

AGENDA REQUEST FORM

Return completed form to: Clerk of the Board
Yakima County Commissioners' Office, Room 232

From: Lisa Freund Dept. Public Services

Agenda Date: 12/17/2019

*Consent Item? Yes No

*Items over \$500,000 are not eligible for Consent Agenda
Commissioners reserve right to move items to/from Consent Agenda

Presenter N/A

Check one:

Resolution Proclamation
 Ordinance Presentation

Agreement/Contract:

(Check one)
 Non-grant
 Grant

Financial Impact:

(A) N/A (no impact)

(C) \$100,000 to \$500,000

(B) Under \$100,000

(D) Over \$500,000

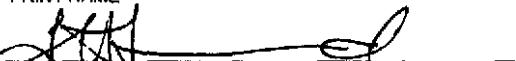
Document Title:

In the matter of adopting new Yakima County Code Title 21 - Code Enforcement.

Identify Vendor:

Description of Item's Purpose/Outcome:

This ordinance is needed to adopt the new Yakima County Code Title 21 - Code Enforcement.

Lisa Freund
PRINT NAME


SIGN NAME
(Signature Required for All Items)

Elected Official / Department Head Signature

**Attorney Signature
On Contracts**

Yes Proceed to Agenda

No Return to Department

(BOCC Office Use Only)

Ordinance # 11

Resolution#

Agreement BOCC#

BOARD OF YAKIMA COUNTY COMMISSIONERS

ORDINANCE 11-2019

IN THE MATTER OF ADOPTING NEW COUNTY CODE: TITLE 21 - CODE ENFORCEMENT

GENERAL

WHEREAS, the Board of Yakima County Commissioners engaged in a systematic review of existing code enforcement language, procedures, and fees, in collaboration with internal customers, to help improve procedures and regulations related to enforcing Yakima County Codes; and,

WHEREAS, the Board then directed Yakima County Planning staff to create a new Code Enforcement Ordinance (Title 21), by consolidating existing code enforcement requirements from other County codes and to develop new procedures and fee structure to help streamline the code enforcement process; and,

WHEREAS, the Board of Yakima County Commissioners conducted a properly advertised public hearing on December 10, 2019, to hear testimony on the proposed Title 21 text language; and,

WHEREAS, the Board of Yakima County Commissioners held their deliberations on December 10, 2019, immediately after the close of the open record public hearing and did adopt motions approved the proposed Title 21 text language; and,

WHEREAS, Title 21 is exempt from the State Environmental Policy Act (SEPA) threshold determination and EIS because it relates solely to governmental procedure, which is exempted under WAC 197-11-800(19); now therefore,

BE IT HEREBY ORDAINED by the Board of Yakima County Commissioners:

Section 1. Reasons for Action. After a systematic review of existing code enforcement language, procedures, and fees was conducted, it was determined that all code enforcement requirements from existing code needed to be consolidated into one Title. Additionally, procedures and fees needed to be updated to reflect the current needs of Yakima County code enforcement.

Section 2. Findings. The Board of Yakima County Commissioners adopts Title 21 as presented at the open record hearing, without any modifications.

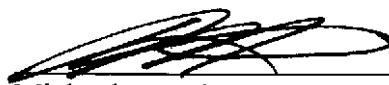
Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance, shall not

affect the validity of the remainder of the ordinance, or the validity of its application to any other persons or circumstances.

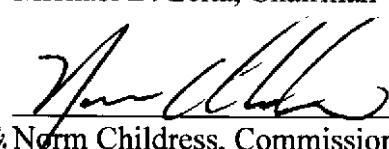
Section 4. Effective Date. Pursuant to the Growth Management Act (RCW 36.70A), Yakima County must publish Notice of Adoption within 10 days after the Board's approval of this ordinance, thus starting the required 60-day appeal period. Therefore, this ordinance becomes effective on the 61st day after publishing the Notice of Adoption.

DONE this 17th day of December 2019

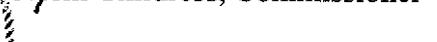
ATTEST:


Michael D. Leita, Chairman


Melissa Paul, Clerk of the Board


Norm Childress, Commissioner




EXCUSED
Ron Anderson, Commissioner
*Constituting the Board of County Commissioners
for Yakima County, Washington*

Title 21 CODE ENFORCEMENT

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CHAPTER 21.01 GENERAL PROVISIONS

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- 21.01.020 Applicability.**
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21.01.010 Introduction.

(1) Title and Authority.

Title 21 of Yakima County Code (YCC) constitutes and may be cited as "Code Enforcement". Title 21 is established under the authority of the Washington State Constitution and the Yakima County Board of Commissioner's statutory general police powers granted at Chapter 36.32.120 (7) and (10) of the Revised Code of Washington (RCW). Further statutory authority is provided at RCW Ch. 35.080.030(1) and RCW Ch. 36.70.670; and as further authorized by the regulations contained within the International Building Codes (IBC), as adopted and amended by the State of Washington at RCW 19.27.040 and .050, and Yakima County in Yakima County Code (YCC) Title 13, Ch. 01.030.

(2) Purpose.

The purpose of this Title is to identify processes and methods to achieve compliance with the laws and regulations that Yakima County has adopted to promote and protect the health, safety and environment of all county residents. This Title declares certain acts to be violations and establishes both civil and criminal enforcement procedures and penalties for violations as authorized under state and county laws.

(3) Intent.

It is the intention of the County to actively pursue code compliance and to vigorously enforce all state and county laws and regulations regarding the use and maintenance of property; and to define and achieve abatement of public nuisances in order to protect the health, safety and welfare of the general public. These goals are to be pursued in a way that complies with all relevant constitutional requirements as well as state procedural and regulatory laws. This strategy is designed to achieve efficiency, code compliance and timely action that is generally consistent and uniform, recognizing that identical treatment of various compliance matters is not required. Voluntary compliance should always be the first priority but where compliance with official notices and offers of voluntary compliance do not resolve the violations this Title authorizes remedial action through any and all lawful means that may include, but are not limited to, criminal citations, civil infractions and any available equitable and legal action brought in either District or Superior Court, including actions for abatement.

(4) Organization.

The text of this Title is organized as follows:

- (a) Title. This Title in its entirety is Title 21 of the Yakima County Code.
- (b) Subtitles. Subtitles are numbered as 21.#, establish the major categories and start new Chapter number series.
- (c) Chapters. Chapters are numbered as 21.##, with the second group of numbers representing the Chapter number, the first digit of which is the Subtitle number.
- (d) Sections. Sections are numbered as 21.##.###, with the second group of numbers representing the Chapter number and the third group of numbers representing the Section number.
- (e) Subsections. Subsections levels are indicated by alphanumeric characters in the following hierarchy: (1), (a), (i) and (A).

21.01.020 Applicability

Yakima County Code Title 21 - Code Enforcement governs and incorporates the code enforcement provisions contained in the following County Titles, Chapters and sections of Yakima County Code:

- (1) YCC Title 5, Chapter 5.06 – Licensing and Operation of Adult Entertainment Facilities;
- (2) YCC Title 6, Chapter 6.20 – Public Nuisances;
- (3) YCC Title 8, Chapter 8.04 – Abandoned Vehicles;
- (4) YCC Title 8, Chapter 8.08 – Unlawful use of County Property;
- (5) YCC Title 8, Chapter 8.46 – Fireworks;
- (6) YCC Title 12, Chapter 12.10 – Stormwater and Drainage Authority;
- (7) YCC Title 13 - Building and Construction;
- (8) YCC Title 16, Chapter 16.04 – State Environmental Policy Act (Yakima County SEPA Rules);
- (9) YCC Title 16B - Project Permit Administration;
- (10) YCC Title 16C - Critical Areas Ordinance;
- (11) YCC Title 16D – Shoreline Master Program;
- (12) YCC Title 19 - Unified Land Development Code;

In addition, YCC Title 21 may apply to regulatory provisions of any County approval, license, permit, plat, short plat, site or other plan, SEPA decision, policy, adopted subarea plan or other official land use and development controls, together with any state regulations where the county is authorized to enforce or coordinate with agency enforcement activity.

21.01.030 Severability and Validity.

If it should be found by a court of competent jurisdiction that any portion of this Title, is not authorized by any provision of state or county law, such a finding shall not affect the validity of the remainder of this Title. If any provision of this Title or its application to any person or circumstances is held invalid, then the rest of this Title or its application to other persons or circumstances shall not be rendered invalid.

21.01.040 Authority Designated. (Was 13.04.010)

The Code Enforcement Official of the Division of the Yakima County Department of Public Services is hereby authorized and designated as the Official responsible for the enforcement of those Titles and provisions listed in Section 21.01.020, and is appointed as

the public officer, as defined in RCW 35.80.020, with the authority to exercise such powers of enforcement as are authorized in this Title and all incorporated Titles. The Code Enforcement Official is hereby authorized as a limited commission law enforcement officer to direct and enforce the provisions of this Title and to assess appropriate penalties authorized by this Title. The Code Enforcement Official may designate employees within this Division to act on his or her behalf.

- (1) In order to promote compliance with applicable code provisions, discourage public nuisances and promote public confidence in the consistent and appropriate enforcement of state and county laws, the Yakima County Code Enforcement Official or appropriate Reviewing Official, in response to field observations or written complaints, determine that violations of those Titles and Chapters set forth in Section 21.01.020 have occurred or are occurring, and is authorized to consider pursuing any or all of authorized remedial actions as they deem appropriate, including:
 - (a) Issuing notices and orders seeking compliance, assessing civil or criminal citations, assessing fines and penalties, and imposing liens to secure those costs incurred in enforcement;
 - (b) Entering into Voluntary Compliance Agreements with persons responsible for code violations;
 - (c) If needed, order work or use stopped at a site by means of a Stop Work Order or any other Notice or Order available to the Reviewing Official;
 - (d) Suspension, revocation, or modification of any permit or land use approval previously issued by the County, or recommendation of denial of a project permit application pursuant to this Title when other efforts to achieve compliance have failed;
 - (e) A written investigative report will accompany any referral to the prosecuting attorney's office with a recommendation to pursue appropriate legal actions to obtain compliance with all notices and orders issued by the Code Enforcement Official. The investigative report will include all relevant violation information and exhibits, including statements and photographs.
- (2) The assessment of the penalties and enforcement procedures set forth in this Title are not exclusive and are not intended to limit or restrict Yakima County from pursuing remedial action to enforce the provisions of the applicable Titles set forth in Section 21.01.020 in any other manner authorized by law or in equity.

21.01.050 Definitions.

This Title incorporates the definitions listed in the codes referenced in the Applicability section under 21.01.020 and the words and phrases designated as follows:

CIVIL CODE VIOLATION means any act or omission contrary to any ordinance, resolution or regulation regulated by this title or an act or omission contrary to the conditions of any permit, notice and order, or stop work order issued pursuant to any such ordinance, regulation or resolution regulated by this title. Each civil code violation shall constitute a separate infraction for each and every day or portion thereof, during which a violation is continued.

CODE ENFORCEMENT OFFICIAL, as authorized under section 21.01.040, means the official who is charged with the administration and enforcement of this code, or any duly authorized representative.

COSTS OF SUCH DEMOLITION OR EMERGENCY REPAIRS means the costs of the demolition or repair of the structure less revenues obtained if salvage is conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to: demolition or emergency repairs, such as asbestos survey and abatement if necessary; inspectors, testing agencies or experts engaged in connection with the demolition or emergency repairs; testing; surveys for other controlled or regulated materials to ensure compliance with all disposal, including landfill, regulations; title searches; mailing(s); postings; recording; and attorney fees for recovery of the cost of emergency repairs or to obtain or enforce an order by Yakima County Public Services and/or their representatives.

NUISANCE means any thing, condition, or conduct which significantly affects, injures, or endangers the comfort, repose, health or safety of others, is unreasonably offensive to the senses, or obstructs or interferes with the free use of property so as to interfere with or disrupt the free use of that property by any lawful owner or occupant. Yakima County Code Enforcement will enforce definitions of nuisances as defined in Title 13.11.020, applicable RCWs, and other applicable Yakima County Title's identified in YCC 21.01.020.

OWNER or RESPONSIBLE PARTY means any person, agent, operator, firm or corporation; having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court order; or renter(s), lessor(s) and other persons occupying or residing permanently or temporarily on the subject property.

REVIEWING OFFICIAL means Public Services Director, Administrative Official, Building Official, Code Enforcement Official, Health Department or the Board of County Commissioners, when engaged in any review or decision-making procedure under the provision of the Titles of Yakima County Code listed in Section 21.01.020.

CHAPTER 21.02 VIOLATIONS

Sections:

21.02.010 Violations. (Was 13.25.010)

21.02.020 Coordination Required with Other Officials. (Was 13.04.030)

21.02.030 Complaint Priority and Response

21.02.040 Identification and Right of Entry.

21.02.010 Violations. (Was 13.25.010)

- (1) Any person, firm, or corporation violating any of the provisions of this Title, including the provisions of the various Codes set forth in 21.01.020, or violating or failing to comply with any order issued or made pursuant to its provisions shall severally and for each and every violation and act of noncompliance respectively, be deemed responsible for committing the violation or act and is subject to any penalty provided by law and/or as provided for in this Title.
- (2) Code Violations defined as Nuisances, in YCC 21.01.050 are subject to the enforcement procedures outlined in this Title and its incorporated code provisions.
- (3) All Violations of Yakima County Code provisions, including official notices of violations and of orders issued by the Code Enforcement Official or authorized officials, and of court issued orders, are declared to be nuisances and are subject to the enforcement procedures outlined in this Title.
- (4) Every owner, responsible party, occupier, lessee or tenant, of property in violation of the provisions of this Title or who maintains a violation of this Title or who neglects to abate a continuing nuisance upon the subject property, even if originated under a former owner, is liable in the same manner as their predecessors.

21.02.020 Coordination Required with Other Officials. (Was 13.04.030)

- (1) The Code Enforcement Official responsible for enforcement of the Titles set forth in Section 21.01.020, is authorized to coordinate with any other county or state department, division or regulatory agency to confirm a suspected violation and to coordinate compliance and remedial actions.
- (2) The Code Enforcement Official may consult with the appropriate Reviewing Official and with legal counsel to coordinate proposed corrective actions and to confirm compliance with all permitting or licensing requirements mandated by applicable laws or regulations.

21.02.030 Complaint Priority and Response.

The Yakima County Code Enforcement Division generally responds to alleged violations of the Yakima County Codes and regulations based on written citizen complaints or referrals of potential violations from other regulatory agencies. However, if violations of the Yakima County Building Code Title 13 are observed by citizens, agencies or by Yakima County building, fire, and life safety personnel during the course of their

inspections; or if an alleged violation creates the risk of immediate or serious or extensive damage or harm, Code Enforcement may take immediate enforcement action prior to receiving a written complaint or referral.

Nothing in this Chapter shall be construed as requiring the County to enforce the prohibitions in this Title against all or any properties which may violate any county code or this Title. The County retains the discretion to enforce and prosecute violations of this ordinance as the County's resources permit. Exercise of such discretion may result in the enforcement and prosecution of a limited number of violations at any given time. Nothing in this Section or the absence of any similar provisions from any other County law shall be construed to impose or create a duty upon the County to enforce such other provision of law.

21.02.040 Identification and Right of Entry.

- (1) The Code Enforcement staff shall carry proper identification when inspecting structures or premises in the performance of their duties under this code.
- (2) All entry made onto private property for the purpose of inspection for code compliance or investigation of complaints shall be lawful when conducted in strict conformity with constitutional and statutorily established policies and constraints on entry as established by statutory or case law. The right of entry granted by this title shall not supersede those legal constraints.
- (3) Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the Code Enforcement Official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request permission to enter and inspect. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and to request permission to enter.
- (4) If entry is denied or resisted, the Code Enforcement Official may seek an administrative warrant to enter onto the premises and conduct an inspection if the statute, code, or regulation that is being enforced authorizes a court to issue an administrative search warrant, and only after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction, as authorized by RCW 35.080.030(3).

CHAPTER 21.03 NOTICES

Sections:

21.03.010 Noticing Procedures.

21.03.020 Notice of Violation and Orders.

21.03.030 Supplementation, Revocation, Modification.

21.03.040 Voluntary Compliance Agreements.

21.03.050 Administrative Conference.

21.03.060 Compliance with Notices and Orders.

21.03.070 Filing of certificate of notice and order with the County Auditor.

21.03.010 Noticing Procedures.

If the Yakima County Code Enforcement Official or his or her designee has determined that a violation has occurred, the violation shall be documented and notice of it given as follows:

- (1) A notice, as set forth under Section 21.03.020 shall be issued in writing when a field inspection reveals a violation, or as soon as the County otherwise determines a violation has occurred. The notice shall inform the Owner or Responsible Party of the violation and set a deadline that will allow the Owner or Responsible Party an opportunity to correct it or to enter into a voluntary compliance agreement pursuant to this Title.
 - (a) A notice and order represents a determination that a code violation has occurred, that the cited party is the person responsible for code compliance, and that the violations set out in the notice and order require abatement as specified in the notice and order.
 - (b) Failure to correct the code violation by the deadline and in the manner prescribed by the notice and order subjects the person to whom the notice and order is issued and the property in question to any of the compliance remedies provided in this title, including:
 - (i.) Civil penalties prescribed in the notice and order;
 - (ii.) A requirement that abatement, remediation and/or mitigation be performed;
 - (iii.) Permit suspension, revocation, modification, and/or denial as prescribed by this chapter; and/or
 - (iv.) Abatement by Yakima County Public Services and/or their Representative and recovery of the costs of abatement according to the procedures described in this code.
 - (c) Property owners identified in the notice and order as responsible for code compliance may appeal the notice and order in writing within fourteen days according to the procedures described in this code and in any rules promulgated concerning the appeal process.
 - (d) Issuance of a notice and order does not limit in any way the Code Enforcement Official's authority to issue a citation or stop work order in the same matter.

(2) Any notice under this section may be waived by the Code Enforcement Official and/or by the Reviewing Official in circumstances such as:

- Emergencies,
- Repeat violations,
- Violations that are already subject to a Voluntary Compliance Agreement,
- Situations where the violation creates or has created a serious life or public safety condition that is not likely to be corrected within 72 hours,
- Cases where a Stop Work Order is necessary to protect life or public safety, or
- When the person responsible for the code violation reasonably should have known, that the action was a code violation.

(3) When evaluating the status of a code violation, the Code Enforcement Official will take into consideration the guidelines listed under Section YCC 21.02.030 and may consider a number of relevant factors and criteria, including but not limited to the severity of the public impact, the time and cost required to abate the nuisance violation, the likelihood of cost recovery of abatement, and the County resources available to abate the nuisance violation.

(4) All notices shall specify a time frame for compliance of the violation, provided that the initial amount of time for correction shall not be longer than 30 days. A notice or order shall be issued in the event the violation is not corrected in the time period specified in the notice.

21.03.020 Notice of Violation and Orders. (Was 13.25.015)

As set forth in YCC Section 21.01.040, the Code Enforcement Official, or his or her designee, are authorized to serve a notice of a violation or notice and order on the Owner or Responsible Party. The notice shall contain an order directing the discontinuance of the activity, action or conditions creating the violation, and requiring compliance with the notice and/or order.

(1) Types of Notices and Orders.

(a) Notices Used for All Types of Violations;

- (i) Stop Work Order - an initial notice to cease activity until the appropriate authorizations have been obtained by the appropriate permitting agency;
- (ii) Investigation Report – Used by Code Enforcement staff for nuisance properties as a first notice which explains the nuisance ordinance and describes corrective measures that need to be taken in an effort to obtain voluntary compliance;
- (iii) Violation Notice – These notices are issued for general violations of County Code (e.g., voluntary compliance agreement);
- (iv) Correction Notice – These notices are generally used by the Code Enforcement or Building Division staff to list items not conforming to County Code;
- (v) Correction Order – These notices are issued when other notices or actions have failed to correct a violation and/or the violation is serious or extensive (e.g., Notice of Violation and Order to Correct, Nuisance Notice and Order, etc.)
- (vi) Final Notice – These notices are Yakima County's last attempt to gain compliance prior to issuance of a civil infraction or other legal action;

(vii) Or, any other notice deemed appropriate by Code Enforcement for the effective resolution of the particular code violation.

(2) Form.

(a) Official notices or orders shall:

- (i) Be in writing.
- (ii) Include a description of the real estate, and/or tax identification (parcel) number where the violation is located sufficient for identification.
- (iii) Include a statement of the violation or violations and why the notice is being issued.
- (iv) Include a correction order specifying a deadline for corrective actions such as:
 - (A) Discontinuance of the unlawful activity, action or condition which is in violation of the provisions of the codes adopted by this title, or
 - (B) Completion of repairs and improvements required to bring the building or structure into compliance with the provisions of the codes adopted by this title, or
 - (C) Obtaining such permits and approvals will be required to be in compliance with governing regulations or statutes, or
 - (D) Taking such action as ordered to resolve an unsafe or dangerous condition or activity.
 - (E) Any combination of the listed corrective actions or others necessary to achieve compliance and protect the public health, safety.

(b) Include a statement that the property owner, person, firm, corporation, or other responsible party, may enter into a voluntary correction agreement with Yakima County.

(c) Include a statement that the Code Enforcement Official, his or her designee, will issue or cause to be issued a Civil Infraction, a monetary penalty, a citation, or may institute appropriate proceedings at law or in equity as provided in the codes referenced by this Title, if the property owner, person, firm, corporation, or other responsible party, does not comply with the notice and/or order.

(d) Include a statement that the Code Enforcement Official may issue a notice of abatement if the property owner, person, firm, corporation, or other responsible party, does not comply with the notice.

(e) Inform the property owner, person, firm, corporation, or other responsible party, of the authority granted to Yakima County to seek abatement of the violation.

(f) Include a statement of the authority of the Code Enforcement Official, his or her designee, to file a lien in accordance with the provisions of this Title and YCC Chapter 13.11 Section 106.3.

(3) Method of service.

Such notice shall be deemed to be properly served if a copy thereof is:

- a. Posted on the property containing the violation, with an Affidavit of Service; or
- b. Sent by certified and first-class mail addressed to the last known address of the property owner, person, firm, corporation, or other responsible party; or
- c. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

d. If the whereabouts of any persons with an interest in the property or responsibility for the property is unknown and the same cannot be ascertained by the Code Enforcement Official in the exercise of reasonable diligence, then the Code Enforcement Official may serve the notice or order in accordance with methods a and/or b above. This method of service shall require an Affidavit of Service. The Affidavit of Service shall include the facts showing the efforts used in attempting to serve the person personally or by mail.

(4) Unauthorized tampering.

Signs, tags, seals, notices, or placards posted or affixed by the Code Enforcement Official, or his or her designee, shall not be mutilated, destroyed or tampered with, or removed without authorization from the Code Enforcement Official, or his or her designee. Persons tampering with signs, tags, seals, notices, or placards posted or affixed by the Code Enforcement Official, or his or her designee, may be issued Civil Infractions.

21.03.030 Supplementation, Revocation, Modification.

- (1) Whenever there is new information or a change in circumstances, the Code Enforcement Official, or his or her designee may add to, rescind in whole or part or otherwise modify a notice and/or 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 as set forth in Section 21.03.020.
- (2) The Code Enforcement Official, or his or her designee 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. The revocation or modification shall identify the reasons and underlying facts for revocation.

21.03.040 Voluntary Compliance Agreements.

The use of a Voluntary Compliance Agreement made under this section is a preferred corrective alternative to be used/promoted by the Code Enforcement Official. The procedures for their use are as follows:

(1) Authority.

Whenever the Code Enforcement Official, or his or her designee, determines that a code violation has occurred or is occurring, the Code Enforcement Division in appropriate cases may make reasonable efforts to secure voluntary compliance from the person responsible for code compliance. Upon contacting the person responsible for code compliance, the Code Enforcement Official may enter into a Voluntary Compliance Agreement as provided for in this section.

- (a) Voluntary Compliance Agreement may be entered into at any time after issuance of a written notice, a Civil Infraction, a Notice and Order or a Stop Work Order.
- (b) The Voluntary Compliance Agreement is a commitment and a binding agreement between the County and with the person responsible for code compliance under which the person agrees to do any combination of actions to abate the violation, remediating the site or mitigating the impacts of the violation. It must be definite in its terms and commits both the responsible person and

Yakima County to a course of action or forbearance of action in return for compliance with the notice and order.

(2) Form.

The Voluntary Compliance Agreement shall include the following:

- (a) The name and address of the person responsible for code compliance;
- (b) The address or other identification of the location of the violation;
- (c) A description of the violation and a reference to the provision or provisions of the ordinance, resolution or regulation that has been violated;
- (d) A description of the necessary corrective action to be taken and identification of the date or time by which it must be completed. For the purpose of this subsection, the Code Enforcement Official may either require that compliance be achieved by a specific date or that compliance be achieved by a date to be determined based on the occurrence of some future event;
- (e) The amount of the civil and monetary penalty that will be imposed pursuant to Yakima County Code if the Voluntary Compliance Agreement is not satisfied;
- (f) An acknowledgment that the Voluntary Compliance Agreement will be recorded against the property in the County Auditor's office;
- (g) An acknowledgment that if the Code Enforcement Official determines that the terms of the Voluntary Compliance Agreement are not met, the Code Enforcement Division will, without issuing a Civil Infraction, Notice and Order or Stop Work Order, impose any remedy authorized by this Title, which includes but is not limited to the assessment of the civil and monetary penalties identified in the Voluntary Compliance Agreement, correction of the violation, assessment of County costs and expenses necessitated by County pursuit of code compliance and to abate the violation, including legal and incidental expenses, and the suspension, revocation or limitation of a development permit;
- (h) An acknowledgment that if any assessed penalty, fee or cost is not paid, the County will charge the unpaid amount as a lien against the property where the civil code violation occurred, and that the unpaid amount may be a joint and several personal obligations of all persons responsible for code compliance;
- (i) An acknowledgment that by entering into the Voluntary Compliance Agreement the person responsible for code compliance thereby admits that the conditions described in the Voluntary Compliance Agreement exist and constituted a civil violation; the person is subject to and liable for any remedy authorized by this Title, which includes the assessment of the civil and monetary penalties identified in the Voluntary Compliance Agreement, correction of the violation, assessment of the costs incurred by the County 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

(3) Time Limits.

- (a) The Code Enforcement Official, or his or her designee, will prescribe a deadline for compliance as part of every Voluntary Compliance Agreement.
- (b) An extension of the deadline for compliance or a modification of the required corrective action may be granted by the Code Enforcement Official, his or her

designee, if the person responsible for code compliance has shown due diligence or substantial progress in correcting the violation.

(4) Failure to Meet the Terms of the Voluntary Compliance Agreement.

If the Code Enforcement Division determines that terms of the Voluntary Compliance Agreement are not completely met by the prescribed time limit, the Code Enforcement Official, or his or her designee, will proceed with further code enforcement actions as stated in Subsection (2)(g-i) above. Penalties imposed when a Voluntary Compliance Agreement is not met accrue from the date the Code Enforcement Official takes action after the time limit listed in the Agreement expires.

21.03.050 Administrative Conference.

An informal administrative conference may be conducted by Code Enforcement staff at any time for the purpose of facilitating communication among principals or noticed parties and providing a forum for efficient resolution of any violation. Interested parties shall not unreasonably be excluded from such conferences.

21.03.060 Compliance with Notices and Orders. (Was 13.25.015)

After any order of the Code Enforcement Official, or other responsible official, made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is in violation of this code and any of the enforcement actions provided for in this Title may apply. The Code Enforcement Official may refer the matter to legal counsel for appropriate action to obtain compliance.

21.03.070 Filing of Certificate of Violation with the County Auditor. (Was 13.25.015)

A certificate may be filed with the County Auditor. The certificate shall describe the nature of the violation, a property description, the taxation parcel number or numbers of the affected property, and a reference to the enforcement action case number. Upon compliance with the violation, a certificate of compliance shall be filed with the County Auditor stating that the notice and order have been satisfied and the enforcement action completed. The filing costs shall be paid by the owner or responsible party having control of the building, structure, premises, occupancy, equipment, or system that was the subject to all recording and related costs assessed by the County Auditor.

CHAPTER 21.04 PENALTIES

Sections:

- 21.04.010 Prosecution of Violation.**
- 21.04.020 Violation Penalties Associated with County Approvals.**
- 21.04.030 Civil Infractions.**
- 21.04.040 Monetary Penalties.**
- 21.04.050 Judicial Enforcement.**
- 21.04.060 Abatement.**

21.04.010 Prosecution of Violation. (Was 13.25.015)

- (1) Any person, firm or corporation failing to comply with a notice of a violation or order to comply served in accordance with the provisions of Titles listed in Subsection 21.01.020 shall be deemed guilty of a violation and subject to a citation or civil infraction as provided in this Title.
- (2) The owner, lessee, or tenant of any building, structure, premises, or part thereof, and, any architect, engineer, builder, contractor, employee, agent, or other person, who commits, authorizes, participates in, assists in, or who maintains after notice, a violation of this Title may each be found guilty of a separate offense and suffer the penalties provided in this Title.
- (3) If there is not compliance with a notice of violation, the Code Enforcement Official, or his or her designee, shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. All County costs and expenses related to action taken by the County concerning such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

21.04.020 Violation Penalties Associated with County Approvals. (Was 13.25.015)

(1) Violations of Existing County Approvals.

Any person who violates a provision of the Titles listed in Subsection 21.01.020 or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive or order of the Building Official, or of a development permit issued under the provisions of the Titles listed in Subsection 21.01.020, shall be subject to penalties as set forth in those Titles or as prescribed by state law. Each day that a violation continues after due notice has been served may be deemed a separate offense.

(2) Denial of Future County Approvals.

In order to further the corrective purposes of this Title, the County will not issue a building or development proposal permit unless the requested permit remedies and corrects the violation or property conditions creating the violation with regard to the site or project for which the permit application is submitted. This includes all payments

and/or any civil or monetary penalty imposed for the violation. Any building or development proposal permit that does not correct the violation will be denied.

21.04.030 Civil Infractions. (Was 13.25.050)

- (1) This section shall apply to the enforcement of Yakima County ordinances and codes, including those related to building, zoning, storm water, environmental health and safety, and quality of life, which specifically reference this Title or the ordinance codified in this Title and those ordinances which provide that the Yakima County Code Enforcement Official is charged with enforcement of those ordinances.
- (2) In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, the Reviewing Official may issue a citation or infraction imposing a penalty upon any person responsible for code compliance who commits a civil code violation. Violations of the applicable codes shall be corrected under the provisions of this Title and as authorized by RCW 7.80, in coordination with existing ordinance and code provisions.
- (3) For purposes of this Title, an authorized Code Enforcement Official or an RCW 7.80.040 enforcement officer is any one of the following:
 - (a) The Yakima County sheriff and his or her authorized representatives.
 - (b) The Yakima County Code Enforcement Official and his or her authorized representatives.
 - (c) The Yakima County Fire Marshal and his or her authorized representatives.
 - (d) The Yakima County Public Services Director and his or her authorized representatives.
 - (e) The Yakima County prosecuting attorney shall have authority to enforce the provisions of this Title and may pursue any legal proceedings necessary to enforce the provisions of this Title;
 - (f) Those Yakima County Officials as defined under Reviewing Official in Section 21.01.050 of this Title; and
 - (g) Other persons as may be designated from time to time by the Yakima County Board of Commissioners.
- (4) The Code Enforcement Official and his or her authorized representatives may investigate alleged or apparent violations of this Title. In the performance of that investigation, an authorized official may enter upon any land and make examinations and surveys, provided that such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession of the property, and as authorized by law. Upon request of the authorized official, the person allegedly or apparently in violation of this Title is required to provide reasonable information identifying themselves.
- (5) Whenever an authorized official determines that a violation has occurred or is occurring, he or she may pursue reasonable attempts to secure voluntary corrections. An authorized Code Enforcement Official may issue a Civil Infraction if

the authorized official reasonably believes that the provisions of this Title have been violated. A Civil Infraction may be issued either by:

- (a) The authorized official issuing the Civil Infraction on the responsible person; or
- (b) The authorized official filing the Civil Infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the Civil Infraction at his or her address.

(6) A Civil Infraction shall be filed in district court within forty-eight hours of issuance, excluding Saturdays, Sundays, and holidays. Yakima County District Court shall have jurisdiction to hear and determine these matters.

(7) A person who receives a Civil Infraction shall respond to the notice as provided in this section within fifteen days of the date the notice was served.

(8) If the person named in the Civil Infraction does not contest the determination, the person shall respond by completing the appropriate portion of the Civil Infraction and submitting it, either by mail or in person, to the court specified on the notice. Payment of the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response order shall be furnished to the authorized official. Failure to contest the determination and the payment of the fine does not release the person named in the Civil Infraction from their obligation to comply with the Notice or Order of the authorized official.

(9) If the person determined to have committed the Civil Infraction wishes to contest the determination, the person shall respond by completing the portion of the Civil Infraction requesting a hearing for that purpose and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven days nor more than ninety days from the date of the notice of the hearing, except by agreement.

(10) The court shall enter a default judgment assessing the monetary penalty prescribed for the Civil Infraction and may notify the prosecuting attorney of the failure to respond to the Civil Infraction or to appear at a requested hearing if any person issued a notice of Civil Infraction fails to respond.

(11) Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a Civil Infraction is guilty of a misdemeanor regardless of the disposition of the Civil Infraction; provided, that a written promise to appear in court or a written promise to respond to a Civil Infraction may be complied with by appearance of counsel.

(12) A person who willfully fails to pay a monetary penalty or to perform community service as required by a court under this section may be found in civil contempt of court after notice and hearing.

- (13) A person subject to proceedings under this section may appear or be represented by counsel but not at public expense.
- (14) The prosecuting attorney representing the county may, but need not, appear in any proceedings under this section, notwithstanding any statute or court rule to the contrary.
- (15) A hearing held to contest the determination that a Civil Infraction has been committed shall be without a jury.
- (16) The court may consider the Civil Infraction and any sworn statements submitted by the authorized representative who issued and served the Civil Infraction in lieu of his or her personal appearance at the hearing. The person named in the Civil Infraction may subpoena witnesses, including the authorized representative who has issued and served the Civil Infraction, and has the right to present evidence and examine witnesses present in court.
- (17) The burden of proof is on the county to establish the commission of the civil infraction by a preponderance of evidence.
- (18) After consideration of the evidence and argument, the court shall determine whether the Civil Infraction was committed.
- (19) An appeal from the court's determination or order shall be to the Superior Court in the manner provided by the Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).
- (20) A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that a Civil Infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.
 - (a) After the court has heard the explanation of the circumstances surrounding the commission of the Civil Infraction, an appropriate order shall be entered in the court's records.
 - (b) There shall be no appeal from the court's determination or order.
- (21) A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this Title shall be denominated Class I Civil Infractions. The maximum penalty and default amount for a Class I Civil Infraction shall be two hundred fifty dollars, not including statutory assessments.
- (22) Whenever a monetary penalty is imposed by a court under this Title it is immediately payable. If the person is unable to pay at that time, the court may grant an extension of the period of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payments the court may proceed to

collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall also notify the Public Services Department of the failure to pay the penalty, and the department shall not issue the person any future permits for any work until the monetary penalty has been paid.

21.04.040 Monetary Penalties

The Code Enforcement Official, or his or her designee, may impose monetary penalties, in addition to a Civil Infraction, as set forth in section 21.04.030.

- (1) A notice of violation may specify a monetary penalty that shall be imposed if the violation is not remedied or cured, or a compliance plan is not agreed to, within the time specified in the notice of violation. Such monetary penalties are in addition to fines or fees imposed by order of the court or by infraction or citation.
- (2) **Investigative and Land Use Violation Fees:** Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee established by the Building Official that shall be in addition to the required permit fees. In addition to the penalties described in this Chapter and YCC Title 13, land use violation fees will be assessed. The land use violation fee for land use violations is double the fee for any land use permits and applications necessary to remedy the violation.
- (3) Monetary penalties shall be assessed and accrue from the date specified in the notice of violation or its written extension(s).
- (4) Payment of a monetary penalty assessed under a notice of violation shall not relieve the person(s) named in the notice of violation of the duty to correct, cure, abate, or stop the violation.
- (5) **Appeal Fees:** The applicant will be required to pay the required fee for filing an appeal as indicated in Table 21.04-3. Additionally, if the appealed decision or determination is upheld, the appealing party or parties will pay the cost of the Hearing Examiner's time in full.

Table 21.04 - 1: Monetary Penalties for Failure to Comply with the Notice of a Violation

Period of Violation	Monetary Penalty per Period
Day 1 to Day 30*	\$500
Day 31 Thereafter	\$35 daily

*Note: The Code Enforcement Official at his or her discretion may impose a monetary penalty upon determination of a violation if the person responsible for the violation is a repeat violator or the violation is deemed egregious.

Table 21.04-2: Monetary Penalties for Violations of Stop Work Orders and Emergency Orders

Violation	First Violation	Repeat Violations (within a 12-month period)
Stop Work Order	\$300	\$600

Table 21.04-3: Additional Fees

Recording Fees	Current Auditor's Filing Fee
Administrative Appeal	\$1,255
Hearing Examiner Fees ¹	At cost (Hourly rate)
Hourly Rate: County staff wages, benefits, review, regulatory inspections, overhead, third-party consultant services and other expenses incurred during review of the project.	At cost (Hourly rate)
Public Notice: postage, publishing fees, posting materials, photocopies, printing.	At cost
Investigation Fee	As identified by the Building Official
Land Use Violation Fees	Double the cost of the required land use application

(1) If the appealed decision or determination is upheld, the appealing party or parties will pay the cost of the Hearing Examiner's time in full.

21.04.050 Judicial Enforcement.

- (1) In addition to any other judicial or administrative remedy, the prosecuting attorney on behalf of Yakima County may seek enforcement of the Code Enforcement Official's order by filing a petition for enforcement in Yakima County Superior Court.
- (2) The petition must name as respondent each alleged person against whom the Code Enforcement Official seeks to obtain civil enforcement.

(3) 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.

21.04.060 Abatement.

(1) Abatement of Violation.

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(2) Non-Exclusive Authority to Abate.

The County may choose to abate any violation of the County Code through any of the abatement methods set forth in the County Code or in other local, state or federal law, and nothing contained in this Title shall be construed as limiting, prejudicing or adversely affecting the County's ability to concurrently or consecutively use any of those proceedings as the County may deem are applicable. Proceeding under this Section will not preclude the County from proceeding under other Sections of this Title. Whenever the Code Enforcement Official or his other designee determines that any condition exists in violation of the provisions of this Title, he or she may take enforcement action pursuant to this Section.

CHAPTER 21.05 LIENS

Sections:

21.05.010 Filing and Contents.

21.05.020 Supplemental.

21.05.030 Abatement Lien - Tax Bill Authorized.

21.05.040 Lien - Limitation of Action - Duration.

21.05.010 Filing and Contents.

(1) Within ninety days from the date any civil penalty, civil fine, abatement cost, or enforcement cost is due pursuant to this Title, a Code Enforcement Official, or his or hers designee may record a lien against the property of a person responsible for code compliance for the amount owing with the records and licensing services division, or its successor agency.

(2) The lien shall contain the following information:

- (a) The Yakima County Code provision;
- (b) A brief description of the violation and its duration at the date of recording;
- (c) A brief description of the abatement work done, if any, and who performed the abatement work;
- (d) The owner of the property, if known, or a statement that the owner is not known;
- (e) A legal description and tax identification (parcel) number of the property;
- (f) The amount of penalties, fines or costs that are owing; and
- (g) A sworn statement signed by the Code Enforcement Official that he/she believes the claim is just.

21.05.020 Supplemental.

The Code Enforcement Official may record supplemental liens with the Yakima County Auditor's Office, to update information regarding penalties, fines, costs or fees contained in any existing lien.

21.05.030 Abatement Lien - Tax Bill Authorized.

(1) The Board of Yakima County Commissioners, by Resolution, finds that there exist within the unincorporated areas of the county 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 county residents.

(2) In the case of such unfit dwellings, buildings, structures, and premises or portions thereof, the Code Enforcement Official, as an alternative to any other remedy provided in this Title, may have abatement costs certified, entered and collected by Yakima County as taxes according to the procedures and limitations set forth in RCW 35.80.030 and RCW 7.48.280

21.05.040 Lien - Limitation of Action - Duration.

- (1) No lien created by this Title binds the property subject to the lien for a period longer than ten years after the lien claim has been recorded, unless an action to enforce that lien is commenced in the proper court within ten years after the recording.
- (2) When all penalties or abatement costs, or both, assessed against the property owner have been paid, the Code Enforcement Official shall expeditiously record a satisfaction of lien with the Yakima County Auditor's Office. The satisfaction shall include a legal description and tax identification (parcel) number of the property where the violation occurred.

Chapter 21.06 ADMINISTRATIVE APPEAL TO THE HEARING EXAMINER.

Sections:

- 21.06.010 Administrative Appeals**
- 21.06.020 Appeal Procedures**
- 21.06.030 Pre-Hearing Procedures**
- 21.06.040 Appeal Hearings**
- 21.06.050 Decision**
- 21.06.060 Notice of Decision**
- 21.06.070 Failure to Appear**

21.06.010. Administrative Appeals.

All appeals under this Title shall be heard by the Hearing Examiner, in accordance with YCC Title 2.23 and the procedures contained in this Chapter. Enforcement of any notice and order of a Reviewing Official 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 a Reviewing Official determines that the violation poses a significant threat of immediate and/or irreparable harm and so states in any notice and order issued. The appellant can appeal whether a violation has occurred, the corrective action taken, and the monetary penalties imposed. Not subject to appeal is whether a development permit is required in accordance with the Titles identified in 21.01.020.

21.060.020 Appeal Procedures.

- (1) **Standing to Appeal.** The owner of the property where the violation exists may appeal a notice or order.
- (2) **Filing Notice of Appeal.** An appeal of a notice or order shall be in writing, signed by the person appealing, and shall be filed with the Yakima County Public Services no more than fourteen calendar days from the date of the notice or order was served or mailed as provided in Section 21.03. The notice of appeal shall be accompanied by the filing fee established by 21.04.040.
- (3) **Content of Notice of Appeal.** The notice of appeal shall include the following information:
 - a. The appellant's name, address, and telephone number;
 - b. The appellant's explanation of their standing to appeal;
 - c. The notice or order which the appellant is appealing;
 - d. The grounds for the appeal, including the specific facts or circumstances that support their appeal and any alleged errors made by the citing official; in the notice or order;
 - e. The relief sought by the appellant; and,

- (4) **Untimely Appeals.** An appeal is untimely if the notice of appeal is not timely filed. The administrative denial shall be in writing and served in compliance with Section 21.03.
- (5) **Failure to Appeal.** Failure to appeal a notice or order within the time periods established for appeals stated in notices and orders constitutes a waiver of all right to an appeal and contest the violation and the imposition of monetary penalties and/or costs.

21.06.030 Pre-Hearing Procedures. The following procedures (Subsections 1 through 3) shall apply to any appeal heard by the Hearing Examiner under this Title unless the Hearing Examiner holds a prehearing conference under Subsection 4 of this Section and issues an order establishing the appeal procedure.

- (1) **Memorandum to Hearing Examiner.** Within ten days of filing the appeal, the appellant shall file with the Planning Division a memorandum setting forth the appellant's arguments and authority. The appellant's memorandum to the Hearing Examiner shall clearly identify whether the subjects of the appeal are concerned either with procedural issues or substantive determinations, or both. Such arguments and authority shall be restricted to those issues set forth in appellant's written appeal statement;
- (2) **Staff Report.** At least twenty days prior to the date of the scheduled hearing before the Hearing Examiner, County staff shall file with the office of the Hearing Examiner and provide the appellant with a staff report responding to the appellant's memorandum concerning the appeal; and
- (3) **Reply Memorandum.** At least ten days prior to the date of the scheduled hearing before the Hearing Examiner, the appellant or landowner may file with the Planning Division any reply memorandum which the appellant or landowner desires to file. The scope of the reply memorandum shall be restricted to responding to issues raised in the staff report.
- (4) **Prehearing Conference.** Any party may request a prehearing conference not later than ten days following the filing of appeal. The prehearing conference may be held at the discretion of the Hearing Examiner, in consultation with the Reviewing Official. If the Hearing Examiner exercises his discretion to hold a prehearing conference on an appeal the Hearing Examiner may issue an order following that hearing establishing the procedure and schedule for the hearing and for the submittal of reports by County staff, applicant, and appellant, not inconsistent with this Title.

The Hearing Examiner's order shall provide for the submittal of appellant's memorandum setting forth the appellant's arguments and authority, a County staff

report responding to appellant's memorandum, applicant's memorandum responding to the appellant's memorandum, and appellant's reply memorandum. All written reports shall be submitted prior to the appeal hearing, consistent with the terms of the order. The parties shall provide copies of all submitted material to the other parties.

(5) **Failure to Comply.** Failure to comply with the requirements of this Section may result in the Examiner taking such action in regard to the failure as is appropriate including, but not limited to dismissing the matter, continuing the hearing, postponing the hearing or limiting testimony at the hearing. The Hearing Examiner or Yakima County may require any appellant(s) who cause(s) a delay in the proceedings by not adhering to the submittal schedule to pay all additional fees associated with rescheduling meetings, including Hearing Examiner fees.

21.06.040 Appeal Hearings.

The appellant must prove by a preponderance of the evidence that a violation has not occurred; or that the required corrective action does not conform to this Title or provisions listed in the notices or orders; or that the monetary penalties are excessive or not correctly imposed. The scope of review in an appeal hearing is *de novo*, meaning that the Hearing Examiner will independently consider the record and testimony presented as if they were making the initial determination made by the citing officer; except that the Hearing Examiner shall defer to the Code Enforcement Officer's legal interpretation of the enforced code, unless the Code Enforcement Officer's interpretation is arbitrary and capricious or clearly erroneous.

21.06.050 Decision.

(1) The Hearing Examiner shall determine whether the county has established by a preponderance of evidence that a violation has occurred and that the abatement conforms to the requirements of the enforced code, and shall issue a written decision that affirms, vacates, or modifies the notice or order and will include the items identified below. The decision by the Hearing Examiner is a final administrative determination.

- (a) Findings of fact and conclusion of law supporting the decision;
- (b) The required abatement action, if any;
- (c) The date and time by which the abatement action, if any, must be completed;
- (d) If abatement action is required, the date on which monetary penalties shall continue to accrue;
- (e) To the extent the appellant does not prevail, the past and future monetary penalties and costs according to Section 21.04.040.
- (f) A statement itemizing the cost of the appeal hearing or Hearing Examiner or both, if applicable under subsection 21.04.040 of this section; and,
- (g) The date of time when the county may abate the violation if the required correction action is not taken within the time provided in the decision and that

the appellant will be responsible for the county's costs in completing the abatement.

21.06.060 Notice of Decision.

The Hearing Examiner shall transmit their decision to the Yakima County Public Services within ten working days after the appeal hearing. Notice of the Hearing Examiner's decision shall be in accordance with YCC Title 2.23.130.

21.06.070 Failure to Appear.

If the appellant fails to appear at the scheduled appeal hearing, then the Hearing Examiner's decision will be based on the information already provided to him/her and testimony provided by those present at the hearing, in accordance with Section 21.06.050 above. The cost of the hearing will be included in these fees in accordance with Chapter 21.04.040 of this Title.

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