in part as follows:

**24.08.220 Minimum requirement No. 3 – Source control of pollution.**

Source control BMPs shall be applied to all projects, ~~to the maximum extent practicable existing land uses and activities, and to all pollutant generating sources.~~ Source control BMPs shall be selected, designed and maintained according to ~~an approved manual~~ this chapter and the Manual.

**Section 13. PMC 24.08.330, Amended.** Section 24.08.330, Inspection, of the Pacific Municipal Code is hereby amended in part as follows:

**24.08.330 Inspection.**

All activities regulated by this chapter, except those exempt under PMC 24.08.090, shall be inspected by the director or designee. The director or designee shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs; land disturbing activities; installation of utilities; installation of permanent stormwater control facilities; landscaping, retaining walls and completion of project; maintenance and operation of stormwater control facilities following completion of the project; and maintenance and operation of stormwater control facilities on any property which is classified as a pollutant generating source. When required by the Director, a special inspection and/or testing shall be performed.

A. Construction and Development Inspection. The public works director or designee shall have the right to enter onto the property of any site for which a development permit has been issued, during regular business hours, or at any other time reasonable in the circumstances, for the purpose of review of erosion control practices and drainage facilities, and to insure compliance with the terms of such permit.

B. Inspection for Cause. Whenever there is cause to believe that a violation of this chapter has been or is being committed, the public works director or designee shall have the right to enter the property to inspect the property during regular business hours, and at any other time reasonable in the circumstances.

C. Inspection for Maintenance and Source Control Best Management Practices. The public works director or designee shall have the right to enter the property to inspect drainage facilities in order to ensure continued functioning of the drainage facilities for the purposes for which

they were constructed, and to ensure that maintenance is being performed in accordance with the standards of this chapter and any maintenance schedule adopted during the plan review process for the property. The public works director or designee also may enter the site for the purposes of observing source control best management practices. The property owner or other person in control of the site shall allow any authorized representative of the public works director or designee access during regular business hours, or at any other time reasonable in the circumstances, for the purpose of inspection, sampling, and records examination.

D. Inspection Procedure. Prior to making any inspections, the public works director or designee shall present identification credentials, state the reason for the inspection and request entry of the owner or other person having charge or control of the property, if available, or as provided below.

1. If the property or any building or structure on the property is unoccupied, the public works director or designee shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

2. If, after reasonable effort, the public works director or designee is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the site or of the drainage facilities creates an imminent hazard to persons or property, the inspector may enter.

3. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent hazard, the director and/or designee shall obtain a warrant, prior to entry, as authorized by the laws of the State of Washington. The director and/or designee may inspect the stormwater system without obtaining a warrant provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

4. Water sampling and analysis for determination of compliance with this chapter shall be allowed, subject to the procedures set out herein, as follows:

- a. Sample Collection. When the public works director or designee has reason to believe that a violation exists or is occurring on a property, the public works director shall have the authority to set up on the site such devices as are necessary to conduct sampling, inspection, compliance monitoring, or flow measuring operations.
- b. Sample Analysis. Analysis of samples collected during investigation of potential violations shall be analyzed by a laboratory certified by the State Department of Ecology as competent to perform the required analysis using standard practices and procedures.
- c. Cost of Sample Collection and Analysis. If it is determined that a violation of this chapter exists on the site, the owner of the property shall pay the city's actual costs for collecting samples and for laboratory analysis of those samples. If it is found that a violation does not exist, the city will pay such charges.

**Section 14. PMC 24.08.340, Amended.** Section 24.08.340, Enforcement, of the Pacific Municipal Code is hereby amended in part as follows:

#### **24.08.340 Enforcement.**

A. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter or of any notice or lawful order issued hereunder. Enforcement

action shall be in accordance with this chapter whenever a person has violated any provision of this chapter. The choice of enforcement action and the severity of any penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the degree of bad faith of the person subject to the enforcement action.

B. Emergency Access and Repairs. In the event the violation constitutes an immediate danger to public health or safety, the director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the city from seeking further relief or applying other penalties as provided in this chapter.

C. Violation of Additional Laws. Any person who violates any provision of this chapter may also be in violation of the Federal Clean Water Act, NPDES Phase II permit, and/or Chapter 90.48 RCW and may be subject to sanctions associated with each, including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

**Section 15. PMC 24.08.360, Amended.** Section 24.08.360, Civil penalty, of the Pacific Municipal Code is hereby amended in part as follows:

**24.08.360 Civil penalty.**

A person who fails to comply with the requirements of this chapter, who fails to conform to the terms of an approval or order issued, who undertakes new development without first obtaining city approval, or who fails to comply with a stop work order issued under these regulations shall be subject to a civil penalty.

A. Amount of Penalty. The penalty shall not be less than \$250.00 for each violation. Each day of continued violation or repeated violation shall constitute a separate violation. For subsequent violations occurring within twenty-four months of a prior violation, the penalty shall be not less than \$500.00 for each violation. Each day of continued violation or repeated violation shall constitute a separate violation.

B. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

C. Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the city. The notice shall describe the violation, approximate date(s) of violation(s), and shall order the acts constituting the violation to cease and desist, and, in appropriate cases, require necessary corrective action within a specific time.

D. Application for Remission or Mitigation. Any person incurring a penalty may apply in writing within seven calendar days of receipt of the penalty to the city for remission or mitigation of such penalty. Upon receipt of the application, the director may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty or by a compensatory agreement, as described within PMC 24.08.120(S), being established. The decision may be appealed to the hearing examiner as designated within Chapter 2.06 PMC within 14 calendar days of the decision.

**Section 16. PMC 24.10.120, Amended.** Section 24.08.340, Enforcement, of the Pacific Municipal Code is hereby amended in part as follows:

**24.10.120 Enforcement – Notice of violation.**

A. Investigation. The public works director/manager is authorized to investigate any situation in which it appears that a person has violated a prohibition or failed to meet a requirement of this chapter or chapter 24.04 PMC.

B. Notice of Violation. If, after investigation, the director determines that a violation or failure to meet a requirement of this chapter or chapter 24.04 PMC has occurred, the director may serve a notice of violation upon the owner or other person responsible for the condition. The notice of violation shall contain the following information:

1. The name and address of the person to whom it is directed;
2. The location and specific description of the violation;
3. A statement that the notice is effective immediately upon posting at the site and/or receipt by the person to whom it is directed;
4. The notice of violation may include or reference a stop work order requiring that the violation immediately cease, or that the potential violation be avoided;
5. The notice of violation may include or reference a stop work order requiring that the person cease all work on the premises until correction and/or remediation of the violation as specified in the order;
6. A specific identification of each standard, code provision or requirement violated;
7. A specific description of the actions required to correct, remedy or avoid the violation or to comply with the standards, code provision or requirements, including but not limited to:
  - a. The performance of monitoring, analyses and reporting;
  - b. The elimination of illicit connections or discharges;
  - c. That violating discharges, practices or operations shall cease and desist;
  - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
  - e. The implementation of source control or treatment BMPs;
8. A reasonable time for compliance. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated government agency or a contractor and the expense thereof may be charged to the violator;
9. A statement that the violation may result in criminal prosecution and the imposition of penalties;
10. A statement that failure to comply with the notice of violation may result in further enforcement actions, including issuance of additional notices of violation, fines and criminal penalties; and

11. A statement that the notice of violation represents a determination that a violation has been committed by the person named in the notice of violation, and that the determination shall be final unless a request for reconsideration is filed with the director/manager as provided in PMC 24.10.140.

C. Each Day a Separate Violation. Each day a person or entity fails to comply with the code provision cited in the notice of violation may be considered a separate violation for which a citation may be issued.

D. Service. The notice of violation shall be served on the owner or other person responsible for the condition of the property in the manner set forth in RCW 4.28.080 for service of a summons, or personally, as set forth in RCW 4.28.080(15). In lieu of service under RCW 4.28.080(15), where the person cannot with reasonable diligence be served as described, the notice of violation may be served as provided in RCW 4.28.080(16).

E. Posting. A copy of the notice of violation shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

F. Other Actions May Be Taken. Nothing in this chapter shall be deemed to limit or preclude any action or proceeding in law or equity.

G. Recording. A copy of the notice of violation may be filed with the county auditor when the responsible party fails to correct the violation and no request for reconsideration is filed, or the director requests that the city attorney take appropriate enforcement action. The director may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.

H. Amendment. A notice or order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

**Section 17. Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful 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 18. Corrections.** Upon the approval of the city attorney, the city clerk and/or code publisher is authorized to make any necessary technical corrections to this Ordinance, including but not limited to the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers, and any reference thereto.

**Section 19. Publication.** This Ordinance shall be published by an approved summary consisting of the title.

**Section 20. Effective Date.** This Ordinance shall take effect and be in full force and effect five days after publication, as provided by law.

**ADOPTED BY THE CITY COUNCIL AT A REGULARLY SCHEDULED MEETING THEREOF ON THE 27TH DAY OF JUNE, 2022.**

CITY OF PACIFIC

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LEANNE GUIER, MAYOR

ATTEST/AUTHENTICATED:

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LAURIE CASSELL, MMC  
CITY CLERK

APPROVED AS TO FORM:

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CHARLOTTE ARCHER, CITY ATTORNEY