



CO00029820

COUNTY COUNCIL
Snohomish County, Washington

ORDINANCE NO. 81-015

PERTAINING TO THE REPEAL OF CIVIL PENALTIES OF
THE SNOHOMISH COUNTY CODE AS CONTAINED IN
17.40.005-17.40.040 AND THE ENACTMENT OF
CIVIL PENALTIES OF THE SNOHOMISH COUNTY
CODE AS CONTAINED IN 17.40.005-17.40.040

BE IT ORDAINED:

Section 1. Snohomish County Code Chapter 17.40 adopted
by the County Commissioners by resolution dated the 27th day
of December, 1976 is repealed.

Section 2. The following is adopted and made a part of
the Snohomish County Code:

Sections:

- 17.40.005 Violations a public nuisance.
- 17.40.010 Cumulative civil penalty.
- 17.40.020 Notice of violation--Assessment of penalty.
- 17.40.030 Collection of civil penalty.
- 17.40.035 Disclaimer of liability.
- 17.40.040 Compromise, settlement and disposition of suits.

Chapter 17.40
CIVIL PENALTIES

17.40.005 Violations a public nuisance. The following
are hereby declared to be unlawful and a public nuisance:

a. Any building or structure hereafter set up, erected,
built, moved, maintained, constructed, enlarged, altered,
repaired, improved, removed, converted, demolished,
equipped, used, occupied, or maintained contrary to the
provisions of this Title.

b. Any grading, excavating, or filling operation,
contrary to the provisions of this Title.

c. Any work done or action taken or product thereof which is contrary to this Title.

The Building Official shall take steps to abate public nuisances as defined herein. The prosecuting attorney may commence an action or actions, proceeding or proceedings for the abatement, removal or enjoinder of public nuisances as defined herein. The power hereby granted to abate a public nuisance shall be construed broadly. (Ord. adopted March 9, 1981).

17.40.010 Cumulative Civil Penalty. In addition to, or as an alternative to, any other penalty provided herein or by law, any person, firm, or corporation which violates the provisions of Chapter 17.04, 17.06, 17.16, 17.18, 17.20, 17.28 or 17.32 of this title, or violates the provisions of the Uniform Codes adopted by reference by said chapters, shall incur a cumulative civil penalty in the amount of fifty dollars (\$50.00) per day from the date set for correction pursuant to Section 17.40.020 until the violation is corrected. (Ord. adopted March 9, 1981).

17.40.020 Notice of Violation--Assessment of Penalty. Whenever the Building Official determines that a continuing violation of the above chapters of Uniform Codes is occurring, the Building Official is authorized to issue a Notice of Violation directed to the person(s) committing or causing such violation.

(a.) The Notice of Violation shall contain:

- (1) The name and address of the person(s) to whom the Notice of Violation is directed;
- (2) The street address when available or a legal description sufficient for identification of the building, structure, premises or land upon or within which the violation is occurring;
- (3) A concise description of the nature of the violation;
- (4) A statement of the action required to be taken as determined by the Building Official and a date for correction which shall be not less than twenty-one (21) days from the date of service of the Notice of Violation unless the Building Official has determined the violation to be immediately hazardous;
- (5) A statement that a Cumulative Civil Penalty in the amount of fifty dollars (\$50.00) per day shall be assessed

against the person to whom the Notice of Violation is directed for each and every day following the date set for correction on which the violation continues; and

(6) A statement that the Building Official's notification of violation may be appealed to the Board of Appeals (except where a required permit has not been obtained) by filing with the Building Official a written notice of appeal along with a twenty-five dollar (\$25.00) filing fee within twenty days of service of the Notice of Violation and that the daily civil penalty shall not accrue during the pendency of such administrative appeal.

(b) The Notice of Violation shall be served upon the person(s) to whom it is directed either personally in the manner provided for personal service of notices of complaint in justice court or by mailing a copy of the Notice of Violation by certified mail, postage prepaid, return receipt requested to such person at his last known address. Proof of personal service shall be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring time, date and the manner by which service was made.

(c) An administrative appeal of a Notice of Violation may be taken by the filing of a Notice of Appeal with the building official within twenty days of service of the Notice of Violation. Such appeals shall be heard by the Board of Appeals in such manner as set out in 17.04.080 (building code appeals), 17.16.057 (plumbing code appeals) and 17.18.045 (mechanical code appeals).

(d) For good cause shown the Building Official may extend the date set for correction in the Notice of Violation; provided that such an extension shall not affect or extend the time within which an administrative appeal must be commenced. (Ord. adopted March 9, 1981).

17.40.030 Collection of civil penalty. The Prosecuting Attorney or the Building Official on behalf of the county is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues. (Ord. adopted March 9, 1981).

17.40.035 Disclaimer of liability. Snohomish County is not responsible for the accuracy of plans (preliminary or

final) submitted for appeal to the Office of Community Development of the Snohomish County Department of Community Affairs and does not guarantee that plan reviews and/or inspections will detect all hazards, design defects or code violations. (Ord. adopted March 9, 1981).

17.40.040 Compromise, settlement and disposition of suits. The Building Official and the Prosecuting Attorney are hereby authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise or otherwise dispose of a lawsuit when to do so will be in the best interest of the county. (Ord. adopted March 9, 1981).

PASSED this 9th day of March, 1981.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Donald J. Butler
Chairperson

Ellie Simpson
Clerk of Council

- () APPROVED
- () VETOED
- () EMERGENCY

DATE: 3-16-81

Dana Lynn Johnson
Attest

Willis D. Tucker
County Executive

PUBLISHED February 21, 28 and March 27, 1981