



**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners
Mark McCauley, County Administrator

FROM: Pinky Mingo, Director of Environmental Public Health
Josh Peters, Director of Dept. of Community Development
Ariel Speser, Philip Hunsucker, Prosecuting Attorney's
Office

DATE: November 4, 2024

SUBJECT: 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

STATEMENT OF ISSUE:

In a joint effort to best serve Jefferson County's code compliance and enforcement needs, Environmental Health, Department of Community Development, and the Prosecuting Attorney's Office have collaborated on developing Code Compliance Rules of Procedure to further assist county departments in implementing Title [19](#) JCC.

On July 28, 2003, the Board of County Commissioners adopted Resolution [42-03](#)—In the Matter of re-establishing the County Policy on Complaint Review and Enforcement, which guided the County's compliance and enforcement.

With the adoption of Title [19 JCC](#)—Compliance Code on December 10, 2020, Resolution [42-03](#) was impliedly repealed. To avoid lingering concerns by county employees about whether Resolution [42-03](#) remains in effect, Resolution [42-03](#) should be expressly repealed.

ANALYSIS:

Developing and implementing a consistent approach to code compliance and enforcement is desired by the public, the Board of Commissioners, Public Health, DCD and other Jefferson County Departments working code compliance cases.

Staff respectfully request that the Board of Commissioners/Board of Health Repeal Resolution 42-03 and adopt a Resolution Adopting Code Compliance Rules of Procedure Pursuant to Chapter 19.05.020(1) JCC.

Fiscal Impacts

No fiscal impacts at this time.

REVIEWED BY:



Mark McCauley, County Administrator

10/31/24

Date

**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

ATTACHMENT A

JEFFERSON COUNTY CODE COMPLIANCE RULES OF PROCEDURE





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PURPOSE

The purpose of these Code Compliance Rules of Procedure (Rules) is to further implement title [19 JCC](#) by providing additional guidance for compassionate and efficient code enforcement to promote and protect the general public health, safety, and environment of Jefferson County residents.

Title [19 JCC](#) provides uniform and efficient regulation for civil code violations and public nuisances.

Uniform and efficient procedures, and consistent application, is in Jefferson County's best interest to improve the delivery and cost effectiveness of code compliance services to the public.

AUTHORITY

JCC [19.05.020](#) authorizes these Rules and sets the scope and limitations on enforceability. Title [19 JCC](#) outlines certain acts to be civil violations and establishes civil enforcement procedures and penalties, and also declares certain acts to be misdemeanors, punishable by a fine of not more than \$1,000 or imprisonment in a county jail for not more than 90 days. JCC [19.10.020](#).

These Rules hereby reference and incorporate the enforcement process authorized in title [19 JCC](#).

These Rules confirm and authorize the enforcement discretion of directors to use written policies for staff to uniformly and efficiently process code compliance complaints that do not rise to the level of a rule, including the use of template documents.

SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of these Rules is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of these Rules.

RULE 1 - COMPLAINT

Achieving code compliance is one of the primary ways Jefferson County works to promote and protect the public safety, health, and environment of Jefferson County residents.

(a) Voluntary compliance whenever possible

It is the intent of Jefferson County to seek voluntary compliance from the person responsible whenever possible as outlined in chapter [19.10 JCC](#) – Voluntary Compliance.

- (i)** As reflected in chapter [19.15 JCC](#) – Voluntary Compliance, it is Jefferson County's directive to encourage compliance using education, prevention, and voluntary compliance as a first step.



- (ii) Staff must be sensitive to the possibility that the person responsible may not be aware of regulations and give warnings prior to enforcement, unless there is potential of immediate adverse impact on the people or environment. Staff shall document warnings in writing whenever possible.

(b) Non-Compliance.

If voluntary compliance is not achieved, then staff shall move forward with enforcement escalation protocols to gain compliance pursuant to chapter [19.20 JCC](#) – Notice and Orders.

RULE 2 - ROLE OF DEPARTMENT DIRECTORS AND STAFF

(a) Department Directors and Staff

- (i) As used in these rules, the term “director” has the same meaning as defined JCC [19.10.015](#)(1), and includes a director’s designee.
- (ii) As used in these rules, the term “staff” means county employees engaged in code compliance under title [19 JCC](#) and includes Code Compliance Coordinators, Code Compliance Officers, Environmental Public Health Officer Designees.

(b) Code Compliance Officers and Health Officer Designees

- (i) Staff shall make every effort to project a professional demeanor, even under difficult situations, and consider the intent of regulations when seeking compliance with the regulations.
- (ii) Staff should be fair, equitable, vigilant, and guard against the abuse of power.
- (iii) Department directors have the responsibility of providing on-going training to ensure staff have the knowledge and skills needed efficiently and effectively carry out compassionate code compliance enforcement pursuant to title [19 JCC](#) following best practices and procedural steps consistent with these Rules.
- (iv) Staff should engage in early intervention when responding to code compliance issues.
- (v) Staff should create a visible and credible presence of the interests and responsibility of government in the eyes of the public. County presence may deter some individuals from further violating code requirements.

- (c) The role of directors and staff is to administer the will of the people as expressed through legislation and initiatives, and codified in state and local laws, including title [19 JCC](#).

RULE 3 - COMPLAINTS

(a) Citizen Complaints



- (i) Jefferson County does not accept anonymous complaints.
 - (ii) The Citizen Concern/Code Compliance Form can be found on the Jefferson County website: <https://www.co.jefferson.wa.us/formcenter/dcd-11/complaint-form-70>
- (b) Processing Complaints
- (i) All complaints shall be timely entered into an approved database for tracking purposes.
 - (ii) Staff shall determine if the complaints are founded or unfounded.

RULE 4 - ENFORCEMENT

JCC [19.05.020](#)(3) provides the legal authority for these Rules to use the enforcement mechanisms listed in JCC [19.10.025](#), which says:

Jefferson County seeks to gain voluntary compliance and may...

consider using one or more of the following code compliance tools, when appropriate, and depending on the severity of a specific violation: education, voluntary compliance, notice of violation, order of abatement, one-time penalty, daily penalties, stop work order, notice to vacate, and property liens.

(a) Escalation

- (i) When a civil code violation has been established according to the provisions of JCC [19.20.010](#), and voluntary compliance efforts are unsuccessful, JCC [19.10.45](#) gives discretion to the director to escalate enforcement.
- (ii) This may include assessing per-day penalties, and putting a lien on the property for unpaid fines and recovery of County costs (staff time, attorney time, etc.).
- (iii) At each step in the escalation process, the director and staff shall provide opportunities for voluntary compliance.
- (iv) Directors maintain enforcement discretion.. Nothing in these Rules prevents the director from enforcing the violation. JCC [19.10.045](#)..

(b) Liens on Liens on Properties

Requirements for imposing liens on properties can be found in JCC [19.10.025](#)(3) – Enforcement authority and administration and JCC [19.30.020](#) JCC – Recovery of costs.

- (i) All penalties and costs shall constitute a lien against the subject property. A lien for penalties imposed shall be recorded if the monetary penalties remain unpaid for 90 days.



- (ii) The County shall place a lien for any unpaid monetary penalties imposed, the cost of any proceedings, any abatement work performed, and all other related costs against the real property on which the monetary penalty was imposed.
- (iii) Liens shall run with the land but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity. JCC [19.30.020\(3\)-\(a\)](#).

RULE 5 - SETTLEMENTS

Settling a case helps provide the incentive to deter future violations and sends a message to the community that Jefferson County's goal is compliance, not the collection of penalties.

(a) Settlement Authority

- (i) Directors and staff shall work cooperatively with property owners to settle penalties whenever appropriate.
- (ii) The director or designee is authorized to settle claims for monetary penalties incurred from the actions and processes related to code violations or nuisances when such settlement is in the best interest of the County. *See* examples in JCC [19.15.010](#) – Voluntary compliance agreements and JCC [19.30.025](#) – Settlement of monetary penalties and costs.
- (iii) In addition, the director shall consider the following factors:
 - (A) Whether the person responsible responded to notices and cooperated to correct the code violation or nuisance;
 - (B) Whether the person responsible failed to appear at the hearing;
 - (C) Whether the code violation or nuisance was a repeat violation;
 - (D) Whether the person responsible showed due diligence or substantial progress in correcting the code violation or nuisance; and
 - (E) Any other relevant factors. JCC [19.30.025\(1\)\(a\)-\(e\)](#).
- (iv) The director is authorized to settle claims for monetary penalties incurred under JCC [19.30.010](#) and costs incurred under JCC [19.30.020](#) when such settlement is in the best interest of the county. JCC [19.30.025\(1\)](#).
- (v) In assessing violations for settlement, directors and staff shall consider the factors outlined in JCC [19.30.025\(1\)](#) JCC. In settling penalties, directors shall have broad discretion to defer payment of a portion of the penalty for up to three years, unless a shorter time-frame is warranted.



- (vi) All Voluntary Compliance Agreements shall fully comply with the necessary terms and conditions for Settlement Agreements as outlined in JCC [19.15.015](#)..
 - (vii) When a Settlement Agreement is entered into, staff and directors shall determine a reasonable and flexible compliance timeline. JCC [19.15.015](#)..
 - (viii) The director shall make an annual report to the Jefferson County Board of Commissioners regarding all settlements under title [19](#) JCC. JCC [19.30.025](#)(2).
- (b) Costs that cannot be settled
- (i) The director shall not waive any assessed costs of code compliance or actual abatement costs incurred by the County, including associated interest thereon.
 - (ii) Actual abatement costs are funds spent by the County to achieve physical abatement of the code violation or nuisance. JCC [19.30.025](#) JCC.

RULE 6 - ENFORCEMENT FUND

Title [19](#) JCC authorizes an Enforcement Fund.

(a) Enforcement Fund Authorized Uses

- (i) Assessed penalties collected in relation to code enforcement efforts shall be deposited into the Enforcement Fund.
- (ii) All monies collected from the assessment of civil penalties, abatement costs, or other costs recovered for the work relating to civil code or nuisance enforcement shall be allocated to support expenditures for enforcement and abatement and shall be accounted for through the creation of an account in the fund for civil code enforcement and abatement costs or other appropriate accounting mechanisms. JCC [19.30.030](#)..
- (iii) The Enforcement Fund is administered by Jefferson County Environmental Public Health with a specific accounting for each department that contributes to the Enforcement Fund.
- (iv) Monies from the Enforcement Fund shall be used to support code compliance enforcement and abatement, including but not limited to, staff training, abatements, supplies, education and outreach, community clean up events, vouchers for fees and inspections, and recording fees related to code compliance enforcement.
- (v) Use of the Enforcement Fund must be approved by a director.
- (vi) Any disagreement between departments about the use of Enforcement Fund monies shall be resolved by a meeting between the respective department directors.



- (vii) If the directors cannot reach an agreement, the impasse shall be brought to the County Administrator.
- (viii) After hearing from all respective departments involved, the County Administrator shall make the final decision regarding how the specific Enforcement Fund monies in dispute should be dispersed.

RULE 7 - VOUCHERS

Vouchers may be authorized in certain circumstances when it is believed in good faith to be the quickest and most expedient way to gain compliance.

(a) Authority for vouchers

Vouchers shall only be issued after consultation with the department's director or designee.

(a) When vouchers are appropriate

Vouchers may be appropriate when working with properties where the owners lack financial resources, the property is a victim of illegal dumping, the problem is relatively small and contained, the property is in probate, or other extenuating circumstances that warrant reducing the barrier to compliance.

(b) Limitations on vouchers:

- (i) Vouchers are limited to one household every three years;
- (ii) Annual voucher expenditures shall not exceed \$5,000;
- (iii) Vouchers have a limit of \$250.00; and,
- (iv) Vouchers are not guaranteed and subject to budget constraints.

RULE 8 - LIMITATIONS

(a) No Additional Legal Rights

These Rules do not create legal rights beyond those obligations and rights created by statute or other laws binding on Jefferson County.

(b) Legal Requirements and Best Practices

- (i) The provisions of state law and title [19](#) JCC control, if there is any conflict with these Rules.
- (ii) These Rules include both statutory requirements and best practices.

(c) No Additional Duty That is Not Already Imposed by Law



No provision nor any term used in these Rules is intended to impose any duty whatsoever upon Jefferson County or any of its officers or employees, not already imposed by law.

(d) No Basis for Liability

These Rules are not intended to and shall not be construed to create or form the basis of any liability on the part of Jefferson County, or its officers, staff, or agents, for any injury or damage resulting from any action or inaction on the part of Jefferson County related in any manner to the enforcement of these Rules by its elected officials, officers, staff, or agents.

RULE 9 - AMENDMENTS AND CORRECTIONS

- (a) Amendments and corrections to these Rules shall be made in accordance with JCC [19.05.020\(2\).](#)
- (b) The Clerk of the Board of County Commissioners is authorized to make necessary technical, non-substantive corrections to these Rules including, but not limited to, the correction of scrivener's or clerical errors, references, numbering, section/subsection numbers and any references to them.