

PART IV - ENFORCEMENT

3.40 Enforcement

Sections:

3.40.010 Authority

3.40.020 Violations

3.40.030 Permit Suspension, Revocation or Modification

3.40.040 Initiation of Revocation or Modification Proceedings

3.40.050 Voluntary Correction Assurance of Discontinuance

3.40.060 Declaration of Public Nuisance

3.40.070 Notice of Violation Process

3.40.080 Service of a Notice of Violation

3.40.090 Enforcement Action in District Court

3.40.010 Authority.

The Director is authorized to enforce the provisions of this Title, including any implementing rules, and any conditions attached to any land use approval. The Department may use all means of enforcement available for violations of this Chapter and this Title.

3.40.020 Violations.

Structures or uses which do not conform to the requirements of this Title, except for legal non-conformances specified in 3.06.060, are violations subject to the enforcement, penalty and abatement provisions of SCC 3.40. Violations include but are not limited to:

- A. Establishing a use not permitted in the zone in which it is located;
- B. Constructing, expanding or placing a structure in violation of setback, height or other dimensional standards of this Title;
- C. Establishing a permitted use without complying with applicable development standards set forth in other Chapters of SCC, ordinances, rules or other laws;
- D. Failing to carry out or observe conditions of land use permit approval;
- E. Failing to secure required land use or permit approval prior to establishing a permitted use; and
- F. Failing to maintain site improvements, such as landscaping, parking or drainage control, as required by this code.

3.40.030 Permit Suspension, Revocation or Modification.

- A. Any permit, variance or other land use approval issued by Stevens County pursuant to this Title may be suspended, revoked or modified on one or more of the following grounds:
 1. The approval was obtained by fraud;
 2. The approval was based on inadequate or inaccurate information;
 3. The approval, when given, conflicted with applicable existing laws or regulations;
 4. An error of procedure occurred which prevented consideration of the interests of persons directly affected by the approval;
 5. The approval or permit granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, law or regulation;
 6. The use for which the approval was granted is being exercised in a manner detrimental

to the public health , safety, or welfare; or

7. The holder of the permit or approval fails to comply with any notice and order issued pursuant to SCC 3.40.

3.40.040 Initiation of Revocation or Modification Proceedings.

Proceedings to suspend or revoke a permit or land use approval may be initiated as follows:

- A. The Director may suspend any permit or land use approval pending its revocation or modification.
- B. An issuing agency may initiate proceedings to revoke or modify any permit or land use approval it has issued.
- C. Persons who are aggrieved may petition the issuing agency to initiate revocation or modification proceedings, and may petition the Director to suspend a permit, variance or land use approval pending a public hearing on its revocation or modification.

3.40.050 Voluntary Correction Assurance of Discontinuance.

A. The Director may pursue voluntary correction of any violation. Voluntary correction shall involve an agreement with the person(s) responsible for the violation to abate and correct the violation. The agreement shall include:

- 1. Name and address of the person(s) responsible for the violations;
- 2. Tax Parcel Number and site address of parcel where the violation is taking place;
- 3. A statement of each violation, including the code provision, permit condition, regulation or rule violated, and the date each violation occurred;
- 4. The corrective action required, including any permits that must be obtained, and a date and time by which the corrective action must be completed.
- 5. Agreement by the person(s) responsible that the County may abate the violation and recover its cost and expenses if the terms of the voluntary correction agreement are not fulfilled; and
- 6. A waiver by the person(s) responsible of any right of administrative appeal of the violation or the agreed upon corrective action; and

B. In the enforcement of this Title, the prosecuting attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this Chapter from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the Superior Court for Stevens County. The violation of such assurance shall constitute prima facie proof of a violation of this Chapter.

3.40.060 Declaration of Public Nuisance.

All violations of this Title are determined to be detrimental to the public health, safety and welfare.

3.40.070 Notice of Violation Process.

A. Whenever a condition, development or activity is found by the Director to be in violation of this Title, the Director may order the activity or any work on a development stopped, or may order that the condition be remediated, by serving written notice on any person causing or responsible for the activity, development or condition. In cases where the person responsible is not the property owner, the property owner shall also be included. The notice shall be in the form of a "Notice of Violation" which shall include:

1. A description of the condition, development or activity that is in violation of this Title;
2. A citation to the code section or sections being violated;
3. A statement of the action required to cure or correct the violation;
4. A date by which the corrective action shall be completed or by which a work plan or permit application shall be submitted. Any work plan or permit application shall include a schedule showing when the corrective work will begin and be completed;
5. A statement that a violation of any provisions of this Title shall constitute a misdemeanor punishable by law;
6. A statement that any person cited in the Notice of Violation may request review by the Administrator within 14 days from receipt of the notice.

B. If a person requests review by the Director, the Director shall determine a time and place for a meeting to be held within 14 days of receipt of the request. At the meeting with the Director, the person cited in the Notice of Violation may bring qualified professionals or any person familiar with the activity, development, or condition to speak about compliance, scheduling, and questions related to interpretation of the relevant code sections. The Director may invite other county or agency personnel in order to fully understand the issues and develop reasonable solutions.

C. Following the review meeting, the Director shall send a written communication to all parties who were present at the meeting and any other person cited on the notice of violation. The communication shall:

1. Affirm the Notice of Violation as written;
2. Modify the Notice of Violation;
3. Withdraw the Notice of Violation; or
4. Modify the Notice of Violation to include an agreement regarding steps that will be taken to bring an activity, development, or condition into compliance with this Title. In this case, the Director shall include two copies of the communication and the person agreeing shall sign and date and return one to the Director. In any case where the property owner is not the person responsible, copies of any proposed agreement and any signed agreement shall be forwarded to the property owner.

3.40.080 Service of a Notice of Violation.

A Notice of Violation shall be served upon the person(s) or entity to whom it is directed either personally, or in the manner provided for personal service of notices or summons in Stevens County District Court, or by mailing a copy of the Notice of Violation by certified mail, postage prepaid, return receipt requested, to such person or entity at the address as listed in the records of the Stevens County Assessor or Treasurer. In case of immediate hazards, service shall be by personal service with proof of service by written declaration or affidavit.

3.40.090 Enforcement Action in District Court.

A. If the Director determines that all reasonable efforts to achieve voluntary compliance through agreement with a person cited or through referrals to other agencies with jurisdiction have failed, the Director may refer the violation to the Stevens County Prosecuting Attorney for enforcement action in Stevens County District Court.

B. In cases where a person has been cited more than once for the same violation, the Director may choose to refer the violation immediately to the Stevens County Prosecuting Attorney for enforcement action in Stevens County District or Superior Court.

3.50 Sub-Area Regulations RESERVED
3.60-3.79 RESERVED