

PACIFIC COUNTY, WASHINGTON
FLOOD CONTROL ZONE DISTRICT No. 1

ORDINANCE No. 2
CIVIL INFRACTIONS

**PACIFIC COUNTY
FLOOD CONTROL ZONE DISTRICT NO. 1**

**ORDINANCE NO. 2
CIVIL INFRACTIONS**

AN ORDINANCE DESIGNATING CIVIL INFRACTIONS AND CREATING A PROCESS FOR
ADJUDICATING VIOLATIONS

WHEREAS the Flood Control Zone District No. 1 of Pacific County was created by the Pacific County Board of Commissioners on September 18, 1961 under the provisions of Chapter 86.15 RCW to address flood control and stormwater control issues; and

WHEREAS the Flood Control Zone District No. 1 of Pacific County is a quasi-municipal corporation with general authority to exercise all the powers vested in a county for flood water or storm water control purposes, provided that, in exercising such powers, all actions be taken in the name of the Flood Control Zone District No. 1; and

WHEREAS the Flood Control Zone District No. 1 of Pacific County has adopted Ordinance No. 1 establishing development standards regulating drainage and land alteration;

WHEREAS it is imperative for the Flood Control Zone District No. 1 of Pacific County to enforce properly its drainage and land alteration regulations. The Board of Supervisors also finds that it is in the best interest of the Flood Control Zone District No. 1 of Pacific County to adopt its own civil infraction system; **NOW, THEREFORE**

BE IT ORDAINED by the Board of Supervisors of Pacific County Flood Control Zone District No. 1, Washington, as follows:

SECTION 1 CIVIL INFRACTIONS

1.1 Purpose of Provisions

The purpose of this Ordinance is to protect better the public from harmful effects associated with violations of drainage and land alteration regulations. This Ordinance enhances the enforcement of such violations and provides a mechanism to reimburse Pacific County Flood Control Zone District No. 1 (hereinafter referred to as the "District") for the expenses of enforcement.

1.2 Definitions

- A. **Board of Supervisors.** "Board of Supervisors" means the Board of Pacific County Commissioners who, by virtue of their office, are ex officio members of the Board of Supervisors of Pacific County Flood Control Zone District No. 1.
- B. **Court.** "Court" means a court of limited jurisdiction organized pursuant to Title 3 RCW.
- C. **Defendant.** "Defendant" means a person named in a Notice of Infraction.

- D. **District.** "District" means the Flood Control Zone District No. 1 of Pacific County, Washington, the quasi-municipal corporate body created by the Pacific County Board of Commissioners under the provisions of Chapter 86.15 RCW and delineated geographically as defined in subsection 1.2 of District Ordinance No. 1.
- E. **Enforcement officer.** "Enforcement officer" means a person authorized to enforce the provisions of this Ordinance, including the prosecuting authority.
- F. **Infraction case.** "Infraction case" means a proceeding initiated in a court of limited jurisdiction pursuant to this Ordinance that authorizes offenses to be punished as infractions.
- G. **Judge.** "Judge" means any judge of any court of limited jurisdiction and shall include every judicial officer authorized to preside over infraction cases.
- H. **Judgment.** "Judgment" means any final decision in an infraction case, including, but not limited to, a finding entered after a hearing governed by these rules or after payment of a monetary penalty in lieu of a hearing.
- I. **Lawyer.** "Lawyer" means any person authorized by Supreme Court rule to practice law.
- J. **Notice of Infraction.** "Notice of Infraction" means a document initiating an infraction case when issued and filed pursuant to this Ordinance.
- K. **Person.** "Person" means an individual, a partnership (including partners and managers), a corporation (including board members, officers, and managers), or any other entity of any kind. "Person" also includes an applicant, a re-applicant, a permit holder, an authorized agent of any entity, or any third party acting on behalf of any entity.
- L. **Plaintiff.** "Plaintiff" means Flood Control Zone District No. 1 of Pacific County.
- M. **Prosecuting authority.** "Prosecuting authority" means the Pacific County prosecuting attorney, his or her deputies and assistants, or such other persons as may be designated by statute.
- N. **Regulation.** "Regulation" means a statute, an administrative rule, or an adjudicatory decision.
- O. **Statute.** "Statute" means any state law or regulation, or any county ordinance or resolution.

1.3 Designation of Civil Infractions

A violation of Ordinance No. 1, or any amendments thereto, is among other things designated as a civil infraction. Such infractions shall be adjudicated according to the provisions contained in this Ordinance.

1.4 Violations - Each Day Constitutes a Separate Infraction

Violations of the provisions of Ordinance No. 1, or any amendments thereto, shall constitute a separate infraction for each and every day or portion thereof during which such violation is committed, continued, or not permitted.

1.5 Enforcement Officer

The enforcement officer for violations of Ordinance No. 1, or any amendments thereto, is the prosecuting authority or the County Engineer of the Pacific County Department of Public Works or his or her designee(s).

1.6 Construction

This Ordinance shall be construed to secure the just, speedy, and inexpensive determination of every infraction case.

SECTION 2 PROCEDURES FOR RESOLVING VIOLATIONS AND NOTICES OF INFRACTIONS

2.1 Investigation of Possible Violations

An enforcement officer may investigate alleged or apparent violations of the above regulations. Upon request of an enforcement officer, the person allegedly or apparently in violation of these regulations shall provide information identifying himself or herself. Willful refusal to provide such information as required by this subsection is a misdemeanor.

2.2 Notice and Order to Correct Violation

2.2.1 Issuance

Whenever an enforcement officer has probable cause to believe, and does believe, that a violation of the above regulations has occurred or is occurring, he or she may issue a written Notice and Order to Correct Violation to the property owner or to any person causing, allowing, or participating in the violation.

2.2.2 Content

The Notice and Order to Correct Violation shall contain:

1. The name and address of the property owner or other persons to whom the Notice and Order to Correct Violation is directed;
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
3. A description of the violation and a reference to the specific provision of the regulation which has been violated;
4. A statement of the action required to be taken to correct the violation and a date by which the necessary action must be completed; and
5. A statement that a monetary penalty in an amount per day for each violation may be assessed against the person to whom the Notice and Order to Correct Violation is directed for each and every day, or portion of a day, on which the violation continues following the date set for correction.

2.2.3 Service of the Notice

The Notice and Order to Correct Violation may be served personally upon the person to whom it is directed, or may be served by mailing a copy of the Order to Correct Violations, postage prepaid, to such person at his or her last known address. Service may be effectuated on a corporation by serving the Notice and Order to Correct Violation either personally or by mail, postage prepaid, on the president or other head of the corporation. Service also may be effectuated on an individual by leaving the Notice and Order to Correct Violation at the house of the individual's usual abode with some person of suitable age and discretion then resident therein.

2.2.4 Proof of Service

Proof of service may be shown by a written declaration under penalty of perjury executed by the person(s) effecting the service that specifies the time and date of service and the manner by which service was made.

2.2.5 Timely Correction of a Violation

The time period for satisfactorily correcting a Notice and Order to Correct Violation is 20 days from the date the Notice and Order to Correct Violation is issued, unless the violation pertains to a stop work order issued under subsection 4.8 of District Ordinance No. 1. If an enforcement officer has probable cause to believe, and does believe, that a violation of a stop work order under subsection 4.8 of District Ordinance No. 1 has occurred or is occurring, he or she may issue a Notice of Infraction under subsection 2.3 to the property owner or to any person causing, allowing, or participating in the violation without first having issued a Notice and Order to Correct Violation under subsection 2.2.

2.2.6 Extension

Upon written request received prior to the correction date, an enforcement officer may extend the correction date for good cause. An enforcement officer may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as a good cause.

2.3 Notice of Infraction

2.3.1 Generally

The issuance of a Notice and Order to Correct Violation under subsection 2.2 of this Ordinance shall precede the issuance of a Notice of Infraction, unless an enforcement officer has probable cause to believe, and does believe, that a violation of a stop work order issued under subsection 4.8 of District Ordinance No. 1 has occurred or is occurring.

If an enforcement officer has probable cause to believe, and does believe, that a violation of a stop work order issued under subsection 4.8 of District Ordinance No. 1 has occurred or is occurring, an enforcement officer may issue a Notice of Infraction immediately.

If the preceding paragraph does not apply, a Notice of Infraction may be issued only when a Notice and Order to Correct Violation has been served on a person under subsection 2.2 of this Ordinance and the person has not timely corrected the violation as specified in subsections 2.2.2, 2.2.5, and 2.2.6 of this Ordinance, and

1. The time period for filing an appeal under subsection 4.1 of this Ordinance has elapsed, and an appeal was not timely filed;
2. The Board of Supervisors has ruled against a person who filed a timely appeal; or
3. The Board of Supervisors has granted a person who filed a timely appeal additional time to rectify a violation, the additional time period has elapsed, and the deficiency has not been corrected.

2.3.2 Content

A Notice of Infraction shall contain the following information on the copy given to the defendant:

1. The name and address of the defendant;
2. The name, address, and phone number of the court where the Notice of Infraction will be filed or has already been filed;
3. The infraction which the defendant is alleged to have committed, and the accompanying statutory citation, the date, time, and place the infraction occurred, the date the Notice of Infraction was issued, and the name of the citing enforcement officer;
4. A statement that the defendant must respond to the Notice of Infraction within 15 days of issuance;
5. A space for the defendant to sign a promise to respond to the Notice of Infraction within the time required;
6. A space for entry of the monetary penalty which the defendant may pay in lieu of appearing in court and a notation of the monetary penalty prescribed by this Ordinance;
7. A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested;
8. A statement that the infraction is a noncriminal offense for which imprisonment cannot be imposed as a sanction;
9. A statement of the options provided in this Ordinance for responding to the notice and the procedures necessary to exercise these options;
10. A statement that at any hearing to contest the determination by Pacific County that the defendant has committed an infraction, the County has the burden of proving by a preponderance of the evidence that the infraction was committed; and that the defendant may subpoena witnesses, including the enforcement officer who issued the Notice of Infraction;
11. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the infraction, the person will be deemed to have committed the infraction and may not subpoena witnesses;
12. A statement, which the defendant shall sign, that the defendant promises to respond to the Notice of Infraction in one of the ways provided in this Ordinance;

13. A statement that failure to respond to the Notice of Infraction as promised or failure to appear at a requested hearing may cause the suspension of one's privilege to drive in Washington State; and
14. A statement that failure to respond to the Notice of Infraction or a failure to appear at the hearing requested for the purpose of contesting the determination by Pacific County or for the purpose of explaining mitigating circumstances will automatically increase the monetary penalty; and
15. A statement that failure to respond to a Notice of Infraction as promised or failure to appear at a requested hearing is a crime and may be punished by a fine or imprisonment in jail or both.

2.4 Initiation of an Infraction Case

2.4.1 Generally

An infraction case is initiated by the issuance, service, and filing of a Notice of Infraction in accordance with this Ordinance.

2.4.2 Who May Issue

When the requirements of subsection 2.3.1 of this Ordinance have been satisfied, a Notice of Infraction may be issued, upon certification that the issuer has probable cause to believe, and does believe, that a person has committed an infraction contrary to District Ordinance No. 1, or any amendments thereto. A Notice of Infraction may be issued by an enforcement officer. The infraction need not have been committed in the officer's presence.

2.4.3 Service of Notice

A Notice of Infraction may be served as follows:

1. The citing enforcement officer may serve the Notice of Infraction on the defendant at the time of issuance;
2. The citing enforcement officer or the prosecuting authority may file the Notice of Infraction with the court, and have the notice served either personally or by mail postage prepaid, on the defendant.
3. Service may be effectuated on a corporation by serving the Notice of Infraction either personally or by mail, postage prepaid, on the president or other head of the corporation.
4. Service also may be effectuated on an individual by leaving the Notice of Infraction at the house of the individual's usual abode with some person of suitable age and discretion than resident therein.

2.4.4 Proof of Service

Proof of service may be shown by a written declaration under penalty of perjury executed by the person(s) effecting the service that specifies the time and date of service and the manner by which service was made.

2.4.5 Filing of Notice

When a Notice of Infraction has been issued, the notice shall be filed with a court having jurisdiction over the infraction. The notice must be filed within 48 hours after issuance of the notice, excluding Saturdays, Sundays, and holidays. A Notice of Infraction not filed within the time limits of this section may be dismissed without prejudice.

2.5 Venue

Except as otherwise specifically provided by statute, an infraction case shall be brought in the district court that serves the district in which the alleged infraction occurred. If a Notice of Infraction is filed in a court which is not the proper venue, the notice shall be dismissed without prejudice on motion of either party.

2.6 Response to Notice

2.6.1 Generally

A person who has been served with a Notice of Infraction must respond to the notice within 15 days of the date the notice is personally served or, if the notice is served by mail, within 15 days of the date the notice is mailed.

2.6.2 Alternatives

A person may respond to a Notice of Infraction by:

1. Paying the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the defendant has committed the infraction;
2. Contesting the determination that an infraction occurred by requesting a hearing in accordance with applicable law; or
3. Requesting a hearing to explain mitigating circumstances surrounding the commission of the infraction in accordance with applicable law.

2.6.3 Method of Response

A person may respond to a Notice of Infraction either personally or by mail. If the response is mailed, it must be postmarked on or before the day the response is due.

2.7 Scheduling of Hearings

2.7.1 Contested Hearings

1. Upon receipt of a response submitted pursuant to subsection 2.6.2, subparagraph 2 of this Ordinance, the court shall schedule a hearing to determine whether the defendant committed the infraction. The hearing shall be scheduled for not less than 14 days nor more than 90 days from the date of written notice of the hearing date, unless otherwise agreed by the defendant in writing.

2. The court shall send the defendant written notice of the time, place, and date of the hearing within 14 days of the receipt of the request for a hearing. The notice of the hearing shall also include statements advising the defendant of the defendant's rights at the hearing, how the defendant may request that witnesses be subpoenaed, and that failure to appear is a crime for which the defendant may be arrested.
3. The court may schedule the hearing on a contested infraction for the same time as a hearing on another infraction alleged to have been committed by the defendant. The court may schedule the hearing on a contested infraction for the same time as the trial on a misdemeanor arising out of the same occurrence as the infraction.

2.7.2 Mitigation Hearings

Upon receipt of a response submitted pursuant to subsection 2.6.2 subparagraph 3 of this Ordinance, the court shall schedule a hearing to determine whether there were mitigating circumstances surrounding the commission of the infraction. The hearing shall be scheduled for not less than 14 days no more than 90 days from the date of written notice of the hearing data, unless otherwise agreed by the defendant in writing.

The court shall send the defendant written notice of the time, place, and date of the hearing within 14 days of the request for a hearing. The notice shall also include statement advising the defendant of the defendant's rights at the hearing and stating that failure to appear is a crime for which the defendant may be arrested.

The court may schedule the mitigation hearing for the same time as a hearing on another infraction alleged to have been committed by the defendant.

2.8 Contested Hearing - Preliminary Proceedings

2.8.1 Subpoena

The defendant and the plaintiff may subpoena witnesses necessary for the presentation of their respective cases. The subpoena may be issued by a judge, by a clerk of the court, or by a party's lawyer. If a party's lawyer issues a subpoena, a copy shall be filed with the court. A subpoena may be directed to the sheriff of any county or to any peace officer of any municipality in the state in which the witness may be or it may be served as provided in CR 45(c). If the subpoena is for a witness who resides outside of Pacific County, the judge must approve of the subpoena.

2.8.2 Witness List

The plaintiff's lawyer, upon request of the defendant 14 days prior to a contested hearing, shall at least seven days prior to the hearing provide the defendant or defendant's lawyer with a list of the witnesses the plaintiff intends to call at the hearing.

2.8.3 Amendment of Notice

The court may permit a Notice of Infraction to be amended at any time before judgment if no additional or different infraction is charged, and if substantial rights of the defendant are not thereby prejudiced. A continuance shall be granted if the defendant satisfies the court that the additional time is needed to defend against the amended Notice of Infraction.

2.8.4 Sufficiency

A Notice of Infraction shall not be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific infraction which the defendant is alleged to have committed, nor shall a Notice of Infraction be deemed insufficient because of imperfections which do not tend to prejudice substantial rights of the defendant.

2.9 Failure to Appear

2.9.1 Entry of Judgment

If the defendant fails to appear at a requested hearing or fails to respond to a Notice of Infraction in a timely fashion under subsection 2.6 of this Ordinance, the court shall enter judgment against the defendant finding that the defendant has committed the infraction. The court shall assess a monetary penalty against the defendant. The court shall not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court also shall impose an additional fine of \$25.00 plus statutory assessments including, but not limited to assessments under Chapter 2.68 RCW and RCW 3.62.090. A judgment upon a failure to appear shall not be entered if it appears to the court from the papers on file that the infraction case was brought in an improper court.

2.9.2 Setting Aside Judgment Upon Failure to Appear

For good cause shown and upon terms the court deems just, the court may set aside a judgment entered upon a failure to appear in accordance with CRLJ 60(b).

2.10 Procedure at Contested Hearing

2.10.1 Generally

The court shall conduct the hearing for contesting the Notice of Infraction on the record in accordance with applicable law. This contested hearing shall take place without a jury.

2.10.2 Representation by a Lawyer

At a contested hearing, the plaintiff may be represented by a lawyer representative of the prosecuting authority. The defendant also may be represented by a lawyer.

2.10.3 Rules of Evidence

The Rules of Evidence shall apply to contested hearings.

2.10.4 Factual Determination

The court shall determine whether the plaintiff has proved by a preponderance of the evidence that the defendant committed the infraction. If the court finds that the defendant committed the infraction by a preponderance of the evidence, it shall enter an appropriate order on its records. If the court finds that the infraction was not committed, it shall enter an order dismissing the case.

2.10.5 Disposition

If the court determines that the infraction has been committed, it shall assess a monetary penalty against the defendant. The court shall not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court may suspend all or part of the monetary penalty, or may provide for time payments, or may allow the defendant to perform community service in lieu of monetary payment. If the court chooses to impose the last option, the number of community service hours imposed shall be based on the rate of the then existing state minimum wage per hour. The court has continuing jurisdiction and authority to supervise disposition for not more than two years.

2.10.6 Costs and Attorney's Fees

Each party in a contested hearing is responsible for costs incurred by that party, but the court may assess court costs against a non-prevailing defendant. Attorney's fees shall not be awarded to either party in a contested hearing. Court costs may be ordered in addition to any monetary penalty imposed by the court.

2.11 Hearing on Mitigating Circumstances

2.11.1 Generally

The court shall conduct the hearing concerning mitigating circumstances in accordance with applicable law.

2.11.2 Procedure at a Mitigation Hearing

The court shall hold an informal hearing which shall not be governed by the Rules of Evidence. Subject to the other provisions of this Ordinance, all relevant evidence is admissible which, in the opinion of the judge, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. The plaintiff may be represented by a lawyer representative of the prosecuting authority. The defendant also may be represented by a lawyer. The defendant may present witnesses, but they may not be compelled to attend.

2.11.3 Disposition

The court shall determine whether the defendant's explanation of the events justifies reduction of the monetary penalty. The court shall enter an order finding that the defendant committed the infraction and shall assess a monetary penalty. The court may not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court may suspend all or part of the monetary penalty, or provide for time payments, or may allow the defendant to perform community service in lieu of a monetary payment. If the court chooses to impose the last option, the number of community service hours imposed shall be based on the rate of the then existing state minimum wage per hour. The court has continuing jurisdiction and authority to supervise disposition for not more than two years.

SECTION 3 PENALTIES

3.1 Miscellaneous Provisions

3.1.1 Failure to Provide Information

When subsection 2.1 of this Ordinance applies, a person who willfully refuses to provide an enforcement officer with the requested information is guilty of a misdemeanor.

3.1.2 Failure to Sign a Notice of Infraction

A person who fails to acknowledge receipt of a Notice of Infraction by willfully failing to sign the Notice of Infraction is guilty of a misdemeanor regardless of the disposition of the Notice of Infraction.

3.1.3 Failure to Respond to a Notice of Infraction

A person who willfully fails to respond to a Notice of Infraction in a timely fashion under subsection 2.6 of this Ordinance or who willfully fails to appear personally or through counsel at a Contested Hearing under subsection 2.10 or a Mitigation Hearing under subsection 2.11 is guilty of a misdemeanor regardless of the disposition of the Notice of Infraction.

3.1.4 Failure to Pay a Monetary Obligation or to Perform Court-Ordered Community Service

A person who willfully fails to pay a monetary obligation or to perform community service as required by a court under this Ordinance may be found in contempt of court as provided in Chapter 7.21 RCW.

3.1.5 Collection of Outstanding Monetary Obligations

If a person fails to pay a monetary obligation as ordered by the court under this Ordinance, the court may proceed to collect the amount owed in the same manner as other civil judgments. The court shall notify the District of the failure to pay, and the District shall not issue the person any District permits or approvals until the monetary obligation has been paid. The District may collect penalties, assessments, costs, and/or fines by any procedure established for the collection of debts that are owed to the District.

3.2 Monetary Civil Penalties

In addition to or as an alternative to any other judicial or administrative remedy provided in this Ordinance or in any other regulation, any person found to have committed an infraction under this Ordinance shall be assessed a monetary civil penalty of \$500.00 plus statutory assessments including, but not limited to, assessments under Chapter 2.68 RCW and RCW 3.62.090. Each violation and each day or portion thereof that a violation continues shall constitute a separate infraction.

3.3 Criminal Penalties

Any violation of this Ordinance which constitutes a misdemeanor is punishable by a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both.

The principles of liability contained in Chapter 9A.08 RCW including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance as shall all judicial interpretations thereof.

SECTION 4 APPEALS

4.1 Appeals to Board of Supervisors of Notice and Order to Correct Violation

An affected person may appeal to the Board of Supervisors any Notice and Order to Correct Violation issued pursuant to subsection 2.2 of this Ordinance. The affected person must file in writing a Notice of Appeal with the Clerk of the Board of Supervisors. The appeal must be filed within 20 days after issuance of the Notice and Order to Correct Violation.

4.2 Review by Board of Supervisors

Upon receipt of the Notice of Appeal, the Board of Supervisors shall schedule the appeal as soon as practicable. The appellant shall be notified in writing of the date, time and location of the appeal proceedings at least 10 days prior to the Board of Supervisors meeting, unless the appellant agrees to a shorter notification period. After hearing the appeal at a public meeting, the Board of Supervisors shall affirm, reverse or modify the administrative action. If the Board of Supervisors decides to modify the Notice and Order to Correct Violation, the Board of Supervisors shall give the appellant an additional fixed period of time which shall not exceed 60 days to correct the violation. If the deficiency as delineated by the Board of Supervisors is not rectified timely, an enforcement officer or the prosecuting authority may issue a Notice of Infraction.

4.3 Review by the Superior Court of a Decision of a County Board Pertaining to a Notice and Order to Correct Violation

Any decision or order of the Board of Supervisors pertaining to a Notice and Order to Correct Violation may be appealed to the superior court, pursuant to RCW 36.32.330. Any appeal to superior court shall not stay the authority of an enforcement officer or prosecuting authority to issue a Notice of Infraction and to prosecute the infraction in district court during the pendency of such an appeal. Instead, such appeal may be consolidated with any appeal of a district court decision relating to the same or related violation.

4.4 Review by the Superior Court of a District Court Decision Pertaining to this Ordinance

4.4.1 Generally

A defendant may appeal a judgment entered in district court after a contested hearing finding that the defendant has committed an infraction. The plaintiff may appeal a decision which in effect abates, discontinues, or determines the case other than by a judgment that the defendant has not committed an infraction. No other orders or judgments pertaining to a Notice of Infraction are appealable by either party.

4.4.2 Procedural Rules

The Civil Rules for Courts of Limited Jurisdiction govern the procedure to appeal an infraction case. The time for appeal under CRLJ 73 begins to run from the date the court makes its disposition under subsections 2.10.4. and 2.10.5. of this Ordinance.

SECTION 5 MISCELLANEOUS

5.1 Time

Time shall be computed or enlarged as provided in CRLJ 6, except that the time in which to respond to the Notice of Infraction under subsection 2.6 and the time in which to file an appeal under CRLJ 73 may not be enlarged.

5.2 Additional or Alternative Action

Nothing contained in this Ordinance shall prevent Pacific County Flood Control Zone District No. 1 by and through the prosecuting authority, from taking any other lawful action to prevent or remedy any violation of this Ordinance.

5.3 Savings and Severability

If any provision, or any portion thereof, contained in this Ordinance is held to be unconstitutional, invalid or unenforceable, said provision(s), or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

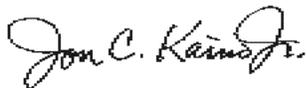
5.4 Effective Date

This Ordinance shall go into effect immediately.

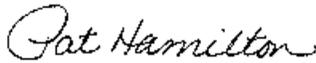
PASSED by the Pacific County Flood Control Zone District No. 1 Board of Supervisors meeting in special session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 22nd day of July, 1997.

 3 Ayes; 0 Nays; 0 Abstain; 0 Absent

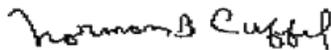
**BOARD OF SUPERVISORS, FLOOD CONTROL ZONE DISTRICT NO. 1
PACIFIC COUNTY, WASHINGTON**



Jon Kaino, Jr.



Pat Hamilton



Norman "Bud" Cuffel

ATTEST:

