

STATE OF WASHINGTON
COUNTY OF JEFFERSON

In the Matter of Repealing Resolution No. [42-03](#) and Adding a Resolution Adopting Code Compliance Rules of Procedure Pursuant to Chapter [19.05.020](#)(1) JCC

RESOLUTION NO.

WHEREAS, Article XI, section [11](#) of the Washington Constitution, confers upon county legislative authorities a direct and extensive delegation of the police power to adopt such local police, sanitary and other regulations as are not in conflict with general laws; and,

WHEREAS, RCW [36.32.120\(7\)](#) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, RCW [36.32.120\(10\)](#) provides the county legislative bodies have the power to declare by ordinance what shall be deemed a nuisance within the county; to abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or remises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it; and,

WHEREAS, police power is that inherent and plenary power which enables prohibition of all things hurtful to the comfort, safety and welfare of society; and,

WHEREAS, the scope of police power is broad, encompassing all those measures which bear a reasonable and substantial relation to promotion of the general welfare of the people; and,

WHEREAS, developing code compliance policy and procedure for enforcement has been a long-term goal of Jefferson County, as reflected in Resolution [29-03](#) In the Matter of establishing a Policy on the Complaint Review and Enforcement adopted June 23, 2003, and Resolution [42-03](#) In the Matter of re-establishing the County Policy on the Complaint Review and Enforcement adopted July 28, 2003; and,

WHEREAS, on December 10, 2020, Jefferson County Board of Health and Jefferson County Board of Commissioners adopted Ordinance No [09-1210-20](#) on Code Compliance in Unincorporated Areas of Jefferson County, codified in Title [19](#)—Code Compliance; and,

WHEREAS, Jefferson County departments are tasked with implementing Title [19](#) of the Jefferson County Code (“JCC”); and,

WHEREAS, it is efficient for Jefferson County to have Code Compliance Rules of Procedure for all departments that is consistent, reasonable, and legally sound; and,

WHEREAS, Chapter [19.05.020](#)(1) JCC authorizes Code Compliance Rules of Procedure; and,

WHEREAS, Chapter [19.05.020](#)(2) JCC authorizes amendments to Code Compliance Rules of Procedure through a motion by the Board of Commissioners and Board of Health; and,

WHEREAS, Department of Community Development and Environmental Public Health have worked together, with assistance from the Prosecuting Attorney's Office, to develop Code Compliance Rules of Procedure in compliance with Title [19](#) JCC to further implement the intended goal of compassionate and effective code enforcement (Attachment A); and,

WHEREAS, throughout Title [19](#) JCC, and particularly in Chapter [19.10.05](#) JCC, voluntary compliance is emphasized; and

WHEREAS, Chapter [19.30.025](#) JCC authorizes department directors and their designees to enter into settlement agreements, including but not limited to: deferring penalty payments for up to three years and cancelling a portion of the penalty debt based on sustained and prolonged compliance when appropriate; and,

WHEREAS, Chapter [19.30.030](#) JCC authorizes an Enforcement Fund for cost associated with abatements and code compliance enforcement; and,

WHEREAS, Jefferson County recognizes that barriers to code compliance enforcement exist, and when those barriers are small and removing them is beneficial to the public, the departments are authorized to use enforcement funds for vouchers; and,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF HEALTH OF JEFFERSON COUNTY, STATE OF WASHINGTON:

Section 1. Findings of Fact. The Jefferson County Board of Commissioners hereby adopts the above "Whereas" clauses as Findings of Fact.

Section 2. Purpose. The purpose of this Resolution is to repeal Resolution No. [42-03](#) and Add a Resolution Adopting Code Compliance Rules of Procedure Pursuant to Chapter 19.05.020(1) JCC to further implement Title [19](#) JCC as reflected in Appendix A.

Section 3. Repealing Resolution No. [42-03](#). The Board of Commissioners repeals Resolution No. [42-03](#) and adds Resolution _- 24, adopting Code Compliance Rules of Procedure pursuant to Chapter [19.05.020](#)(1) JCC.

Section 4: Adoption of Resolution – 24 Code Compliance Rules of Procured. The Code Compliance Rules of Procedure pursuant to Chapter [19.05.020](#)(1) JCC, attached as Appendix A, are hereby adopted.

Section 5: Effective Date. This resolution shall take effect immediately upon adoption.

Section 6: Severability. If any one or more section, subsections, or sentences of this resolution are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this resolution and the same shall remain in full force and effect.

Section 7: SEPA Compliance. This resolution is categorically exempt from the threshold determination and Environmental Impact Statement requirements of the State Environmental Policy Act under WAC [197-11-800\(19\)](#).

(SIGNATURES APPEAR ON THE NEXT PAGE)

APPROVED and ADOPTED this _____ day of _____, 2024.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

SEAL:

Kate Dean, Chair

Greg Brotherton, Member

ATTEST:

Heidi Eisenhour, Member

Carolyn Gallaway, Date
Clerk of the Board

Approved as to form only:

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

APPROVED and ADOPTED this ____ day of _____, 2024.

JEFFERSON COUNTY BOARD OF HEALTH

Kate Dean, Chair

Amanda Grace, Vice Chair

Greg Brotherton, Member

Monica MickHager, Member

Heidi Eisenhour, Member

Kees Kloff, Member

ATTEST:

APPROVED AS TO FORM:

Karen Abbott, Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney