

1 SNOHOMISH COUNTY COUNCIL
2 Snohomish County, Washington

3
4 AMENDED ORDINANCE NO. 12-111

5
6 RELATING TO UNLAWFUL CONDUCT; ESTABLISHING A SYSTEM OF CIVIL
7 INFRACTIONS AND REVISING OR DECRIMINALIZING CERTAIN COUNTY
8 OFFENSES; AMENDING SCC 1.01.100, 6.01.210, 6.01.220, 7.35.165, 7.53.170,
9 9.12.020, 9.12.030, 10.01.080, 10.04.300, 10.06.010, 10.12.030, 10.24.030,
10 10.24.050, 10.36.210, 10.36.230, 11.16.050, 12.36.010, 15.08.654, 22.16.020,
11 22.16.180, 22.20.010, AND 30.85.020; ADDING NEW SECTIONS; REPEALING
12 SCC 1.01.110, 10.36.220, AND 12.24.010; PRESCRIBING PENALTIES; AND
13 PROVIDING AN EFFECTIVE DATE
14

15 WHEREAS, the Washington legislature determined in RCW 7.80.005 that
16 establishment of a system of civil infractions can be a more expeditious and less
17 expensive method of disposing of minor offenses than criminal prosecutions; and
18

19 WHEREAS, RCW 7.80.010 confers jurisdiction on the District Court to hear and
20 determine violations of state law, local law, ordinance, regulation, or resolution as civil
21 infractions; and
22

23 WHEREAS, this ordinance is intended to establish a county system of civil
24 infractions and to clarify and decriminalize certain county offenses, consistent with the
25 limitations imposed by state law, to allow resources of the criminal justice system to be
26 more efficiently used to punish serious criminal behavior;
27

28 NOW, THEREFORE, BE IT ORDAINED:
29

30 **Part I. Infraction Procedures**

31
32 Section 1. A new chapter is added to Title 10 of the Snohomish County Code to
33 read:

34
35 **Chapter 10.70**
36 **CIVIL INFRACTIONS**
37

38 Sections:

39 10.70.010 Purpose.
40 10.70.020 Definitions.
41 10.70.030 Issuance of process.
42 10.70.040 Notice of infraction — Issuance, service, filing.
43 10.70.050 Person receiving notice — Identification.

- 1 10.70.060 Notice — Determination final unless contested — Form.
2 10.70.070 Response to notice — Contesting determination — Mitigating
3 circumstances — Hearing — Failure to respond or appear.
4 10.70.080 Hearings — Rules of procedure — Counsel.
5 10.70.090 Hearings — Contesting determination that infraction committed —
6 Appeal.
7 10.70.100 Hearings — Explanation of mitigating circumstances.
8 10.70.110 Monetary penalties — Restitution.
9 10.70.120 Order of court — Civil nature — Modification of penalty —
10 Community restitution.
11 10.70.130 Costs and attorney fees.
12 10.70.140 Notices — Record of — Cancellation prohibited, penalty.
13 10.70.150 Failure to exercise notice options — Failure to satisfy penalty.
14

15 **10.70.010 Purpose.**

16 Establishment of a system of civil infractions can be a more expeditious
17 and less expensive method of disposing of minor offenses than misdemeanor
18 prosecutions. This chapter is adopted pursuant to chapter 7.80 RCW to provide
19 a system of civil infractions for certain offenses to allow resources of the criminal
20 justice system to be more efficiently used to punish serious criminal behavior.
21

22 **10.70.020 Definitions.**

23 In this chapter, unless the context clearly requires otherwise,

- 24 (1) "Civil infraction" means an offense for which the county code
25 prescribes punishment as a civil infraction under this chapter;
26 (2) "Court" means the district court established by SCC 2.12.015;
27 (3) "Enforcement officer" means a commissioned law enforcement officer
28 and any person authorized by ordinance to enforce the county code provisions in
29 which the civil infraction is established.
30

31 **10.70.030 Issuance of process.**

32 Notwithstanding any other provision of law governing service of process in
33 civil cases, a court having jurisdiction over an alleged civil infraction may issue
34 process anywhere within the state.
35

36 **10.70.040 Notice of civil infraction — Issuance, service, filing.**

- 37 (1) A civil infraction proceeding is initiated by the issuance, service, and
38 filing of a notice of civil infraction.
39 (2) A notice of civil infraction may be issued by an enforcement officer
40 when the civil infraction occurs in the officer's presence.
41 (3) The court may issue a notice of civil infraction if an enforcement officer
42 files with the court a written statement that the civil infraction was committed in

1 the officer's presence or that the officer has reasonable cause to believe that a
2 civil infraction has occurred.

3 (4) Service of a notice of civil infraction issued under subsection (2) or (3)
4 of this section shall be as provided by court rule. Until such a rule is adopted,
5 service shall be as provided in the Infraction Rules for Courts of Limited
6 Jurisdiction (IRLJ), as applicable.
7

8 **10.70.050 Person receiving notice — Identification.**

9 (1) A person who is to receive a notice of civil infraction under SCC
10 10.70.040 is required to identify himself or herself to the enforcement officer by
11 giving his or her name, address, and date of birth. Upon request of the officer,
12 the person shall produce reasonable identification, such as a driver's license or
13 identicard.

14 (2) A person who is unable or unwilling to reasonably identify himself or
15 herself to an enforcement officer may be detained by a commissioned law
16 enforcement officer for a period of time not longer than is reasonably necessary
17 to identify the person for purposes of issuing a civil infraction.
18

19 **10.70.060 Notice — Determination final unless contested — Form.**

20 (1) A notice of civil infraction represents a determination that a civil
21 infraction has been committed. The determination is final unless contested as
22 provided in this chapter.

23 (2) The form for the notice of civil infraction shall be as prescribed by
24 court rule, as applicable, and shall include the following:

25 (a) A statement that the notice represents a determination that a civil
26 infraction has been committed by the person named in the notice and that the
27 determination is final unless contested as provided in this chapter;

28 (b) A statement that a civil infraction is a noncriminal offense for which
29 imprisonment may not be imposed as a sanction;

30 (c) A statement of the specific civil infraction for which the notice is
31 issued;

32 (d) A statement of the monetary penalty established for the civil infraction;

33 (e) A statement of the options provided in this chapter for responding to
34 the notice and the procedures necessary to exercise these options;

35 (f) A statement that at any hearing to contest the determination the county
36 has the burden of proving, by a preponderance of the evidence, that the civil
37 infraction was committed and that the person may subpoena witnesses including
38 the enforcement officer who issued the notice of civil infraction;

39 (g) A statement that at any hearing requested for the purpose of
40 explaining mitigating circumstances surrounding the commission of the civil
41 infraction, the person will be deemed to have committed the civil infraction and
42 may not subpoena witnesses;

43 (h) A statement that the person must respond to the notice as provided in

1 this chapter within fifteen days;

2 (i) A statement that failure to respond to the notice or a failure to appear
3 at a hearing requested for the purpose of contesting the determination or for the
4 purpose of explaining mitigating circumstances will result in a default judgment
5 against the person in the amount of the penalty and that this failure may be
6 referred to the prosecuting attorney for criminal prosecution for failure to respond
7 or appear;

8 (j) A statement that failure to respond to a notice of civil infraction or to
9 appear at a requested hearing is a misdemeanor and may be punished by a fine
10 or imprisonment in jail.

11
12 **10.70.070 Response to notice — Contesting determination — Mitigating**
13 **circumstances — Hearing — Failure to respond or appear.**

14 (1) Any person who receives a notice of civil infraction shall respond to
15 such notice as provided in this section within fifteen days of the date the notice is
16 served.

17 (2) If the person determined to have committed the civil infraction does
18 not contest the determination, the person shall respond by completing the
19 appropriate portion of the notice of civil infraction and submitting it, either by mail
20 or in person, to the court specified on the notice. A check or money order in the
21 amount of the penalty prescribed for the civil infraction must be submitted with
22 the response. The clerk of the court may accept cash in payment for an
23 infraction. When a response which does not contest the determination is
24 received, an appropriate order shall be entered in the court's records.

25 (3) If the person determined to have committed the civil infraction wishes
26 to contest the determination, the person shall respond by completing the portion
27 of the notice of civil infraction requesting a hearing and submitting it, either by
28 mail or in person, to the court specified on the notice. The court shall notify the
29 person in writing of the time, place, and date of the hearing, and that date shall
30 not be earlier than seven days nor more than ninety days from the date of the
31 notice of hearing, except by agreement.

32 (4) If the person determined to have committed the civil infraction does
33 not contest the determination but wishes to explain mitigating circumstances
34 surrounding the infraction, the person shall respond by completing the portion of
35 the notice of civil infraction requesting a hearing for that purpose and submitting
36 it, either by mail or in person, to the court specified on the notice. The court shall
37 notify the person in writing of the time, place, and date of the hearing, and that
38 date shall not be earlier than seven days nor more than ninety days from the date
39 of the notice of hearing, except by agreement.

40 (5) The court shall enter a default judgment assessing the monetary
41 penalty prescribed for the civil infraction and may notify the prosecuting attorney
42 of the failure to respond to the notice of civil infraction or to appear at a requested
43 hearing if any person issued a notice of civil infraction:

- 1 (a) Fails to respond to the notice of civil infraction as provided in
2 subsection (2) of this section; or
3 (b) Fails to appear at a hearing requested pursuant to subsection (3) or
4 (4) of this section.

5
6 **10.70.080 Hearings — Rules of procedure — Counsel.**

7 (1) Procedures for the conduct of all hearings provided in this chapter
8 may be as established by court rule.

9 (2) Any person subject to proceedings under this chapter may be
10 represented by counsel.

11 (3) The prosecuting attorney may appear and represent the county in any
12 proceeding under this chapter but need not appear, notwithstanding any statute
13 or court rule to the contrary.

14
15 **10.70.090 Hearings — Contesting determination that infraction committed**
16 **— Appeal.**

17 (1) A hearing held for the purpose of contesting the determination that a
18 civil infraction has been committed shall be without a jury and shall be recorded
19 in the manner provided for in courts of limited jurisdiction.

20 (2) The court may consider the notice of civil infraction and any other
21 written report made under oath submitted by the enforcement officer who issued
22 the notice or whose written statement was the basis for the issuance of the notice
23 in lieu of the officer's personal appearance at the hearing. The person named in
24 the notice may request the court for issuance of subpoena of witnesses,
25 including the enforcement officer who issued the notice, and has the right to
26 present evidence and examine witnesses present in court.

27 (3) The burden of proof is upon the county to establish the commission of
28 the civil infraction by a preponderance of the evidence.

29 (4) After consideration of the evidence and argument, the court shall
30 determine whether the civil infraction was committed. Where it has not been
31 established that the civil infraction was committed, an order dismissing the notice
32 shall be entered in the court's records. Where it has been established that the
33 civil infraction was committed, an appropriate order shall be entered in the court's
34 records.

35 (5) An appeal from the court's determination or order shall be to the
36 superior court in the manner provided by court rules for appeal of decisions of
37 courts of limited jurisdiction. The decision of the superior court is subject only to
38 discretionary review pursuant to court rules of appellate procedure.

39
40 **10.70.100 Hearings — Explanation of mitigating circumstances.**

41 (1) A hearing held for the purpose of allowing a person to explain
42 mitigating circumstances surrounding the commission of a civil infraction shall be
43 an informal proceeding. The person may not subpoena witnesses. The

1 determination that a civil infraction has been committed may not be contested at
2 a hearing held for the purpose of explaining mitigating circumstances.

3 (2) After the court has heard the explanation of the circumstances
4 surrounding the commission of the civil infraction, an appropriate order shall be
5 entered in the court's records.

6 (3) There is no appeal from the court's determination or order.
7

8 **10.70.110 Monetary penalties — Restitution.**

9 (1) A person found to have committed a civil infraction shall be assessed
10 a monetary penalty.

11 (a) The maximum penalty and the default amount for a class 1 civil
12 infraction shall be five hundred dollars;

13 (b) The maximum penalty and the default amount for a class 2 civil
14 infraction shall be two hundred fifty dollars; and

15 (c) The maximum penalty and the default amount for a class 3 civil
16 infraction shall be one hundred dollars.

17 (2) Whenever a monetary penalty is imposed by a court under this
18 chapter it is immediately payable. If the person is unable to pay at that time the
19 court may grant an extension of the period in which the penalty may be paid. If
20 the penalty is not paid on or before the time established for payment, the court
21 may proceed to collect the penalty in the same manner as other civil judgments
22 and may notify the prosecuting authority of the failure to pay.

23 (3) The court may also order a person found to have committed a civil
24 infraction to make restitution.
25

26 **10.70.120 Order of court — Civil nature — Modification of penalty —**
27 **Community restitution.**

28 (1) An order entered after the receipt of a response which does not
29 contest the determination, or after it has been established at a hearing that the
30 civil infraction was committed, or after a hearing for the purpose of explaining
31 mitigating circumstances is civil in nature.

32 (2) The court may waive, reduce, or suspend the monetary penalty
33 prescribed for the civil infraction. If the court determines that a person has
34 insufficient funds to pay the monetary penalty, the court may order performance
35 of a number of hours of community restitution in lieu of a monetary penalty, at the
36 rate of the then state minimum wage per hour.
37

38 **10.70.130 Costs and attorney fees.**

39 Each party to a civil infraction case is responsible for costs incurred by
40 that party, but the court may assess witness fees against a nonprevailing
41 respondent.
42
43

1 **10.70.140 Notices — Record of — Cancellation prohibited, penalty.**

2 (1) Every law enforcement and other agency authorized to issue notices
3 of civil infractions shall provide in appropriate form notices of civil infractions
4 which shall be issued in books with notices in quadruplicate and meeting the
5 requirements of this section, or issued by an electronic device capable of
6 producing a printed copy and electronic copies of the citations.

7 (2) The chief administrative officer of every such agency shall be
8 responsible for the issuance of such books or electronic devices and shall
9 maintain a record of every such book or electronic device and each notice
10 contained therein issued to agency enforcement officers and shall require and
11 retain a receipt for every book or electronic device so issued.

12 (3) Upon issuing a notice of civil infraction to an alleged perpetrator of a
13 civil infraction under this chapter the enforcement officer shall deposit the original
14 or a printed or electronic copy of such notice of civil infraction with a court having
15 jurisdiction over the civil infraction. Upon the deposit of the original or a printed
16 or electronic copy of such notice of civil infraction, the original or copy may be
17 disposed of only as provided in this chapter.

18 (4) It is unlawful and is official misconduct for any law enforcement officer
19 or other officer or public employee to dispose of a notice of civil infraction or
20 copies thereof or of the record of the issuance of the same in a manner other
21 than as required in this section.

22 (5) The chief administrative officer of every law enforcement or other
23 agency authorized to issue notices of civil infractions shall require the return to
24 him or her of a copy of every notice issued by a person under his or her
25 supervision to an alleged perpetrator of a civil infraction under this chapter and of
26 all copies of every notice which has been spoiled or upon which any entry has
27 been made and not issued to an alleged perpetrator.

28 (6) The chief administrative officer shall also maintain or cause to be
29 maintained in connection with every notice issued by a person under his or her
30 supervision a record of the disposition of the charge by the court in which the
31 original or copy of the notice was deposited.

32 (7) Any person who cancels or solicits the cancellation of any notice of
33 civil infraction, in any manner other than as provided in this section, is guilty of a
34 misdemeanor punishable as provided in SCC 1.01.100.

35
36 **10.70.150 Failure to exercise notice options — Failure to satisfy penalty.**

37 (1) Any person who, after receiving a statement of the options provided in
38 this chapter for responding to the notice of civil infraction and the procedures
39 necessary to exercise these options, fails to exercise one of the options in a
40 timely manner is guilty of a misdemeanor punishable as provided in SCC
41 1.01.100 regardless of the disposition of the notice of civil infraction. A notice of
42 civil infraction may be complied with by an appearance by counsel.

43 (2) A person who willfully fails to pay a monetary penalty or to perform

1 community restitution as required by a court under this chapter may be found in
2 contempt of court as provided in chapter 7.21 RCW.

3 4 **Part II. Decriminalization**

5
6 Section 2. Snohomish County Code Section 6.01.220, last amended by
7 Amended Ordinance No. 86-099 on November 12, 1986, is amended to read:

8 9 **6.01.220 Criminal penalties.**

10 (1) Except as otherwise specifically provided ((for)) in this title, any person
11 violating or failing to comply with any of the provisions of this title shall be
12 deemed guilty of a misdemeanor and upon conviction thereof shall be punished
13 by a fine in any sum not exceeding \$1,000 or by imprisonment in the county jail
14 for a period not exceeding 90 days, or both. Each day that any person conducts
15 any business, calling, profession, trade, occupation or activity in violation of any
16 ((provisions)) provision of this chapter shall constitute a separate offense and be
17 punished as such.

18 (2) This section shall not apply to violation of:

19 (a) SCC 6.06.007, relating to licenses for private kennels and other
20 facilities; or

21 (b) SCC 6.06.015, relating to licenses for commercial kennels and other
22 facilities.

23
24 Section 3. Snohomish County Code Section 9.12.020, last amended by
25 Amended Ordinance No. 06-133 on February 28, 2007, is amended to read:

26 27 **9.12.020 Misdemeanor.**

28 (1) Unless otherwise specifically provided ((herein)) in this title, any
29 ((violations)) violation of this title ((shall be deemed)) is a misdemeanor ((and))
30 punishable ((under the provisions)) as ((set-out)) provided in SCC 1.01.100.

31 (2) This section shall not apply to violation of:

32 (a) SCC 9.04.010, relating to dog and cat licenses;

33 (b) SCC 9.12.060(1), relating to frequent or repetitive sounds;

34 (c) SCC 9.12.060(3), relating to domesticated animals and vehicles;

35 (d) SCC 9.12.060(5), relating to non-domesticated animals;

36 (e) SCC 9.12.060(6), relating to dogs running in packs;

37 (f) SCC 9.12.060(7), relating to female domesticated dogs in heat;

38 (g) SCC 9.12.060(8), relating to domesticated animals running at large;

39 (h) SCC 9.12.060(9), relating to animals and food;

40 (i) SCC 9.12.060(10), relating to animals on public property without
41 consent;

42 (j) SCC 9.12.060(12), relating to animals on public property not under
43 control;

- 1 (k) SCC 9.12.060(16), relating to violation of chapter 9.14 SCC;
2 (l) SCC 9.14.030, relating to dogs off premises not under control; or
3 (m) SCC 9.16.010, relating to livestock.

4
5 Section 4. Snohomish County Code Section 10.04.300, adopted by Ordinance
6 No. 83-010 on February 25, 1983, is amended to read:

7
8 **10.04.300 Penalty.**

9 ~~((Violation))~~ (1) Except as provided in this section, violation of any ~~((of the~~
10 ~~provisions))~~ provision of this chapter constitutes a misdemeanor, punishable by a
11 fine of up to \$1,000, imprisonment for a period of up to ninety days, or both.

12 (2) Violation of SCC 10.04.120 is a class 3 civil infraction punishable as
13 provided in chapter 10.70 SCC.

14
15 Section 5. Snohomish County Code Section 10.06.010, last amended by
16 Ordinance No. 06-078 on October 11, 2006, is amended to read:

17
18 **10.06.010 Intoxicating liquor on county property.**

19 No person may be in possession of an open package containing
20 intoxicating liquor or consume intoxicating liquor, as defined in SCC 10.08.010,
21 on any county park, fairground, building, or other property of Snohomish county,
22 except as provided for in this chapter. ~~((Every person who violates any provision~~
23 ~~of this section shall be guilty of a misdemeanor and upon conviction thereof shall~~
24 ~~be punished as provided in SCC 1.01.100.))~~ Violation of this section is a class 3
25 civil infraction punishable as provided in chapter 10.70 SCC.

26
27 Section 6. Snohomish County Code Section 10.12.030, adopted by Resolution
28 on February 24, 1964, is amended to read:

29
30 **10.12.030 Penalty for violation.**

31 Any ~~((person, firm or corporation that violates any part))~~ violation of this chapter
32 ~~((shall be guilty of a misdemeanor and shall be punished as provided in SCC 1.01.100))~~
33 is a class 1 civil infraction punishable as provided in chapter 10.70 SCC.

34
35 Section 7. Snohomish County Code Section 10.24.030, adopted by Resolution
36 No. 79-252 on August 27, 1979, is amended to read:

37
38 **10.24.030 Diving, jumping, leaping, stepping, fishing or trespassing on**
39 **county property where posted.**

40 It shall be unlawful to dive, jump, leap, step, or fish from or trespass upon
41 any county property posted as hazardous. ~~((Posted))~~ Any such notice posted
42 after June 1, 2012, shall also state that it is unlawful to dive, jump, leap, step, or
43 fish from or trespass upon any such property and that violations ~~((will be~~

1 punished by imprisonment of not over 90 days or a fine not to exceed \$250.00, or
2 by)) are subject to a \$500 penalty or such other penalty as is prescribed by law.
3

4 Section 8. Snohomish County Code Section 10.24.050, adopted by Resolution
5 No. 79-252 on August 27, 1979, is amended to read:
6

7 **10.24.050 Penalty.**

8 Any ~~((person violating the terms of this chapter shall be guilty of a~~
9 ~~misdemeanor and upon conviction shall be punished as provided in SCC~~
10 ~~1.01.100)) violation of this chapter is a class 1 civil infraction punishable as~~
11 ~~provided in chapter 10.70 SCC.~~
12

13 Section 9. Snohomish County Code Section 10.36.210, adopted by Resolution
14 on June 15, 1970, is amended to read:
15

16 **10.36.210 Penalty for willful abandonment.**

17 Any person who shall take any ~~((automobile))~~ vehicle or "abandoned
18 vehicle" or "automobile hulk" as defined by SCC 10.36.020, and leave such
19 ~~((automobile))~~ vehicle or abandoned vehicle or automobile hulk within the
20 unincorporated areas of Snohomish County on any public property or private
21 property without the permission of the owner thereof, with the intent to abandon
22 the vehicle, "abandoned vehicle" or "automobile hulk," shall ~~((be guilty of a~~
23 ~~misdemeanor))~~ have committed a class 1 civil infraction punishable as provided
24 in chapter 10.70 SCC and in addition to any other penalties provided for the
25 punishment of ~~((misdemeanors))~~ civil infractions may be assessed all costs of
26 removal of ~~((said automobile))~~ the vehicle, abandoned vehicle or automobile
27 hulk.
28

29 Section 10. Snohomish County Code Section 10.36.230, adopted by Resolution
30 on June 15, 1970, is amended to read:
31

32 **10.36.230 Penalty for violation.**

33 ~~((Any))~~ Except as provided in SCC 10.36.210, any violation of this chapter
34 shall be a misdemeanor and be punishable as provided in SCC 1.01.100.
35

36 Section 11. Snohomish County Code Section 11.16.050, adopted by Ordinance
37 No. 84-089 on August 27, 1984, is amended to read:
38

39 **11.16.050 Violation ~~((Misdemeanor))~~.**

40 Any violation of this chapter shall be a ~~((misdemeanor and is))~~ traffic
41 infraction punishable in accordance with ~~((SCC 1.01.100 as it presently exists or~~
42 as it is later amended)) chapter 46.63 RCW.
43

1
2 Section 12. Snohomish County Code Section 12.36.010, adopted by Resolution
3 on June 30, 1975, is amended to read:
4

5 **12.36.010 General penalty.**

6 ((Each)) Except as provided in SCC 12.36.015, any violation of this title
7 shall constitute a misdemeanor punishable upon conviction as provided ((by)) in
8 SCC 1.01.100.
9

10 Section 13. A new section is added to Chapter 12.36 of the Snohomish County
11 Code to read:
12

13 **12.36.015 Civil infractions.**

14 (1) Violation of any of the following provisions is a class 2 civil infraction
15 punishable as provided in chapter 10.70 SCC:

- 16 (a) SCC 12.16.010, relating to required flotation equipment;
- 17 (b) SCC 12.16.020, relating to required lighting equipment;
- 18 (c) SCC 12.16.040, relating to required bilge ventilation equipment;
- 19 (d) SCC 12.16.050, relating to required backfire arresting equipment;
- 20 (e) SCC 12.16.060, relating to engine muffling equipment;
- 21 (f) SCC 12.20.030, relating to water skiing crew;
- 22 (g) SCC 12.24.010, relating to vessel operation;
- 23 (h) SCC 12.24.060, relating to vessel right-of-way;
- 24 (i) SCC 12.24.070, relating to vessel overloading;
- 25 (j) SCC 12.28.030, relating to divers;
- 26 (k) SCC 12.28.050, relating to water skiing equipment;
- 27 (l) SCC 12.36.040, relating to negligent vessel operation;
- 28 (m) SCC 12.44.020, relating to water skiing on certain lakes.

29 (2) Violation of any of the following provisions is a class 3 civil infraction
30 punishable as provided in chapter 10.70 SCC:

- 31 (a) SCC 12.16.030, relating to required fire extinguishers;
- 32 (b) SCC 12.20.010, relating to vessel operator age restrictions;
- 33 (c) SCC 12.24.020, relating to vessel speed during hours of darkness;
- 34 (d) SCC 12.24.030, relating to vessel speed in restricted-use waters;
- 35 (e) SCC 12.24.040, relating to vessel speed where water-skiing is
36 permitted;
- 37 (f) SCC 12.24.050, relating to vessel speed under special circumstances;
- 38 (g) SCC 12.28.010, relating to vessel operation while water skiing;
- 39 (h) SCC 12.28.011, relating to vessel direction;
- 40 (i) SCC 12.28.020, relating to vessels and swimmers;
- 41 (j) SCC 12.28.040, relating to swimming and diving;
- 42 (k) SCC 12.36.050, relating to water littering;
- 43 (l) SCC 12.44.030, relating to water skiing and operation of personal

1 watercraft on certain lakes.

2
3 Section 14. Snohomish County Code Section 22.16.020, last amended by
4 resolution on October 4, 1978, is amended to read:

5
6 **22.16.020 Pets -- Biting or barking.**

7 No person having custody or control of a dog or other pet in a county park
8 shall allow ~~((his))~~ the dog or other pet to bite or ~~((otherwise))~~ bark so as to injure
9 or molest ~~((or annoy))~~ any other park ~~((visitors; nor shall any person with a dog or~~
10 ~~other pet otherwise violate SCC 10.01.130(1) or Title 9 SCC))~~ visitor.

11
12 Section 15. Snohomish County Code Section 22.16.180, last amended by
13 Amended Ordinance No. 98-076 on August 19, 1998, is amended to read:

14
15 **22.16.180 Littering.**

16 No person shall litter or deposit rubbish in or on any county park;
17 PROVIDED, That rubbish that is the result of use of the county park by any
18 person ~~((shall))~~ may be deposited in litter containers at such county park ~~((;~~
19 ~~PROVIDED, FURTHER, That violation of this section shall be a misdemeanor~~
20 ~~baillable only by payment of \$250.00 or court order and shall require appearance~~
21 ~~before the court on arraignment and further proceedings)).~~

22
23 Section 16. Snohomish County Code Section 22.20.010, adopted by Ordinance
24 No. 86-001 on February 12, 1986, is amended to read:

25
26 **22.20.010 Criminal penalty.**

27 ~~((Violation))~~ Except as provided in SCC 22.20.015, violation of any
28 provision of Title 22 ~~((Snohomish County Code))~~ SCC, or rules and regulations
29 and prohibitions promulgated by the county executive or parks division and
30 posted in the form and manner authorized herein, shall be a misdemeanor and
31 punished as provided in ~~((Section))~~ SCC 1.01.100 ~~((Snohomish County Code)).~~

32
33 Section 17. A new section is added to Chapter 22.20 of the Snohomish County
34 Code to read:

35
36 **22.20.015 Civil infractions.**

37 (1) Violation of any of the following provisions is a class 2 civil infraction
38 punishable as provided in chapter 10.70 SCC:

- 39 (a) SCC 22.08.100, relating to commercial vessels;
40 (b) SCC 22.12.070, relating to fires;
41 (c) SCC 22.12.100, relating to sanitation.

42 (2) Violation of any of the following provisions is a class 3 civil infraction
43 punishable as provided in chapter 10.70 SCC:

- 1 (a) SCC 22.08.010, relating to operation of motor vehicles;
- 2 (b) SCC 22.08.020, relating to vehicle speed limits;
- 3 (c) SCC 22.08.030, relating to parking restrictions;
- 4 (d) SCC 22.08.040, relating to nonmotorized vehicles;
- 5 (e) SCC 22.08.050, relating to parking fees;
- 6 (f) SCC 22.08.060, relating to commercial vehicles;
- 7 (g) SCC 22.08.070, relating to water craft operation;
- 8 (h) SCC 22.08.080, relating to water craft mooring;
- 9 (i) SCC 22.08.090, relating to water craft launch fees;
- 10 (j) SCC 22.08.110, relating to horseback riding areas;
- 11 (k) SCC 22.08.120, relating to horseback riding safety;
- 12 (l) SCC 22.12.010, relating to picnicking;
- 13 (m) SCC 22.12.020, relating to camping areas;
- 14 (n) SCC 22.12.030, relating to camping fees;
- 15 (o) SCC 22.12.040, relating to vacating campsites;
- 16 (p) SCC 22.12.050, relating to continuous occupancy;
- 17 (q) SCC 22.12.060, relating to number of occupants;
- 18 (r) SCC 22.12.080, relating to park periods;
- 19 (s) SCC 22.12.090, relating to rubbish;
- 20 (t) SCC 22.16.010, relating to control of pets;
- 21 (u) SCC 22.16.020, relating to biting, molesting or annoying pets;
- 22 (v) SCC 22.16.030, relating to pet waste;
- 23 (w) SCC 22.16.040, relating to prohibition of pets;
- 24 (x) SCC 22.16.050, relating to swimming areas;
- 25 (y) SCC 22.16.060, relating to swimming rules;
- 26 (z) SCC 22.16.070, relating to games;
- 27 (aa) SCC 22.16.080, relating to model airplanes and other devices;
- 28 (bb) SCC 22.16.100, relating to noisemaking devices;
- 29 (cc) SCC 22.16.160, relating to feeding of animals;
- 30 (dd) SCC 22.16.180, relating to littering.

31 **Part III. Technical Revisions**

32
33
34 Section 18. Snohomish County Code Section 1.01.100, last amended by
35 Amended Ordinance No. 89-004 on February 15, 1989, is amended to read:

36 **1.01.100 Violations - Penalties.**

37 (1) Any person violating any provision or failing to comply with any
38 mandatory requirement of the laws, resolutions or ordinances of Snohomish
39 county shall be guilty of a misdemeanor. Any person convicted of a
40 misdemeanor under the laws, resolutions or ordinances of Snohomish county
41 shall be punished by a fine of not more than (~~(\$500.00)~~) \$1,000.00 and/or be
42 incarcerated for a period not to exceed 90 days. Each person shall be guilty of a
43

1 separate offense for each and every day during any portion of which any violation
2 of the provision of the laws, resolutions or ordinances of Snohomish county is
3 committed, continued or permitted by any such person and shall be punished
4 accordingly.

5 (2) This section does not apply to an offense punishable as a civil
6 infraction under chapter 10.70 SCC or other law.
7

8 Section 19. Snohomish County Code Section 6.01.210, last amended by
9 Amended Ordinance No. 86-099 on November 12, 1986, is amended to read:

10
11 **6.01.210 Civil penalty.**

12 In addition to or as an alternative to any other penalty provided herein or
13 by law, any person who engages in any activity for which a license or permit is
14 required pursuant to the provisions of this title while his or her license is
15 suspended or revoked, who fails to obtain a license or permit prior to engaging in
16 the activity for which a license or permit is required, or who otherwise violates
17 any license or permit law shall pay a civil penalty of \$50.00 per day for the first
18 violation or \$100.00 per day for the second and subsequent violations for each
19 day of operation without a license or in violation of law, and shall be subject to
20 such further penalties as set forth herein. The civil penalty may be assessed and
21 collected by use of all appropriate legal remedies, including the procedures set
22 out in SCC 6.01.135. Chapter 10.70 SCC does not apply to the civil penalty
23 imposed by this section.
24

25 Section 20. Snohomish County Code Section 7.35.165, adopted by Amended
26 Ordinance No. 05-136 on November 30, 2005, is amended to read:

27
28 **7.35.165 Civil penalty.**

29 (1) In addition to, or as an alternative to, any other penalty provided in this
30 chapter or by law, any person who violates this chapter, unless otherwise stated
31 herein, shall incur a civil penalty as provided as follows:

32 (a) Penalties for noncommercial violations shall be assessed at the rate of
33 \$50.00 per violation. Any person(s) engaged in the hauling, processing, or
34 disposal of solid waste generated exclusively by the person(s) or his or her
35 immediate family is engaged in a noncommercial action for purposes of this
36 chapter.

37 (b) Penalties for commercial violations shall be assessed at the rate of
38 \$250.00 per violation. Any violation other than a noncommercial violation is a
39 commercial violation.

40 (c) Each and every day or portion thereof during which any violation is
41 committed shall be a violation for purposes of this chapter.

42 (d) Second, third or repeated, but separate, violations of a like nature, by
43 the same person, are repeat violations. Penalties for repeat violations shall be
44 two times (2x) the rates identified in (a) and (b) above.

1 (2) In addition to, or as an alternative to, any other penalty provided
2 herein or by law, any person who violates SCC 7.35.125 shall incur a civil penalty
3 as provided as follows:

4 (a) Penalties for noncommercial violations shall be assessed at the rate of
5 \$50.00 per violation. Any person(s) engaged in the hauling, processing, or
6 disposal of solid waste generated exclusively by the person(s) or his or her
7 immediate family is engaged in a noncommercial action for purposes of this
8 chapter.

9 (b) Penalties for commercial violations shall be assessed at the rate set
10 forth below. Any violation other than a noncommercial violation is a commercial
11 violation.

12 ~~((4.))~~ (1) Where the vehicle used to violate SCC 7.35.125 is less than five
13 (5) tons gross weight, the penalty shall be assessed at the rate of \$500.00 per
14 violation.

15 ~~((2.))~~ (2) Where the vehicle used to violate SCC 7.35.125 is greater than
16 five (5) tons gross weight but less than ten (10) tons gross weight, the penalty
17 shall be assessed at the rate of \$1,000.00 per violation.

18 ~~((3.))~~ (3) Where the vehicle used to violate SCC 7.35.125 is greater than
19 ten (10) tons gross weight, the penalty shall be assessed at the rate of \$1,500.00
20 per violation.

21 (c) Each and every day or portion thereof during which any violation is
22 committed shall be a violation for purposes of this chapter.

23 (d) Second, third or repeated, but separate violations, of a like nature, by
24 the same person, are repeat violations. Penalties for repeat violations shall be
25 two times (2x) the rates identified in (a) and (b) above.

26 (e) Chapter 10.70 SCC does not apply to the civil penalty imposed by this
27 section.

28
29 Section 21. Snohomish County Code Section 7.53.170, last amended by
30 Amended Ordinance No. 07-030 on May 2, 2007, is amended to read:

31
32 **7.53.170 Enforcement - Chapter 10.70 and 30.85 SCC not applicable.**

33 Enforcement of violations of this chapter and standards required
34 hereunder is not subject to the provisions of ~~((chapter))~~ chapters 10.70 and 30.85
35 SCC.

36
37 Section 22. Snohomish County Code Section 9.12.030, adopted by resolution on
38 July 9, 1973, is amended to read:

39
40 **9.12.030 Civil penalty.**

41 In addition to or as an alternative to any other penalty provided herein or
42 by law, any person whose animal is maintained in violation of this title shall incur

1 a civil penalty as provided in SCC 9.12.090. Chapter 10.70 SCC does not apply
2 to the civil penalty imposed by this section.
3

4 Section 23. Snohomish County Code Section 10.01.080, last amended by
5 Ordinance No. 02-098 on December 9, 2002, is amended to read:
6

7 **10.01.080 Enforcement and appeals.**

8 (1) Administrative and Enforcement Personnel. The administrator or a
9 person designated by the administrator is authorized and directed to administer
10 and enforce the provisions of chapter 10.01 SCC pertaining to quantitative
11 standards and MSPs, except for SCC 10.01.030(5). The administrator shall also
12 be responsible for the issuance of all exemptions under SCC 10.01.050(6) and
13 (7). The Sheriff or any duly appointed deputy sheriff is authorized and directed to
14 administer and enforce the provisions of chapter 10.01 SCC pertaining to public
15 disturbance noise and SCC 10.01.030(5). The Department of Public Works is
16 authorized and directed to ensure the carrying out of the provisions of SCC
17 10.01.070(4) and (5). The Department of Planning and Development Services is
18 authorized to enforce the provisions of SCC 10.01.070(1), (2), and (3). All county
19 departments are authorized to assist the administrator, the Sheriff, the
20 Department of Planning and Development Services, and the Department of
21 Public Works in the administration and enforcement of chapter 10.01 SCC.

22 (2) Quantitative Standards Enforcement.

23 (a) Whenever the administrator has reason to believe that a violation of
24 any of the quantitative standards in section SCC 10.01.030, other than
25 10.01.030(5), has occurred, the administrator may initiate enforcement action.
26 Enforcement action shall include, at the administrator's discretion, the issuance
27 of an administrative notice and order and/or the issuance of a notice of civil
28 infraction under the provisions of Chapter 7.80 RCW. In issuing an
29 administrative notice and order the administrator shall follow the procedures
30 outlined in chapter 30.85 SCC.

31 (b) Any person charged with a civil infraction under the provisions of SCC
32 10.01.030 (excluding SCC 10.01.030(5)) shall respond to the notice of infraction
33 in the manner set forth in Chapter 7.80 RCW.

34 (c) When a civil infraction is issued each violation shall be subject to a
35 civil penalty of:

36 (i) \$100 when the violator is not engaged in commercial ventures as
37 defined in chapter 30.85 SCC; and

38 (ii) \$250 when the violator is engaged in commercial ventures as defined
39 in chapter 30.85 SCC.

40 (iii) penalties for an additional separate violation of a like nature by the
41 same person within a three year period shall be double the rates identified in this
42 section.

43 (d) In cases where the same person has been found to have committed

1 three or more violations of SCC 10.01.030 (excluding SCC 10.01.030(5)) within a
2 three year period, any subsequent violations of SCC 10.01.030 (excluding SCC
3 10.01.030(5)) within one year of the last adjudication shall constitute a
4 misdemeanor. In such cases, the administrator shall have the option of either:

5 (i) initiating an administrative notice and order proceeding which may
6 include the imposition of a monetary fine not to exceed \$1,000 for each 24 hour
7 period in which the violation persists, and/or requiring the installation of fixed
8 sound-measuring devices at the violator's property boundary at the violator's
9 expense; or

10 (ii) transmitting the case records to the prosecutor's office for prosecution
11 as a misdemeanor; or

12 (iii) any combination thereof.

13 In the event the installation of fixed sound-measuring devices is required by the
14 administrator the administrator shall also have the authority to require provision
15 of periodic monitoring reports to the county.

16 (3) Public Disturbance Enforcement. Any person found to be in violation
17 of the provisions of section SCC 10.01.040 governing public disturbance noise or
18 SCC 10.01.030(5) shall be deemed to have committed a civil infraction as
19 established in Chapter 7.80 RCW and for each violation shall be subject to a civil
20 penalty of \$50; provided that penalties for an additional separate violation of a
21 like nature by the same person within a one year period shall be \$100; and
22 provided further that any second violation within a 24 hour period shall constitute
23 a misdemeanor punishable by incarceration for a period not to exceed 90 days
24 and/or monetary fine not to exceed \$1,000. Any person charged with a civil
25 infraction under the provisions of section SCC 10.01.040 or SCC 10.01.030(5)
26 shall respond to the notice of infraction in the manner set forth in Chapter 7.80
27 RCW. Where a person has been found to have committed the same offense in
28 violation of SCC 10.01.040 or SCC 10.01.030(5) three or more times in a one
29 year period, a subsequent charge brought within one year of the last adjudication
30 constitutes a misdemeanor punishable by incarceration for a period not to
31 exceed 90 days and/or a monetary fine not to exceed \$1,000.

32 (4) Appeals. Appeals from decisions of the administrator regarding
33 violations of quantitative standards or regarding applications for MSPs or MSP
34 renewals, shall be to the hearing examiner under the following procedures,
35 provided that appeals of civil infractions shall be subject to the provisions of
36 Chapter 7.80 RCW:

37 (a) Appeals shall be filed and processed pursuant to the provisions of
38 chapter 2.02 SCC.

39 (b) At a hearing regarding a violation of the quantitative standards, the
40 administrator shall have the burden of proving the violation, which burden shall
41 be met by a preponderance of the evidence.

42 (c) At a hearing regarding an appeal of a MSP or MSP renewal, the
43 appellant shall have the burden of proof, which burden shall be by a

1 preponderance of the evidence.

2 (d) The hearing examiner's decision shall be final and conclusive with a
3 right of reconsideration as provided in SCC 2.02.170 and may then be
4 reviewable by an action for judicial review filed as provided in chapter 2.02 SCC.

5 (5) Chapter 10.70 SCC does not apply to enforcement of this chapter.

6
7 Section 24. Snohomish County Code Section 15.08.654, adopted by Ordinance
8 No. 88-006 on February 17, 1988, is amended to read:

9
10 **15.08.654 Penalties for violation.**

11 (1) Any person violating any provisions of this title for which no civil or
12 criminal penalty is provided, except for SCC 15.08.348, shall be guilty of a
13 misdemeanor and upon conviction shall be punished as provided in SCC
14 1.01.100; PROVIDED, HOWEVER, That any person violating SCC 15.08.210
15 shall be subject to a fine of not less than \$500.00 nor more than \$1,000 and/or
16 imprisonment for not less than 30 days nor more than one year..

17 (2) Chapter 10.70 SCC does not apply to enforcement of this title.

18
19 Section 25. Snohomish County Code Section 30.85.020, adopted by Amended
20 Ordinance No. 08-062 on October 1, 2008, is amended to read:

21
22 **30.85.020 Applicability.**

23 This chapter applies to violations of any provision of titles 13 and 30 SCC,
24 chapter 10.01 SCC, and other Snohomish County Code provisions within the
25 administrative jurisdiction of the Department of Planning and Development
26 Services or the Department of Public Works. Violations subject to this chapter
27 are not subject to chapter 10.70 SCC. Violations subject to this chapter include
28 but are not limited to:

29 (1) Failure to obtain required permits or authorizations within the
30 administrative jurisdiction of the applicable department;

31 (2) Failure to comply with the terms or conditions of a permit or
32 authorization issued by the applicable department;

33 (3) Failure to comply with any county code provision within the
34 administrative jurisdiction of the applicable department;

35 (4) Failure to comply with rules or regulations adopted pursuant to the
36 administrative authority of the applicable department;

37 (5) Removal without authorization or defacing any sign, notice or order
38 posted pursuant to the administrative authority of the applicable department; and

39 (6) Failure to comply with a stop work or emergency order issued under
40 this chapter.

41
42 **Part IV. Miscellaneous**

1 Section 26. **Repeal.** The following ordinances or parts of ordinances are each
2 repealed:

3 (1) Snohomish County Code Section 1.01.110, last amended by
4 Ordinance No. 91-201 on January 22, 1992;

5
6 (2) Snohomish County Code Section 10.36.220, adopted by resolution on
7 June 15, 1970; and

8
9 (3) Snohomish County Code Section 12.24.010, adopted by resolution on
10 June 30, 1975.

11
12 Section 27. **Effective date.** This ordinance shall take effect March 31, 2013,
13 Further, the Clerk of the Council shall forthwith transmit a copy of this ordinance to the
14 Presiding Judge of the Snohomish County District Court for consideration of the
15 need, if any, for adoption or amendment of local court rules relating to civil infractions
16 under local laws.

17 PASSED this 9th day of January, 2013.

18
19 SNOHOMISH COUNTY COUNCIL
20 Snohomish County, Washington

21
22
23 _____
24 Chairperson

25 ATTEST:

26 Shirley McCallister
27 Asst. Clerk of the Council

28
29 () APPROVED
30 () EMERGENCY
31 () VETOED

32 DATE: 1/14/13

33
34 _____
35 County Executive

36 ATTEST:

37 Cora E. Belcher
38
39 Approved as to form only:

40
41 _____
42 Deputy Prosecuting Attorney

43
AMENDED ORDINANCE NO. 12-111
RELATING TO UNLAWFUL CONDUCT; ESTABLISHING
A SYSTEM OF CIVIL INFRACTIONS AND REVISING OR
DECriminalIZING CERTAIN COUNTY OFFENSES, ETC. - 19

D-17