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SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 08-____

RELATING TO ENFORCEMENT PROCEDURES IN TITLE 30 SCC;
REPEALING CHAPTER 30.85 SCC AND ADOPTING A REVISED CHAPTER 30.85
SCC; AND AMENDING SECTIONS OF CHAPTERS 30.31D, 30.35A, 30.52A, 30.52B,
30.52F, 30.53A, 30.63B, AND SECTION 30.91P.170 OF THE SNOHOMISH COUNTY
CODE (SCC)

WHEREAS, RCW 36.32.120(7) grants counties in the state of Washington the authority to make and enforce all such police and sanitary regulations as are not in conflict with state law, and states that any violations of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty; and

WHEREAS, Amended Ordinance No 02-064, adopted December 9, 2002, authorized the reorganization and consolidation of Snohomish County development regulations represented by 17 separate titles into a new Title 30 SCC, the Unified Development Code (UDC); and

WHEREAS, chapter 30.85 SCC establishes procedures for enforcement of certain Snohomish County codes administered by the Snohomish County Department of Planning & Development Services (PDS) and the Department of Public Works (DPW); and

WHEREAS, the Snohomish County Auditor's Office conducted a performance audit of PDS's Code Enforcement Division to identify practices with the potential to improve the efficiency, effectiveness and economy of code enforcement and published its report on November 11, 2005; and

WHEREAS, beginning in 2006, PDS has undertaken a review of Title 30 SCC Unified Development Code (UDC), including a review of code enforcement procedures; and

WHEREAS, among the goals of the Unified Development Code (UDC) update project are to develop code that is in alignment with adopted county policies, easy to administer and explain, predictable, and legally defensible; and

DRAFT

1 WHEREAS, the goals of code enforcement are to achieve compliance with
2 county regulations by utilizing progressive enforcement measures and matching
3 enforcement measures to violation characteristics; and
4

5 WHEREAS, in order to meet the goals of the UDC update project and new code
6 sections, significant revisions to existing sections and reorganization of chapter 30.85
7 SCC are appropriate; and
8

9 WHEREAS, the proposed enforcement procedures are consistent with the
10 authority granted by the state, and implement the goals of the UDC update project, the
11 recommendations of the auditor’s report and the goals of code enforcement; and
12

13 WHEREAS, multiple chapters of the UDC, particularly the construction codes,
14 reference chapter 30.85 SCC for enforcement procedures, and therefore require
15 concurrent amendment with chapter 30.85 SCC revisions; and
16

17 WHEREAS, Snohomish County has invited public participation and comments on
18 enforcement code revisions via public meetings, workshops, news releases,
19 newsletters, internet access and a dedicated email address; and
20

21 WHEREAS, PDS held a public forum on October 4, 2007, to solicit public input
22 on code enforcement procedures; and
23

24 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt this code
25 amendment was transmitted to the Washington State Department of Community, Trade
26 and Economic Development (CTED) on November 27, 2007; and
27

28 WHEREAS, the State Environmental Policy Act requirements with respect to this
29 adoption of revised code enforcement procedures are satisfied by issuance of a
30 Determination of Non-Significance on November 26, 2007; and
31

32 WHEREAS, proposed revisions to chapter 30.85 SCC were presented to the
33 Snohomish County Planning Commission on November 13, 2007; and
34

35 WHEREAS, the Snohomish County Planning Commission held a public hearing
36 on the proposed ordinance on December 11, 2007, and forwarded a recommendation to
37 the County Council on _____, 2008; and
38

39 WHEREAS, the Snohomish County Council held a public hearing on _____,
40 2008, to consider the entire record and to hear public testimony on Ordinance No. 07-
41 _____ adopting new code enforcement procedures.
42

43 **NOW, THEREFORE, BE IT ORDAINED:**
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DRAFT

1 Section 1. The county council adopts and incorporates the foregoing recitals as
2 findings as if set forth fully herein.
3

4 Section 2. The Snohomish County Council makes the following findings:
5

6 A. The County General Policy Plan (GPP) gives direction and support for updates to
7 chapter 30.85 SCC in the Natural Environment policies.
8

9 1. GPP Objective NE 3.I requires the development and implementation of an
10 enforcement program to protect, and prevent and remediate damage to, the natural
11 environment.
12

13 2. GPP NE Policy 3.I.1 states the county should establish inspection and
14 enforcement priorities based on health, safety and welfare; the environmental
15 significance of violations; the impact to ecological functions and values; and the impacts
16 on public resources.
17

18 3. GPP NE Policy 3.I.2 states the county should establish an enforcement system
19 that imposes penalties and fines commensurate with the severity of the violation and
20 that the amount of penalties and fines should increase with the severity of the violation.
21

22 4. GPP NE Policy 3.I.2 further states that for minor violations that do not
23 significantly harm the environment or endanger public health and safety, enforcement
24 should focus on educating landowners on regulatory requirements rather than monetary
25 penalties.
26

27 5. GPP NE Policy 3.I.3 states that the county should impose punitive consequences
28 on flagrant or repetitive violators.
29

30 B. Chapter 30.85 SCC establishes enforcement procedures for code violations within
31 the administrative jurisdiction of PDS or the Department of Public Works (DPW).
32

33 C. The Code Enforcement Audit report of 2005 identified issues and contained 62
34 recommendations applicable to business practices and code revisions.
35 Recommendations for which there is a code revision response include: 1) prioritization
36 of the severity of the violation subject to enforcement actions; 2) providing educational
37 materials for violators; 3) increasing the rate of compliance; potentially eliminating the
38 voluntary compliance agreement; 4) developing a citation process, especially for non-
39 permit violations, to encourage a more timely resolution of the violation; 5) implementing
40 a fee for appeal of code enforcement cases; 6) filing a certificate of non-compliance
41 when there is an unresolved code enforcement action/violation on a property.
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DRAFT

1 D. The Code Enforcement Audit report found that grading without a permit constitutes
2 approximately 23% of Code enforcement cases.

3
4 E. The Code Enforcement Audit report found concerns with consistent outcomes of the
5 hearing examiner process and timeliness of cases processed before the hearing
6 examiner, including use of indefinite continuances to orders.

7
8 F. Code enforcement procedures in chapter 30.85 SCC rely upon the hearing examiner
9 to set each monetary penalty for a violation in the context of a hearing. A set penalty
10 schedule and date upon which the penalties begin to be assessed will relieve the
11 hearing examiner of that workload and provide greater predictability to the enforcement
12 process.

13
14 Section 2. The County Council makes the following conclusions:

15
16 A. The enforcement procedures adopted by this ordinance are consistent with and
17 further the goals, objectives, and requirements of the Snohomish County General Policy
18 Plan.

19
20 B. Revisions to chapter 30.85 SCC carry out the recommendations of the November
21 29, 2005, Code Enforcement Audit and are necessary to improve the overall
22 effectiveness of the code enforcement program by: 1) establishing progressive
23 enforcement penalties in accordance with the severity of the violation; 2) replacing the
24 voluntary correction agreement, an enforcement procedure, with a warning notice, which
25 is an educational tool; 3) stimulating the rate of compliance by using a warning notice
26 with a response time shorter than the execution of a voluntary compliance agreement,
27 which also allows time for implementation; 4) establishing a citation process; 5)
28 establishing a fee for appeal of code enforcement cases; 6) re-establishing a certificate
29 of non-compliance on properties with an unresolved code enforcement action.

30
31 C. The proposed revisions adopted by this ordinance satisfy the procedural and
32 substantive requirements of and are consistent with GMA and chapter 30.73 SCC.

33
34 D. The public meeting and hearings before the planning commission and the county
35 council, and related public notices, satisfy the public participation requirements of GMA,
36 including RCW 36.70A.020(11), RCW 36.70A.035 and RCW 36.70A.140, as well as the
37 requirements of chapter 30.73 SCC.

38
39 E. The SEPA process conducted for this ordinance satisfies the requirements of the
40 State Environmental Policy Act codified in chapter 43.21C RCW, as implemented by
41 chapter 197-11 WAC and 30.61 SCC.

DRAFT

1 F. The proposed revisions to SCC 30.85 as set forth in this ordinance are in the best
2 interest of the county and protect the public health, safety and welfare.
3

4 Section 3. The council bases its findings and conclusions on the entire record of
5 the planning commission and council. Any finding listed in this ordinance which should
6 be deemed a conclusion, and any conclusion which should be deemed a finding, is
7 adopted as such.
8

9 Section 4. Snohomish County Code chapter 30.85, adopted by Amended
10 Ordinance No. 02-064 on December 9, 2002, is repealed.
11

12 Section 5. A new chapter is added to subtitle 30.8 of the Snohomish County
13 Code to read:
14

15 **Chapter 30.85**
16 **Enforcement Procedures**
17

- 18 30.85.010 Purpose.
- 19 30.85.020 Applicability.
- 20 30.85.030 Remedies not exclusive.
- 21 30.85.040 Public nuisance.
- 22 30.85.050 Initiation of enforcement action.
- 23 30.85.060 Types of code enforcement action.
- 24 30.85.070 Right of entry.
- 25 30.85.080 Warning notice.
- 26 30.85.090 Citation.
- 27 30.85.100 Citation procedure.
- 28 30.85.110 Response to a citation.
- 29 30.85.120 Contested citation hearing.
- 30 30.85.125 Failure to appear for a contested citation hearing.
- 31 30.85.130 Fines for citations.
- 32 30.85.140 Mitigation of fines.
- 33 30.85.150 Notice of violation.
- 34 30.85.160 Notice of violation – effective date and content.
- 35 30.85.170 Appeal of a notice of violation.
- 36 30.85.180 Notice of violation appeal hearing procedures.
- 37 30.85.190 Monetary penalties for a notice of violation.
- 38 30.85.200 Reduction of monetary penalties.
- 39 30.85.210 Stop work order.
- 40 30.85.220 Emergency order.
- 41 30.85.230 Method of service.

DRAFT

- 1 30.85.240 Final order for enforcement.
- 2 30.85.250 Collection of fines and monetary penalties.
- 3 30.85.260 Repeat violations.
- 4 30.85.270 Certificate of noncompliance.
- 5 30.85.280 Suspension of permits.
- 6 30.85.290 Revocation of permits.
- 7 30.85.300 Abatement.
- 8 30.85.310 Recovery of fines, monetary penalties and cost of abatement.
- 9 30.85.320 Duty not creating liability.
- 10 30.85.330 Misdemeanor.

11

12 **30.85.010 Purpose.**

13

14 The purpose of the enforcement procedures found in this chapter is to establish an
15 efficient system to enforce the land use and development codes of Snohomish County
16 for the benefit of the public health, safety and welfare. To achieve this purpose, this
17 chapter provides procedures for:

- 18 (1) Efficient notice and opportunities to correct violations;
- 19 (2) Progressive monetary penalties, proportionate to the violations;
- 20 (3) Contesting a citation or appealing a notice of violation;
- 21 (4) Collection of monetary penalties; and
- 22 (5) Abatement and remediation of violations.

23

24 **30.85.020 Applicability.**

25

26 This chapter applies to violations of any provision of title 30 SCC, chapter 10.01 SCC,
27 SCC 13.01.040 and other Snohomish County Code provisions within the administrative
28 jurisdiction of the Department of Planning and Development Services or the Department
29 of Public Works is subject to enforcement action under this chapter. Violations include
30 but are not limited to:

- 31 (1) Failure to obtain required permits or authorizations within the administrative
32 jurisdiction of the applicable department;
- 33 (2) Failure to comply with the terms or conditions of a permit or authorization issued
34 by the applicable department;
- 35 (3) Failure to comply with any county code provision within the administrative
36 jurisdiction of the applicable department;
- 37 (4) Failure to comply with rules or regulations adopted pursuant to the administrative
38 authority of the applicable department;
- 39 (5) Removal without authorization or defacing any sign, notice or order posted
40 pursuant to the administrative authority of the applicable department; and
- 41 (6) Failure to comply with a stop work or emergency order issued under this chapter.

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DRAFT

1 **30.85.030 Remedies not exclusive.**

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3 The remedies set forth in this chapter are not exclusive, and do not limit or restrict the
4 authority of the county from remedying or abating violations in any manner authorized
5 by law.

6
7 **30.85.040 Public nuisance.**

8
9 (1) Violations of title 30 SCC, chapter 13.01 SCC, and chapter 10.01 SCC are
10 determined to be detrimental to the public health, safety and welfare and are public
11 nuisances.

12 (2) Whenever the applicable director determines that any condition creates a present or
13 imminent hazard, or is likely to create a hazard to the public safety, health or welfare,
14 the environment, or public or private property, the director may declare such condition a
15 public nuisance.

16
17 **30.85.050 Initiation of enforcement action.**

18
19 (1) Whenever a director has reason to believe a violation has occurred, the director
20 may initiate any of the following enforcement actions against the person(s) responsible
21 for the violation:

- 22 (a) Issuance of a citation;
23 (b) Issuance of a notice of violation;
24 (c) Issuance of a stop work order;
25 (d) Issuance of an emergency order; and/or,
26 (e) Referral of the matter to the prosecuting attorney for enforcement.

27 (2) In all cases the property owner shall be named as a responsible party in an
28 enforcement action.

29
30 **30.85.060 Types of code enforcement action.**

31 (1) The following options provide a progressive strategy for achieving code
32 compliance and are designed to protect life, health, safety and the public welfare.

- 33 (a) A warning notice issued pursuant to SCC 30.85.080;
34 (b) A citation issued in accordance with SCC 30.85.090;
35 (c) A notice of violation issued in accordance with SCC 30.85.150;
36 (d) A stop work order issued in accordance with SCC 30.85.210; and
37 (e) An emergency order issued in accordance with SCC 30.85.220.

38 (2) A citation and a notice of violation are intended for different types of violations and
39 shall not be issued for the same violation;

40 (3) A violation may be referred to the prosecuting attorney for filing a misdemeanor
41 complaint against the person(s).

42 (4) The county may initiate a civil action in superior court to abate the violation.

43

DRAFT

1 **30.85.070 Right of entry.**
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3 (1) Upon presentation of proper credentials, the director may, with the consent of the
4 owner or occupier of a building or premises, or pursuant to a lawfully issued inspection
5 warrant, enter at reasonable times any building or premises subject to the consent or
6 warrant to perform the duties imposed by this chapter.

7 (2) If the director has probable cause to believe that conditions on the property create
8 an immediate hazard to person or property, the director may enter the property
9 immediately for the purpose of investigating the emergency conditions and initiating
10 corrective action.

11 (3) For purposes of fire safety inspection, or in the case of the fire marshal, right of
12 entry shall be pursuant to SCC 30.53A.148.
13

14 **30.85.080 Warning notice.**
15

16 (1) Before initiating an enforcement action, the director may provide a warning notice
17 to the person(s) responsible. The person(s) named in the warning notice may be given
18 the opportunity to correct the violation(s), within the time specified in the warning notice.

19 (2) When a warning notice is issued, it shall be written in a form determined by the
20 department, and shall include the following information:

21 (a) The tax parcel number of the property where the violation(s) occurred or is
22 located and, when available, the street address;

23 (b) A statement describing the violation(s), with specific references to applicable
24 code section(s);

25 (c) The date by which the violation(s) must be corrected to avoid initiation of an
26 enforcement action;

27 (d) A statement of the potential consequences of failure to complete corrective
28 action including the imposition of fines or monetary penalties, if applicable; and

29 (e) Code enforcement contact information and instructions for the responsible
30 person(s) to address/remedy the violation(s).

31 (3) The warning notice may include potential corrective actions to remedy the
32 violation(s).
33

34 **30.85.090 Citation.**
35

36 (1) The following violations of Snohomish County Code shall be enforced under the
37 citation and/or criminal provisions set forth in this chapter:

38 (a) Junkyard conditions in urban zones (SCC 30.22.100 or SCC 30.65.285);

39 (b) Recreational vehicle occupancy (SCC 30.22.100, 30.22.110, 30.22.120 or
40 30.22.130(19)(b) and (c) or SCC 30.65.285);

41 (c) Illegal signs (chapters 13.01 and 30.27 SCC);

42 (d) Noise standards (Title 10.01 SCC, except public disturbance noises as defined
43 by SCC 10.01.040);

DRAFT

- 1 (e) Fence height (SCC 30.52A148(c) or SCC 30.23.100(3));
- 2 (f) Erosion control measures and best management practices (chapter 30.63A
- 3 SCC);
- 4 (g) Overcrowding beyond allowed capacity (SCC 30.53A.382);
- 5 (h) Obstruction of fire apparatus access roads (SCC 30.53A.512);
- 6 (i) Means of egress (SCC 30.53A.010, Section 1028 IFC);
- 7 (j) Burn permit (SCC 30.53A.298);
- 8 (k) Stop work order (SCC 30.85.210); and
- 9 (l) Emergency order (SCC 30.85.220).

10 (2) Issuance of the citation is a final determination and a fine will be assessed in
11 accordance with SCC Table 30.85.130.

12 (3) Payment of a fine assessed under the citation shall not relieve the person(s)
13 named in the citation of any obligation to cure, abate or stop the violation(s).

14 (4) A citation may be modified or withdrawn by the department at any time if it is
15 determined that it was issued in error.

16 (5) For each day that a violation identified in this section occurs, including the period
17 pending a hearing contesting a citation, the director may issue a new citation.

18 **30.85.100 Citation procedure.**

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20
21 (1) Whenever a citation for a violation listed in SCC 30.85.090 is issued, the director
22 may issue the citation to the owner(s) of the property and/or other person(s) responsible
23 for the violation.

24 (2) The citation shall be on a form determined by the department and shall contain the
25 following:

- 26 (a) The name(s) and address(es) of the person(s) responsible for the violation(s).
- 27 (b) The tax parcel number of the property where the violation occurred or is located
- 28 and the street address, when available;
- 29 (c) A separate statement of each standard or requirement violated pursuant to
- 30 SCC 30.85.090;
- 31 (d) The date of the violation(s);
- 32 (e) The applicable fine imposed in accordance with the schedule in SCC Table
- 33 30.85.130 and the date by which payment of the fine is due;
- 34 (f) A statement that the person(s) cited must respond to the citation within 14days
- 35 after service;
- 36 (g) A statement that the citation represents a determination that a violation has
- 37 been committed by the person(s) named in the citation and that the determination shall
- 38 be final unless contested as provided in this chapter;
- 39 (h) A certified statement of the code enforcement officer or inspector issuing the
- 40 citation, authorized by RCW 9A.72.085, setting forth facts supporting issuance of the
- 41 citation.

42 (3) The citation may include a statement of potential corrective action(s).

DRAFT

1 (4) The citation clarify that payment of the fine does not relieve the person found in
2 violation of the responsibility for correcting the violation.

3 (5) A citation may be amended at any time in order to correct clerical errors or to cite
4 additional authority for a stated violation.

6 **30.85.110 Response to a citation.**

7
8 (1) Person(s) shall respond to a citation within fourteen) calendar days from the date
9 of service by one of the following means:

10 (a) Paying the fine specified in the citation, in which case the record shall show a
11 finding that the person cited committed the violation. Payment of the monetary penalty
12 does not relieve the person named in the citation of the responsibility for curing, abating
13 or stopping the violation.

14 (b) Requesting a reduction of fines in writing and explaining the circumstances
15 surrounding the commission of the violation. Conditions for reduction of fines must be
16 in accordance with SCC 30.85.140. A request for reduction of fines shall include an
17 address and contact information for the person cited and making said request.

18 (c) Requesting a contested hearing in writing specifying the reason why the cited
19 violation did not occur or why the person cited is not responsible for the violation, and
20 providing a mailing address to which notice of such hearing may be sent. The grounds
21 for contesting a citation are set forth in SCC 30.85.120(2).

22 (2) Responses to a citation shall include the citation number and shall be delivered by
23 mail or by hand to the office of the Snohomish County Department of Planning and
24 Development Services, attention Code Enforcement. If mailed, the date of postmark
25 shall serve as the date received for purposes of this chapter.

26 (3) If a person fails to respond to a citation within 14 days of service, the hearing
27 examiner shall enter an order finding that the person cited committed the violation
28 stated in the citation and assessing the fines specified in the citation.

30 **30.85.120 Contested citation hearing.**

31
32 (1) When the department receives a written statement contesting a citation, the
33 department shall transmit the statement to the hearing examiner within three business
34 days.

35 (a) The contested citation statement may be dismissed if the hearing examiner
36 determines it is untimely, incomplete, frivolous, or beyond the hearing examiner's
37 jurisdiction. A summary dismissal order shall be issued within 15 days following receipt
38 of the contested citation by the hearing examiner.

39 (b) The hearing examiner shall conduct a hearing of the contested citation within 45
40 days of the date that the hearing examiner received the request for the hearing.

41 (c) The hearing examiner shall notify the person contesting the citation and the
42 department in writing of the time, place and date of the hearing. Notice of the hearing

DRAFT

1 shall be provided by the hearing examiner's office at least 15 days prior to the date of
2 the hearing.

3 (2) The county has the burden of proof by a preponderance of evidence that the
4 appellant(s) committed the violation.

5 (3) The person contesting the citation shall prove:

6 (a) The person named on the citation was not the responsible party for causing the
7 violation and is not the property owner; or

8 (b) The violation listed on the citation did not occur.

9 (4) The public hearing shall be an open record hearing conducted in accordance with
10 SCC 2.02.140 and the Snohomish County Hearing Examiner Rules of Procedure,
11 except as modified by this chapter.

12 (5) Each person participating in an open record hearing shall have the following rights:

13 (a) To call, examine and cross examine witnesses (subject to reasonable limitation
14 by the examiner in accordance with the examiner's adopted rules of procedure) on any
15 matter relevant to the issues of the hearing;

16 (b) To introduce documentary and physical evidence;

17 (c) To rebut evidence; and

18 (d) To represent him/herself or to be represented by anyone of his choice who is
19 lawfully permitted to do so.

20 (6) The citation, certified statement or declaration authorized by RCW 9A.72.085
21 submitted by the department and any attached documentation shall be prima facie
22 evidence that a violation occurred and that the person(s) cited are responsible. The
23 citation, certified statement or declaration of the code enforcement officer or inspector
24 authorized under RCW 9A.72.085, and any other evidence accompanying the file shall
25 be admissible without further evidentiary foundation.

26 (7) The hearing examiner shall consider the evidence and testimony presented at the
27 hearing and, based on this information, shall issue a decision reversing or affirming the
28 citation, in whole or in part, or modify the decision. The final decision shall be issued
29 within 15 days with an optional right of reconsideration. Appeals may be made by filing
30 a land use petition in superior court within 21 days of issuance of the decision as
31 provided in chapter 35.70C RCW. :

32 (8) The decision of the hearing examiner shall constitute a final decision and order in
33 accordance with SCC 30.85.240.

34 35 **30.85.125 Failure to appear for a contested citation hearing.**

36
37 Failure to appear for a requested hearing may result in an order being entered finding
38 that the person cited committed the violation stated in the citation and assessing the
39 fines specified in the citation. For good cause shown and upon terms the hearing
40 examiner finds just, the hearing examiner may set aside an order entered upon a failure
41 to appear.

DRAFT

1 **30.85.130 Fines for citations.**

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(1) Table 30.85.130 shall be used to determine fines for citations.

SCC Table 30.85.130 - FINES FOR CITATIONS

VIOLATION DESCRIPTION	VIOLATION		REPEAT VIOLATION ²		MORE THAN TWO VIOLATIONS ²	
	Non-commercial	Commercial ¹	Non-commercial	Commercial	Non-commercial	Commercial
Junkyard conditions in Urban Zone SCC 30.22.100	\$150	\$250	\$300	\$500	\$500	\$700
RV occupancy SCC 30.22.100, 30.22.120, 30.22.130(19)(b)&(c)	\$150	\$250	\$300	\$500	\$500	\$700
Unauthorized sign Chapter 13.01 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Noise prevention SCC 10.01.040	\$150	\$250	\$300	\$500	\$500	\$700
Fence over height SCC 30.52A.148(c)	\$150	\$250	\$300	\$500	\$500	\$700
Erosion control measures Chapter 30.63A SCC	\$150	\$250	\$300	\$500	\$500	\$700
Overcrowding beyond allowed capacity SCC 30.53A.382;	NA	\$250	NA	\$500	\$500	\$700
Obstruction of fire apparatus access roads SCC 30.53A.512	\$150	\$250	\$300	\$500	\$500	\$700
Means of egress SCC 30.53A.010; Section 1028 IFC	NA	\$250	NA	\$500	\$500	\$700
Burn permit SCC 30.53A.298	\$150	\$250	\$300	\$500	\$500	\$700
Stop work order SCC 30.85.210	\$300	\$500	\$600	\$1,000	\$1,000	\$1,500
Emergency order SCC 30.85.220	\$450	\$750	\$500	\$1,500	\$700	\$2,100

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¹ For purposes of assessing fines, a commercial violation is defined as a use or activity providing services for compensation and/or permits for commercial occupancy. All other uses or permits are deemed to be non-commercial.

DRAFT

² Pursuant to SCC 30.85.260

30.85.140 Mitigation of fines.

(1) The director is authorized to reduce fines assessed pursuant to SCC 30.85.130 if the violation is corrected within the 14-day period set forth in SCC 30.85.110, and the correction is verified by the department. A reduction, if any, shall be in writing and state the date on which the violation was corrected.

(2) For reduction or waiver of fines, the person(s) named shall have the burden of proof that the violation has been corrected and the date of correction, including verification by the department.

(3) Nothing in this section shall require the director to reduce or waive any fines. The decision to reduce or waive a fine shall be based on an evaluation of individual circumstances, including, but not limited to the severity of the violation, repeat violations as defined in 30.85.260, the public interest being protected, and the responsiveness of the person(s) responsible to correct, cure, abate or stop the violation.

30.85.150 Notice of violation.

(1) All violations of Snohomish County Code, except as otherwise provided in SCC 30.85.090, shall be subject to a notice of violation.

(2) A notice of violation represents a determination by the department that a violation has been committed and monetary penalties shall be assessed pursuant to SCC 30.85.190.

(3) The notice of violation may contain potential corrective actions to remedy the violation.

(4) Payment of a monetary penalty assessed under a notice of violation shall not relieve the person(s) named in the notice of the obligation to correct, cure, abate or stop the violation(s).

(5) A notice of violation may be withdrawn by the department at any time if it is determined that it was issued in error.

(6) A notice of violation may be amended at any time in order to correct clerical errors or to cite additional authority for a stated violation.

(7) When an administrative or judicial appeal is in process, that appeal does not prevent issuance of a notice of violation for any additional violation at the same location.

(8) The director may grant an extension, in writing, of the time for compliance issued in a notice of violation upon finding that substantial progress toward compliance has been made. An extension of time may be revoked by the director upon a finding that the conditions at the time the extension was granted have changed, or the person(s) responsible are not performing corrective actions as agreed in the extension. If the extension of the compliance date is revoked, a new compliance date shall be set, which may be the date of revocation.

DRAFT

1 **30.85.160 Notice of violation effective date and content.**

2
3 (1) A notice of violation shall be effective on the date served.

4 (2) A notice of violation shall be made on a form determined by the department and
5 shall contain the following:

6 (a) The name and address of the person(s) responsible for the violation;

7 (b) The tax parcel number of the property where the violation occurred or is located
8 and, when available the street address;

9 (c) A statement of each standard or requirement violated, with a concise
10 description of the violation(s);

11 (d) The date the violation was recorded and the date required for compliance;

12 (e) The amount of any monetary penalty assessed or that will accrue pursuant to
13 SCC 30.85.190;

14 (f) A statement of the appeal process pursuant to SCC 30.85.170;

15 (g) A statement that failure to file a timely and complete appeal shall constitute a
16 waiver of all rights to appeal the notice of violation;

17 (h) A statement that a lien for any monetary penalty imposed or the cost of
18 abatement, or both, may be claimed by Snohomish County; and

19 (i) The signature of the code enforcement officer or inspector issuing the notice of
20 violation.

21 22 **30.85.170 Appeal of a notice of violation.**

23
24 (1) Upon being served with a notice of violation, the person(s) named in the notice of
25 violation shall have 14 calendar days from the date of service to file an appeal, except
26 when appealing a violation of the county shoreline management program. When the
27 violation falls within a shoreline area, an appeal to a notice of violation of the county
28 shoreline management program must be filed 30 days from the date of service pursuant
29 to chapter 30.44 SCC and RCW 90.58.210(4),

30 (2) The notice of violation is a final determination and the person(s) named in the
31 notice of violation shall correct the violation by the date stated in the notice of violation,
32 unless the notice of violation is appealed.

33 (3) An appeal of a notice of violation must be in writing and contain the following:

34 (a) A detailed statement of the grounds for appeal, including the facts or evidence
35 upon which the appeal is based. The statement shall include at least one of the
36 following:

37 (i) The person named in the notice of violation, is not responsible for causing the
38 violation and is not the property owner; or

39 (ii) The violation listed on the notice of violation did not occur.

40 (b) The name, mailing address, and daytime telephone number of each appellant,
41 or each appellant's representative, together with the signature of at least one of the
42 appellants or of the appellants' representative.

43 (c) A complete copy of the notice of violation.

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1 (d) An administrative fee of \$150.00, which may be returned if the appeal is
2 upheld.

3 (4) The appeal submittal and fee shall be delivered by U.S. mail or by hand to the
4 office of the Snohomish County Department of Planning and Development Services,
5 attention Code Enforcement. If mailed, the date of postmark shall serve as the date
6 received for purposes of this chapter.

7 (5) Enforcement of a notice of violation and any penalty accruing shall be stayed
8 during the period pending an appeal as provided in SCC 30.85.220, unless the violation
9 will cause immediate and irreparable harm as determined by the director.

10
11 **30.85.180 Notice of violation appeal hearing procedures.**

12
13 (1) When the department receives an appeal of a notice of violation, the department
14 shall transmit the request and a copy of the file to the hearing examiner within three
15 business days.

16 (2) The hearing examiner shall review the appeal document and may summarily
17 dismiss the appeal if the hearing examiner determines that the filing is untimely,
18 incomplete, frivolous, or beyond the hearing examiner's jurisdiction. A summary
19 dismissal order shall be issued by the hearing examiner within 15 days following receipt
20 of an appeal completed in accordance with SCC 30.85.170(2).

21 (3) If not summarily dismissed the hearing examiner shall hold an open record hearing
22 on the notice of violation. All testimony shall be taken under oath.

23 (a) The hearing examiner shall notify the appellant in writing of the time, place and
24 date of the hearing.

25 (b) Notice for the hearing shall be provided at least 15 days before the date of the
26 hearing.

27 (c) The hearing examiner shall conduct a hearing for appeal of a notice of violation
28 within 60 days of the date that the hearing examiner received the request for the
29 hearing.

30 (d) Failure to appear for a requested hearing may result in an order being entered
31 finding that the persons(s) named in the notice of violation committed the violation as
32 stated and assessing monetary penalties in accordance with SCC 30.85.190. For
33 good cause shown, and upon terms the hearing examiner finds just, the hearing
34 examiner may set aside an order entered upon a failure to appear.

35 (4) Appeal of a notice of violation shall be an open record hearing conducted in
36 accordance with SCC 2.02.140 and the Snohomish County Hearing Examiner Rules of
37 Procedure.

38 (5) Each person participating in an open record hearing shall have the following rights:

39 (a) To call, examine and cross-examine witnesses (subject to reasonable limitation
40 by the examiner in accordance with the examiner's adopted rules of procedure) on
41 any matter relevant to the issues of the hearing;

42 (b) To introduce documentary and physical evidence;

43 (c) To rebut evidence; and

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(d) To represent him/herself or to be represented by anyone of his choice who is lawfully permitted to do so.

(6) The county has the burden of proof by a preponderance of the evidence that the appellant(s) committed the violation.

(7) The hearing examiner shall consider the evidence and testimony presented at the hearing and, based on this information, shall issue a decision reversing or affirming the citation, in whole or in part, or modify the decision and monetary penalty. The final decision shall be issued within 15 days with an optional right of reconsideration. Appeals may be made by filing a land use petition in superior court within 21 days of issuance of the decision as provided in chapter 35.70C RCW.

(8) The decision of the hearing examiner shall constitute a final decision and order in accordance with SCC 30.85.240.

(9) An appellant may request additional time beyond the hearing examiner’s decision to correct a violation.

(a) The request must be received at least 15 days prior to the compliance date.

(b) The request for extending the time for correction of the violation shall include:

(i) Evidence of substantial progress toward compliance; and

(ii) Evidence that correction of the violation was commenced promptly, but full compliance was prevented by a condition or circumstance beyond the control of the appellant.

(c) The director will review the request for additional time and forward it, along with any comments, to the hearing examiner.

30.85.190 Monetary penalties for a notice of violation.

(1) Table 30.85.190 shall be used to determine the monetary penalties assessed for notices of violation:

**Table 30.85.190
MONETARY PENALTIES FOR
NOTICES OF VIOLATION**

Type of Violation	Non-commercial violations		Commercial violations ¹
Day 1 to Day 20	\$500	Day 1 to Day 14	\$1,500
Day 21 to Day 40	Add \$1,500 (=\$2,000)	Day 15 to Day 29	Add \$1,500 (=\$3,000)
Day 41 to Day 60	Add \$2,000 (=\$4,000)	Day 30 to Day 44	Add \$3,000 (=\$6,000)
Day 61 to Day 80	Add \$2,500 (=\$6,500)	Day 45 to Day 59	Add \$5,000 (=\$11,000)
Day 81 to Day 100	Add \$3,500 (=\$10,000)	Day 60 to Day 74	Add \$6,000 (=\$17,000)
		Day 75	Add \$8,000 (=\$25,000)

RELATING TO ENFORCEMENT PROCEDURES IN TITLE 30 SCC; REPEALING CHAPTER 30.85 SCC AND ADOPTING A REVISED CHAPTER 30.85 SCC; AND AMENDING SECTIONS OF CHAPTERS 30.31D, 30.35A, 30.52A, 30.52B, 30.52F, 30.53A, 30.63B, AND SECTION 30.91P.170 OF THE SNOHOMISH COUNTY CODE (SCC)

DRAFT

1
2 ¹ For purposes of assessing monetary penalties, a commercial violation is defined as a use or activity
3 providing services for compensation and/or permits for commercial occupancy. All other uses or permits
4 are deemed to be non-commercial.
5

6 (2) Monetary penalties for both non-commercial and commercial notice of violations
7 shall be assessed and accrue from the date of compliance stated in the notice of
8 violation or its written extension.

9 (3) Monetary penalties for repeat violations shall be assessed and accrue from the
10 date of issuance of the notice of violation.

11 (4) If a notice of violation is stayed due to an appeal, the penalty will begin accruing as
12 of the date of the decision of the hearing examiner (adjusted for the time stayed during
13 the appeal), or date of compliance if the date of compliance has not come due prior to
14 the decision of the hearing examiner.

15 (5) The total monetary penalties for non-commercial violations shall not exceed
16 \$10,000 per each violation, except as provided for in SCC 30.85.190(7).

17 (6) The total monetary penalties for commercial violations shall not exceed \$25,000
18 per each violation, except as provided for in SCC 30.85.190(7)(a) and (b)

19 (7) Violations that include the following special circumstances may have the monetary
20 penalties increased in accordance with the following:

21 (a) Violations that occur in a critical area or a critical area buffer as defined in
22 chapters 30.62, 30.62A, 30.62B, 30.62C and 30.65 SCC will result in triple monetary
23 penalties; and

24 (b) Repeat violations in accordance with SCC 30.85.260 shall result in double
25 monetary penalties.
26

27 30.85.200 Reduction of monetary penalties

28
29 (1) The director is authorized to reduce monetary penalties assessed in SCC
30 30.85.190 if the violation is corrected and the correction is verified by the department.

31 (2) For reduction of monetary penalties, the person(s) named in the notice of violation
32 shall have the burden of proof that the violation has been corrected and the date of
33 correction, including verification by the department.

34 (3) Monetary penalties shall not be reduced in the case of a repeat violator or repeat
35 violation as defined in SCC 30.85.260.

36 (4) Maximum allowed reduction of the penalty shall not exceed 25% of the total
37 amount of the penalty.

38 (5) The director may base the decision to reduce a monetary penalty on an evaluation
39 of individual circumstances, including, but not limited to, the severity of the violation, the
40 public interest being protected, and the cooperation of the person responsible for the
41 violation.

42 (6) Nothing in this section shall obligate the director to reduce any monetary penalties.
43

DRAFT

30.85.210 Stop work order.

(1) Whenever a director finds any work being performed in a manner either in violation of the provisions of the code or in a dangerous or unsafe manner, the director may issue a stop work order.

(2) A stop work order shall be on a form determined by the director and state the reason(s) for the order and the conditions under which the cited work will be permitted to resume.

(3) A stop work order shall be delivered to the owner of the property involved, or to the owner's agent, or to the person doing the work.

(4) Upon issuance of a stop work order, the cited work shall immediately cease.

(5) It shall be unlawful for any person to continue any work after being served with a stop work order. Violation of a stop work order shall be subject to the monetary penalties set forth in SCC 30.85.130.

(6) Violation of a stop work order may be subject to criminal prosecution or any other remedies at law pursuant to SCC 30.85.210.

30.85.220 Emergency order.

(1) Whenever a director becomes aware of a condition or activity that endangers public or private property, creates an immediate hazard, creates a violation of critical areas provisions or surface water protection, or threatens the health and safety of the occupants of any premises or members of the public, the director may issue an emergency order.

(2) The emergency order shall state the reason for the order and the conditions that must be remedied.

(3) Upon issuance of an emergency order, the cited activity shall cease and any unsafe or dangerous condition shall be immediately remedied.

(4) The person(s) named in the emergency order may appeal the order within 14 calendar days from the date of issuance of the order in accordance with SCC 30.85.170. An appeal of an emergency order shall not stay the requirement to immediately take action to remedy any dangerous or unsafe conditions.

(5) Violation of an emergency order may be subject to criminal prosecution.

30.85.230 Method of service.

(1) A warning notice, citation or a notice of violation shall be served upon the responsible person(s) by one or both of the following methods:

(a) Personal service on the person(s) named, or by leaving a copy of the warning notice, citation or notice of violation at that person's usual abode with a person of suitable age and discretion who resides there.

DRAFT

1 (b) Service by mailing 2 copies, postage prepaid, one by ordinary first class mail
2 and the other by certified mail to the person(s) last known address, at the address of the
3 violation, or at the address of the place of business of the person(s) responsible.

4 (c) Service by mail shall be presumed effective upon the third business day
5 following the day upon which the warning notice, citation, or notice of violation was
6 placed in the mail.

7 (2) In all cases, the property owner may be named as a party to the violation, and
8 notice shall be mailed to the address shown on the tax records of the county.

9 (3) If the whereabouts of the person(s) named is unknown, service shall be made by
10 posting and/or publishing the notice in accordance with the following:

11 (a) Posted notices shall be conspicuously placed on the property where the
12 violation is occurring; and/or

13 (b) When publication is utilized, the department shall publish one notice in the
14 official county newspaper.

15 (4) A stop work order shall be served by posting in a conspicuous place on the
16 property where the violation is occurring and by personal service or certified mail return
17 receipt requested. The stop work order shall be effective on the date that it is posted.

18 (5) An emergency order shall be served by posting in a conspicuous place on the
19 property where the violation is occurring and by personal service or certified mail return
20 receipt requested. The emergency order shall be effective on the date that it is posted.

21 (6) Adequacy of mailed notice:

22 (a) Any mailed notice required by this chapter shall be deemed adequate where a
23 good-faith effort has been made by the department to identify and mail a notice to each
24 property owner and taxpayer of record and known site address. The taxpayer's address
25 as show on the tax records of the county shall be deemed to be the proper address for
26 the purpose of mailing such notice to the owner of the property where the violation
27 occurred.

28 (b) Notices mailed to property owners, taxpayers of record and known site
29 addresses shall be deemed received by those persons if named in an affidavit or
30 declaration of mailing executed by the department.

31 (c) The failure of any person to actually receive the warning notice, citation or
32 notice shall not invalidate any code enforcement action.

34 **30.85.240 Final order for enforcement.**

35
36 (1) A final order constitutes a final determination that a violation has occurred, the
37 person(s) cited is responsible for the violation, and administrative options to contest the
38 decision are exhausted.

39 (2) If after any order duly issued by the director or hearing examiner becomes final,
40 and the person, firm, or corporation to whom the order is directed does not obey the
41 order, including refusal to pay fines or monetary penalties assessed under such order,
42 the county may:

DRAFT

1 (a) Cause such person, firm, or corporation to be prosecuted under the provisions
2 of this chapter;

3 (b) Institute appropriate action to collect fines or monetary penalties assessed in
4 accordance with provisions of this chapter;

5 (c) Abate the violation in accordance with provisions of this chapter;

6 (d) File a certificate of noncompliance in the Snohomish County Auditor's office in
7 accordance with provisions of this chapter;

8 (e) Pursue other reasonable remedies as allowed by law.
9

10 **30.85.250 Collection of fines or monetary penalties.**

11
12 (1) The county may, at its option, assign the collection of fines or monetary penalties
13 to a collection agency or commence a civil action in any court of competent jurisdiction
14 to collect costs and expenses of enforcement, costs of abatement incurred by the
15 county to obtain compliance pursuant to this chapter and/or to collect any penalties that
16 have been assessed.

17 (2) The county, pursuant to chapter 19.16 RCW and at its option, may use a collection
18 agency for the purpose of collecting penalties assessed in accordance with this chapter.
19 The county shall add a reasonable fee to the outstanding debt for the collection agency
20 fee incurred or to be incurred as a result of the use of the collection agency. No debt
21 may be assigned to a collection agency until at least 30 days have elapsed from the
22 time that the county attempts to notify the person responsible for the debt and that the
23 debt may be assigned to a collection agency for collection of an unpaid debt.

24 (3) The county may convert the hearing examiner order or final order into a judgment.
25

26 **30.85.260 Repeat violations.**

27
28 The following constitute the definition of repeat violations or a repeat violator:

29 (1) The same or similar violation, as determined by the director, occurring on the same
30 property within a 24 consecutive month time period.

31 (2) The same person(s) committing the same violation or similar violation, as
32 determined by the director, on a different property in Snohomish County within a 24
33 consecutive month time period.
34

35 **30.85.270 Certificate of noncompliance.**

36
37 (1) The certificate of noncompliance is a notice recorded on the title of real property.
38 The purpose of the certificate is to give notice to interested parties of outstanding code
39 violations.

40 (2) The director may record a certificate of noncompliance on real property only if the
41 following criteria are satisfied:

42 (a) A notice of violation has become a final order as prescribed in SCC 30.85.240.

DRAFT

1 (b) A statement is included on the notice recorded on the title of real property
2 indicating how the certificate of noncompliance can be removed from the title of the
3 property.

4 (3) Only the director or a court of law may remove a certificate of noncompliance from
5 the title of a property.

6 7 **30.85.280 Suspension of permits.**

8 (1) The applicable director may temporarily suspend any permit for

9 (a) Failure to comply with the requirements of this title or other applicable provision
10 of the county code related to the permit; or

11 (b) Failure to comply with any notice of violation issued pursuant to this chapter.

12 (2) The permit suspension shall be carried out through the notice and order provisions
13 of this chapter and the suspension shall be effective upon service of the notice of
14 violation. The person(s) named on the notice of violation may appeal the suspension as
15 provided by this chapter.

16 (3) Notwithstanding any other provision of this chapter, whenever the applicable
17 director finds that a violation of this title or any other applicable provision of the county
18 code has created or is creating a dangerous condition or other condition which
19 constitutes an immediate hazard, the director may, without service of a written notice
20 and order, suspend and terminate operations under the permit immediately.

21 22 **30.85.290 Revocation of permits.**

23 (1) The applicable director may permanently revoke any permit issued pursuant to
24 subtitle 30.5 SCC or chapter 30.63B SCC for:

25 (a) Failure to comply with the requirements of this title or any other applicable
26 provision of the county code related to the permit;

27 (b) Failure to comply with any notice of violation issued pursuant to this chapter; or

28 (c) Discovery that a permit was issued in error or on the basis of incorrect
29 information supplied to the county.

30 (2) The permit revocation shall be carried out through the notice and order provisions
31 of this chapter and the revocation shall be effective upon service of the notice and
32 order. The person(s) responsible may appeal such revocation as provided by this
33 chapter.

34 (3) This section does not apply to review, rescission or revocation of permits approvals
35 processed pursuant to SCC 30.71.025.

36 37 **30.85.300 Abatement.**

38
39 (1) In addition to any other judicial or administrative remedy provided by this chapter,
40 or by law, the county may seek to abate any condition that constitutes a public nuisance
41 as defined in SCC 30.85.040.

DRAFT

1 (2) Each successive owner of property who neglects to abate a continuing nuisance
2 caused by a former owner upon or in the use of that property is liable to abatement
3 procedures in the same manner as the owner at the time the nuisance was created.

4 (3) The county shall carry out abatement procedures in accordance with chapter 7.48
5 RCW.

6 (4) The cost of abatement, including administrative costs incurred as a result of the
7 abatement, may be charged as a lien against the property and as both a joint and
8 several personal obligation of any person(s) named in a violation action involving the
9 property.

11 **30.85.310 Recovery of fines, monetary penalties and cost of abatement.**

13 (1) The county shall have a lien against real property on which a fine or monetary
14 penalty is imposed or any abatement work was carried out pursuant to this chapter in
15 the amount of the penalty imposed or for any abatement work performed. Both the
16 monetary penalty and abatement may be charged against the lien.

17 (2) The penalty and the cost of abatement are also joint and several personal
18 obligations of any person(s) in violation. The director or the prosecuting attorney on
19 behalf of Snohomish County may collect the monetary penalty and any costs for any
20 abatement work performed by the county through use of all appropriate civil legal
21 remedies.

22 (3) Any lien imposed by the county under this chapter shall be subordinate to all
23 existing special assessment liens previously imposed upon the same property and shall
24 be paramount to all other liens, except for state and county taxes, with which it shall be
25 on parity.

26 (4) The notice of violation pursuant to this chapter shall give notice to the owner that a
27 lien for the monetary penalty or the cost of abatement, or both, may be claimed by
28 Snohomish County.

29 (5) The director shall cause a claim for lien to be filed for record in the Snohomish
30 County Auditor's office within 120 days from the date the monetary penalty is due, or
31 within 90 days from the date of completion of the abatement work performed pursuant
32 to this chapter.

33 (6) The contents of the claim of lien shall include:

34 (a) The authority for imposing a monetary penalty or proceeding to abate the
35 violation, or both;

36 (b) A brief description of the monetary penalty imposed or the abatement work
37 accomplished, or both, including the violations charged and the duration thereof. If
38 abatement work was done, the dates the work was commenced and completed and the
39 name of the person or organizations that performed the work shall be included;

40 (c) A legal description of the property to be charged with the lien;

41 (d) The name of the know or reputed owner, and, if not known, the fact shall be
42 alleged; and

DRAFT

1 (e) The amount, including lawful and reasonable costs, for which the lien is
2 claimed.

3 (7) The director shall sign and verify the claim.

4 (8) The claim of lien may be amended in a case of action brought to foreclose the lien,
5 by order of the court, as long as the interests of third parties are not detrimentally
6 affected by amendment.

7 (9) The auditor shall record and index the claims described in this chapter.

8 (10) No lien created by this chapter binds the property subject to the lien for a period
9 longer than 3 years after the claim has been filed unless an action is commenced in the
10 proper court within that time to enforce the lien.

11 (11) Foreclosure:

12 (a) The lien provide by this chapter may be foreclosed and enforced by a civil
13 action in a court having jurisdiction.

14 (b) All persons who have legally filed claims of liens against the same property
15 prior to commencement of the action shall be joined as parties, either plaintiff or
16 defendant.

17 (c) Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not
18 prejudice another party to the suit who claims the lien.

19
20 **30.85.320 Duty not creating liability.**

21
22 No provision or term used in this chapter is intended to impose any duty upon the
23 county or any of its officers or employees which would subject them to damages in a
24 civil action.

25
26 **30.85.330 Misdemeanor.**

27
28 (1) As an alternative, or in addition to any other legal, equitable or administrative
29 remedy provided in this chapter or by law or other regulation, any person who willfully or
30 knowingly violates any provision of the land use codes of Snohomish County or aids or
31 abets such violation shall be guilty of a misdemeanor. Upon conviction, such person(s)
32 shall be punished in the manner provided for in RCW 9A.20.021, as it now exists or is
33 hereafter amended, for violations of state law.

34 (2) In addition to incurring civil liability in accordance with the provisions of this
35 chapter, any person found to be in violation of the county shoreline master program is
36 also guilty of a misdemeanor subject to penalties pursuant to RCW 90.58.220.

37
38 Section 6. Snohomish County Code Section 30.31D.240, last amended by
39 Amended Ordinance No. 05-083 on December 21, 2005, is amended to read:

40
41 **30.31D.240 Suspension and/or Revocation of approval.**

DRAFT

1 Administrative conditional use permits or conditional use permits for excavation may be
2 suspended or revoked in accordance with in accordance with SCC 30.85.280 or
3 30.85.290 (~~SCC 30.85.115 and/or 30.85.117~~).

4
5 Section 7. Snohomish County Code Section 30.35A.030, last amended by
6 Amended Ordinance No. 04-123 on December 15, 2004, is amended to read:

8 **30.35A.030 Transfer of development rights - Sending sites.**

9 In order for development rights to be certified for a sending site pursuant to SCC
10 30.35A.050 or transferred from a sending site pursuant to SCC 30.35A.080, all of the
11 following requirements must be met:

12 (1) Location within a sending area required. The sending site must be located within a
13 sending area designated on the future land use map and reflected on the official zoning
14 map. However, the sending site need not include all land owned by the applicant within
15 the sending area provided that all requirements of this section are met.

16 (2) Sending site must follow established lot lines. The boundaries of a sending site
17 must follow established lot lines and cannot include less than the entire portion of a lot,
18 as defined in Title 30 SCC.

19 (3) Inclusion of substandard lots required. A sending site must include any lots that
20 have substandard area under current zoning where such lots are adjacent to and
21 contiguous with land included within the sending site and are owned by the sending site
22 landowner.

23 (4) Private ownership required. The sending site must be owned by a private individual
24 or entity, and may not be owned by municipal corporations, special purpose districts, or
25 government bodies.

26 (5) Code compliance required. If the sending site is the subject of code enforcement
27 action by the county, the person responsible upon whom a notice (~~and order~~) for a
28 violation has been served pursuant to chapter 30.85 SCC (~~30.85.130~~) must resolve
29 these violations, including any required abatement, restoration, or payment of civil
30 penalties, before development rights for the sending site may be certified or transferred
31 by a sending site landowner. This requirement may be waived at the discretion of the
32 director where a proposal is in the public interest, provided that any outstanding code
33 violations do not materially affect the agricultural production capability of the sending
34 site and the person responsible for code compliance is making a good faith effort to
35 resolve the violations. Waivers granted pursuant to this subsection are solely for the
36 purpose of TDR sending site eligibility and do not constitute a waiver of any county land
37 use regulations or affect ongoing or future code enforcement actions related to the
38 sending site.

39 (6) Forest practices compliance required. For lots on which the entire lot or a portion of
40 the lot has been cleared or graded pursuant to a Class II, III or IV special forest
41 practices permit as defined by RCW 76.09.050 within the six years prior to application
42 for certification or transfer of development rights, the applicant must provide an affidavit
43 of compliance with the reforestation requirements of RCW 76.09.070, WAC 222-34-010

DRAFT

1 and any additional reforestation conditions of their forest practice permit. Lots that are
2 subject to a six-year moratorium on development applications pursuant to RCW
3 76.09.060 shall not be qualified as TDR sending sites until such moratoria have expired
4 or been lifted.

5
6 Section 8. Snohomish County Code Section 30.52A.122, last amended by
7 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:

8 9 **30.52A.122 Notices and orders (IBC104.3).**

10
11 The building official may issue citations, notices of violation or orders prescribed in this
12 chapter and chapter 30.85 SCC to ensure compliance with the building code. (~~pursuant~~
13 ~~to chapter 30.85 SCC and~~) The building official may coordinate with the code
14 enforcement staff to process such notices and orders.

15
16 Section 9. Snohomish County Code Section 30.52A.166, last amended by
17 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:

18 19 **30.52A.166 Suspension or revocation (IBC 105.6).**

20
21 The building official may suspend or revoke a permit issued under the building code
22 pursuant to SCC 30.71.027 or (~~30.85.117~~) SCC 30.85.280 or 30.85.290.

23
24 Section 10. Snohomish County Code Section 30.52A.254, last amended by
25 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:

26 27 **30.52A.254 Suspension or revocation (IBC 110.4).**

28
29 The building official may suspend or revoke a certificate of occupancy issued under the
30 (~~residential~~) building code pursuant to SCC 30.71.027 or (~~30.85.117~~) SCC 30.85.280
31 or 30.85.290.

32
33 Section 11. Snohomish County Code Section 30.52A.264, last amended by
34 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:

35 36 **30.52A.264 Notice of violation (IBC 113.2).**

37
38 The building official may serve a notice of violation or order on the person responsible
39 for the erection, construction, alteration, extension, repair, moving, removal, demolition
40 or occupancy of a building or structure in violation of the provisions of the building code,
41 or in violation of a permit or certificate issued under the provisions of the building code.
42 Such order shall direct the discontinuance of the illegal action or condition and the
43 abatement of the violation. The building official may coordinate with code enforcement

DRAFT

1 staff to issue such notices and conduct procedures to correct the violation in compliance
2 with chapter 30.85 SCC.

3
4 Section 12. Snohomish County Code Section 30.52A.268, last amended by
5 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:

6
7 **30.52A.268 Prosecution of violation (IBC 113.3).**

8
9 Prosecution of a violation shall be in accordance with provisions of chapter 30.85 SCC.
10 The building official may refer such violations, as necessary, to ~~((Unless an appeal has~~
11 ~~been sought that stays the action, if the notice of violation is not complied with in the~~
12 ~~time prescribed by the notice, the building official may request))~~ the prosecuting
13 attorney to institute the appropriate legal proceeding or in equity to restrain, correct or
14 abate such violation, or to require the removal or termination of the unlawful occupancy
15 of the building or structure in violation of the provisions of the building code or of the
16 order or direction made pursuant thereto.

17
18 Section 13. Snohomish County Code Section 30.52A.276, last amended by
19 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:

20
21 **30.52A.276 Unlawful continuance (IBC 114.3).**

22
23 Any person who shall continue any work after having been served with a stop work
24 order, except such work as that person is directed to perform to remove a violation or
25 unsafe condition, shall be subject to penalties as prescribed ~~((by law.))~~ in SCC
26 30.85.090 and 30.85.130.

27
28 Section 14. Snohomish County Code Sections 30.52A.282 and 30.52A.284,
29 last amended by Amended Ordinance No. 07-085 on September 5, 2007, are amended
30 to read:

31
32 **30.52A.282 Notice (IBC 115.3).**

33
34 If an unsafe condition is found, the building official shall serve on the owner, agent or
35 person in control of the structure, a written notice that describes the condition deemed
36 unsafe and specifies the required repairs or improvements to be made to abate the
37 unsafe condition, or that requires the unsafe structure to be demolished within a
38 stipulated time. The written notice may be in the form of an emergency order in
39 accordance with SCC 30.85.220 or a notice of violation in accordance with SCC
40 30.85.150. Such notice shall require the person thus notified to declare immediately to
41 the building official acceptance or rejection of the terms of the order.

42
43 **30.52A.284 Method of service (IBC 115.4).**

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1
2 Any notice issued pursuant to this chapter shall be deemed properly served if the notice
3 procedures in SCC 30.85.230 (~~SCC 30.85.135~~) are met.
4

5 Section 15. Snohomish County Code Section 30.52B.214, last amended by
6 Amended Ordinance No. 07-086 on September 5, 2007, is amended to read:
7

8 **30.52B.214 Stop work orders – amended (IMC 108.5)**
9

10 Stop work orders. Upon notice from the building code official that mechanical work is
11 being done contrary to the provisions of the mechanical code or in a dangerous or
12 unsafe manner, such work shall immediately cease. Such notice shall be in writing and
13 shall be given to the owner of the property, or to the owner's agent, or to the person
14 doing the work. The notice shall state the conditions under which work is authorized to
15 resume. Where an emergency exists, the building official shall not be required to give a
16 written notice prior to stopping the work. Any person who shall continue any work on the
17 system after having been served with a stop work order, except such work as that
18 person is directed to perform to remove a violation or unsafe condition, shall be liable
19 for a fine pursuant to (~~chapter 30.85~~) SCC 30.85.090 and 30.85.130.
20

21 Section 16. Snohomish County Code Section 30.52F.134, last amended by
22 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:
23

24 **30.52F.134 Citations, ~~(N)~~ notices and orders (IRC104.3).**
25

26 The building official may issue citations, notices of violation (~~and~~) or orders pursuant to
27 chapter 30.85 SCC to ensure compliance with the residential code. (~~pursuant to~~
28 ~~chapter 30.85 SCC and~~) The building official may coordinate with the code
29 enforcement staff to process such notices and orders.
30

31 Section 17. Snohomish County Code Section 30.52F.180, last amended by
32 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:
33

34 **30.52F.180 Suspension or revocation (IRC 105.6).**
35

36 The building official may suspend or revoke a permit issued under the building code
37 pursuant to SCC 30.71.027 or (~~30.85.117~~) SCC 30.85.280 or 30.85.290.
38

39 Section 18. Snohomish County Code Section 30.52F.274, last amended by
40 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:
41

42 **30.52F.274 Suspension or revocation (IRC 110.5).**
43

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1 The building official may suspend or revoke a permit issued under the building code
2 pursuant to SCC 30.71.027 or ~~((30.85.117))~~ SCC 30.85.280 or 30.8.290.

3
4 Section 19. Snohomish County Code Sections 30.52F.294, 30.52F.296, and
5 30.52F.298, last amended by Amended Ordinance No. 07-084 on September 5, 2007,
6 are amended to read:

8 **30.52F.294 Prosecution of violation (IRC 113.3).**

9
10 Prosecution of a violation shall be subject to the provisions in chapter 30.85 SCC. The
11 building official may refer such violations, as necessary, to the prosecuting attorney
12 ((Unless an appeal has been sought to stay the action, if the notice of violation is not
13 complied with in the time prescribed by such notice, the building official may request the
14 legal counsel of the jurisdiction)) to institute the appropriate proceeding at law or in
15 equity to restrain, correct or abate such violation, or to require the removal or
16 termination of the unlawful occupancy of the building or structure in violation of the
17 provisions of the residential code or of the order or direction made pursuant thereto.

18 19 **30.52F.296 Violations and penalties (IRC 113.4).**

20
21 Any person who violates a provision of the residential code or fails to comply with any of
22 the requirements thereof or who erects, constructs, alters or repairs a building or
23 structure in violation of the approved construction documents or directive of the building
24 official, or of a permit or certificate issued under the provisions of the residential code
25 shall be subject to penalties ~~((as))~~ prescribed by chapter 30.85 SCC.

26 27 **30.52F.298 Stop work order (IRC 114.1 and 114.2).**

28
29 Upon notice from the building official that work on any building or structure is being
30 performed contrary to the provisions of the residential code or in an unsafe and dan-
31 gerous manner, such work shall be immediately stopped. The stop work order shall be
32 in writing and shall be given to the owner of the property involved, or to the owner's
33 agent or to the person doing the work and shall state the conditions under which work
34 will be permitted to resume. Violations of a stop work order shall be subject to citation
35 and monetary penalty under provisions of SCC 30.85.090 and SCC 30.85.130.

36
37 Section 20. Snohomish County Code Section 30.53A.148, last amended by
38 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

39 40 **30.53A.148 Right of entry (IFC 104.3).**

41
42 Pursuant to SCC 30.85.~~((030,))~~ 070 whenever it is necessary to make an inspection to
43 enforce the provisions of the fire code, or whenever the fire marshal has reasonable

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1 cause to believe that there exists in a building or upon any premises any conditions or
2 violations of the fire code which make the building or premises unsafe, dangerous or
3 hazardous, the fire marshal shall have the authority to enter the building or premises at
4 all reasonable times to inspect or to perform the duties imposed upon the fire marshal
5 by the fire code. If such building or premises is occupied, the fire marshal shall present
6 credentials to the occupant and request entry. If such building or premises is
7 unoccupied, the fire marshal shall first make a reasonable effort to locate the owner or
8 other person having charge or control of the building or premises and request entry. If
9 entry is refused, the fire marshal has recourse to every remedy provided by law to
10 secure entry.

11
12 Section 21. Snohomish County Code Section 30.53A.154, last amended by
13 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

14 15 **30.53A.154 (~~Correction notices and~~) Notice and orders (IFC 104.5).**

16
17 The fire marshal may issue (~~voluntary correction notice letters~~) warning notices,
18 citations, and notice (~~s and orders~~) of violations. The fire marshal may coordinate with
19 PDS code enforcement staff to issue such notices required to affect compliance with the
20 fire code in accordance with SCC 30.53A.388 and 30.53A.390.

21
22 Section 22. Snohomish County Code Section 30.53A.234, last amended by
23 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

24 25 **30.53A.234 Revocation (IFC 105.5).**

26
27 The fire marshal is authorized to revoke a permit issued under the provisions of the fire
28 code and pursuant to SCC 30.71.027 or (~~30.85.117~~) SCC 30.85.290 when it is found
29 by inspection or otherwise that there has been a false statement or misrepresentation
30 as to the material facts in the application or construction documents on which the permit
31 or approval was based including, but not limited to, any of the following:

32 (1) The permit is used for a location or establishment other than that for which it was
33 issued.

34 (2) The permit is used for a condition or activity other than that listed in the permit.

35 (3) Conditions and limitations set forth in the permit have been violated.

36 (4) There have been false statements or misrepresentations of material fact in the
37 permit application or required plans used as a basis for issuing or conditioning the
38 permit.

39 (5) The permit is used by a different person or firm than the name for which it was
40 issued.

41 (6) The permittee failed, refused or neglected to comply with orders or notices duly
42 served in accordance with the provisions of the fire code within the time provide.

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1 (7) The permit was issued in error or in violation of an ordinance, regulation or the fire
2 code.

3
4 Section 23. Snohomish County Code Sections 30.53A.390, 30.53A.392,
5 30.53A.394, and 30.53A.396, last amended by Amended Ordinance No. 07-087 on
6 September 5, 2007, are amended to read:

7
8 **30.53A.390** (~~(Voluntary correction notice letter and notice and order)~~) **Warning**
9 **notice and enforcement (IFC 109.2).**

10
11 (~~Pursuant to chapter 30.85 SCC,~~) When the fire marshal finds a building, premises,
12 vehicle, storage facility or outdoor area that is in violation of the fire code, the fire
13 marshal is authorized to issue a warning notice or to initiate enforcement action in
14 accordance with the procedures of chapter 30.85 SCC. (~~prepare a written voluntary~~
15 ~~correction notice letter providing 5 days for voluntary compliance, describing the~~
16 ~~conditions deemed unsafe and specifying a time for re-inspection. If voluntary~~
17 ~~compliance is not made within the specified timeframe, a notice and order shall be~~
18 ~~issued.~~)

19
20 **30.53A.392 Service (IFC 109.2.1).**

21
22 Warning notices and enforcement actions shall be served in accordance with the
23 requirements in SCC 30.85.080 and SCC 30.85.230.

24
25 (~~A voluntary correction notice letter and notice and order may be served upon the~~
26 ~~owner operator, occupant, or other person responsible for the condition or violation~~
27 ~~pursuant to any method approved in SCC 30.85.135.~~)

28
29 **30.53A.394 Compliance with** (~~(voluntary correction notice letter and)~~) **notice and**
30 **order (IFC 109.2.2).**

31 A (~~voluntary correction notice letter or~~) notice and order of violation issued or served
32 as provided by the fire code shall be complied with by the owner, operator, occupant or
33 other person responsible for the condition or violation to which the notice of violation
34 pertains.

35
36 **30.53A.396 Prosecution of violations (IFC 109.2.3).**

37
38 Prosecution of a violation shall be subject to the provisions in chapter 30.85 SCC. The
39 fire marshal may refer such violations, as necessary, to (~~If the voluntary correction~~
40 ~~notice letter or notice and order is not complied with in the timeframe established in a~~
41 ~~voluntary correction notice letter or notice and order, the fire marshal is authorized to~~
42 ~~request~~) the prosecuting attorney to institute the appropriate legal proceedings at law
43 or in equity to restrain, correct or abate such violation or to require removal or

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1 termination of the unlawful occupancy of the structure in violation of the provisions of
2 the fire code or of the order pursuant to this chapter and chapter 30.85 SCC (~~pending~~
3 ~~the outcome of any appeal that would stay legal proceedings~~)).
4

5 Section 24. Snohomish County Code Section 30.53A.402, last amended by
6 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:
7

8 **30.53A.402 Abatement of violation (IFC 109.3.1).**
9

10 The fire marshal is authorized to institute appropriate action to prevent unlawful
11 construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of
12 a structure or premises; or to stop an illegal act, conduct of business or occupancy of a
13 structure on or about any premises. The abatement procedures in (~~SCC 30.85.320~~)
14 SCC 30.85.290 shall apply.
15

16 Section 25. Snohomish County Code Sections 30.53A.418, 30.53A.420, and
17 30.53A.422, last amended by Amended Ordinance No. 07-087 on September 5, 2007,
18 are amended to read:
19

20 **30.53A.418 Issuance of stop work order (IFC 111.2).**
21

22 Stop work orders shall be issued pursuant to SCC (~~30.85.110 and 30.85.135~~)
23 30.85.210.
24

25 **30.53A.420 – Emergency order (IFC 111.3).**
26

27 The fire marshal is authorized to issue an emergency order pursuant to SCC
28 (~~30.85.122~~) 30.85.220.
29

30 **30.53A.422 Failure to comply with stop work or emergency order (IFC 111.4).**
31

32 Any person who shall continue any work after having been served with a stop work
33 order or emergency order except such work as that person is directed to perform to
34 remove a violation or unsafe condition, shall be subject to additional enforcement action
35 prescribed in SCC 30.85.090 and SCC 30.85.130 (~~liable to a fine as prescribed~~
36 ~~pursuant to chapter 30.85 SCC. Such continuance shall be declared to be a public~~
37 ~~nuisance and shall be abated in accordance with SCC 30.85.320)).
38~~

39 Section 26. Snohomish County Code Section 30.63B.300, last amended by
40 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:
41

42 **30.63B.300 Hazards.**
43

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1 (1) Whenever the director determines that any existing cut or excavation, fill or
2 embankment on private property creates a present or imminent hazard, or is likely to
3 create a hazard, the director may issue an emergency order pursuant to chapter 30.85
4 SCC ((30.85.122)).

5 (2) Where the director determines that hazardous conditions exist, warning signs
6 shall be affixed at locations as required by the director, and the site shall be enclosed by
7 fencing with lockable gates that shall be closed and locked when personnel are not
8 present at the site. The fence shall be no less than five feet in height and the fence
9 material shall have no horizontal opening larger than two inches.

10
11 Section 27. Snohomish County Code Section 30.91P.170, last amended by
12 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

13
14 **30.91P.170**

15
16 **"Person Responsible" or "responsible person"** means:

17
18 (1) the owner, lessor, tenant, or other entity or person entitled to control, use or
19 occupy property;

20 (2) the entity or person who commits any act or omission or causes or permits a
21 condition on the property that constitutes a violation under chapter 30.85 SCC
22 ((30.85.020)); or

23 (3) any entity or person who is responsible for compliance with applicable codes.
24

25 Section 28. Severability and Savings. If any section, sentence, clause or phrase
26 of this ordinance shall be held to be invalid or unconstitutional by the Growth
27 Management Hearings Board (Board), or a court of competent jurisdiction, such
28 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
29 section, sentence, clause, or phrase of this ordinance. Provided, however, that if any
30 section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board
31 or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect
32 prior to the effective date of this ordinance shall be in full force and effect for that
33 individual section, sentence, clause, or phrase as if this ordinance had never been
34 adopted.

35
36 PASSED this ___ day of _____, 2008.

37
38 SNOHOMISH COUNTY COUNCIL
39 Snohomish County, Washington

40
41 _____
42 David Somers
43 Chairperson

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ATTEST:

Sheila McCallister
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE:

Aaron Reardon
County Executive

ATTEST:

Approved as to form only:

Deputy Prosecuting Attorney