ORDINANCE NO. 92

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON, AMENDING ORDINANCE NO. 22, THE CITY'S INTERIM ENFORCEMENT CODE, AND REPEALING ANY AMENDMENTS WHICH HAVE BEEN AUTOMATICALLY ADOPTED SINCE THE DATE OF INITIAL ADOPTION

WHEREAS, City of Shoreline Ordinance No. 22 adopted by reference Title 23 of the King County Code as the City's Interim Enforcement Code; and

WHEREAS, Ordinance No. 22 currently contains language which operates to automatically adopt amendments to Title 23 made by King County; and

WHEREAS, the City has found that there is no manageable method to monitor amendments made to Title 23 by King County and, therefore, City staff and the public may be unaware of amendments which have automatically occurred to Ordinance No. 22; and

WHEREAS, the City desires to maintain clarity in its ordinances and prevent possible confusion regarding City regulations; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON , DOES ORDAIN AS FOLLOWS:

Section 1. Amendment of Ordinance No. 22. Section 1 of City Ordinance No. 22 is hereby amended to read as follows:

Authority to Adopt Interim Enforcement Ordinance.

Pursuant to RCW 35.21.180, 35A.11.020, and 35A.21.160, the City adopts by reference Title 23, Enforcement, of the King County Code (Exhibit A, hereto), as presently constituted ((~~or hereinafter amended,~~)) as the Interim Enforcement Code. Exhibit A is hereby incorporated by reference as if fully set forth herein.

Section 2. Repeal of Amendments. Any amendments to King County Title 23 which have occurred since the date Ordinance No. 22 was adopted by the City are hereby repealed.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five (5) days after the date of publication.

PASSED BY THE CITY COUNCIL ON JUNE 24, 1996.

Mayor Connie King

ATTEST:

Sharon Mattioli, CMC
City Clerk

APPROVED AS TO FORM:

Janet E. Garrow
Interim City Attorney

Date of Publication: June 27, 1996
Effective Date: July 2, 1996

Exhibit A
Ordinance No. 92
Title 23
King County Code

Title 23
ENFORCEMENT

Chapters:

23.04 Title
23.08 Generally
23.10 Junk Motor Vehicles
23.12 Notices and Orders of the Director
23.16 Suspension and Revocation of Permits
23.20 Recovery of Civil Penalty and Cost of Abatement
23.24 Severability

Chapter 23.04
TITLE

Sections:

23.04.010 Named.

23.04.010 Named. The provisions of the ordinance codified in this title shall become a new and separate title in the King County Code entitled "Enforcement." (Ord. 2909 § 601, 1976).

Chapter 23.08
GENERALLY

Sections:

23.08.010 Administration.
23.08.020 Definitions.
23.08.030 Declaration of nuisance.
23.08.040 Right of entry.
23.08.050 Abatement proceedings - Authorized.
23.08.060 Abatement proceedings - Legal relief.
23.08.070 Technical review committee.
23.08.080 Misdemeanor.
23.08.090 Civil penalties - Procedures.
23.08.100 Civil penalties - General requirements.
23.08.110 Civil penalties - Schedules.
23.08.120 Enforcement and Penalties for Sensitive Areas.

23.08.010 Administration. The directors are authorized to utilize the procedures of this title in order to enforce violations of any land use or public health ordinance. (Ord. 2909 § 102, 1976).

23.08.020 Definitions. For the purpose of this title, the words and phrases designated in this section shall be defined as follows:

A. Committee, Enforcement Technical Review. "Enforcement technical review committee" means the committee established by Section 23.08.070 for the purpose of reviewing and coordinating enforcement actions by the directors.

B. Director. "Director," as used in this title, means the director of the department of parks, planning and resources, the director of the Seattle-King County department of public health (the "local health officer" as that term is used in RCW Chapter 70.05), the director of the department of public works, the King County fire marshal or such other person as the council shall by ordinance authorize to utilize the provisions of this title, and shall also include any duly authorized representative of such directors.

C. Examiner, Hearing. "Hearing examiner," as used in this title, means the King County zoning and subdivision examiner, as created by Ordinance 263, Article 5, King County Code (KCC), codified in Chapter 20.24, or his duly authorized representative.

D. Nuisance. "Nuisance," as used in this title, is defined as unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs, or tends to obstruct, or render dangerous for passage, any lake or navigable river, bay,

stream, canal or basin, or any public park, square, street or highway; or which in any way renders other persons insecure in life, or in the use of property.

E. Nuisance, Public. "Public nuisance," as used in this title, is defined as a nuisance which affects the rights of an entire community or neighborhood, although the extent of the nuisance may be unequal.

F. Ordinance, the Land Use. "Land use ordinance," as used in this title, includes the ordinance codified in this title and any other existing or future ordinance or resolution of the county which regulates the use and development of land, including but not limited to the following ordinances and amendments which shall be enforced by the director of the department of parks, planning and resources and director of public works or any duly authorized representative: the zoning code, Resolution 25789 (KCC Title 21); the subdivision code, Resolution 11048 (KCC Title 19); the mobile home code, Resolution 20433 (KCC Ch. 21.09); building and construction code (KCC Title 16) (part); shoreline management, Ordinance 1402 (KCC Ch. 20.40); surface water runoff, Ordinance 2281 and 7590 (KCC Title 9); grading, Ordinance 1488 (KCC Chapter 16.82). "Land use ordinance" also includes the following ordinances to be enforced by the director of the department of public works, the King County fire marshal or the director of the Seattle-King County Health Department, roads and bridges (KCC Title 14), or by the King County fire marshal, Ordinance 2097 (KCC Chapter 17.04).

G. Ordinance, Public Health. "Public health ordinance," as used in this title, includes the ordinance codified in this title and any other existing or future ordinance or resolution of the county, rules and regulations of the Board of Health, or provisions of the Washington Administrative Code which regulate the public health, including but not limited to the following ordinances and amendments which shall be enforced by the director of the Seattle-King County health department or by the director of the department of public works where applicable: health and sanitation (KCC Title 8); solid waste (KCC Title 10); rabies control (KCC Chapter 11.12); water and sewer systems (KCC Title 13); Plumbing Code (KCC Title 16) (part); mobile home code (KCC Title 18) (part); and board of health rules and regulations pertaining to food-service establishments and on-site sewage disposal systems.

H. Permit. "Permit" means any form of certificate, approval, registration, license, or other written permission given to any person to engage in any activity as required by law, ordinance or regulation.

I. Person. "Person," as used in this title, includes any natural person, organization, corporation or partnership and their agents or assigns. (Ord. 2909 § 101, 1976).

23.08.030 Declaration of nuisance. All violations of land use and public health ordinances are determined to be detrimental to the public health, safety, and welfare and are public nuisances. All conditions which are determined by a director to be in violation of any land use or public health ordinance shall be subject to the provisions of this title and shall be corrected by any reasonable and lawful means, as provided in this title. (Ord. 2909 § 103, 1976).

23.08.040 Right of entry. A. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of any land use or public health ordinance, or whenever a director or his duly authorized inspector has cause to believe that a violation of any land use or public health ordinance

has been or is being committed, the inspector may enter any building, structure, property or portion thereof at reasonable times to inspect the same.

B. If such building, structure, property or portion thereof is occupied, the inspector shall present identification credentials, state the reason for the inspection, and demand entry.

C. If such building, structure, property or portion thereof is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and demand entry. If the inspector is unable to locate the owner or such other persons, and he has reason to believe that conditions therein create an immediate and irreparable land use or health hazard, he shall make entry.

D. It is unlawful for any owner or occupant or any other person having charge, care or control of any building, structure, property or portion thereof to fail or neglect after proper demand has been given to permit prompt entry thereon where the inspector has reason to believe that conditions therein create an immediate and irreparable land use or health hazard.

E. Unless entry is consented to by the owner or person in control of any building, structure, property or portion thereof or conditions are believed to exist which create an immediate and irreparable land use or health hazard, the inspector, prior to entry, shall obtain a search warrant as authorized by the laws of the state of Washington. (Ord. 2909 § 104, 1976).

23.08.050 Abatement proceedings - Authorized. In addition to or as an alternative to any other judicial or administrative remedy provided in this title or by law or other ordinance, a director may order a land use or public health ordinance violation to be abated. A director may order any person who creates or maintains a violation of any land use or public health ordinance, or rules and regulations adopted thereunder, to commence corrective work and to complete the work within such time as a director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, a director will proceed to abate the violation and cause the work to be done. He will charge the costs thereof as a lien against the property and as both a joint and separate personal obligation of any person who is in violation. (Ord. 2909 § 107, 1976).

23.08.060 Abatement proceedings - Legal relief. Notwithstanding the existence or use of any other remedy, a director may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any land use or public health ordinance or rules and regulations adopted thereunder. (Ord. 2909 § 108, 1976).

23.08.070 Technical review committee. A. There is established the enforcement technical review committee, consisting of one designated representative from each of the following departments or offices: the department of planning and community development, the Seattle-King County department of public health, the department of public works and transportation, the department of public safety and the office of the prosecuting attorney. The committee shall select one member as its chairperson. The committee shall meet periodically and at such times as it deems necessary to carry out the functions specified in this title.

B. The functions of the committee include the following:

1. Assure coordinated enforcement in cases involving multiple locations.

2. Review and recommend appropriate enforcement actions in the case of complex or protracted violations or in any other case consulted by a director;

3. Develop efficient methods of identifying and enforcing violations and avoiding duplication of enforcement functions among county and other agencies. (Ord. 2909 § 109, 1976).

23.08.080 Misdemeanor. As an alternative to any other judicial or administrative remedy provided in this title or by law or other ordinance, any person who wilfully or knowingly violates any land use or public health ordinance, or rule and regulation adopted thereunder, or any order issued pursuant to this title, or by each act of commission or omission procures, aids or abets such violation, is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed one thousand dollars and/or imprisonment in the county jail for a term not to exceed ninety days. Each day such violation continues shall be considered an additional misdemeanor offense. (Ord. 9614 § 121, 1990: Ord. 2909 § 105, 1976).

23.08.090 Civil penalties - Procedures. A. Any person or organization who violates any land use or public health ordinance, or rules and regulations adopted thereunder, or the conditions of any permit issued pursuant to such ordinance, rule or regulation, or who, by any act of commission or omission procures, aids or abets such violation shall be subject to civil penalties as provided in this chapter.

B. Civil penalties may be directly assessed by the appropriate director by means of a notice and order issued pursuant to Chapter 23.12 or may be recovered by legal action filed in King County Superior Court by the prosecuting attorney on behalf of King County.

C. Civil penalties assessed by means of a notice and order shall be collected in accordance with the lien, personal obligation, and other procedures specified in this title. Civil penalties assessed in a legal action in Superior Court shall be collected in the same manner as judgments in civil actions. (Ord. 4569 § 2, 1979).

23.08.100 Civil penalties - General requirements. A. Any person engaged in the development, management, sale, rental or use of property solely for the purpose of residential occupancy by said person or his or her immediate family shall be deemed to be engaged in noncommercial ventures for purposes of this chapter. All other persons shall be deemed to be engaged in commercial ventures for purposes of this chapter.

B. Each and every day or portion thereof during which any violation is committed, continued, permitted or not corrected shall be deemed a violation for purposes of this title. Civil penalties for failure to obtain any required permit shall begin to accrue on the first day activity subject to the permit requirement is commenced and shall cease to accrue on the day the permit is obtained. Civil penalties for violation of any stop work order shall begin to accrue on the first day the stop work order is posted and shall cease on the day the work is actually stopped. (Ord. 4569 § 3, 1979).

23.08.110 Civil penalties - Schedules. A. Civil penalties for violations of persons engaged in commercial ventures shall be assessed pursuant to the following schedule:

Violation of K.C.C. Chapter 8.12	- $1000 per violation
Violation of K.C.C. Chapter 8.60	- $ 500 per violation
Violation of K.C.C. Title 10	- $1000 per violation
Violation of K.C.C. Chapter 12.92	- $ 500 per violation

Violation of K.C.C. Title 13	- $ 250 per violation
Violation of K.C.C. Chapter 16.82	- $ 500 per violation
Violation of K.C.C. Title 19	- $ 250 per violation
Violation of K.C.C. Chapter 21.54	- See provisions in K.C.C. 23.08.120
Violation of any stop work order	- $ 500 per violation
Violation of any stop work order issued for a violation of K.C.C. Chapter 21.54	- $2000 per violation
All other violations	- $ 150 per violation

B. Civil penalties for violations by persons engaged in noncommercial ventures shall be assessed pursuant to the following schedule:

Violation of K.C.C. Chapter 8.12	- $ 500 per violation
Violation of K.C.C. Chapter 8.60	- $ 250 per violation
Violation of K.C.C. Chapter 16.82	- $ 100 per violation
Violation of K.C.C. Title 19	- $ 100 per violation
Violation of K.C.C. Title 10	- $ 500 per violation
Violation of K.C.C. Chapter 21.54	- See provisions in K.C.C. 23.08.120
Violation of any stop work order	- $ 100 per violation
Violation of any stop work order issued for a violation of K.C.C. Chapter 21.54	- $1000 per violation
All other violations	- $ 25 per violation

C. Penalties for the second separate violation by the same person shall be double the rates identified in subsections A. and B. of this section. Penalties for any separate violation beyond a second violation by the same person shall be triple the rates identified in subsections A. and B. of this section; provided that for violation of K.C.C. Chapter 21.54 penalties shall be assessed in accordance with K.C.C. 23.08.120. Each day on which activity occurs in violation of a stop work order shall be deemed a separate violation for purposes of this section. (Ord. 9614 § 118, 1990: Ord. 7708 § 3, 1986: Ord. 4569 § 4, 1979).

23.08.120 Enforcement and Penalties for Sensitive Areas. The enforcement provisions for sensitive areas are intended to encourage compliance with K.C.C. 21.54 and protect sensitive areas and the public from harm. To achieve this, violators will not only be required to restore damaged sensitive areas, insofar as that is possible, but will also be required to pay a civil penalty for the redress of ecological, recreational, and economic values lost or damaged due to their unlawful action.

A. The provisions in this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law.

B. In all cases, the owner of the land shall be named as a party to the notice and order. In addition to any other persons who may be liable for violations, the owner shall be jointly and severally liable for the restoration of a site and payment of any civil penalties imposed.

C. Violation of this chapter means the violation of any provision of K.C.C. 21.54 or of the administrative rules promulgated hereunder, or of any permit or approval or stop work order or any other order issued pursuant hereto, or of any of the terms and conditions of any sensitive area tract or setback area, easement or other covenant, plat restriction or binding assurance, or of any mitigation plan, or contract or agreement concluded pursuant to the above-mentioned provisions of this ordinance.

D. Civil penalties. Any person in violation of Chapter 21.54 shall be subject to civil penalties assessed as follows:

1. An amount reasonably determined by the director to be equivalent to the economic benefit that the violator derives from the violation as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator performing any act in violation of this chapter; and

2. An amount, not to exceed $25,000, that is reasonably based upon the nature and gravity of the violation and the cost to the county of enforcing this chapter against the violator.

3. Any civil penalty recovered under this section shall be deposited in the Sensitive Areas Mitigation Fund for use by the county in protecting or restoring sensitive areas as set forth in K.C.C. 21.54.150.

4. No civil penalty shall be imposed under this chapter upon King County or county employees for any act or omission relating to the administration or enforcement of this chapter.

F. Revocation or Refusal to Accept Application.

1. In addition to the revocation and suspension provisions set forth in K.C.C. Chapter 23.16., a permit or approval that is subject to sensitive areas review may be revoked or suspended upon failure by an applicant to disclose a change of circumstances on the development proposal site which materially affects his or her ability to meet the permit or approval conditions or which makes inaccurate the sensitive area study that was the basis for imposing permit or approval conditions.

2. In addition to any other enforcement method, to further the remedial purposes of this section, King County shall refuse to accept any application for a permit or approval for a development proposal for any property on which a violation of this chapter has occurred, on which a violation of any prior ordinance repealed by this chapter or of the administrative rules promulgated thereunder or of any permit, approval, order, easement plan or agreement issued pursuant thereto has occurred. Such refusal shall continue until the violation is cured by restoration accepted as complete by King County and by payment of any civil penalty imposed for the violation. Provided that, applications for permits or approvals shall be accepted to the extent necessary to accomplish any required cure.

3. In order to further the remedial purpose of this section, King County shall refuse to accept any application for a development proposal permit or approval from any person found to have violated this chapter until the violation is cured by restoration accepted as complete by King County or a mitigation plan and performance bond to ensure completion has been approved by King County and by payment of any civil penalty imposed for the violation. Provided that, applications shall be accepted to the extent necessary to accomplish any required cure.

4. For the purposes of this subsection, a person will be deemed to have been found in violation of this chapter:

a. When a notice and order alleging a violation is issued and not timely appealed; or

b. When a determination is made by a hearing examiner that a person has committed a violation, unless that determination is timely appealed to Superior Court and is thereupon reversed or otherwise stayed.

G. Any person subject to the provisions of this chapter who violates any provision of this chapter shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area, within a reasonable time, to its condition prior to such violation. (Ord. 9614 § 120, 1990).

Chapter 23.10
JUNK MOTOR VEHICLES

Sections:

23.10.010 Purpose.
23.10.020 Definitions.
23.10.030 Certification.
23.10.040 Violations.
23.10.050 Exceptions.
23.10.060 Notice required.
23.10.070 Determination of responsibility.
23.10.080 Hearing.
23.10.090 Abatement and removal.
23.10.100 Costs of removal and disposal.
23.10.110 Rules and procedures.

23.10.010 Purpose. The purpose of this chapter is to establish procedures for the abatement and removal as public nuisances of junk motor vehicles pursuant RCW 46.55.240. (Ord. 7846 § 1, 1986).

23.10.020 Definitions. "Junk vehicle" means a motor vehicle certified under Section 23.10.030 as meeting all the following requirements:

A. Is three years old or older;

B. Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;

C. Is apparently inoperable;

D. Is without a valid, current registration plate;

E. Has a fair market value equivalent only to the value of the scrap in it. (Ord. 7846 § 2, 1986).

23.10.030 Certification. Any individual authorized by the manager of the building and land development division may inspect and certify that a vehicle meets the requirements of a junk vehicle. Such certification shall be in writing and shall record the make and vehicle identification number and license number of the vehicle if available. The certifying individual shall also describe in detail the damage or missing equipment to verify that the value of the junk vehicle is equivalent only to the value of scrap. (Ord. 7846 § 3, 1986).

23.10.040 Violations. It shall be unlawful to park, store or abandon junk vehicles on private property with exceptions as provided in Section 23.10.050. Such a violation shall be a nuisance subject to the abatement procedure set out in this chapter and shall be deemed a violation of a land use ordinance for purposes of K.C.C. Title 23. The procedures in this chapter are in addition to the existence and use of any other remedy available. (Ord. 7846 § 4, 1986).

23.10.050 Exceptions. This chapter shall not apply to a vehicle or part thereof which: (1) is not visible from the street or other public or private property; or (2) is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer and is fenced as required by state law. (Ord. 7846 § 5, 1986).

23.10.060 Notice required. A. The last registered vehicle owner of record and the property owner of record shall each be given notice by certified mail, with a return receipt requested, that a public hearing may be requested before the zoning and subdivision examiner and that if no hearing is requested within 15 days from the date of the postmark of the notice, the vehicle or automobile hulk will be removed.

B. If a request for hearing is received within 15 days of the postmark, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or vehicles or part(s) as a public nuisance shall be mailed, by certified mail with a return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record of each vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership or the owner of the land has denied the certifying individual entry to the land to obtain the vehicle identification number. (Ord. 7846 § 6, 1986).

23.10.070 Determination of responsibility. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and may deny responsibility for the presence of the vehicle on the land stating the reason for such denial. If it is determined by the hearing officer that the vehicle was placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in its presence, then costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located nor otherwise be collected from the land owner. Nothing in this chapter shall relieve the property owner from any civil penalties which may accrue from any zoning code violation related to the improper placement, parking, or storage of vehicles or parts thereof. (Ord. 7846 § 7, 1986).

23.10.080 Hearing. In addition to determination of responsibility as provided in Section 23.10.070, the hearing officer shall receive and examine evidence on issue of whether a public nuisance as defined in this chapter exists. The decision of hearing examiner shall be final. Any futher approval shall be a prescribed in K.C.C. 20.24.240 B. (Ord. 7846 § 8, 1986).

23.10.090 Abatement and removal. After notice has been given that the county intends to dispose of the vehicle or vehicles or part(s) thereof, and after a hearing has been held if requested consistent with this chapter and with K.C.C. 20.24, the vehicle(s) or part(s) thereof shall be removed at the direction of a law enforcement officer or zoning code enforcement officer. The vehicle(s) or part(s) thereof shall be disposed at a licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the department of licensing that the vehicle has been wrecked. (Ord. 7846 § 9, 1986).

23.10.100 Costs of removal and disposal. A. The costs of removal and disposal shall be assessed against the last registered owner if the identity of the owner can be determined unless the owner in the transfer of ownership complied with RCW 46.12.101, or against the owner of the property on which the vehicle is stored subject to Section 23.10.070, or both. If both the owner of the vehicle and the property owner are assessed the costs of removal, then liability for the costs shall be their joint and separate obligation.

B. The costs of administration and of removal and disposal of the vehicle may be recovered pursuant to K.C.C. Chapter 23.20. (Ord. 7846 § 10, 1986).

23.10.110 Rules and procedures. The manager of the building and land development division may adopt such rules as may be necessary to effectively implement and administer this chapter, consistent with K.C.C. 2.98. (Ord. 7846 § 11, 1986).

Chapter 23.12
NOTICES AND ORDERS OF THE DIRECTOR

Sections:

23.12.010 Initiation.
23.12.020 Issuance - Contents.
23.12.030 Issuance - Supplemental.
23.12.040 Service.
23.12.050 Administrative conference.
23.12.060 Appeals.
23.12.070 Final order - Designated.
23.12.080 Final order - Enforcement.

23.12.010 Initiation. A. Whenever a director has reason to believe that a use or condition exists in violation of any land use or public health ordinance, or rules and regulations adopted thereunder, he shall initiate enforcement action under Sections 23.08.080 or 23.08.060, and/or, at his option, he shall commence an administrative notice and order proceeding under this chapter to cause the assessment of a civil penalty pursuant to Section 23.08.090, abatement pursuant to Section 23.08.050, or suspension and revocation of any permits issued pursuant to Chapter 23.16.

B. Pending commencement and completion of the notice and order procedure provided for in this chapter, a director may cause a stop work order to be posted on the subject property or served on persons engaged in any work or activity in violation of a land use or public health ordinance. The effect of such a stop work order shall be to require the immediate cessation of such work or activity until authorized by a director to proceed; provided, however, in the case of a violation of the sensitive area code as defined in K.C.C. Chapter 21.54, a stop work order shall require that all activity on the development proposal site cease until authorized by a director to proceed.

C. Upon issuance of any notice of order, the director may file a copy of the same with the office of records and elections. Following satisfactory resolution of the notice and order, the director shall file a notice of satisfaction with the office of records and elections. (Ord. 9614 § 119, 1990: Ord. 2909 § 201, 1976).

23.12.020 Issuance - Contents. A. Whenever a director has reason to believe that violation of a land use or public health ordinance or any rules and regulations adopted thereunder will be most promptly and equitably terminated by an administrative notice and order proceeding, he shall issue a written notice and order directed either to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation. Such notice and order may be issued by any director alone or, where violations of more than one county ordinance, rule or regulation exist, in conjunction with a notice and order issued by another director.

B. The notice and order shall contain:

1. The street address, when available, and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;

2. A statement that a director has found the person to be in violation of a land use or public health ordinance with a brief and concise description of the conditions found to be in violation;

3. A statement of the corrective action required to be taken. If a director has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commence within such time and be completed within such time as a director determines is reasonable under the circumstances;

4. A statement specifying the amount of any civil penalty assessed on account of the violation and, if applicable, the conditions on which assessment of such civil penalty is contingent;

5. Statements advising that:

a. If any required work is not commenced or completed within the time specified, a director will proceed to abate the violation and cause the work to be done and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation, and

b. If any assessed civil penalty is not paid, a director will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation;

6. A statement advising that the order shall become final, unless, no later than ten days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the hearing examiner. (Ord. 2909 § 202, 1976).

23.12.030 Issuance - Supplemental. A director may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders contained in this title. (Ord. 2909 § 207, 1976).

23.12.040 Service. Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by certified mail in the manner provided in this section shall be effective on the date of postmark. The notice and order may be, but is not required to be posted on the subject property. (Ord. 2909 § 203, 1970).

23.12.050 Administrative conference. An informal administrative

conference may be conducted at any time by a director for the purposes of bringing communications between concerned parties, and providing a forum for efficient resolution of any violation. A director may call a conference in response to a request from any person aggrieved by the director's order, or the director may call a conference on his own motion. Attendance at the hearing shall be determined by the director and need not be limited to those named in a notice and order. The director may, but is not required, to involve the enforcement technical review committee. As a result of information developed at the conference, the director may affirm, modify or revoke his order. The administrative conference is optional with a director and is not a prerequisite to utilization of any of the enforcement provisions described in this title. (Ord. 2909 § 204, 1976).

23.12.060 Appeals. A. Any person aggrieved by the order of a director may request in writing within ten days of the service of the notice and order an appeal hearing before the King County hearing examiner. The request shall cite the notice and order appealed from and contain a brief statement of the reasons for seeking the appeal hearing.

B. The appeal hearing shall be conducted on the record and the hearing examiner shall have such rule-making and other powers necessary for conduct of the hearing as are specified by Section 20.24.150. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten days prior to the date of the hearing to each appealing party, to the director whose order is being appealed, and to other interested persons who have requested in writing that they be so notified. The director whose order is being appealed may submit a report and other evidence indicating the basis for the enforcement order.

C. Each party shall have the following rights, among others:

1. To call and examine witnesses on any matter relevant to the issues of the hearing;

2. To introduce documentary and physical evidence;

3. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;

4. To impeach any witness regardless of which party first called him to testify;

5. To rebut evidence against him;

6. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.

D. Following review of the evidence submitted, the hearing examiner shall make written findings and conclusions, and shall affirm or modify the order previously issued if he finds that a violation has occurred. He shall reverse the order if he finds that no violation occurred. The written decision of the hearing examiner shall be mailed by certified mail, postage prepaid, return receipt requested to all the parties.

E. Whenever possible, the appeal from a director's order shall be combined with any other appeal from county enforcement actions relating to the same subject matter and falling within the jurisdiction of the hearing examiner. (Ord. 2909 § 205, 1976).

23.12.070 Designated. A. Any order duly issued by a director pursuant to the procedures contained in this title shall become final ten days after service of the notice and order unless a written request for hearing is received by the hearing examiner within the ten-day period.

B. An order which is subjected to the appeal procedure shall become final twenty days after mailing of the hearing examiner's decision unless within that time period an aggrieved person initiates review by writ of certiorari in King County Superior Court. (Ord. 2909 § 206, 1976).

23.12.080 Final order - Enforcement. A. If, after any order duly issued by a director has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, a director may:

1. "Cause such person to be prosecuted under the provisions of this title; and/or

2. Institute any appropriate action to collect a civil penalty assessed under this title; and/or

3. Abate the land use or health violation using the procedures of this title; and/or

4. File in the office of the Records and Elections Division a certificate describing the property and the violation and stating that the owner has been so notified; and/or

5. Pursue any other appropriate remedy at law or equity under this title.

B. Enforcement of any notice and order of a director issued pursuant to this title shall be stayed during the pendency of any appeal under this title, except when a director determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued. (Ord. 2909 § 208, 1976).

Chapter 23.16
SUSPENSION AND REVOCATION OR PERMITS

Sections:

23.16.010 Suspension - Cause.
23.16.020 Revocation - Cause.

23.16.010 Suspension - Cause. A. A director may temporarily suspend any permit issued under a land use or health ordinance for:

1. Failure of the holder to comply with the requirements of any land use or public health ordinance or rules or regulations promulgated thereunder; or

2. Failure to comply with any notice and order issued pursuant to this title.

B. Such permit suspension shall be carried out through the notice and order provisions of this title, and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided by this title.

C. Notwithstanding any other provision of this title, whenever a director finds that a violation of any land use or public health ordinance or rules and regulations has created or is creating an unsanitary, dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he may, without service of a written notice and order, suspend and terminate operations under the permit immediately. (Ord. 2909 § 301, 1976).