

CITY OF SAMMAMISH
WASHINGTON

ORDINANCE NO. 099-42

**AN ORDINANCE OF THE CITY OF SAMMAMISH,
WASHINGTON, AMENDING ORDINANCE NO. 099-29,
THE INTERIM SAMMAMISH DEVELOPMENT CODE,
FOR THE PURPOSE OF ADDING A NEW SECTION TO BE
DESIGNATED TITLE 23, DEVELOPMENT CODE
COMPLIANCE**

WHEREAS, the City of Sammamish adopted Ordinance No. 099-29 as the Interim Sammamish Development Code; and

WHEREAS, the City desires to add a new section to the Interim Sammamish Development Code that will provide for code compliance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAMMAMISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

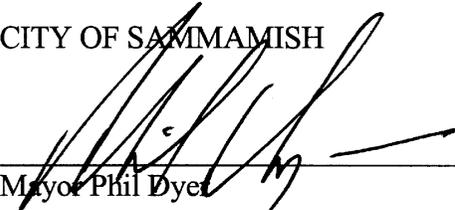
Section 1. Interim Sammamish Development Code Amended. Ordinance No. 099-29 is hereby amended to add a new section, which shall be designated Title 23, Development Code Compliance. Title 23 shall be as set forth in Exhibit "A" which is attached hereto and by this reference fully incorporated herein.

Section 2. 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 pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 27 DAY OF October, 1999.

CITY OF SAMMAMISH



Mayor Phil Dye

ATTEST/AUTHENTICATED:



Ruth Muller, Interim City Clerk

Approved as to form:



Bruce L. Disend, City Attorney

Filed with the City Clerk: *October 21, 1999*
Passed by the City Council: *October 27, 1999*
Ordinance No. *099-42*
Date of Publication: *November 3, 1999*

Title 23
DEVELOPMENT CODE COMPLIANCE

Chapters:

- 23.01 Name and Purpose
- 23.02 General Provisions
- 23.10 Not Used.
- 23.20 Citations
- 23.24 Notice and Orders
- 23.28 Stop Work Orders
- 23.32 Civil Fines and Civil Penalties
- 23.36 Appeals and Judicial Enforcement
- 23.40 Liens
- 23.99 Miscellaneous Provisions

Chapter 23.01
NAME AND PURPOSE

Sections:

- 23.01.010 Name and purpose.
- 23.01.020 Statement of policy.

23.01.010 Name and purpose. A. This title shall be known as "Development Code Compliance". The purpose of this title is to identify processes and methods to encourage compliance with development ordinances and regulations adopted by the City of Sammamish to promote and protect the general public health, safety and environment of City residents. This title declares certain acts to be civil violations and establishes non-penal enforcement procedures and civil penalties. This title also declares certain acts to be misdemeanors.

B. It is the intention of the City to pursue code compliance actively and vigorously in order to protect the health, safety and welfare of the general public. This City intention is to be pursued in a way that is consistent with adherence to, and respectful of, fundamental constitutional principles.

C. While this title does authorize the City of Sammamish to take action to enforce City ordinances and regulations, it shall not be construed as placing responsibility for code compliance or enforcement upon the City in any particular case, or as creating any duty on the part of the City to any particular person or class of persons. 23.01.020 Statement of policy. It is the policy of the City of Sammamish to emphasize code compliance by education and prevention as a first step. This policy is designed to ensure code compliance and timely action that is available to all persons and uniform in its implementation. While warnings and voluntary compliance are desirable as a first step, enforcement and civil penalties should be used for remedial purposes as needed to assure and effect code compliance. Abatement or remediation should be pursued when appropriate and feasible. Uniform and efficient procedures, with consistent application tailored by regulation should be used to accomplish this policy.

Chapter 23.02
GENERAL PROVISIONS

Sections:

- 23.02.010 Definitions.
- 23.02.020 Relationship to growth management plan.
- 23.02.030 Declaration of public nuisance, misdemeanor.
- 23.02.040 Enforcement authority and administration.
- 23.02.050 Guidelines for departmental responses to complaints.
- 23.02.060 Initial investigation.
- 23.02.070 Procedures when probable violation identified.
- 23.02.080 Service - citation, notice and order and stop work order.
- 23.02.090 Voluntary compliance agreement authority.
- 23.02.100 Failure to meet terms of voluntary compliance agreement.
- 23.02.110 Right of entry.
- 23.02.120 Training and rulemaking.
- 23.02.130 Obligations of persons responsible for code compliance.

23.02.010 Definitions. The words and phrases designated in this section shall be defined for the purposes of this title as follows:

A. Abate. "Abate" means to take whatever steps are deemed necessary by the Director to return a property to the condition in which it existed before a civil code violation occurred or to assure that the property complies with applicable code requirements. Abatement may include, but is not limited to, rehabilitation, demolition, removal, replacement or repair.

B. Civil code violation. "Civil code violation" means and includes an act or omission contrary to:

1. Any ordinance, resolution, regulation or public rule of the City that regulates or protects the use and development of land or water, whether or not such ordinance, resolution or regulation is codified; and/or

2. The conditions of any permit, notice and order or stop work order issued pursuant to any such ordinance, resolution, regulation or public rule.

C. Director. "Director" means the Director of the Department of Community Development, or his or her representatives authorized in writing.

2. Not Used.

3. Not Used

4. Not Used

5. Not Used.

6. Not Used.

D. Hearing examiner. "Hearing examiner" means the City of Sammamish Hearing Examiner, as provided in ISDC chapter 20.24.

E. Mitigate. "Mitigate" means to take measures, subject to City approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

F. Permit. "Permit" means any form of certificate, approval, registration, license or any other written permission issued by the City. All conditions of approval, and all easements and use limitations shown on the face of a approved final plat map which are intended to serve or protect the general public are deemed conditions applicable to all subsequent plat property owners and their tenants and agents as permit requirements enforceable under this title.

G. Person. "Person" means any individual, association, partnership, corporation or legal entity, public or private, and the agents and assigns of such individual, association, partnership, corporation or legal entity.

H. Person responsible for code compliance. "Person responsible for code compliance" means the person who caused the violation, if that can be determined, and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy property where a civil code violation occurs.

I. Remediate. "Remediate" means to restore a site to a condition that complies with sensitive area or other regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition which does not pose a probable threat to the environment or to the public health, safety or welfare.

J. Resolution. "Resolution" for purposes of this title means any resolution adopted by the Sammamish City Council.

K. Public rule. "Public rule" means any rule properly promulgated to implement code provisions.

23.02.020 Relationship to growth management plan. This title is adopted as development regulations pursuant to chapter 36.70A RCW (Growth Management Act).

23.02.030 Declaration of public nuisance, misdemeanor. A. All civil code violations are hereby determined to be detrimental to the public health, safety and environment and are hereby declared public nuisances. All conditions determined to be civil code violations shall be subject to and enforced pursuant to the provisions of this title except where specifically excluded by law or regulation.

B. Any person who willfully or knowingly causes, aids or abets a civil code violation pursuant to this title by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person 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 week (seven days) such violation continues shall be considered a separate misdemeanor offense. As an alternative, or in addition to any other judicial or administrative remedy provided in this title or by law or other regulation, the Director may request that the City Attorney consider filing a misdemeanor complaint against the persons responsible for code compliance when the Director has documentation or evidence that the violation was willful and knowing.

23.02.040 Enforcement authority and administration. A. In order to discourage public nuisances and otherwise promote compliance with applicable code provisions, the Director may, in response to field observations or reliable complaints, determine that civil code violations have occurred or are occurring and may:

1. Enter into voluntary compliance agreements with persons responsible for code compliance;
2. Issue citations and assess civil penalties as authorized by ISDC chapter 23.20.
3. Issue notice and orders, assess civil penalties and fines and recover costs as authorized by ISDC chapter 23.24;
4. Order abatement by means of a notice and order, and if such abatement is not timely completed by the person responsible for code compliance, undertake the abatement and charge the reasonable costs of such work as authorized by ISDC chapter 23.24;
5. Allow a person responsible for code compliance to perform community service in lieu of paying civil penalties as authorized by ISDC chapter 23.24;
6. Order work stopped at a site by means of a stop work order, and if such order is not complied with, assess civil penalties, as authorized by ISDC chapter 23.28; and/or
7. Suspend, revoke or modify any permit previously issued by a Director or deny a permit application as authorized by ISDC chapter 23.24 when other efforts to achieve compliance have failed.

B. Not used.

C. The procedures set forth in this title are not exclusive. These procedures shall not in any manner limit or restrict the City from remedying civil code violations or abating civil code violations in any other manner authorized by law.

D. In addition or as an alternative to utilizing the procedures set forth in this title, the Director may seek legal or equitable relief to abate any conditions or enjoyn any acts or practices which constitute a civil code violation.

E. In addition or as an alternative to utilizing the procedures set forth in this title, the Director may assess or recover civil penalties accruing under this title by legal action filed in King County superior court by the City Attorney..

F. The provisions of this title shall in no way adversely affect the rights of the owner, lessee or occupant of any property to recover all costs and expenses incurred and required by this title from any person causing such violation.

G.

The Director may use the services of a collection agency in order to collect any fines, penalties, fees or costs owing under this title.

H. In administering the provisions for code enforcement, the Director shall have the authority to waive any one or more such provisions so as to avoid substantial injustice by application thereof to the acts or omissions of a public or private entity or individual, or acts or omissions on public or private property including, for example, property belonging to public or private utilities, where no apparent benefit has accrued to such entity or individual from a code violation and any necessary remediation is being promptly provided. For purposes of this clause, substantial injustice cannot be based on economic hardship.

I. The provisions of this title detailing the administration of code compliance procedures are intended only for the purpose of providing guidance to City employees and are not to be construed as creating a basis for appeal or a defense of any kind to an alleged violation.

J. The provisions of this title authorizing the enforcement of non-codified ordinances are intended to assure compliance with conditions of approval on plats, unclassified use permits, zone reclassifications and other similar permits or approvals which may have been granted by ordinances which have not been codified, and to enforce new regulatory ordinances which are not yet codified. The Department should be sensitive to the possibility that citizens may not be aware of these ordinances, and should give warnings prior to enforcing such ordinances, except in high risk cases.

23.02.050 Guidelines for departmental responses to complaints. A. The following guidelines should be applied by the Department, subject to Department resource limitations, when responding to code compliance complaints. The timelines identified below may be modified by Department rule, subject to council review and approval.

1. High risk investigations needing an urgent response (within twenty-four hours) include any cases in which:

a. there is an imminent likelihood of or actual bodily harm, damage to public resources or facilities, damage to real or personal property, public health exposure, or environmental damage or contamination; or

b. the sites and/or persons responsible for code compliance have a history of prior high or moderate risk violations.

2. Moderate risk investigations needing a prompt response (within seventy-two hours) include cases where:

a. there is risk of bodily harm, damage to public resources and/or facilities, damage to real or personal property, or environmental damage or contamination; or

b. the subject sites and/or persons responsible for code compliance have a history of prior low risk violations; or

c. there are ongoing moderate or low risk violations.

d. Not used.

3. Low risk investigations needing response as time permits (within two weeks of violation being identified by code compliance staff) include cases where:

a. the violation is non-emergent, does not fit within the high risk or moderate risk categories and has only minor public impacts; and

b. the violation is an isolated incident.

B. The response times set out in this section are not jurisdictional, and failure to meet them in any particular case shall not affect the City's authority to enforce City code provisions with regard to that case.

23.02.060 Initial investigation. This section sets forth guidelines for more specific procedures to be used by the Department in implementing this title. The guidelines set forth in this section are not jurisdictional, and failure to meet them in any particular case shall not affect the City's authority to enforce City code provisions with regard to that case.

A. Field verification.

Except in emergencies and for low risk case complaints, field verification should be made if possible prior to, concurrent with or shortly after notifying the owner, occupant, and/or other person responsible for code compliance of the potential or alleged violation. Low risk case complaints should be acknowledged by sending a letter to the person(s) responsible for code compliance. The letter should state that a violation may have occurred, but has not been verified, and should ask the recipient to contact the person issuing the letter.

B. Advising interested parties of receipt of complaint and/or field investigation.

1. The owner, occupant and person responsible for code compliance (if not an owner or occupant) should be advised of any complaint by personal contact, phone, posting and mail.

2. The complainant should be contacted by phone and, if possible, in person during the field visit.

C. The Department will record all violations in a database system.

D. To the extent possible, the Department shall check its own records and the records of other agencies for previous violations on the site of the alleged violation or by the owner or occupant of the site or such other person as may be responsible for code compliance.

E. Staff undertaking field investigations shall comply with the provisions of this title regarding right of entry.

23.02.070 Procedures when probable violation identified. **A.** The Department shall determine, based on information derived from sources such as field observations, the statements of witnesses, relevant documents and data systems for tracking violations and applicable City codes, whether or not a violation has occurred. As soon as the Department has reasonable cause to determine that a violation has occurred, it shall document the violation and promptly notify the owner, occupant and/or other person responsible for code compliance.

B. Except as provided in subsection D, a warning shall be issued verbally or in writing promptly when a field inspection reveals a violation, or as soon as the Department otherwise determines that a violation has occurred. The warning shall inform the person determined to be responsible for code compliance of the violation and allow the person an opportunity to correct it or enter into a voluntary compliance agreement as provided for by this title. Verbal warnings shall be logged and followed up with a written warning within three days, and the site shall be re-inspected within fourteen days.

C. The guidelines set forth in this section for warnings, notifications and re-inspections are not jurisdictional, and failure to meet them in any particular case shall not affect the City's authority to enforce City code provisions with regard to that case.

D. No warning need be issued in high risk cases, emergencies, repeat violation cases, cases that are already subject to a voluntary compliance agreement, cases where the violation creates a situation or condition that is not likely to be corrected within a short period of time, cases where a stop work order is necessary, or when the person responsible for code compliance knows or reasonably should have known that the action was a civil code violation.

E. Citations may be issued in moderate and low risk cases, provided that the Department determines it is probable that violation can likely be fully corrected in a short period of time.

F. Notice and orders should be issued in all high risk cases in which a voluntary compliance agreement has not been entered into. Notice and orders may be issued in moderate and low risk cases where the Department determines that the violation is unlikely be fully corrected in a short period of time.

G. The Department shall use all reasonable means to determine and cite the person or persons actually responsible for the violation occurring when the owner has not directly or indirectly caused the violation.

H. If the violation is not corrected or a voluntary compliance agreement is not achieved within a thirty days, a citation, notice and order or stop work order should be issued. Citations should be issued within thirty days from receipt of a complaint, and notice and orders should be

issued within sixty days from receipt of a complaint. Stop work orders should be issued promptly upon discovery of a violation in progress.

I. All complainants will be asked by staff at the time a complaint is filed if they wish to be kept advised of enforcement efforts. Any complainant who provides a mailing address and requests to be kept advised of enforcement efforts should be mailed a copy of all written warnings, voluntary compliance agreements, citations, notice and orders, stop work orders and notices of settlement conferences issued by the Department with regard to the alleged violation. Any complainant who is an aggrieved person may appeal a citation, notice and order, stop work order, a determination to enter into a voluntary compliance agreement or a determination not to issue a citation or order pursuant to the provisions of ISDC chapter 20.24, provided that the appeal shall be considered a civil proceeding, and any decision to pursue criminal sanctions shall remain the obligation of the City Attorney, as set out in ISDC 23.02.030.

23.02.080 Service - citation, notice and order, and stop work order.

A. Service of a citation or notice and order shall be made on a person responsible for code compliance by one or more of the following methods:

1. Personal service of a citation or notice and order may be made on the person identified by the Department as being responsible for code compliance, or by leaving a copy of the citation or notice and order at that person's house of usual abode with a person of suitable age and discretion who resides there.

2. Service directed to the landowner and/or occupant of the property may be made by posting the citation or notice and order in a conspicuous place on the property where the violation occurred and concurrently mailing notice as provided for below, if a mailing address is available.

3. Service by mail may be made for a citation or a notice and order by mailing two copies, postage prepaid, one by ordinary first class mail and the other by certified mail, to the person responsible for code compliance at his or her last known address, at the address of the violation, or at the address of the place of business of the person responsible for code compliance. The taxpayer's address as shown on the tax records of the County shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the violation occurred. Service by mail shall be presumed effective upon the third business day following the day upon which the citation or notice and order was placed in the mail.

B. For notice and orders only, when the address of the person responsible for code compliance cannot reasonably be determined, service may be made by publication once in the City's newspaper of record.

C. Service of a stop work order on a person responsible for code compliance may be made by posting the stop work order in a conspicuous place on the property where the violation occurred or by serving the stop work order in any other manner permitted by this section.

D. The failure of the Director to make or attempt service on any person named in the citation, notice and order or stop work order shall not invalidate any proceedings as to any other person duly served.

23.02.090 Voluntary compliance agreement - authority. A. Whenever the Department determines that a code violation has occurred or is occurring, the Department shall make reasonable efforts to secure voluntary compliance from the person responsible for code compliance. Upon contacting the person responsible for code compliance, the Department may enter into a voluntary compliance agreement as provided for in this section.

B. A voluntary compliance agreement may be entered into at any time after issuance of a verbal or written warning, a citation, a notice and order or a stop work order and before an appeal is decided pursuant to ISDC chapter 20.24.

C. The voluntary compliance agreement is a written signed commitment by the person responsible for code compliance under which such person agrees to abate the violation, remediate the site, and/or mitigate the impacts of the violation. The voluntary compliance agreement shall include the following:

1. The name and address of the person responsible for code compliance; and
2. The address or other identification of the location of the violation; and
3. A description of the violation and a reference to the provision(s) of the ordinance, resolution or regulation which has been violated; and

4. A description of the necessary corrective action to be taken and identification of the date or time by which compliance must be completed; and

5. The amount of the civil penalty that will be imposed pursuant to ISDC chapter 23.32 if the voluntary compliance agreement is not satisfied; and

6. An acknowledgment that the voluntary compliance agreement will be recorded against the property in the King County office of records and elections, said recording to be accomplished as provided for in notice and order cases; and

7. An acknowledgment that if the Department determines that the terms of the voluntary compliance agreement are not met, the City may, without issuing a citation, notice and order or stop work order, impose any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; and

8. An acknowledgment that if a penalty is assessed, and if any assessed penalty, fee or cost is not paid, the Director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by the person responsible for code compliance, and that the unpaid amount may be a joint and several personal obligation of all persons responsible for code compliance; and

9. An acknowledgment that by entering into the voluntary compliance agreement the person responsible for code compliance waives the right to administratively appeal, and thereby admits, that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and that if the Department determines the terms of the voluntary compliance agreement are not met, the person is subject to and liable for any remedy authorized by this title, which includes the assessment of the civil penalties identified in the voluntary compliance agreement, abatement of the violation, assessment of the costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit; and

10. An acknowledgment that the person responsible for code compliance understands that he or she has the right to be served with a citation, notice and order or stop work order for any violation identified in the voluntary compliance agreement, has the right to administratively appeal any such citation, notice and order or stop work order, and that he or she is knowingly, voluntarily and intelligently waiving those rights.

D. Upon entering into a voluntary compliance agreement, a person responsible for code compliance waives the right to administratively appeal, and thereby admits, that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation; and agrees that if the Department determines the terms of the voluntary compliance agreement are not met, he or she is liable for the civil penalty available under ISDC chapter 23.32 and identified in the voluntary compliance agreement, is liable for the costs incurred by the county to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in ISDC chapter 23.24 and is subject to all other remedies provided for in this title.

E. The voluntary compliance agreement shall incorporate the shortest reasonable time period for compliance as determined by the Department. An extension of the time limit for compliance or a modification of the required corrective action may be granted by the Director if the person responsible for code compliance has shown due diligence or substantial progress in correcting the violation, but circumstances render full and timely compliance under the original conditions unattainable.

F. The voluntary compliance agreement is not a settlement agreement.

23.02.100 Failure to meet terms of voluntary compliance agreement. A. If the terms of the voluntary compliance agreement are not completely met, the Department may abate the violation in accordance with the provisions of this title, and the person responsible for code compliance may, without being issued a citation, notice and order or stop work order, be assessed a civil fine or penalty commencing on the day after the deadline for compliance, in accordance with the penalty provisions of this title, plus all costs incurred by the City to pursue code compliance and to abate the violation, including legal and incidental expenses as provided for in this title, and may be subject to other remedies authorized by this title. Penalties imposed when a voluntary compliance agreement is not met accrue from the date that an appeal of any City Council meeting: October 27, 1999

preceding citation, notice and order or stop work order was required to have been filed or from the date the voluntary compliance agreement was entered into if there was no preceding stop work order, citation or notice and order.

B. The Department may issue a citation, notice and order or stop work order for failure to meet the terms of a voluntary compliance agreement.

23.02.110 Right of entry. It is the intention of the City Council that any entry made to private property for the purpose of inspection for code violations be accomplished in strict conformity with constitutional and statutory constraints on entry, and the holdings of relevant court cases regarding entry. The right-of-entry granted by this title shall not supersede those legal constraints. The Director is authorized to enter upon any property for the purpose of administering this title provided that, the Director shall make entry only if such entry is consistent with the constitutions and laws of the United States and the state of Washington. If so required by the constitutions and laws of the United States or the state of Washington, the Director shall apply to a court of competent jurisdiction for a search warrant authorizing access to such property for such purpose.

23.02.120 Training and rulemaking. A. In order to ensure strict conformity with the constraints on entry imposed by state and federal law and to assure that City employees deal with the public in a manner which respects the rights of private property owners, the Director shall develop and adopt internal procedures, protocols and training programs governing the conduct of searches by code compliance officers.

B. The Department shall adopt procedures to implement the provisions of this title, and specifically the guidelines set out in this chapter describing reasonable and appropriate protocols for investigating code violations.

23.02.130 Obligations of persons responsible for code compliance. A. It shall be the responsibility of any person identified as responsible for code compliance to bring the property into a safe and reasonable condition to achieve code compliance. Payment of fines, applications for permits, acknowledgment of stop-work orders and compliance with other remedies does not substitute for performing the corrective work required and having the property brought into compliance to the extent reasonably possible under the circumstances.

B. Persons determined to be responsible for code compliance pursuant to a citation or notice and order shall be liable for the payment of any civil fines, penalties and abatement costs, provided, however, that if a property owner affirmatively demonstrates that the action which resulted in the violation was taken without the owner's knowledge or consent by someone other than the owner or someone acting on the owner's behalf, that owner shall be responsible only for bringing the property into compliance to the extent reasonably feasible under the circumstances. Should the owner not correct the violation, only those abatement costs necessary to bring the property into a safe and reasonable condition, as determined by the Director, shall be assessed by the City. No civil fines or penalties shall be assessed against such an owner or his or her property interest.

Chapter 23.20
CITATIONS

Sections:

- 23.20.010 Authority.
- 23.20.020 Effect.
- 23.20.030 Contents.
- 23.20.040 Revocation.
- 23.20.050 Remedy - civil fines.

23.20.010 Authority. Whenever the Director has determined, based on investigation of documents and/or physical evidence, that a civil code violation has occurred, the Director may issue a citation to any person responsible for code compliance. The Director shall make a determination whether or not to issue a citation within thirty days of receiving a complaint alleging a violation or otherwise discovering that a violation may potentially exist. Subsequent complaints shall be treated as new complaints for purposes of this section.

23.20.020 Effect. A. Subject to the appeal provisions of ISDC chapter 23.36, a citation represents a determination that a civil code violation has occurred and that the cited party is a person responsible for code compliance.

B. Subject to the provisions of ISDC 23.02.130, a citation subjects the person responsible for code compliance to the civil fine prescribed by ISDC chapter 23.32.

C. Subject to the provisions of ISDC 23.02.130, the person responsible for code compliance shall either pay the civil fine assessed within twenty-one days of the date of issuance of the citation or appeal the citation according to the procedures described in ISDC chapter 23.36.

D. Failure to appeal the citation within twenty-one days shall render the citation a final determination that the conditions described in the citation existed and constituted a civil code violation and that the cited party is liable as a person responsible for code compliance.

E. Imposition of a civil fine creates a joint and several personal obligation in all persons responsible for code compliance who are served with notice of the violation. The City Attorney on behalf of the City of Sammamish may collect the civil fines assessed by any appropriate legal means.

F. Issuance of a citation in no way limits the Director's authority to issue a notice and order or stop work order to the same person responsible for code compliance pursuant to this title. Payment of the civil fine assessed under the citation does not relieve a person responsible for code compliance of his or her duty to correct the violation and/or to pay any and all civil penalties accruing under a notice and order or stop work order issued pursuant to this title.

23.20.030 Contents. The citation shall include all of the following information:

- A. Identification of the location of the violation;
- B. A brief description of the violation or violations found;
- C. A statement of the specific ordinance, resolution, regulation, public rule, permit condition, notice and order provision, or stop work order provision that was violated;
- D. A statement that the citation represents a determination that a civil code violation has occurred and that the cited party is subject to civil fines;
- E. A statement of the amount of the civil fine assessed and that the fine must be paid within twenty-one days;
- F. A statement of the options provided in this title for responding to the citation and the procedures necessary to exercise these options;
- G. A statement that failure to appeal the citation within twenty-one days renders the citation a final determination that the conditions described in the citation existed and constituted a civil code violation and that the cited party is liable as a person responsible for code compliance; and

H. A statement advising that a failure to respond or appeal may be referred to the City Attorney for prosecution. 23.20.040 Revocation. The Director may revoke or modify a City Council meeting: October 27, 1999

Final Draft: October 14, 1999

citation issued under this title if the original citation was issued in error or if a party to a citation was incorrectly named. Such revocation or modification shall identify the reasons and underlying facts for revocation.

23.20.050 Remedy - civil fines. A citation shall carry a civil fine to be determined with reference to the schedule contained in ISDC chapter 23.32. The payment of civil fines does not relieve a person responsible for code compliance of any obligation to cure, abate or stop a violation.

Chapter 23.24
NOTICE AND ORDERS

Sections:

- 23.24.010 Authority.
- 23.24.020 Effect.
- 23.24.030 Contents.
- 23.24.040 Recording.
- 23.24.050 Supplementation, revocation, modification.
- 23.24.060 Administrative conference.
- 23.24.070 Remedies - civil penalties - authority and general provisions.
- 23.24.080 Remedies - community service.
- 23.24.090 Remedies - cost recovery.
- 23.24.100 Remedies - suspension, revocation or limitation of permit.
- 23.24.110 Remedies - denial of permit
- 23.24.120 Remedies - abatement - authorized.
- 23.24.130 Remedies - abatement cost recovery.
- 23.24.140 Code compliance and abatement fund - authorized.

23.24.010 Authority. Whenever a Director has reason to believe, based on investigation of documents and/or physical evidence, that a civil code violation exists or has occurred, or that the civil code violations cited in a citation have not been corrected, or that the terms of a voluntary compliance agreement have not been met, the Director is authorized to issue a notice and order to any person responsible for code compliance. The Director shall make a determination whether or not to issue a notice and order within sixty days of receiving a complaint alleging a violation or otherwise discovering that a violation may potentially exist, or within thirty days of the end of a voluntary compliance agreement time period which has not been met. Subsequent complaints shall be treated as new complaints for purposes of this section. Issuance of a citation is not a condition precedent to the issuance of a notice and order.

23.24.020 Effect. A. Subject to the appeal provisions of ISDC chapter 23.36, a notice and order represents a determination that a civil code violation has occurred, that the cited party is a person responsible for code compliance, and that the violations set out in the notice and order require the assessment of penalties and costs and other remedies specified in the notice and order.

B. Failure to correct the civil code violation in the manner prescribed by the notice and order subjects the person to whom the notice and order is directed to the use of any of the compliance remedies provided by this title, including:

1. Additional civil penalties and costs;
2. A requirement that abatement, remediation and/or mitigation be performed;
3. An agreement to perform community service as prescribed by this chapter;
4. Permit suspension, revocation, modification and/or denial as prescribed by this chapter; and/or
5. Abatement by the Director and recovery of the costs of abatement according to the procedures described in this chapter.

C. Any person identified in the notice and order as responsible for code compliance may appeal the notice and order within twenty-one days according to the procedures described in ISDC chapter 23.36.

D. Failure to appeal the notice and order within the applicable time limits shall render the notice and order a final determination that the conditions described in the notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance.

E. Issuance of a notice and order in no way limits a Director's authority to issue a citation or stop work order to a person previously cited through the notice and order process pursuant to this title. Payment of the civil penalties assessed under the notice and order does not relieve a person found to be responsible for code compliance of his or her duty to correct the violation and/or to pay any and all civil fines or penalties accruing under citations or stop work orders issued pursuant to this title.

23.24.030 Contents. The notice and order shall contain the following information:

A. The address, when available, or location of the civil code violation;

B. A legal description of the real property or the King County tax parcel number where the violation occurred or is located, or a description identifying the property by commonly used locators;

C. A statement that the Director has found the named person to have committed a civil code violation and a brief description of the violation or violations found;

D. A statement of the specific provisions of the ordinance, resolution, regulation, public rule, permit condition, notice and order provision or stop work order that was or is being violated;

E. The dollar amount of the civil penalty per separate violation;

F. A statement advising that any costs of enforcement that exceed the amount of the penalty may also be assessed against the person to whom the notice and order is directed;

G. A statement advising that the notice and order will be recorded against the property in the King County office of records and elections subsequent to service;

H. A statement of the corrective or abatement action required to be taken and that all required permits to perform the corrective action must be obtained from the proper issuing agency;

I. A statement advising that, if any required work is not commenced or completed within the time specified by the notice and order, a Director may 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 several personal obligation of any persons responsible for code compliance;

J. A statement advising that, if any assessed penalty, fee or cost is not paid on or before the due date, the Director may charge the unpaid amount as a lien against the property where the civil code violation occurred if owned by a person responsible for code compliance and as a joint and several personal obligation of all persons responsible for code compliance;

K. A statement advising that any person named in the notice and order or having any record or equitable title in the property against which the notice and order is recorded may appeal from the notice and order to the Hearing Examiner within twenty-one days of the date of service of the notice and order;

L. A statement advising that a failure to correct the violations cited in the notice and order could lead to the denial of subsequent City of Sammamish permit applications on the subject property;

M. A statement advising that a failure to appeal the notice and order within the applicable time limits renders the notice and order a final determination that the conditions described in the notice and order existed and constituted a civil code violation, and that the named party is liable as a person responsible for code compliance; and

N. A statement advising the person responsible for code compliance of his or her duty to notify the Director of any actions taken to achieve compliance with the notice and order.

23.24.040 Recording. A. Whenever a notice and order is served on a person responsible for code compliance, the Director shall file a copy of the same with the King County office of records and elections.

B. When all violations specified in the notice and order have been corrected or abated the Director shall file a certificate of compliance with the King County office of records and elections. The certificate shall include a legal description of the property where the violation occurred and shall state that any unpaid civil penalties for which liens have been filed are still outstanding and continue as liens on the property.

23.24.050 Supplementation, revocation, modification. A. Whenever there is new information or a change in circumstances, the Director may add to, rescind in whole or 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 notice and orders contained in this title.

B. The Director may revoke or modify a notice and order issued under this title if the original notice and order was issued in error or if a party to an order was incorrectly named.

Such revocation or modification shall identify the reasons and underlying facts for revocation and shall be filed with the King County office of records and elections.

23.24.060 Administrative conference. An informal administrative conference may be conducted by the Director at any time for the purpose of facilitating communication among concerned persons and providing a forum for efficient resolution of any violation. Interested parties shall not unreasonably be excluded from such conferences.

23.24.070 Remedies - civil penalties - authority and general provisions. schedule contained in ISDC chapter 23.32. A.

B. Civil penalties assessed create a joint and several personal obligation in all persons responsible for code compliance. The City Attorney on behalf of the City may collect the civil penalties assessed by any appropriate legal means.

C. Civil penalties assessed also authorize the City to take a lien for the value of civil penalties imposed against the real property of the person responsible for code compliance.

D. The payment of penalties does not relieve a person responsible for code compliance of any obligation to cure, abate or stop a violation.

23.24.080 Remedies - community service. The Director is authorized to allow a person responsible for code compliance who accumulates civil penalties as the result of a notice and order to voluntarily participate in community service projects in lieu of paying all or a portion of the assessed civil penalties. Community service may include, but is not limited to, abatement, restoration or education programs. The amount of community service will reasonably relate to the comparable value of penalties assessed against the violator. The Director shall take into consideration the severity of the violation, any history of previous violations and practical and legal impediments in considering whether to allow community service in lieu of paying penalties.

23.24.090 Remedies - cost recovery. A. In addition to the other remedies available under this title, the Director may charge the costs of pursuing code compliance and abatement incurred to correct a code violation to the person responsible for code compliance, including legal and incidental expenses to the extent these costs exceed the amount of the penalty paid. Such costs are due and payable thirty days from mailing of the invoice.

B. For purposes of this section, "legal and incidental expenses" shall include but are not limited to:

1. Personnel costs, both direct and indirect, including attorney's fees and costs incurred to document the violation as soon as the violation occurs;
2. Hauling, storage and disposal expenses;
3. Actual expenses and costs of the City in preparing notices, specifications and contracts and in accomplishing or contracting and inspecting the work and the costs of any required printing or mailing; and
4. Interest on the costs of abatement incurred by the City.

C. All costs assessed by the City in pursuing code compliance and/or abatement create a joint and several personal obligation in all persons responsible for code compliance. The City Attorney on behalf of the City may collect the costs of code compliance efforts by any appropriate legal means.

D. The City of Sammamish may take a lien for the value of the costs of pursuing code compliance against the real property of the person responsible for code compliance.

23.24.100 Remedies - suspension, revocation or limitation of permit.

A. The Director may suspend, revoke or limit any permit issued by such Director whenever:

1. The permit holder has committed a code violation in the course of performing activities subject to that permit;
2. The permit holder has interfered with the Director in the performance of his or her duties relating to that permit;
3. The permit was issued in error or on the basis of materially incorrect information supplied to the county;

4. Permit fees or costs were paid to the county by check and returned from a financial institution marked non-sufficient funds (NSF) or canceled; or

5. For a permit or approval that is subject to sensitive area review, the applicant has failed to disclose a change of circumstances on the development proposal site which materially affects an applicant's ability to meet the permit or approval conditions or which makes inaccurate the sensitive area study that was the basis for establishing permit or approval conditions.

B. Such suspension, revocation or modification shall be carried out through the notice and order provisions of this chapter and shall be effective upon the compliance date established by the notice and order. Such revocation, suspension or cancellation may be appealed to the Hearing Examiner using the appeal provisions of this title.

C. Notwithstanding any other provision of this title, a Director may immediately suspend operations under any permit by issuing a stop work order pursuant to ISDC chapter 23.28.

23.24.110 Remedies - denial of permit. A. The City may deny a development proposal permit, when, with regard to the site or project for which the permit application is submitted:

1. Any person has been found in violation and remains in violation of any ordinance, resolution, regulation or public rule of the City that regulates or protects the public health or the use and development of land or water, whether or not such ordinance, resolution, regulation or public rule is codified;

2. Any person has been found in violation and remains in violation of the conditions of any permit, notice and order or stop work order issued pursuant to any such ordinance, resolution, regulation or public rule; and/or

3. For any property which has been found in violation and remains in violation of ISDC chapter 21A.24 or of any rule, permit, approval, order, easement, plan or agreement issued thereunder.

B. In order to further the remedial purposes of this title, such denial may continue until the violation is cured by restoration accepted as complete by the City and by payment of any civil penalty imposed for the violation, except that permits or approvals shall be granted to the extent necessary to accomplish any required restoration or cure.

C. For the purposes of this section, "found in violation" means:

1. That a citation, notice and order or stop work order has been issued and not timely appealed; or

2. That a voluntary compliance agreement has been entered into; or

3. That the hearing examiner has determined that the violation has occurred and such determination has not been stayed or reversed on appeal.

23.24.120 Remedies - abatement - authorized. In addition to or as an alternative to any other judicial or administrative remedy, the Director may use the notice and order provisions of this title to order any person responsible for code compliance to abate the violation and to complete the work at such time and under such conditions as the Director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Director may proceed to abate the violation.

23.24.130 Remedies - abatement cost recovery. A. Abatement costs may be recovered pursuant to this chapter.

B. The Director shall keep an itemized account of costs incurred by the City in the abatement of any violation under this title. Upon completion of any abatement work, the Director shall prepare a report specifying a legal description of the real property where the abatement work occurred, the work done for each property, the itemized costs of the work, including legal and incidental expenses, and interest accrued.

23.24.140 Code compliance and abatement fund - authorized. All monies collected from the assessment of civil penalties and for abatement costs and work, except those monies designated for the Sensitive Areas Mitigation Fund as set forth in ISDC 21A.24, shall be allocated to support expenditures for abatement, and shall be accounted for through either creation of an account in the fund or other appropriate accounting mechanism.

Chapter 23.28
STOP WORK ORDERS

Sections:

- 23.28.010 Authorized.
- 23.28.020 Effect.
- 23.28.030 Remedy - civil penalties.

23.28.010 Authorized. The Director is authorized to issue a stop work order to a person responsible for code compliance. Issuance of a citation or a notice and order is not a condition precedent to the issuance of the stop work order.

23.28.020 Effect. A. A stop work order represents a determination that a civil code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

B. A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the Director.

C. A stop work order may be appealed according to the procedures prescribed by ISDC chapter 23.36.

D. Failure to appeal the stop work order within the applicable time limits renders the stop work order a final determination that the civil code violation occurred and that work was properly ordered to cease.

E. Failure to comply with the terms of a stop work order subjects the person responsible for code compliance to civil penalties and costs.

23.28.030 Remedy - civil penalties. A. In addition to any other judicial or administrative remedy, the Director may assess civil penalties for the violation of any stop work order according to the civil penalty schedule established in ISDC chapter 23.32.

B. Civil penalties for the violation of any stop work order shall begin to accrue on the first day the stop work order is violated and shall cease on the day the work is actually stopped.

C. Violation of a stop work order shall be a separate violation from any other civil code violation. Civil penalties assessed create a joint and several personal obligation in all persons responsible for code compliance. The City Attorney on behalf of the City may collect the civil penalties assessed by any appropriate legal means.

D. Civil penalties assessed also authorize the City of Sammamish to take a lien for the value of civil penalties imposed against the real property of the person responsible for code compliance.

**Chapter 23.32
CIVIL FINES AND CIVIL PENALTIES**

Sections:

- 23.32.010 Assessment schedule.
- 23.32.020 Civil penalty - definitions.
- 23.32.030 Duty to comply.
- 23.32.040 Civil penalty - sensitive areas.
- 23.32.050 Waivers.

23.32.010 Assessment Schedule. A. Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each violation identified in a citation, notice and order or stop work order pursuant to the following schedule:

1. Citations	\$500
2. Notice and Orders and Stop Work Orders	
a. Basic initial penalty	\$2,500
b. Additional initial penalties may be added in the following amounts for violations where there is:	
1) public health risk	+\$500-2,500 depending on severity
2) environmental damage	+\$500-2,500 depending on severity
3) damage to property	+\$500-2,500 depending on severity
4) history of similar violations (less than three)	+\$1000
5) history of similar violations (three or more)	+\$2,500
6) economic benefit to person responsible for violation	+\$1000
c. The above penalties may be offset by the following credits for efforts to comply:	
1) entering into a voluntary compliance agreement	-\$500
2) full compliance with voluntary compliance agreement and no history of prior violations	-\$1,500
3) full compliance with voluntary compliance agreement and history of less than three prior violations	-\$1000

B. The total initial penalties assessed for notice and orders and stop work orders pursuant to this section shall apply for the first thirty day period following the issuance of the order, unless another time period is specified in the voluntary compliance agreement. If a voluntary compliance agreement is not entered into within that time period, and no appeal is filed, the penalties for the next fifteen day period shall be one hundred fifty percent of the initial penalties, and the penalties for the next fifteen day period shall be double the amount of the initial penalties.

C. Citations shall be subject to a one-time penalty only.

D. The Director may suspend civil penalties if the person responsible for code compliance has entered into a voluntary compliance agreement. Penalties shall begin to accrue again pursuant to the terms of the voluntary compliance agreement if any necessary permits applied for are denied, canceled or not pursued, or if corrective action identified in the voluntary compliance agreement is not completed as specified.

23.32.020 Civil penalty - definitions. For the purposes of assessing civil fines and penalties, "found in violation" means that:

A. A citation, notice and order or stop work order has been issued and not timely appealed; or

B. A voluntary compliance agreement has been entered into; or

C. The Hearing Examiner has determined that the violation has occurred and such determination has not been stayed or reversed on appeal.

23.32.030 Duty to comply. A. Persons responsible for code compliance have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the person responsible for code compliance has come into compliance with the notice and order, voluntary compliance agreement, or stop work order and has notified the Director of this compliance.

23.32.040 Civil penalty - sensitive areas A. The code compliance provisions for sensitive areas are intended to encourage compliance with ISDC chapter 21A.24, to protect sensitive areas and the general public from harm and to further the remedial purposes of this title. To achieve this, persons responsible for code compliance will not only be required to restore damaged sensitive areas, insofar as that is possible and beneficial, but will also be required to pay a civil penalty for the redress of ecological, recreation, and economic values lost or damaged due to their unlawful action.

B. 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 for other related violations.

C. Where feasible, the owner of the land on which the violation occurred shall be named as a party to the notice and order. In addition to any other persons who may be liable for a violation, and subject to the exceptions provided in ISDC 23.02.130, the owner shall be jointly and severally liable for the restoration of a site and payment of any civil penalties imposed.

D. For the purposes of this section, violation of the sensitive area ordinance means:

1. The violation of any provision of ISDC chapter 21A.24 or of the administrative rules promulgated thereunder;

2. The failure to obtain a permit required for work in a sensitive area; or

3. The failure to comply with the conditions of any permit, approval, terms and conditions of any sensitive area tract or setback area, easement or other covenant, plat restriction or binding assurance or any notice and order, stop work order, mitigation plan, contract or agreement issued or concluded pursuant to the above-mentioned provisions.

E. Any person in violation of the sensitive areas ordinance may be subject to civil penalties, costs and fees assessed as follows:

1. According to the civil penalty schedule included in this chapter of this title, provided that the exact amount of the penalty per violation shall be determined by the Department based on the physical extent and severity of the violation; or

2. The greater of

a. an amount determined to be equivalent to the economic benefit that the person responsible for code compliance derives from the violation measured as the total of:

1) the resulting increase in market value of the property;

2) the value received by the person responsible for code compliance; and

3) the savings of construction costs realized by the person responsible for code compliance as a result of performing any act in violation of the chapter; or

b. code compliance costs (such amount not to exceed \$25,000.00) incurred by the City to enforce ISDC 21A.24 against the person responsible for code compliance.

23.32.050 Waivers. A. Civil fines and civil penalties may be waived or reimbursed to the payor by the Director, with the concurrence of the Finance Director, under the following circumstances:

1. The citation, notice and order or stop work order was issued in error; or

2. The civil fines or civil penalties were assessed in error; or

3. Notice failed to reach the property owner due to unusual circumstances; or

4. New compelling information warranting waiver has been presented to the Director since the citation, notice and order or stop work order was issued.

B. The Director shall document the circumstances under which a decision was made to waive penalties and such statement shall become part of the public record unless privileged.

Chapter 23.36
APPEALS AND JUDICIAL ENFORCEMENT

Sections:

- 23.36.010 Administrative appeal - filing requirements.
- 23.36.020 Administrative appeal - procedures.
- 23.36.030 Administrative appeal - final order.
- 23.36.040 Judicial enforcement - petition for enforcement.
- 23.36.050 Judicial enforcement - limitation on defenses.

23.36.010 Administrative appeal - filing requirements. A. Any person issued a citation or named in a notice and order or stop work order, any owner of the land where the violation for which a citation, notice and order or stop work order is issued occurred and any complainant who is an aggrieved person pursuant to ISDC Title 20 and requests to be kept advised pursuant to ISDC 23.02.070H may file a notice of appeal of a citation, notice and order, stop work order, determination to enter into a voluntary compliance agreement or a determination not to issue a citation or order within twenty-one days of the service of the citation, notice and order or stop work order or issuance of a voluntary compliance agreement or determination not to issue a citation or order with the issuing department.

B. Any person named in a citation may appeal the citation by signing the citation, indicating on the citation that a hearing is requested, and returning the citation to the Department within twenty-one days of its service.

C. A notice of appeal shall comply with the form, content and service requirements of ISDC chapters 20.20 and 20.24 and rules promulgated thereunder.

23.36.020 Administrative appeal - procedures. A. The appeal hearing shall be conducted as provided for in ISDC chapter 20.24, except that where specific provisions in this title conflict with ISDC chapter 20.24, the provisions of this title shall govern.

B. Enforcement of any notice and order of the Director issued pursuant to this title shall be stayed as to the appealing party during the pendency of any administrative appeal under this title, except when the Director determines that the violation poses a significant threat of immediate and/or irreparable harm and so states in any notice and order issued.

C. Enforcement of any stop work order of the Director issued pursuant to this title shall not be stayed during the pendency of any administrative appeal under this title.

D. When multiple citations, stop work orders, or notices and orders have been issued simultaneously for any set of facts constituting a violation, only one appeal of all the enforcement actions shall be allowed.

23.36.030 Administrative appeal - final order. A. Following review of the evidence submitted, the Hearing Examiner shall make written findings and conclusions and shall affirm or modify the citation, notice and order or stop work order previously issued if the Examiner finds that a violation has occurred. The examiner shall uphold the appeal and reverse the citation or order if the examiner finds that no violation has occurred.

B. If an owner of property where a violation has occurred has affirmatively demonstrated that the violation was caused by another person or entity not the agent of the property owner and without the property owner's knowledge or consent, such property owner shall be responsible only for abatement of the violation. Strict compliance with permit requirements may be waived regarding the performance of such an abatement in order to avoid doing substantial injustice to a non-culpable property owner.

C. The Hearing Examiner's final order shall be final and conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

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D.A final order by the Hearing Examiner affirming or reinstating a citation, notice and order or stop work order renders such citation, notice and order or stop work order a final agency order.

23.36.040 Judicial enforcement - petition for enforcement. A. In addition to any other judicial or administrative remedy, the City Attorney on behalf of the City may seek enforcement of the Director's order by filing a petition for enforcement in King County superior court.

B. The petition must name as respondent each alleged person against whom the Director seeks to obtain civil enforcement.

C. A petition for civil enforcement may request monetary relief, declaratory relief, temporary or permanent injunctive relief and other civil remedy provided by law, or any combination of the foregoing.

23.36.050 Judicial enforcement - limitation on defenses. A respondent in a proceeding by petition for enforcement may not assert as a defense any fact or issue that the respondent had an opportunity to assert before the Hearing Examiner and did not, or upon which the final determination of the hearing examiner was adverse to the respondent.

Chapter 23.40
LIENS

Sections:

- 23.40.010 Filing and contents.
- 23.40.020 Supplemental.
- 23.40.030 Abatement lien - tax bill authorized.
- 23.40.040 Limitation of action - duration.

23.40.010 Filing and contents. A. Within ninety days from the date any civil penalty, civil fine, abatement cost, or enforcement cost is due pursuant to this title, the Director may file a lien against the property of a person responsible for code compliance for the amount owing with the King County office of records and elections.

B. The lien shall contain the following information:

1. The City of Sammamish code provision violated;
2. A brief description of the violation and its duration at the date of filing;
3. A brief description of the abatement work done, if any, and who performed the abatement work;
4. The owner of the property, if known, or a statement that the owner is not known;
5. A legal description of the property;
6. The amount of penalties, fines or costs that are owing; and
7. A sworn statement signed by the Director that the Director believes the claim is just.

23.40.020 Lien - supplemental. The Director may file supplemental liens with the King County office of records and elections to update information regarding penalties, fines, costs or fees contained in any existing lien.

23.40.030 Abatement lien - tax bill authorized. A. The Sammamish City Council finds that there exist within the incorporated limits of the City dwellings that are unfit for human habitation, and buildings, structures and premises or portions thereof that are unfit for other uses due to conditions that are inimical to the health and welfare of City residents.

B. In the case of such unfit dwellings, buildings, structures, and premises or portions thereof, the Director, as an alternative to any other remedy provided in this title, may have abatement costs certified, entered and collected by the King County finance division as taxes according to the procedures and limitations set forth in RCW 35.80.030.

23.40.040 Lien - limitation of action - duration. A. No lien created by this title binds the property subject to the lien for a period longer than three years after the lien claim has been recorded, unless an action to enforce that lien is commenced in the proper court within three years after such recording.

A. When all penalties and/or abatement costs assessed against the property owner have been paid, the Director shall expeditiously file a satisfaction of lien with the King County office of records and elections. The satisfaction shall include a legal description of the property where the violation occurred.

Chapter 23.99
MISCELLANEOUS PROVISIONS

Sections:

- 23.99.010 Grammatical construction.
- 23.99.050 Severability.

23.99.010 Grammatical construction. Unless the context clearly indicates otherwise, words in any tense shall include the present, past and future tense.

23.99.050 Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this title be declared unconstitutional or invalid or unenforceable for any reason, such decision shall not affect the validity of the remaining portions of this title which will remain in full force and effect.