



CO00032973

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

AMENDED ORDINANCE NO. 08-062

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

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 the PDS 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 29, 2005; and

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

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

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

1 WHEREAS, in order to meet the goals of the UDC update project and new code
2 sections, significant revisions to existing sections and reorganization of chapter 30.85
3 SCC are appropriate; and
4

5 WHEREAS, the proposed enforcement procedures are consistent with the
6 authority granted by the state, and implement the goals of the UDC update project, the
7 recommendations of the auditor's report and the goals of code enforcement; and
8

9 WHEREAS, multiple chapters of the UDC, particularly the construction codes,
10 reference chapter 30.85 SCC for enforcement procedures, and therefore require
11 concurrent amendment with chapter 30.85 SCC revisions; and
12

13 WHEREAS, Snohomish County has invited public participation and comments on
14 enforcement code revisions via public meetings, workshops, news releases,
15 newsletters, internet access and a dedicated email address; and
16

17 WHEREAS, PDS held a public forum on October 4, 2007, to solicit public input
18 on code enforcement procedures; and
19

20 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt this code
21 amendment was transmitted to the Washington State Department of Community, Trade
22 and Economic Development (CTED) on November 27, 2007; and
23

24 WHEREAS, proposed revisions to chapter 30.85 SCC were presented to the
25 Snohomish County Planning Commission on November 13, 2007; and
26

27 WHEREAS, the Snohomish County Planning Commission held a public hearing
28 on the proposed ordinance on December 11, 2007, and forwarded a recommendation to
29 the County Council on March 20, 2008; and
30

31 WHEREAS, the Snohomish County Council held a public hearing on July 23,
32 2008, continued to September 8, 2008 and October 1, 2008 to consider the entire
33 record and to hear public testimony on Ordinance No. 08-062 adopting new code
34 enforcement procedures.
35

36 NOW, THEREFORE, BE IT ORDAINED:
37

38 **Section 1.** The Snohomish County Council adopts and incorporates the
39 foregoing recitals as findings as if set forth fully herein.
40

41 **Section 2.** The Snohomish County Council makes the following additional
42 findings:
43

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

1
2 1. Objective NE 3.1 requires development and implementation of an enforcement
3 program to protect, and prevent and remediate damage to, the natural environment.
4

5 2. NE Policy 3.1.1 states the county should establish inspection and enforcement
6 priorities based on health, safety and welfare; the environmental significance of
7 violations; the impact to ecological functions and values; and the impacts on public
8 resources.
9

10 3. NE Policy 3.1.2 states the county should establish an enforcement system that
11 imposes penalties and fines commensurate with the severity of the violation and that
12 the amount of penalties and fines should increase with the severity of the violation.
13

14 4. NE Policy 3.1.2 further states that for minor violations that do not significantly harm
15 the environment or endanger public health and safety, enforcement should focus on
16 educating landowners on regulatory requirements rather than monetary penalties.
17

18 5. NE Policy 3.1.3 states that the county should impose punitive consequences on
19 flagrant or repetitive violators.
20

21 B. Chapter 30.85 SCC establishes enforcement procedures for code violations within
22 the administrative jurisdiction of PDS or the Department of Public Works (DPW).
23

24 C. The Code Enforcement Audit report of 2005 identified issues and contained 62
25 recommendations applicable to business practices and code revisions. A code
26 revision response is appropriate for the following audit recommendations: 1)
27 prioritization of the severity of the violation subject to enforcement actions; 2)
28 providing educational materials for violators; 3) eliminating the voluntary compliance
29 agreement; 4) developing a citation process, especially for non-permit violations, to
30 encourage a more timely resolution of the violation; 5) implementing a fee for appeal
31 of code enforcement cases; 6) filing a certificate of non-compliance when there is an
32 unresolved code enforcement action/violation on a property.
33

34 D. The Code Enforcement Audit report found that grading without a permit constitutes
35 approximately 23% of code enforcement cases. Grading without a permit is a
36 violation appropriate for immediate response as provided by a citation.
37

38 E. The Code Enforcement Audit report found concerns with consistent outcomes of the
39 hearing examiner process and timeliness of cases processed before the hearing
40 examiner, including indefinite continuances to orders.
41

42 F. Code enforcement procedures in chapter 30.85 SCC currently rely upon the hearing
43 examiner to set each monetary penalty for each violation in the context of a hearing.
44 Establishing a penalty schedule and dates for penalty assessment in code will
45 relieve the hearing examiner of setting and conducting monetary penalty hearings

1 and provide greater predictability to the enforcement process. The principal role of
2 the hearing examiner in enforcement procedures is to arbitrate when necessary, as
3 in the circumstance of an appeal.
4

5 G. A determination of nonsignificance (DNS) was issued on November 26, 2007, for
6 the proposed adoption of revised code enforcement procedures pursuant to the
7 State Environmental Policy Act (SEPA) (Ch. 43.21 RCW).
8

9 H. The county council made numerous amendments to the proposed ordinance prior to
10 its final adoption which led to the reordering and renumbering of sections in new
11 chapter 30.85 SCC. The ordinance, as introduced, at Section 31 proposed an
12 amendment to SCC 30.53A.402 which is no longer necessary because of
13 the reordering and renumbering of the sections in chapter 30.85 SCC
14

15 **Section 3.** The Snohomish County Council makes the following conclusions:
16

17 A. The enforcement procedures adopted by this ordinance are consistent with and
18 further the goals, objectives, and requirements of the Snohomish County General
19 Policy Plan.
20

21 B. Revisions to chapter 30.85 SCC are necessary to improve the overall effectiveness
22 of the code enforcement program and carry out the recommendations of the
23 November 29, 2005, Code Enforcement Audit by: 1) establishing progressive
24 enforcement penalties in accordance with the severity of the violation; 2) replacing
25 the voluntary correction agreement (an enforcement procedure) with a warning notice,
26 which is an educational tool; 3) stimulating the rate of compliance and shortening the
27 timeline from violation report to compliance by using a warning notice, with a typical
28 two week turnaround, rather than a voluntary compliance agreement spanning
29 weeks in implementation; 4) establishing a citation procedure; 5) establishing a fee
30 for appeal of code enforcement cases; 6) re-establishing placement of a certificate of
31 non-compliance on properties with an unresolved code enforcement action.
32

33 C. The proposed revisions adopted by this ordinance satisfy the procedural and
34 substantive requirements of and are consistent with the GMA and chapter 30.73
35 SCC.
36

37 D. The public meeting and hearings before the planning commission and the county
38 council, and related public notices, satisfy the public participation requirements of
39 the GMA, including RCW 36.70A.020(11), RCW 36.70A.035 and RCW 36.70A.140,
40 as well as the requirements of chapter 30.73 SCC.
41

42 E. The requirements of SEPA and chapter 30.61 SCC have been satisfied.
43

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

1
2 **Section 4.** The Snohomish County Council bases its findings and conclusions
3 on the entire record of the planning commission and council, including all testimony and
4 exhibits. Any finding which should be deemed a conclusion, and any conclusion which
5 should be deemed a finding, is hereby adopted as such.
6

7 **Section 5.** Snohomish County Code chapter 30.85, adopted by Amended
8 Ordinance No. 02-064 on December 9, 2002, is repealed.
9

10 **Section 6.** A new chapter is added to subtitle 30.8 of the Snohomish County
11 Code to read:

12
13 **Chapter 30.85**
14 **ENFORCEMENT PROCEDURES**
15

- 16 30.85.010 Purpose.
17 30.85.020 Applicability.
18 30.85.030 Remedies not exclusive.
19 30.85.040 Public nuisance.
20 30.85.050 Initiation of enforcement action.
21 30.85.060 Types of code enforcement action.
22 30.85.070 Right of entry.
23 30.85.080 Warning notice.
24 30.85.090 Citation.
25 30.85.100 Citation procedure.
26 30.85.110 Response to a citation.
27 30.85.120 Contested citation hearing.
28 30.85.125 Failure to appear for a contested citation hearing.
29 30.85.130 Fines for citations.
30 30.85.135 Non-commercial violation, definition.
31 30.85.140 Mitigation of fines.
32 30.85.150 Notice of violation.
33 30.85.160 Notice of violation – effective date and content.
34 30.85.170 Monetary penalties for notice of violation.
35 30.85.180 Reduction of monetary penalties.
36 30.85.190 Appeal of a notice of violation.
37 30.85.200 Notice of violation appeal hearing procedures.
38 30.85.210 Notice of violation optional reconsideration procedures
39 30.85.220 Extension of compliance date.
40 30.85.230 Stop work order.
41 30.85.240 Emergency order.
42 30.85.250 Method of service.
43 30.85.260 Final order for enforcement.
44 30.85.270 Collection of fines and monetary penalties.
45 30.85.280 Repeat violations.

- 1 30.85.290 Certificate of noncompliance.
- 2 30.85.300 Suspension of permits.
- 3 30.85.310 Revocation of permits.
- 4 30.85.320 Abatement.
- 5 30.85.330 Liens - generally.
- 6 30.85.340 Liens - filing and recording.
- 7 30.85.350 Liens - foreclosure.
- 8 30.85.360 Duty not creating liability.
- 9 30.85.370 Misdemeanor.

10

11 **30.85.010 Purpose.**

12

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

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

22

23 **30.85.020 Applicability.**

24

25 This chapter applies to violations of any provision of titles 13 and 30 SCC, chapter
26 10.01 SCC, and other Snohomish County Code provisions within the administrative
27 jurisdiction of the Department of Planning and Development Services or the Department
28 of Public Works. Violations include but are not limited to:

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

40

41 **30.85.030 Remedies not exclusive.**

42

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

46

1
2 **30.85.040 Public nuisance.**
3

4 (1) Violations of title 30 SCC, chapter 10.01 SCC, and chapter 13.01 SCC are
5 determined to be detrimental to the public health, safety and welfare and are public
6 nuisances.

7 (2) Whenever the applicable director determines that any condition creates a present
8 or imminent hazard, or is likely to create a hazard to the public safety, health or welfare,
9 to the environment, or to public or private property, the director may declare such
10 condition a public nuisance.
11

12 **30.85.050 Initiation of enforcement action.**
13

14 (1) Whenever a director has reason to believe a violation has occurred, the director
15 may initiate any of the following enforcement actions against the person(s) responsible
16 for the violation:

- 17 (a) Issuance of a citation;
- 18 (b) Issuance of a notice of violation;
- 19 (c) Issuance of a stop work order;
- 20 (d) Issuance of an emergency order; and/or,
- 21 (e) Referral of the matter to the prosecuting attorney for enforcement.

22 (2) In all cases the property owner shall be named as a responsible party in an
23 enforcement action.
24

25 **30.85.060 Types of code enforcement action.**
26

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

- 29 (a) A warning notice issued under to SCC 30.85.080;
- 30 (b) A citation issued under SCC 30.85.090;
- 31 (c) A notice of violation issued under SCC 30.85.150;
- 32 (d) A stop work order issued under SCC 30.85.230; and
- 33 (e) An emergency order issued under SCC 30.85.240.

34 (2) A citation and a notice of violation are intended for different types of violations and
35 shall not be issued for the same violation.

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

38 (4) The county may seek legal or equitable relief at any time to enjoin any acts or
39 practices that violate county code, or abate any condition that constitutes a nuisance.
40

41 **30.85.070 Right of entry.**
42

43 (1) Any entry made to private property for the purpose of inspection for code violations
44 pursuant to this chapter shall conform with constitutional and statutory constraints of
45 entry, and the holdings of relevant court cases regarding entry. The director is

1 authorized to enter upon any property for the purpose of administering this chapter
2 provided that the director shall make entry only if such entry is consistent with the
3 constitutions and laws of the United States and the state of Washington. If so required
4 by the constitutions and the laws of the United States or the state of Washington, the
5 director shall apply to a court of competent jurisdiction for a search warrant authorizing
6 access to such property for such purpose. The court may upon such application issue
7 the search warrant for the purpose requested.

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

12 (3) Right of entry to enforce the fire code, chapter 30.53A SCC, shall be subject to the
13 provisions of SCC 30.53A.148 and 30.53A.150.

14
15 **30.85.080 Warning notice.**

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

20 (2) A warning notice shall be written in a form determined by the department and
21 include the following information:

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

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

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

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

30 (e) Code enforcement contact information and instructions for the responsible
31 person(s) to respond.

32 (3) The warning notice may include suggested corrective actions to cure, abate or
33 stop the violation(s).

34
35 **30.85.090 Citation.**

36
37 (1) Violations of the following provisions of Snohomish County Code shall be subject
38 to the citation and/or criminal provisions set forth in this chapter:

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

40 (b) Recreational vehicle occupancy (SCC 30.22.100, 30.22.110, 30.22.120 or
41 30.22.130(19)(b) and (c) or SCC 30.65.285);

42 (c) Illegal signs (chapter 30.27 SCC);

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

45 (e) Fence height (SCC 30.52A.148(1)(c) or SCC 30.23.100(3));

- 1 (f) Erosion control measures and best management practices (chapter 30.63A SCC);
2 (g) Overcrowding beyond building capacity or blocking means of egress (SCC
3 30.53A.382);
4 (h) Obstruction of fire apparatus access roads (SCC 30.53A.512);
5 (i) Means of egress (SCC 30.53A.010, Section 1028 IFC);
6 (j) Burn permit (SCC 30.53A.298);
7 (k) Stop work order (SCC 30.85.230); and
8 (l) Emergency order (SCC 30.85.240).

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

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

13 (4) A citation may be modified or withdrawn by the department at any time it was
14 issued in error.

15 (5) Each day a person violates or fails to comply with a provision of this section may
16 be considered a separate violation for which a citation may be issued, including the
17 period pending a contested hearing.

18 19 **30.85.100 Citation procedure.**

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 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) named in the citation must respond to the citation
35 within 14 days 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; and
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 suggested corrective action(s).

43 (4) The citation shall state that payment of the fine does not relieve the person found
44 in violation of the responsibility for curing, abating or stopping the violation.

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

3
4 **30.85.110 Response to a citation.**

5
6 (1) Person(s) shall respond to a citation within 14 calendar days from the date of
7 service by one of the following means:

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

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

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

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

24 (3) If a person fails to respond to a citation within 14 days of service, the director shall
25 note that the person cited failed to respond to the citation within the designated appeal
26 period and is deemed to have committed the violation identified in the citation. Notation
27 of the failure to respond shall constitute a final decision under SCC 30.85.260.

28
29 **30.85.120 Contested citation hearing.**

30
31 (1) When the department receives a written statement contesting a citation, the
32 statement shall be transmitted to the hearing examiner within three business days.

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

37 (b) The hearing examiner shall conduct a hearing of the contested citation within
38 45 days of the date that the hearing examiner received the request for the hearing.

39 (c) The hearing examiner shall notify the person contesting the citation and the
40 department in writing of the time, place and date of the hearing at least 15 days prior to
41 the date of the hearing.

42 (2) The applicable county department has the burden of proof by a preponderance of
43 the evidence to prove:

44 (a) The person named on the citation is the responsible party for causing the
45 violation or is the property owner; and

1 (b) The violation listed on the citation occurred.

2 (3) The public hearing shall be an open record hearing conducted in accordance with
3 the Snohomish County Hearing Examiner Rules of Procedure, except as modified by
4 this chapter.

5 (4) Each person participating in an open record hearing shall be allowed to:

6 (a) Call, examine and cross examine witnesses (subject to reasonable limitation by
7 the examiner in accordance with the examiner's adopted rules of procedure) on any
8 matter relevant to the issues of the hearing;

9 (b) Introduce documentary and physical evidence;

10 (c) Rebut evidence; and

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

13 (5) The citation containing the certified statement or declaration authorized by RCW
14 9A.72.085 submitted by the department and any attached documentation shall be prima
15 facie evidence that a violation occurred and that the person(s) cited are responsible.
16 The citation containing the certified statement or declaration of the code enforcement
17 officer or inspector authorized under RCW 9A.72.085, and any other evidence
18 accompanying the file shall be admissible without further evidentiary foundation. Any
19 certifications or declarations authorized under RCW 9A.72.085 shall also be admissible
20 without further evidentiary foundation.

21 (6) The hearing examiner shall consider the evidence and testimony presented at the
22 hearing and, based on this information, shall reverse or affirm the citation in whole or in
23 part. The decision shall be issued within 15 days with an optional right of
24 reconsideration. Appeals may be made by filing a land use petition in superior court
25 within 21 days of issuance of the decision as provided in chapter 36.70C RCW.

26 (7) The decision of the hearing examiner shall constitute a final decision and order
27 under SCC 30.85.260.

28
29 **30.85.125 Failure to appear for a contested citation hearing.**

30
31 Failure to appear for a requested hearing will result in a decision being entered finding
32 that the person cited committed the violation stated in the citation and assessing the
33 fines specified in the citation. For good cause shown and upon terms the hearing
34 examiner finds just, the hearing examiner may set aside a decision entered upon a
35 failure to appear.

1
2 **30.85.130 Fines for citations.**
3

4 (1) Table 30.85.130 shall be used to determine fines per violation listed on a citation.
5
6

Table 30.85.130 Fines for Citations

CODE PROVISION	FIRST VIOLATION		REPEAT VIOLATION ²		MULTIPLE REPEAT VIOLATIONS ²	
	Non-commercial ¹	Commercial	Non-commercial ¹	Commercial	Non-commercial ¹	Commercial
Junkyard conditions in Urban Zone SCC 30.22.100 or SCC 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
RV occupancy SCC 30.22.100, 30.22.110, 30.22.120, 30.22.130(19)(b)&(c) or SCC 30.65.285	\$150	\$250	\$300	\$500	\$500	\$700
Non-permitted sign Chapter 30.27 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Noise prevention Chapter 10.01 SCC	\$150	\$250	\$300	\$500	\$500	\$700
Fence height SCC 30.52A.148(1)(c), or SCC 30.23.100(3)	\$150	\$250	\$300	\$500	\$500	\$700
Erosion control measures Chapter 30.63A SCC	\$150	\$250	\$300	\$500	\$500	\$700
Overcrowding building or egress SCC 30.53A.382	NA	\$250	NA	\$500	\$500	\$700
Obstruction of fire 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 30.85.230	\$300	\$500	\$600	\$1,000	\$1,000	\$1,500
Emergency order SCC 30.85.240	\$450	\$750	\$500	\$1,500	\$700	\$2,100

7 ¹ See SCC 30.85.135 definition.
8

² Pursuant to SCC 30.85.280.

1
2 **30.85.135 Non-commercial violation, definition.**
3

4 A non-commercial citation or violation is one in which the person(s) responsible for the
5 citation or violation is (are) engaged in the development, management, or use of the
6 property solely for residential purposes for the benefit of the person(s) responsible or his
7 or her family.
8

9 **30.85.140 Mitigation of fines.**
10

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

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

18 (3) Any reduction shall be based on an evaluation of individual circumstances,
19 including, but not limited to the severity of the violation, repeat violations as defined in
20 30.85.280, the public interest being protected, and the responsiveness of the person(s)
21 responsible to correct, cure, abate or stop the violation.
22

23 **30.85.150 Notice of violation.**
24

25 (1) All violations of Snohomish County Code, except as otherwise provided in SCC
26 30.85.090, shall be subject to a notice of violation.

27 (2) A notice of violation represents a determination by the department that a violation
28 has been committed and monetary penalties shall be assessed pursuant to SCC
29 30.85.170. If the person served with a notice of violation fails to respond to it by the
30 compliance date, the director shall note that the person failed to respond to the notice of
31 violation within the designated appeal period and is deemed to have committed the
32 violation identified in the notice of violation. Notation of the failure to respond shall
33 constitute a final decision under SCC 30.85.260.

34 (3) The notice of violation may list corrective actions suggested to remedy the
35 violation.

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

39 (5) The notice of violation is a final determination and the person(s) named in the
40 notice of violation shall correct the violation by the date stated in the notice of violation,
41 unless the notice of violation is appealed.

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

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

1 (8) When an administrative or judicial appeal is pending, additional notices of violation
2 may be issued at the same location.

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

10
11 **30.85.160 Notice of violation - effective date and content.**

12
13 (1) A notice of violation shall be effective on the date served.

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

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

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

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

21 (d) The date the violation was observed and the compliance date;

22 (e) The amount of any monetary penalty assessed or that will accrue pursuant to
23 SCC 30.85.170;

24 (f) A statement of the appeal process pursuant to SCC 30.85.190;

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

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

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

1
2 **30.85.170 Monetary penalties for notice of violation.**
3

4 (1) Table 30.85.170 shall be used to determine the monetary penalties assessed for
5 each violation identified in the notice of violation :
6

7 **Table 30.85.170**
8 **Monetary Penalties for Notices of Violation**
9

Type of Violation	Non-commercial violations ¹		Commercial violations
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)

10
11 ¹ See SCC 30.85.135 definition.
12

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

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

18 (4) If a notice of violation is stayed pending an appeal, the monetary penalties will
19 accrue as of the date of the decision of the hearing examiner (adjusted for the time
20 stayed pending the appeal), or the compliance date of compliance if the date of
21 compliance hasn't passed prior to the decision of the hearing examiner.

22 (5) The total monetary penalties for non-commercial violations shall not exceed
23 \$10,000 per violation, except as provided for in SCC 30.85.170(7).

24 (6) The total monetary penalties for commercial violations shall not exceed \$25,000
25 per each violation, except as provided for in SCC 30.85.170(7)(a) and (b).

26 (7) The following violations shall be subject to enhanced monetary penalties:

27 (a) Violations that occur in a critical area or a critical area buffer as defined in
28 chapters 30.62, 30.62A, 30.62B, 30.62C and 30.65 SCC shall be subject to triple
29 monetary penalties; and

30 (b) Repeat violations in accordance with SCC 30.85.280 shall be subject to double
31 monetary penalties.
32
33
34

1 **30.85.180 Reduction of monetary penalties.**

2
3 (1) The director may reduce monetary penalties assessed in SCC 30.85.170 if the
4 violation is corrected and the correction is verified by the department.

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

8 (3) Monetary penalties shall not be reduced in the case of a repeat violator or repeat
9 violation as defined in SCC 30.85.280.

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

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

16 (6) Nothing in this section shall obligate the director to reduce any monetary penalties.
17

18 **30.85.190 Appeal of a notice of violation.**

19
20 (1) Upon service of a notice of violation, the person(s) named in the notice of violation
21 shall have 14 calendar days to file an appeal, except when appealing a violation of the
22 county shoreline management program. When the violation falls within a shoreline
23 area, an appeal to a notice of violation of the county shoreline management program
24 must be filed 30 days from the date of service pursuant to chapter 30.44 SCC and RCW
25 90.58.210(4).

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

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

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

32 (ii) The cited violation did not occur.

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

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

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

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

43 (4) Enforcement of a notice of violation and any penalty accruing shall be stayed
44 pending an appeal as provided in SCC 30.85.240, unless the violation will cause
45 immediate and irreparable harm as determined by the director.

1
2
3 **30.85.200 Notice of violation appeal hearing procedures.**
4

5 (1) When the department receives an appeal of a notice of violation pursuant to SCC
6 30.85.190, the department shall transmit the request and a copy of the file to the
7 hearing examiner within three business days.

8 (2) The hearing examiner shall review the appeal document and may summarily
9 dismiss the appeal if the filing is untimely, incomplete, frivolous, or beyond the hearing
10 examiner's jurisdiction. In such event, a summary dismissal order shall be issued by
11 the hearing examiner within 15 days following receipt of the appeal.

12 (3) If the appeal is not summarily dismissed the hearing examiner shall hold an open
13 record hearing on the notice of violation within 60 days after the date on which the
14 hearing examiner received the notice of appeal. All testimony at the open record
15 hearing shall be taken under oath.

16 (a) The hearing examiner shall notify the parties in writing of the time, place and
17 date of the hearing at least 30 days prior to the date of the hearing, unless the parties
18 stipulate to a shorter time period.

19 (b) Failure of the appellant to appear at the requested hearing may result in an
20 order being entered finding that the persons(s) named in the notice of violation
21 committed the violation as stated and assessing monetary penalties in accordance
22 with SCC 30.85.170. For good cause shown, and upon terms the hearing examiner
23 finds just, the hearing examiner may set aside an order entered upon a failure to
24 appear.

25 (4) In order to facilitate and expedite fair and equitable hearings, the hearing examiner
26 may adopt rules of procedure that supplement the requirements set forth in this chapter
27 30.85; provided that in the event of any conflict between the requirements of the chapter
28 and any rules of procedure adopted by the hearing examiner, the requirements of this
29 chapter shall control.

30 (5) Each person participating in an open record hearing shall be allowed to:

31 (a) Call, examine and cross-examine witnesses (subject to reasonable limitation by
32 the examiner in accordance with the examiner's adopted rules of procedure) on any
33 matter relevant to the issues of the hearing;

34 (b) Introduce documentary and physical evidence;

35 (c) Rebut evidence; and

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

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

40 (7) Each party participating in an open record hearing for appeal of a notice of
41 violation shall submit a copy of its written materials to the hearing examiner and to each
42 of the other parties appearing in the appeal pursuant to the following schedule:

43 (a) No later than three weeks prior to the date of the scheduled open record
44 hearing, the appellant(s) shall submit:

1 (i) an original or copy of each substantive document the party desires to enter as
2 an exhibit in the appeal record, including but not limited to, any and all scientific or
3 technical documents, reports, studies, analyses, photographs, maps, diagrams, or other
4 similar materials;

5 (ii) a list of all exhibits submitted; and

6 (iii) a list of witnesses.

7 (b) No later than one week prior to the date of the scheduled open record
8 hearing, the respondent(s) shall submit:

9 (i) an original or copy of each substantive document the party desires to enter
10 as an exhibit in the appeal record, including, but not limited to, any and all scientific or
11 technical documents, reports, studies, analyses, photographs, maps, diagrams, or other
12 similar materials;

13 (ii) a list of all exhibits submitted; and

14 (iii) a list of witnesses.

15 (c) Parties have a duty to supplement at the earliest possible opportunity their
16 submittals made under SCC 30.85.200(7) whenever a party discovers that all or any
17 part of the material submitted was incorrect or inaccurate when submitted, or that all or
18 any part of the material submitted is no longer correct or accurate even though it was
19 correct and accurate at the time of submittal.

20 (d) Written materials not disclosed through the exhibit pre-filing process may not
21 be entered as evidence or presented orally at the open record hearing except by
22 agreement of the other part(y/ies) to the appeal or at the hearing examiner's discretion
23 for good cause shown.

24 (8) Optional prehearing briefing process:

25 (a) A prehearing briefing process may be conducted:

26 (i) by agreement of the parties to the appeal;

27 (ii) at the hearing examiner's discretion upon request of one or more of the
28 parties to the appeal; or

29 (iii) upon the hearing examiner's own initiative.

30 (b) The purpose of a prehearing briefing is to facilitate a full and fair hearing on
31 the merits in cases that may involve complex or confusing factual issues or legal
32 arguments. Accordingly, in determining whether to require a prehearing briefing, the
33 hearing examiner shall consider the number and complexity of issues, and any other
34 relevant facts and circumstances.

35 (c) If a prehearing briefing process is employed in an appeal, such process shall
36 include submittal of an initial brief by the appellant(s), and an optional reply brief by the
37 appellant(s). Response briefs may be filed by all other parties to the appeal. The
38 Department may choose to treat one of its briefs as the departmental report required by
39 SCC 2.02.130.

40 (d) Prehearing briefs shall be submitted pursuant to the following schedule,
41 unless a different schedule is established by the hearing examiner and agreed to by the
42 parties:

43 (i) the initial brief(s) will be due three weeks before the hearing;

44 (ii) the response brief(s) will be due one week before the hearing; and

1 (iii) the reply brief(s) will be due not less than two business days before the
2 hearing.
3

4 (9) The hearing examiner shall consider the evidence and testimony presented at the
5 hearing and, based on this information, shall issue a written decision reversing or
6 affirming the notice of violation, in whole or in part, and addressing the amount of
7 monetary penalties, if any, to be imposed on the appellant(s). The final decision shall be
8 issued within 15 days of the conclusion of the open record hearing with an optional right
9 of reconsideration pursuant to SCC 30.85.210. An appeal of a decision may be made
10 by filing a land use petition in superior court as provided in chapter 36.70C RCW.

11 (10) The decision of the hearing examiner shall constitute a final decision and order in
12 accordance with SCC 30.85.260.
13

14 **30.85.210 Notice of violation optional reconsideration procedures.**
15

16 (1) Any party to the appeal of a notice of violation may submit a written petition for
17 reconsideration to the hearing examiner within 10 calendar days following the date of
18 the hearing examiner's written decision. The party seeking reconsideration shall mail or
19 otherwise provide a copy of the petition for reconsideration to all parties to the appeal
20 on the date of filing. Enforcement of a hearing examiner decision and order and any
21 penalty accruing thereunder shall be stayed during the pendency of a petition for
22 reconsideration.

23 (2) The grounds for seeking reconsideration shall be limited to the following:

24 (a) The hearing examiner exceeded the hearing examiner's jurisdiction;

25 (b) The hearing examiner failed to follow the applicable procedure in reaching the
26 hearing examiner's decision;

27 (c) The hearing examiner committed an error of law;

28 (d) The hearing examiner's findings, conclusions, and/or other elements of the
29 decision, are not supported by the record; and/or

30 (e) New evidence which could not reasonably have been discovered prior to the
31 hearing and which is material to the decision has been discovered.

32 (3) The petition for reconsideration shall:

33 (a) Contain the name, mailing address, and daytime telephone number of the party
34 seeking reconsideration or their representative, together with the signature of the party
35 seeking reconsideration or their representative;

36 (b) Identify the specific findings, conclusions, and/or other elements of the decision
37 for which reconsideration is requested;

38 (c) State the specific grounds upon which relief is requested; and

39 (d) Describe the specific relief requested.

40 (4) The petition for reconsideration shall be decided by the same hearing examiner
41 who rendered the decision, if such person is reasonably available.

42 (5) The hearing examiner shall provide written notice of the request for
43 reconsideration to all parties to the appeal within five days after receiving said petition.

44 (6) Within 15 days after the date on which the hearing examiner received the request
45 for reconsideration, the hearing examiner shall issue a written decision (i) denying the

1 petition for reconsideration, (ii) granting the petition for reconsideration in whole or in
2 part, or (iii) requesting additional information, comments and/or oral argument from
3 the parties prior to rendering a decision on the petition for reconsideration.

4 (7) A decision which has been subjected to the reconsideration process shall not
5 again be subject to reconsideration.

6
7 **30.85.220 Extension of compliance date.**

8
9 After the hearing examiner has issued a final order specifying a compliance deadline,
10 an appellant may request a revision of the hearing examiner's decision to request
11 additional time beyond the hearing examiner's specified deadline to correct a violation if
12 the following are met:

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

14 (2) The request for extending the time for correction of the violation shall include

15 (a) Evidence of substantial progress toward compliance; and

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

19 The director will review the request for additional time and forward it, along with any
20 comments, to the hearing examiner for issuance of a hearing examiner decision
21 granting or denying the request for extension of the deadline to correct the violation.

22
23 **30.85.230 Stop work order.**

24
25 (1) Whenever a director finds any work being performed in a manner in violation of the
26 provisions of the code or in a dangerous or unsafe manner, the director may issue a
27 stop work order.

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

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

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

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

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

39
40 **30.85.240 Emergency order.**

41
42 (1) Whenever a director becomes aware of a condition or activity that endangers
43 public or private property, creates an immediate hazard, creates a violation of critical
44 areas provisions or surface water protection, or threatens the health and safety of the

1 occupants of any premises or members of the public, the director may issue an
2 emergency order.

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

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

7 (4) The person(s) named in the emergency order may appeal the order within 14
8 calendar days from the date of issuance of the order in accordance with SCC
9 30.85.190. An appeal of an emergency order shall not stay the requirement to
10 immediately take action to remedy any dangerous or unsafe conditions.

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

12
13 **30.85.250 Method of service.**

14
15 (1) A warning notice, citation, or a notice of violation shall be served upon the
16 responsible person(s) by one or both of the following methods:

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

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

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

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

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

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

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

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

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

40 (6) Adequacy of mailed notice:

41 (a) Any mailed notice required by this chapter shall be deemed adequate where a
42 good-faith effort has been made by the department to identify and mail a notice to each
43 property owner and taxpayer of record and known site address. The taxpayer's address
44 as show on the tax records of the county shall be deemed to be the proper address for

1 the purpose of mailing such notice to the owner of the property where the violation
2 occurred.

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

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

8
9 **30.85.260 Final order for enforcement.**

10
11 (1) A final order constitutes a final determination that a violation has occurred, the
12 person(s) cited is responsible for the violation, and administrative options to contest the
13 decision are exhausted.

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

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

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

22 (c) Abate the violation in accordance with provisions of this chapter and state law;

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

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

26
27 **30.85.270 Collection of fines and monetary penalties.**

28
29 (1) The county may, at its option, assign the collection of fines or monetary penalties
30 to a collection agency or commence a civil action in any court of competent jurisdiction
31 to collect costs and expenses of enforcement, costs of abatement incurred by the
32 county to obtain compliance pursuant to this chapter and/or to collect any fines or
33 penalties that have been assessed.

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

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

42
43 **30.85.280 Repeat violations.**

44
45 Repeat violations or a repeat violator are defined as follows:

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

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

6
7 **30.85.290 Certificate of noncompliance.**

8
9 (1) The certificate of noncompliance is a notice recorded on the title of real property.
10 The purpose of the certificate is to give notice to interested parties of outstanding code
11 violations.

12 (2) The director may record a certificate of noncompliance when:

13 (a) A notice of violation has become a final order under SCC 30.85.260.

14 (b) The notice recorded on the title of real property includes a statement of how the
15 certificate of noncompliance can be removed from the title of the property when the
16 violation(s) have been corrected.

17
18 **30.85.300 Suspension of permits.**

19
20 (1) The director may temporarily suspend any permit for:

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

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

24 (2) The permit suspension shall be subject to the notice of violation provisions of this
25 chapter, and the suspension shall be effective upon service of the notice of violation.
26 The person(s) named on the notice of violation may appeal the suspension as provided
27 by this chapter.

28 (3) Notwithstanding any other provision of this chapter, whenever the director finds
29 that a violation of this title or any other applicable provision of the county code has
30 created or is creating a dangerous condition or other condition which constitutes an
31 immediate hazard, the director may, without service of a written notice and order,
32 suspend and terminate activities under the permit immediately.

33
34 **30.85.310 Revocation of permits.**

35
36 (1) The applicable director may permanently revoke any permit issued pursuant to
37 subtitle 30.5 SCC or chapter 30.63B SCC for:

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

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

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

43 (2) The permit revocation shall be carried out through the notice of violation provisions
44 of this chapter and the revocation shall be effective upon service of the notice of

1 violation. The person(s) responsible may appeal such revocation as provided by this
2 chapter.

3 (3) This section does not apply to review, rescission or revocation of permit approvals
4 processed pursuant to SCC 30.71.025.
5

6 **30.85.320 Abatement.**
7

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

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

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

16 (4) The cost of abatement, including administrative costs incurred as a result of the
17 abatement, may be levied as a special assessment on the land or premises on which
18 the nuisance is situated. This assessment shall constitute a lien against the property
19 which shall be of equal rank with state, county, and municipal taxes, pursuant to RCW
20 36.32.120(10).
21

22 **30.85.330 Liens - generally.**
23

24 (1) The county shall have a lien for any civil penalty imposed or for the cost of any
25 abatement work done pursuant to this chapter, or both, against the real property on
26 which the civil penalty was imposed or any of the abatement work was performed.

27 (2) The civil penalty and the cost of abatement are also joint and several personal
28 obligations of all persons in violation. The applicable director or the prosecuting attorney
29 on behalf of Snohomish County may collect the civil penalty and the abatement work
30 costs by use of all appropriate civil legal remedies.

31 (3) Any lien imposed by the county under this chapter shall be subordinate to all
32 existing special assessment liens previously imposed upon the same property and shall
33 be paramount to all other liens, except for state and county taxes, with which it shall be
34 on a parity.
35

36 **30.85.340 Liens - filing and recording.**
37

38 (1) The applicable director shall cause a claim for lien to be filed for record in the
39 auditor's office within 90 days from the date the civil penalty is due or within 90 days
40 from the date of completion of the abatement work performed pursuant to this chapter.

41 (2) The claim of lien shall contain the following:

42 (a) The authority for imposing a civil penalty or proceeding to abate the violation, or
43 both;

44 (b) A brief description of the civil penalty imposed or the abatement work done, or
45 both, including the violations charged and the duration thereof. If abatement work was

1 done, the dates the work was commenced and completed and the name of the persons
2 or organizations who performed the work, shall be included;

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

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

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

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

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

12 (5) The auditor shall record and index the claims described in this chapter.

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

16
17 **30.85.350 Liens - foreclosure.**

18
19 (1) The lien provided by this chapter may be foreclosed and enforced by a civil action
20 in a court having jurisdiction.

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

23 (3) Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not
24 prejudice another party to the suit who claims a lien.

25
26 **30.85.360 Duty not creating liability.**

27
28 No provision or term used in this chapter is intended to impose any duty upon the
29 county or any of its officers or employees which would subject them to damages in a
30 civil action.

31
32 **30.85.370 Misdemeanor.**

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

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

43
44 **Section 7.** Snohomish County Code Section 30.31D.240, last amended by
45 Amended Ordinance No. 05-083 on December 21, 2005, is amended to read:

AMENDED ORDINANCE NO. 08- -062
RELATING TO ENFORCEMENT PROCEDURES IN
TITLE 30 SCC; REPEALING CHAPTER 30.85 SCC
AND ADOPTING A REVISED CHAPTER 30.85 SCC, ETC. - 25

1
2 **30.31D.240 Suspension and/or Revocation of approval.**
3

4 Administrative conditional use permits or conditional use permits for excavation may be
5 suspended or revoked in accordance with ~~((SCC 30.85.115 and/or 30.85.117))~~ SCC
6 30.85.300 or 30.85.310.
7

8 **Section 8.** Snohomish County Code Section 30.35A.030, last amended by
9 Amended Ordinance No. 04-123 on December 15, 2004, is amended to read:
10

11 **30.35A.030 Transfer of development rights - Sending sites.**

12 In order for development rights to be certified for a sending site pursuant to SCC
13 30.35A.050 or transferred from a sending site pursuant to SCC 30.35A.080, all of the
14 following requirements must be met:

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

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

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

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

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

42 (6) Forest practices compliance required. For lots on which the entire lot or a portion
43 of the lot has been cleared or graded pursuant to a Class II, III or IV special forest
44 practices permit as defined by RCW 76.09.050 within the six years prior to application
45 for certification or transfer of development rights, the applicant must provide an affidavit

1 of compliance with the reforestation requirements of RCW 76.09.070, WAC 222-34-010
2 and any additional reforestation conditions of their forest practice permit. Lots that are
3 subject to a six-year moratorium on development applications pursuant to RCW
4 76.09.060 shall not be qualified as TDR sending sites until such moratoria have expired
5 or been lifted.

6
7 **Section 9.** Snohomish County Code Section 30.52A.122, last amended by
8 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:

9
10 **30.52A.122 Notices and orders (IBC104.3).**

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

16
17 **Section 10.** Snohomish County Code Section 30.52A.166, last amended by
18 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:

19
20 **30.52A.166 Suspension or revocation (IBC 105.6).**

21
22 The building official may suspend or revoke a permit issued under the building code
23 pursuant to SCC 30.71.027 or (~~30.85.117~~) SCC 30.85.300 or 30.85.310.

24
25 **Section 11.** Snohomish County Code Section 30.52A.254, last amended by
26 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:

27
28 **30.52A.254 Suspension or revocation (IBC 110.4).**

29
30 The building official may suspend or revoke a certificate of occupancy issued under the
31 (~~residential~~) building code pursuant to SCC 30.71.027 or (~~30.85.117~~) SCC 30.85.300
32 or 30.85.310.

33
34 **Section 12.** Snohomish County Code Section 30.52A.264, last amended by
35 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:

36
37 **30.52A.264 Notice of violation (IBC 113.2).**

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

1 staff to issue such notices and conduct procedures to correct the violation in compliance
2 with chapter 30.85 SCC.
3

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

18 **Section 14.** 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 15.** Snohomish County Code Section 30.52A.282, last amended by
29 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:
30

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

33 If an unsafe condition is found, the building official shall serve on the owner, agent or
34 person in control of the structure, a written notice that describes the condition deemed
35 unsafe and specifies the required repairs or improvements to be made to abate the
36 unsafe condition, or that requires the unsafe structure to be demolished within a
37 stipulated time. The written notice may be in the form of an emergency order in
38 accordance with SCC 30.85.240 or a notice of violation in accordance with SCC
39 30.85.150. Such notice shall require the person thus notified to declare immediately to
40 the building official acceptance or rejection of the terms of the order.

1
2 **Section 16.** Snohomish County Code Section 30.52A.284, last amended by
3 Amended Ordinance No. 07-085 on September 5, 2007, is amended to read:
4

5 **30.52A.284 Method of service (IBC 115.4).**
6

7 Any notice issued pursuant to this chapter shall be deemed properly served if the notice
8 procedures in SCC 30.85. 250 (~~SCC 30.85.135~~) are met.
9

10 **Section 17.** Snohomish County Code Section 30.52B.214, last amended by
11 Amended Ordinance No. 07-086 on September 5, 2007, is amended to read:
12

13 **30.52B.214 Stop work orders – amended (IMC 108.5)**
14

15 Stop work orders. Upon notice from the building code official that mechanical work is
16 being done contrary to the provisions of the mechanical code or in a dangerous or
17 unsafe manner, such work shall immediately cease. Such notice shall be in writing and
18 shall be given to the owner of the property, or to the owner's agent, or to the person
19 doing the work. The notice shall state the conditions under which work is authorized to
20 resume. Where an emergency exists, the building official shall not be required to give a
21 written notice prior to stopping the work. Any person who shall continue any work on the
22 system after having been served with a stop work order, except such work as that
23 person is directed to perform to remove a violation or unsafe condition, shall be liable
24 for a fine pursuant to (~~chapter 30.85~~) SCC 30.85.090 and 30.85.130.
25

26 **Section 18.** Snohomish County Code Section 30.52F.134, last amended by
27 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:
28

29 **30.52F.134 Citations, ~~((N))~~ notices and orders (IRC104.3).**
30

31 The building official may issue citations, notices of violation (~~and~~) or orders pursuant to
32 chapter 30.85 SCC to ensure compliance with the residential code. (~~pursuant to~~
33 ~~chapter 30.85 SCC and~~) The building official may coordinate with the code
34 enforcement staff to process such notices and orders.
35

36 **Section 19.** Snohomish County Code Section 30.52F.180, last amended by
37 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:
38

39 **30.52F.180 Suspension or revocation (IRC 105.6).**
40

41 The building official may suspend or revoke a permit issued under the building code
42 pursuant to SCC 30.71.027 or (~~30.85.147~~) SCC 30.85.300 or 30.85.310.

1
2 **Section 20.** Snohomish County Code Section 30.52F.274, last amended by
3 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:

4
5 **30.52F.274 Suspension or revocation (IRC 110.5).**

6
7 The building official may suspend or revoke a permit issued under the building code
8 pursuant to SCC 30.71.027 or ~~((30.85.117))~~ SCC 30.85.300 or 30.85.310.

9
10 **Section 21.** Snohomish County Code Section 30.52F.294, last amended by
11 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:

12
13 **30.52F.294 Prosecution of violation (IRC 113.3).**

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

23
24 **Section 22.** Snohomish County Code Section 30.52F.296, last amended by
25 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:

26
27 **30.52F.296 Violations and penalties (IRC 113.4).**

28
29 Any person who violates a provision of the residential code or fails to comply with any of
30 the requirements thereof or who erects, constructs, alters or repairs a building or
31 structure in violation of the approved construction documents or directive of the building
32 official, or of a permit or certificate issued under the provisions of the residential code
33 shall be subject to penalties ~~((as))~~ prescribed by chapter 30.85 SCC.

34
35 **Section 23.** Snohomish County Code Section 30.52F.298, last amended by
36 Amended Ordinance No. 07-084 on September 5, 2007, is amended to read:

37
38 **30.52F.298 Stop work order (IRC 114.1 and 114.2).**

39
40 Upon notice from the building official that work on any building or structure is being
41 performed contrary to the provisions of the residential code or in an unsafe and dan-
42 gerous manner, such work shall be immediately stopped. The stop work order shall be
43 in writing and shall be given to the owner of the property involved, or to the owner's
44 agent or to the person doing the work and shall state the conditions under which work

1 will be permitted to resume. Violations of a stop work order shall be subject to citation
2 and monetary penalty under provisions of SCC 30.85.090 and SCC 30.85.130.

3
4 **Section 24.** Snohomish County Code Section 30.53A.148, last amended by
5 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

6
7 **30.53A.148 Right of entry (IFC 104.3).**

8
9 Pursuant to SCC 30.85.~~((030,))~~ 070, whenever it is necessary to make an inspection to
10 enforce the provisions of the fire code, or whenever the fire marshal has reasonable
11 cause to believe that there exists in a building or upon any premises any conditions or
12 violations of the fire code which make the building or premises unsafe, dangerous or
13 hazardous, the fire marshal shall have the authority to enter the building or premises at
14 all reasonable times to inspect or to perform the duties imposed upon the fire marshal
15 by the fire code. If such building or premises is occupied, the fire marshal shall present
16 credentials to the occupant and request entry. If such building or premises is
17 unoccupied, the fire marshal shall first make a reasonable effort to locate the owner or
18 other person having charge or control of the building or premises and request entry. If
19 entry is refused, the fire marshal has recourse to every remedy provided by law to
20 secure entry.

21
22 **Section 25.** Snohomish County Code Section 30.53A.154, last amended by
23 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

24
25 **30.53A.154 ~~((Correction notices and))~~ Notice and orders (IFC 104.5).**

26
27 The fire marshal may issue ~~((voluntary correction notice letters))~~ warning notices,
28 citations, and notice ~~((s and orders))~~ of violations. The fire marshal may coordinate with
29 PDS code enforcement staff to issue such notices required to affect compliance with the
30 fire code in accordance with SCC 30.53A.388 and 30.53A.390.

31
32 **Section 26.** Snohomish County Code Section 30.53A.234, last amended by
33 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

34
35 **30.53A.234 Revocation (IFC 105.5).**

36
37 The fire marshal is authorized to revoke a permit issued under the provisions of the fire
38 code and pursuant to SCC 30.71.027 or ~~((30.85.117))~~ SCC 30.85.310 when it is found
39 by inspection or otherwise that there has been a false statement or misrepresentation
40 as to the material facts in the application or construction documents on which the permit
41 or approval was based including, but not limited to, any of the following:

- 42 (1) The permit is used for a location or establishment other than that for which it was
43 issued.
44 (2) The permit is used for a condition or activity other than that listed in the permit.
45 (3) Conditions and limitations set forth in the permit have been violated.

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

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

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

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

10
11 **Section 27.** Snohomish County Code Section 30.53A.390, last amended by
12 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

13
14 **30.53A.390** (~~Voluntary correction notice letter and notice and order~~) **Warning**
15 **notice and enforcement (IFC 109.2).**

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

24
25 **Section 28.** Snohomish County Code Section 30.53A.392, last amended by
26 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

27
28 **30.53A.392 Service (IFC 109.2.1).**

29
30 (~~A voluntary correction notice letter and notice and order may be served upon the~~
31 ~~owner operator, occupant, or other person responsible for the condition or violation~~
32 ~~pursuant to any method approved in SCC 30.85.135.)) Warning notices and
33 enforcement actions shall be served in accordance with the requirements in SCC
34 30.85.080 and SCC 30.85.250.~~

35
36 **Section 29.** Snohomish County Code Section 30.53A.394, last amended by
37 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

38
39 **30.53A.394 Compliance with (~~voluntary correction notice letter and~~) notice**
40 **~~(and order)~~ of violation (IFC 109.2.2).**

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

1 **Section 30.** Snohomish County Code Section 30.53A.396, last amended by
2 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

3
4 **30.53A.396 Prosecution of violations (IFC 109.2.3).**

5
6 ~~((If the voluntary correction notice letter or notice and order is not complied with in the~~
7 ~~timeframe established in a voluntary correction notice letter or notice and order, the fire~~
8 ~~marshal is authorized to request)) Prosecution of a violation shall be subject to the~~
9 ~~provisions in chapter 30.85 SCC. The fire marshal may refer such violations, as~~
10 ~~necessary, to the prosecuting attorney to institute the appropriate legal proceedings at~~
11 ~~law or in equity to restrain, correct or abate such violation or to require removal or~~
12 ~~termination of the unlawful occupancy of the structure in violation of the provisions of~~
13 ~~the fire code or of the order pursuant to this chapter and chapter 30.85 SCC ((pending~~
14 ~~the outcome of any appeal that would stay legal proceedings)).~~

15
16 **Section 31.** Snohomish County Code Section 30.53A.418, last amended by
17 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

18
19 **30.53A.418 Issuance of stop work order (IFC 111.2).**

20
21 Stop work orders shall be issued pursuant to SCC ~~((30.85.140 and 30.85.135))~~
22 30.85.230.

23
24 **Section 32.** Snohomish County Code Section 30.53A.420, last amended by
25 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

26
27 **30.53A.420 Emergency order (IFC 111.3).**

28
29 The fire marshal is authorized to issue an emergency order pursuant to SCC
30 ~~((30.85.122))~~ 30.85.240.

31
32 **Section 33.** Snohomish County Code Section 30.53A.422, last amended by
33 Amended Ordinance No. 07-087 on September 5, 2007, is amended to read:

34
35 **30.53A.422 Failure to comply with stop work or emergency order (IFC 111.4).**

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

1
2 **Section 34.** Snohomish County Code Section 30.63B.300, last amended by
3 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

4
5 **30.63B.300 Hazards.**

6
7 (1) Whenever the director determines that any existing cut or excavation, fill or
8 embankment on private property creates a present or imminent hazard, or is likely to
9 create a hazard, the director may issue an emergency order pursuant to chapter 30.85
10 SCC ((30.85.122)).

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

16
17 **Section 35.** Snohomish County Code Section 30.91P.170, last amended by
18 Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

19
20 **30.91P.170**

21
22 **"Person Responsible" or "responsible person" means:**

23
24 (1) the owner, lessor, tenant, or other entity or person entitled to control, use or
25 occupy property;

26 (2) the entity or person who commits any act or omission or causes or permits a
27 condition on the property that constitutes a violation under chapter 30.85 SCC
28 ((30.85.020)); or

29 (3) any entity or person who is responsible for compliance with applicable codes.
30


31 **Section 36. Severability and Savings.** If any section, sentence, clause or
32 phrase of this ordinance shall be held to be invalid or unconstitutional by the Growth
33 Management Hearings Board (Board), or a court of competent jurisdiction, such
34 invalidity or unconstitutionality shall not affect the validity or constitutionality of any other
35 section, sentence, clause, or phrase of this ordinance. Provided, however, that if any
36 section, sentence, clause, or phrase of this ordinance is held to be invalid by the Board
37 or court of competent jurisdiction, then the section, sentence, clause, or phrase in effect
38 prior to the effective date of this ordinance shall be in full force and effect for that
39 individual section, sentence, clause, or phrase as if this ordinance had never been
40 adopted.

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Section 37. Effective date. This ordinance shall become effective on November 1, 2008.

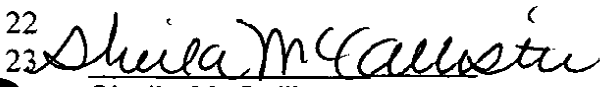
PASSED this 1st day of October, 2008.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington




Dave Somers
Chairperson

ATTEST:




Sheila McCallister
Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

DATE: 10/14/08
MARK SOINE
Deputy Executive


Aaron Reardon
County Executive

ATTEST:



Approved as to form only:

Deputy Prosecuting Attorney

D-7