

- 1. Call to Order and Roll Call**
- 2. Approve Agenda**
- 3. Public Comments Update**
- 4. Personnel Update**
- 5. Public Comment**

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. With very few exceptions, RCW 42.17A.555 prohibits government agencies from allowing the use of public facilities, directly or indirectly, for campaign purposes. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern and state your name for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

- 6. Presentation**
- 7. Discussion**
 - a. AB 26-13: Draft Ordinance No. 2026-04, TMC 1.24.020, 15.01.060.**
- 8. Adjournment**

Next Council Meeting Will Be Held on February 9, 2026.

City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.

Meeting Date: February 2, 2026
Subject: AB 26-13: Draft Ordinance No. 2026-04, TMC 1.24.020, 15.01.060.
Attachments: 1. Ordinance No. 2026-04, TMC 1.24.020 15.01.060
Presented By: Daniel Heid, City Attorney
**Approved for
Agenda By:** Dan Ford, City Manager

Discussion:

The Toppenish municipal code provides for various different requirements and for penalties in instances of violations or failure to comply. Among the code provisions requiring compliance, are the international building code and building related codes. Questions have surfaced with respect to what the status of violations of these codes are. It is appropriate to clarify their status in the code.

Accordingly, the proposed ordinance seeks to clarify questions regarding enforceability, identifying these violations as misdemeanors.

Staff proposes presenting a final version for adoption at the February 9, 2026, Regular Meeting.

Fiscal Impact:

Not Applicable.

Recommendation:

Not applicable.

Alternatives:

ORDINANCE NO. 2026-04

AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON CREATING A NEW SECTION 1.24.020 OF THE TOPPENISH MUNICIPAL CODE RELATING TO ENFORCEMENT OF CIVIL AND CRIMINAL VIOLATIONS, AND AMENDING SECTION 15.01.060 OF THE TOPPENISH MUNICIPAL CODE RELATING TO VIOLATIONS OF BUILDING CODES, PROVIDING FOR A SEVERABILITY CLAUSE AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the current provisions of the Toppenish Municipal Code (TMC) provide for various violations and penalties, including violations and penalties relating to the building-related codes adopted and included in Chapter 15.01 TMC, including:

- The International Building Code (IBC) [TMC 15.01.010 (A)(1)];
- The International Residential Code (IRC) [TMC 15.01.010 (A)(2)];
- The International Mechanical Code (IMC) [TMC 15.01.010 (A)(3)];
- The International Fire Code (IFC) [TMC 15.01.010 (A)(4)];
- The Uniform Plumbing Code and Uniform Plumbing Code Standards [TMC 15.01.010 (A)(5)];
- The Washington State Energy Code (including WAC Chapters 51-11C and 51-11R) [TMC 15.01.010 (a)(6)];
- The International Property Maintenance Code (IPMC) [TMC 15.01.020];
- The International Existing Building Code (IEBC) [TMC 15.01.030]; and

WHEREAS, because such violations could be criminal or civil, and could be misdemeanors, or gross misdemeanors - if criminal - it is appropriate to clarify the language of the TMC to make sure that there is no misunderstanding or confusion in this regard; and,

WHEREAS, it is thus appropriate to amend the language of Section 15.01.060 TMC to specify the category of violations and penalties for the above-referenced building-related codes.

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

Section 1. Creation of New Section to TMC Chapter 1.24. That a New Section 1.24.020 TMC is hereby created to read as follows:

1.24.020 – Enforcement of civil and criminal violations.

A. Any Law Enforcement Officer shall have all power and authority to take action to enforce any civil or criminal violation of the Toppenish Municipal Codes in accordance with the laws of the state of Washington and the ordinances of the city.

B. The Fire Code Official of the city or designees shall have all power and authority to take action to enforce any civil or criminal violation of the Toppenish Municipal Codes (TMC) as set forth in TMC Chapter 15.01, in accordance with the laws of the state of Washington and the ordinances of the city.

C. For the purposes hereof, "Law enforcement officer" means, refers to and includes, any general authority, limited authority, or specially commissioned Washington peace officer or federal peace officer as those terms are defined in RCW

10.93.020, and other public officers who are directed to enforce and are responsible for enforcement of: fire, building, zoning, and life and safety codes and other codes of the city for which there are civil and criminal penalties for violations thereof.

Section 2. Amendment to TMC Section 15.01.060. That TMC Section 15.01.060 is hereby amended to read as follows:

15.01.060 Unlawful acts and violations — Penalties.

A. It is unlawful for any person, entity, firm or corporation to erect, construct, alter, repair, move, remove, convert, demolish, equip, use, occupy or maintain any building, structure or other construction or cause to permit the same to be done, in violation of this chapter.

B. Any person, entity, firm or corporation who violates any provisions of this chapter or who erects, constructs, alters, repairs, moves, removes, converts, demolishes, equips, uses, occupies or maintains any building or structure that is in violation of approved construction documents, directives of the building and/or code officials, or a permit or certificate issued under the codes adopted pursuant to this chapter shall be **subject to** guilty of a misdemeanor punishable in accordance with the penalties set forth in Chapter 1.24 TMC or as otherwise provided in law. Ord. 2020-10 § 1, 2020).

Section 3. 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 section or TMC Chapter 15.01.

Section 4. Effective date. This Ordinance shall be effective five (5) days after publication as required by law.

PASSED by the Toppenish City Council at its regular meeting held on the ____ day of _____, 2026.

ATTEST:

ELPIDIA SAAVEDRA, Mayor

HEIDI RIOJAS, CMC, CITY CLERK

APPROVED AS TO FORM:

DANIEL B. HEID, City Attorney