ORDINANCE NO. __________

AN ORDINANCE OF THURSTON COUNTY, WASHINGTON, ADDING TITLE 26 OF THE THURSTON COUNTY CODE FOR CODE ENFORCEMENT AND TO AMEND THURSTON COUNTY CODE CHAPTER 13.56, SECTION 13.56.190, SECTION 13.56.400, SECTION 13.60.050, TITLE 14, SECTION 14.17.060, SECTION 14.18.060, SECTION 14.19.060, CHAPTER 14.21, SECTION 14.21.010, SECTION 14.32.050, SECTION 14.34.050, SECTION 14.35.050, SECTION 15.05.020, SECTION 15.09.300, SECTION 15.10.300, SECTION 15.11.070, CHAPTER 17.09, CHAPTER 17.15, SECTION 17.15.430, CHAPTER 17.20, SECTION 17.20.280, CHAPTER 17.25, SECTION 17.25.800, SECTION 17.30.090, CHAPTER 18.48, SECTION 18.48.020, TITLE 19, TITLE 20, SECTION 20.31.040, SECTION 20.40.035, CHAPTER 20.60, SECTION 20.60.010, TITLE 21, CHAPTER 21.102, SECTION 21.102.010, TITLE 22, SECTION 22.43.080, SECTION 22.44.070, SECTION 22.47.040, CHAPTER 22.64, SECTION 22.64.010, TITLE 23, CHAPTER 23.73, SECTION 23.73.010, TITLE 24, SECTION 24.30.070, CHAPTER 24.92, SECTION 24.92.010, AND REPEALING SECTION 14.21.020, SECTION 14.21.040, 14.21.050, SECTION 14.21.060, SECTION 14.21.070, SECTION 17.15.435, SECTION 17.15.440, SECTION 18.48.040, SECTION 20.60.050, SECTION 20.60.055, SECTION 21.102.020, SECTION 21.102.030, SECTION 22.64.030, SECTION 22.64.040, SECTION 22.64.050, SECTION 23.73.030, SECTION 23.73.040, SECTION 23.73.050, SECTION 24.92.020, SECTION 24.92.030, SECTION 24.92.040, SECTION 24.92.050, SECTION 24.92.060, SECTION 24.92.070, SECTION 24.92.080, AND ADDING SECTION 17.09.200, CHAPTER 19.13, AND SECTION 19.13.010 AND FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals that are intended to guide the development and adoption of comprehensive plans and associated development regulations, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, historic preservation, and Shoreline Management Act goals and policies; and
WHEREAS, the GMA requires the comprehensive plan and development regulations in the Thurston County Code (TCC) to demonstrate and uphold the concepts of internal consistency, conformity, and concurrency; and

WHEREAS, the GMA also requires a process of early and continuous citizen participation for amending comprehensive plans and development regulations; and

WHEREAS, Thurston County has performed professional review, public notice, and comment with respect to these amendments; and

WHEREAS, the development regulations in Thurston County adopted under the GMA must be consistent with the Thurston County Comprehensive Plan and associated Joint Plans; and

WHEREAS, the Thurston County Comprehensive Plan, as amended, collectively includes Joint Plans with the cities of Bucoda, Lacey, Olympia, Rainier, Tenino, Tumwater, Yelm, and other sub-area plans, with chapters on land use, natural resource lands, housing, transportation, capital facilities, utilities, economic development, the natural environment, archeological, and historic resources that govern development throughout unincorporated Thurston County and comply with GMA requirements for comprehensive plans and development regulations; and

WHEREAS, the Board of County Commissioners (Board) finds that the proposed amendments in this ordinance are consistent with the Thurston County Comprehensive Plan and associated Joint Plans; and

WHEREAS, the Board finds that the current system and regulations for enforcing development code requirements in Title 13 TCC Roads and Bridges, Title 14 TCC Buildings and Construction, Title 15 TCC Public Works, Title 17 TCC Environment, Title 18 TCC Platting and Subdivisions, the provisions of Title 19 TCC and the Thurston County Shoreline Master Program, Title 20 TCC Zoning, Title 21 TCC Lacey Urban Growth Area Zoning, Title 22 TCC Tumwater Urban Growth Area Zoning, Title 23 TCC Olympia Urban Growth Area Zoning, and Title 24 TCC Critical Areas are fragmented and should be unified under one code enforcement title; and

WHEREAS, Title 13 TCC Roads and Bridges applies to road closures, speed restrictions, construction and permits, street vacations, street naming and house numbering, street lights, accommodation of utilities in rights-of-way, telecommunications, licenses, franchises and other matters properly related thereto; and

WHEREAS, Title 14 TCC Buildings and Construction applies to the construction of buildings in unincorporated Thurston County, abatement of dangerous buildings, development in flood hazard areas, and other matters properly related thereto; and
WHEREAS, Title 15 TCC Public Works establishes road standards, stormwater standards, storm and surface water utility rates, illicit discharges, sewer systems, water systems, rates, right-of-way acquisition and other matters properly related thereto; and

WHEREAS, Title 17 TCC Environment includes regulations for the State Environmental Policy Act, critical areas regulations for agricultural uses and lands, mineral extraction and asphalt production, forest lands conversion, noxious weed containment, and other matters properly related thereto; and

WHEREAS, Title 18 TCC Platting and Subdivisions governs the division of land in Thurston County, and other matters properly related thereto; and

WHEREAS, Title 19 TCC Environment includes regulations for the State Environmental Policy Act, critical areas regulations for agricultural uses and lands, mineral extraction and asphalt production, forest lands conversion, noxious weed containment, and other matters properly related thereto; and

WHEREAS, Title 20 TCC Zoning governs development regulations in the unincorporated rural county as well as the unincorporated Urban Growth Areas (UGA) of Rainier, Yelm, Tenino and Grand Mound. The locations and boundaries of the zoning districts established in the Thurston County Zoning Ordinance are shown on the Official Zoning Map, Thurston County, Washington (Chapter 20.06 TCC); and

WHEREAS, Title 21 TCC Lacey Urban Growth Area Zoning governs development regulations in the City of Lacey unincorporated area. The locations and boundaries of the zoning districts established in the Zoning Ordinance of the Lacey Urban Growth Area are shown on the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Section 21.09.020 TCC); and

WHEREAS, Title 22 TCC Tumwater Urban Growth Area Zoning governs development regulations in the City of Tumwater unincorporated area. The locations and boundaries of the zoning districts established in the Tumwater UGA Zoning Ordinance are shown on the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Section 22.06.020 TCC); and

WHEREAS, Title 23 TCC Olympia UGA Zoning governs development regulations in the City of Olympia unincorporated area. The locations and boundaries of the zoning districts established in the Olympia UGA Zoning Ordinance are shown on the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Chapter 23.02.160 TCC); and

WHEREAS, Title 24 TCC Critical Areas includes regulations governing critical areas for non agricultural uses and lands; and
WHEREAS, unifying the various code enforcement provisions in the Thurston County Code will provide a clear enforcement process for development code requirements in Thurston County and a clear penalty system for rectifying violations; and

WHEREAS, the code enforcement provisions in the new unified code enforcement title shall supersede the enforcement provisions from other titles unless otherwise provided for in the new title, and

WHEREAS, civil infractions are governed by Chapter 7.80 RCW, and will be heard pursuant to that chapter; and

WHEREAS, the Board finds it beneficial to add civil penalties to the list of available remedies to ensure speedy compliance with development code requirements, so long as those penalties do not violate the due process rights of the land owner; and

WHEREAS, a duly noticed public hearing was held on October 16, 2013 before the Thurston County Planning Commission to take public testimony on the new code enforcement title and associated amendments in other sections of the Thurston County Code to facilitate the new unified code enforcement title; and

WHEREAS, the Planning Commission voted to recommend the proposed amendments to the Thurston County Code for a new code enforcement title and associated amendments in other sections of the Thurston County Code to facilitate the new title; and

WHEREAS, the Board of County Commissioners held a duly noticed public hearing on February 18, 2014 to allow for public testimony on the amendments adopted with this ordinance; and

WHEREAS, the amendments adopted by this ordinance were included on the 2014-2015 Development Code Official Docket as required by Chapter 2.05 Thurston County Code (TCC), Growth Management Public Participation; and

WHEREAS, on February 4, 2014 notice was provided to the Washington State Department of Commerce on the intent to adopt revised development regulations applicable to land use code enforcement in accordance with RCW 36.70A.470; and

WHEREAS, on January 29, 2015 the Board of County Commissioners amended Title 26 to direct all appeals to the Hearing Examiner and establish civil penalty fee rates within the title; and

WHEREAS, on March 3, 2015 the Board of County Commissioners held a second duly noticed public hearing on the two amendments; and
WHEREAS, the Board believes the code enforcement provisions and associated penalties enabled by the adoption of this ordinance are necessary for the preservation of the public health, safety, and general welfare of Thurston County residents.

NOW, THEREFORE, THE THURSTON COUNTY BOARD OF COUNTY COMMISSIONERS ORDAINS AS FOLLOWS:

SECTION 1. TITLE 26 CODE ENFORCEMENT. The Thurston County Code is hereby amended as shown in Attachment A to add Title 26 Code Enforcement.

SECTION 2. AMENDMENTS TO OTHER AFFECTED SECTIONS OF THE THURSTON COUNTY CODE. The Thurston County Code is hereby amended as shown in Attachment B to remove unnecessary code enforcement provisions being replaced by Title 26 Code Enforcement and to update other references. Affected titles include Title 26 TCC Code Enforcement, Title 13 TCC Roads and Bridges, Title 14 TCC Buildings and Construction, Title 15 TCC Public Works, Title 17 TCC Environment, Title 18 TCC Platting and Subdivisions, the provisions of Title 19 TCC and the Thurston County Shoreline Master Program, Title 20 TCC Zoning, Title 21 TCC Lacey Urban Growth Area Zoning, Title 22 TCC Tumwater Urban Growth Area Zoning, Title 23 TCC Olympia Urban Growth Area Zoning, and Title 24 TCC Critical Areas.

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 4. EFFECTIVE DATE. This ordinance shall take effect immediately upon adoption.

ADOPTED: ________________________

ATTEST: ________________________
BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

___________________________
Clerk of the Board

___________________________
Chair

APPROVED AS TO FORM: ________________________
JON TUNHEIM
PROSECUTING ATTORNEY

____________________________
Rick Peters
Deputy Prosecuting Attorney

Vice-Chair

Commissioner
TITLE 26 – CODE ENFORCEMENT

CHAPTER 26.05 GENERAL PROVISIONS

26.05.005  Short Title.
26.05.010  Purpose.
26.05.020  Administration.
26.05.030  Calculation of penalties and damages.
26.05.040  Enforcement and violation remedies.
26.05.050  Abatement of illegal use, structure or development.
26.05.060  Enforcement, violations, and penalties – Stop work orders.
26.05.070  Revocation of permits.
26.05.080  Appeals.
26.05.090  Code enforcement interpretation and application.
26.05.100  Definitions.
26.05.110  Restoration orders for critical areas.
26.05.120  Liability for violations.

26.05.005  Short Title.

This title shall be known as the “Thurston County Code Enforcement Ordinance.”

26.05.010  Purpose.

This title is adopted for the purpose of governing enforcement and penalties for the following codes now or as subsequently amended: Roads and Bridges (Title 13 TCC), Buildings and Construction (Title 14 TCC), Thurston County Stormwater Standards (Chapter 15.05 TCC), Sewer Systems (Chapter 15.09 TCC), Water Systems (Chapter 15.10 TCC), Cross-connections (Chapter 15.11 TCC), State Environmental Policy Act (Chapter 17.09 TCC) Agricultural Activities Critical Areas (Chapter 17.15 TCC), Mineral Extraction and Asphalt Production (Chapter 17.20 TCC), Thurston County Forest Lands Conversion Ordinance (Chapter 17.25 TCC), Platting and Subdivisions (Title 18 TCC), Shoreline Master Program for the Thurston Region (Title 19 TCC), Zoning Ordinances (Titles 20, 21, 22, and 23 TCC), Critical Areas (Title 24 TCC), and including any permit, permit condition, or order issued pursuant to any of the codes listed above. This Title hereby replaces and supersedes all code provisions referenced herein.

26.05.020  Administration.

A. Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates a provision of the Thurston County Code as listed in Section 26.05.010 TCC, or permits any such violation, or fails to comply with any of the requirements thereof, shall not be granted a permit or approval pursuant to the Thurston County Code, and shall be guilty of
a misdemeanor and, upon conviction thereof, shall be subject to punishment as provided by law.

B. No permit or approval shall be granted pursuant to the Thurston County Code if any violation of the Thurston County Code as listed in 26.05.010 TCC exists on the subject property.

C. A permit or approval may be granted if conditioned on having the violation remedied within a reasonable time as provided by the approval authority. If a permit or approval is conditioned on remedial action, security in the form of a letter of credit or similar instrument shall be required unless waived by the approval authority for good cause. This section shall not apply to requests for a permit or approval to remedy a violation.

D. Any building erected or improvements constructed contrary to any of the requirements of a provision of the Thurston County Code as listed in 26.05.010 TCC, and any use of any building or land which is conducted, operated or maintained contrary to any of the requirements of a provision of the Thurston County Code as listed in 26.05.010, or permits issued pursuant thereto shall be and is declared to be unlawful.

E. The enforcement officer(s) for violations of the Thurston County Code Titles and Chapters 14, 15.05, 15.09 through 15.11, 17.09, 17.15, 17.20, 17.25, 18, 19, 20, 21, 22, 23, and 24 is the director of Resource Stewardship or his or her designee, for violations of Thurston County Code Title 13 and the remainder of 15 is the director of Public Works or his or her designee. For civil infraction and civil penalties purposes, the enforcement officer shall be designated by resolution of the board of county commissioners upon the recommendation of the director.

F. The prosecuting attorney is authorized to bring actions by any appropriate means to prevent the violation of a provision of the Thurston County Code as listed in 26.05.010, and to enforce the provisions therein.

26.05.030 Calculation of penalties and damages.

A. Each violation of a provision of a section of the Thurston County Code as listed in 26.05.010 TCC, is a separate offense.

B. Each day in which such a violation is not remedied is a separate and distinct violation at the discretion of the director.

C. The director is not required to issue a notice of violation, notice of abatement, restoration order, stop work order, civil infraction, civil penalty or other order for each day of the violation.

D. The initiation of a singular remedy under this title, or a provision of the Thurston County Code as listed in 26.05.010 TCC, for a violation does not preclude the initiation of a separate remedy.
E. The County may seek recovery of all costs, fees, and expenses in connection with enforcement actions as damages against the violator. Costs, fees, and expenses include, but are not limited to, costs of restoration, abatement, or cleanup, including staff time and court expenses.

26.05.040 Enforcement and violation remedies

A. If the director finds that any person, whether owner, lessee, principal, agent, employee or otherwise, violates a provision of the Thurston County Code as listed in 26.05.010, or permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or uses any building or uses any land in violation of a provision of the Thurston County Code as listed in 26.05.010 TCC, the director may:

1. Issue a stop work order to halt any activity which is in violation of this title;

2. Issue a restoration order for complete or partial restoration, rehabilitation, or replacement of a critical area or other affected site, structure or area by the property owner. It is the responsibility of the property owner(s) to contact and seek a remedy from any other person(s) who may be responsible for the violation;

3. Revoke a permit or approval;

4. Issue a civil infraction to the property owner(s) of record or to the known violator or both;

5. Issue a civil penalty to the property owner(s) of record or to the known violator or both;

6. Require abatement of an illegal use, structure or development; and

7. Request that the prosecuting attorney commence a criminal prosecution, seek a temporary restraining order or seek equitable relief to enjoin any act or practices and abate any conditions which constitute or will constitute a violation.

B. Prior to issuance of a civil infraction or a civil penalty or referral to the prosecuting attorney, the enforcement officer shall give the violator a written warning with an opportunity to cure the violation within thirty calendar days, except in situations where the violation being carried out cannot be undone or is an imminent public health or safety concern, or a greater or lesser timeframe is appropriate at the discretion of the director.

26.05.050 Abatement of illegal use, structure or development.

Any use, structure, site improvement, or development not established in compliance with use and development standards in effect at the time of establishment shall be deemed illegal and shall be discontinued or terminated and subject to removal.

26.05.060 Enforcement, violations, and penalties – Stop work orders.

Stop work orders shall become effective immediately upon posting of the stop work order in a conspicuous place on the property where the violation exists or when provided to the alleged violator. Failure to comply with the terms of a stop work order may result in additional
enforcement actions including, but not limited to, the issuance of a civil infraction, civil penalty, or referral to the prosecuting attorney. The stop work order shall set forth the following terms and conditions:

A. A dated description of the nature and extent of the violation, and where appropriate, the damage or potential damage done; and

B. A notice that the violation or the potential violation cease immediately or, in appropriate cases, the specific corrective action to be taken within a given time.

26.05.070 Revocation of permits.

Unless otherwise provided or restricted by law, the director may, in writing, suspend or revoke a permit or approval required by a provision of the Thurston County Code as listed in 26.05.010 TCC, whenever the permit is issued in error or on the basis of incorrect information, or in violation of an ordinance or regulation or any provision of the Thurston County Code as listed in 26.05.010 TCC, or when a use or building is being maintained in a manner contrary to the terms and conditions of the permit or approval.

26.05.080 Appeals.

Notices of violation, stop work orders, and restoration orders may be appealed to the County Hearing Examiner pursuant to Section 20.60.060 TCC. Appeal of a Hearing Examiner decision shall be submitted to Superior Court.

26.05.090 Code enforcement interpretation and application.

Where conflicts occur between code enforcement, violation and penalty regulations in this title and other regulations in the Thurston County Code listed in Section 26.05.010 TCC, the code enforcement regulations in this title shall supersede other titles, unless otherwise provided for in this title. For code enforcement regarding critical areas, the regulation more protective of preserving and maintaining critical areas shall apply.

26.05.100 Definitions.

A. The Thurston County Code Enforcement Ordinance governs code enforcement for a number of different titles and sections of the Thurston County Code specified in Section 26.05.010 TCC. Definitions for words may vary depending on which section of the Thurston County Code is violated. For the purposes of this title, words, phrases, or uses will be defined as they are in the respective title or section for which the code enforcement action is being taken.

B. The following definitions shall apply to this title:

"Department" or “department” means the Thurston County Resource Stewardship Department or the Thurston County Public Works Department, as appropriate.

"Director" or “director” means the director of the Thurston County Resource Stewardship Department, or the director of the Thurston County Public Works Department, as appropriate, and the director's designees.
“TCC” means the Thurston County Code.

“Title” or “title” means Title 26 of the Thurston County Code unless otherwise stated.

26.05.110 Restoration orders for critical areas.

A. Restoration orders shall become effective immediately upon receipt by the person or property owner to whom the order is directed. Failure to comply with the terms of a restoration order may result in additional enforcement actions including, but not limited to, the issuance of a civil infraction, civil penalty, or referral to the prosecuting attorney.

B. If warranted due to the scale of the damage or the sensitivity of the affected critical area, associated buffer or dependent fish and wildlife habitat, the county may require submission of a restoration plan and implementation schedule prior to initiation of the restoration activity. If so, any development activity on the site where the violation occurred shall cease until the county approves the restoration plan and schedule. The plan shall be prepared by a qualified professional as determined by the approval authority, and shall describe how the proposed actions meet the requirements of this title. Restoration activities shall be reviewed by the approval authority under the requirements for a critical area review permit (Chapter 24.40 TCC). Inadequate plans as determined by the approval authority shall be returned to the violator/property owner for revision and resubmittal.

C. Restoration plans shall comply with the following requirements unless the property owner/violator demonstrates that equal or greater critical area and buffer functions can otherwise be obtained.

1. The pre-violation structure, condition, and functions of the critical area, associated buffer and management zone, as applicable, shall be restored including, but not limited to, topography; soil types; vegetation types, sizes and densities (not including noxious weeds or invasive plants); water quality; hydrologic functions; habitat functions; and other relevant conditions.

2. If information is not available regarding pre-violation conditions at the violation site, the county shall determine the restoration goals based on similar sites.

D. The property owner/violator shall submit a surety consistent with Chapter 24.70 TCC and with the requirements of Title 24 TCC to ensure that restoration is successful.

E. The property owner/violator shall be responsible for all costs associated with the restoration plan, including review costs.

26.05.120 Liability for violations.

The owner of property on which a violation of the Thurston County Code as specified in Section 26.05.010 TCC has occurred and the persons or entities carrying out actions in violation of the Thurston County Code as specified in Section 26.05.010 TCC are each responsible and liable for the violation.
CHAPTER 26.10 CIVIL INFRACTIONS.

26.10.010 Civil infractions - Purpose.
26.10.030 Civil infractions - Procedures.
26.10.040 Civil infractions – Class of infraction.

26.10.010 Civil infractions - Purpose.

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates any portion of the Thurston County Code as listed in Section 26.05.010 TCC by each act of commission or omission, or procures, aids or abets such violation, may be subject to a civil infraction pursuant to Chapter 7.80 RCW. Civil infractions shall be heard and determined according to Chapter 7.80 RCW, as amended, and any applicable court rules. Pursuant to 7.80.120 RCW each person found to have committed a civil infraction shall be assessed a monetary penalty based on the class of infraction as provided in Section 26.10.040 TCC and Table 26-1. The purpose of this section is remedial. Use of the civil infraction procedure will better protect the public from the harmful effects of violations, and will aid enforcement.

26.10.030 Civil infractions - Procedures.

A. Hearing Procedure. Civil infractions shall be heard and determined according to Chapter 7.80 RCW, as amended, and any applicable court rules.

B. Identification of Violators. An enforcement officer issuing a notice of civil infraction shall take all due diligence to correctly identify the alleged violator.

C. Administrative Responsibilities. The director is responsible for assuring county compliance with 7.80.150 RCW. The director may publicize a list of persons found committed of violations in the newspaper or other means deemed appropriate.

D. Recording of Civil Infractions.

1. Notice of civil infraction may be recorded with the Thurston County Auditor against the property on which the violation took place in the following instances:

   a. The owner of the property affected by the civil infraction has been given prior notice with an opportunity to cure the violation.

   b. The person receiving the notice of civil infraction does not respond as required by 7.80.080 RCW

   c. The person receiving the notice of civil infraction fails to appear at a hearing requested under 7.80.080(3) or (4) RCW.
d. The person assessed a monetary penalty for the civil infraction fails to pay such penalty within the time required by law and does not appeal the penalty. If the penalty is appealed, the enforcement officer may record the notice of civil determination only if a penalty remains unpaid after a final appellate determination has been entered.

2. The auditor shall record any notice of civil infraction submitted for recording under this section.

3. Superceding of a Recording. The recording of a notice of civil infraction with the auditor shall be superceded with a subsequent recording when:

   a. The civil infraction proceeding has been dismissed or decided in favor of the person to whom the notice was issued; or

   b. Any monetary penalty assessed for the infraction has been paid and the violation has been remedied to the satisfaction of the county.

**26.10.040 Civil infractions – Class of infraction.**

With the exceptions as listed in Table 26-1, civil infractions for all violations of the Thurston County Code as listed in Section 26.05.010 TCC are Class 2. Applicable fines are set by state law.

**CHAPTER 26.20 CIVIL PENALTIES**

**26.20.010 Civil penalties – Purpose.**

**26.20.120 Civil penalties – Identification of violators.**

**26.20.030 Civil penalties – Lien authorized.**

**26.20.040 Civil penalties – Personal obligation authorized.**

**26.20.050 Civil penalties – Notice lien may be claimed.**

**26.20.060 Civil penalties – Priority of lien.**

**26.20.070 Civil penalties – Claim of Lien.**

**26.20.080 Civil penalties – Recording.**

**26.20.090 Civil penalties – Duration of lien – Limitation of action.**

**26.20.100 Civil penalties – Foreclosure parties.**

**26.20.110 Civil penalties – Settlement of civil penalty claims.**

**26.20.120 Civil penalties – Notice, Right to Appeal and Final Penalty Assessment.**

**26.20.010 Civil penalties – Purpose.**

In addition to, or as an alternative to, any other judicial or administrative remedy provided in the Thurston County Code or by law, any person who violates a provision of the Thurston County Code as listed in Section 26.05.010 TCC, by each act of commission or omission or procures, aids or abets such violation, may be subject to a civil penalty as provided in Section 26.20.110
TCC and Table 26-1. All civil penalties assessed shall be enforced and collected in accordance with the lien, personal obligation, and other procedures specified in this title, or as authorized by law. The purpose of this section is coercive. Use of the civil penalty procedure will better protect the public from the harmful effects of violations, will aid enforcement, and will help reimburse the county for the expenses of enforcement. The Administrative Civil Penalty procedure adopted by this Chapter provides an additional and independent method of enforcement to procedures found elsewhere in Title 26 TCC.


An enforcement officer issuing a notice of civil penalty shall take all due diligence to correctly identify the alleged violator.

26.20.030  Civil penalties – Lien authorized.

Upon the obtaining of a judgment by the Prosecuting Attorney after the authorization of Final Civil Penalties as described in this Chapter, Thurston County may claim a lien and record same with the County Auditor for any civil penalty imposed or for the cost of any work of abatement done pursuant to this title, or both, against the real property on which the civil penalty was imposed or any of the above work was performed.

26.20.040  Civil penalties – Personal obligation authorized.

The civil penalty and the cost of abatement are also joint and separate personal obligations of any person or party in violation. The prosecuting attorney on behalf of Thurston County may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.

26.20.050  Civil penalties – Notice lien may be claimed.

The notice of violation pursuant to violations of the Thurston County Code as listed in Section 26.05.010 TCC shall give notice to the owner that a lien for the civil penalty or the cost of abatement, or both, may be claimed by Thurston County.

26.20.060  Civil penalties – Priority of lien.

The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state and county taxes with which it shall be on a parity.

26.20.070  Civil penalties – Claim of Lien.

A.  After 90 days from the date the civil penalty is due or within 90 days from the date of completion of the work or abatement performed pursuant to this title, the Prosecuting Attorney shall seek a judgment of the final civil penalties imposed by Thurston County. After obtaining judgment, the Director may cause a claim for lien to be filed for record in the Thurston County Auditor’s Office.

B.  Contents. The claim of lien shall contain the following:

1.  The authority for imposing a civil penalty, or proceeding to abate the violation, or both;
2. A brief description of the civil penalty imposed, or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;

3. A description of the property to be charged with the lien;

4. The name of the known owner or reputed owner, and if not known the fact shall be alleged; and

5. The amount, including lawful and reasonable costs, for which the lien is claimed.

C. Verification. The director shall sign and verify the claim by oath to the effect that the affiant believes the claim is just.

D. The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interests of third parties shall not be detrimentally affected by amendment.

26.20.080 Civil penalties – Recording.

The director or his designee may record and index the claims and notices described in this chapter with the Thurston County Auditor.

26.20.090 Civil penalties – Duration of lien -Limitation of action.

No lien created by this title binds the property subject to the lien for a period longer than three years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.

26.20.100 Civil penalties – Foreclosure parties.

A. Foreclosure. The lien provided by this title may be foreclosed and enforced by a civil action in a court having jurisdiction.

B. Joinder. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant.

C. Actions saved. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien.

26.20.110 Civil penalties – Settlement of civil penalty claims.

The Director is authorized to settle and compromise claims for civil penalties accruing pursuant to this chapter where such settlement is clearly in the interests of Thurston County; provided, that the director shall periodically report such settlements and compromises to the board.

26.20.120 Civil penalties – Notice, Right to Appeal and Final Penalty Assessment

The Director or his designee shall serve the Notice of Civil Penalty upon the person to whom it is directed, either personally or by mailing a registered or certified copy of the Notice of Civil
Penalty to such person at their last known address. If the person to whom it is directed cannot after due diligence be personally served within Thurston County and if an address for mailed service cannot after due diligence be ascertained, notice shall be served by posting a copy of the Notice of Civil penalty conspicuously on the affected property or structure. Proof of service shall be made by a written declaration under penalty of perjury executed by the person affecting the service, declaring the time and date of service, the manner which the service was made, and if by posting the facts showing that due diligence was used in attempting to serve the person or by mail.

A person to whom a Notice of Civil penalty has been issued may appeal the Notice of Civil Penalty to the Hearing Examiner. Appeal procedures shall be in accordance with Section 20.60.060 TCC and as described above in Section 26.05.080 TCC. Notice of Right to Appeal shall be indicated in the Notice of Civil Penalty. For daily or accruing civil penalties, Notice of Right to Appeal for each day that a civil penalty shall accrue should be conspicuously included in the Notice of Civil Penalty.

With the exceptions listed in Table 26-1, penalties for violations of the Thurston County Codes listed in 26.05.010 TCC shall be Class 2 civil penalties with an assessment of $256.00 for first violations and double that amount for subsequent violations within any five (5) year period. Violations listed in Table 26-1 shall be Class 1 civil penalties with an assessment set of $513.00 for first violations and double that amount for subsequent violations within any five (5) year period.

Prior to a final determination of assessment of civil penalties, Notice of Hearing for Final Assessment shall be sent to the person upon whom the final assessment would be directed. Notice and Right to Appeal shall be served as described above in this provision. At the hearing for Final Assessment, the Hearing Examiner shall take into consideration the following factors:

   a) The person’s efforts to correct the violation and whether corrective action has been completed;

   b) Whether the person failed to appear at the hearing;

   c) Whether the violation was a complete violation;

   d) Whether the person showed due diligence and/or substantial progress in correcting the violation;

   e) The amount of time and resources expended to abate the violation;

   f) Whether a genuine code interpretation issue exists; and

   g) Any other relevant factors.

Upon considering the factors above, the Hearing Examiner shall make a Final Assessment constituting the total civil penalties to be imposed. Upon issuing a Final Order of Civil Penalty, the Thurston County Prosecuting Attorney shall seek to obtain judgment on the amount assessed unless the Final Order is appealed to the Superior Court under the provisions described in Section 20.60.060 TCC.
Table 26-1: Class 1 Civil Infractions and Class 1 Civil Penalties

<table>
<thead>
<tr>
<th>Code Violation Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Building or installation without a permit or proper permit</td>
</tr>
<tr>
<td>2. Change of occupancy violation</td>
</tr>
<tr>
<td>3. Dangerous Building</td>
</tr>
<tr>
<td>4. Grading or unlawful fill without a permit or proper permit</td>
</tr>
<tr>
<td>5. Unauthorized alteration of critical area or buffer</td>
</tr>
<tr>
<td>6. Failure to comply with stop work or restoration order</td>
</tr>
<tr>
<td>7. Removal or irreparable damage to each protected tree</td>
</tr>
<tr>
<td>8. Unauthorized work in the right-of-way</td>
</tr>
<tr>
<td>9. Any Class 2 civil infraction or civil penalty violation may be re-classified to a Class 1 if such violation is repetitive, is unduly detrimental in nature, or is committed by a repeat violator, as determined by the director</td>
</tr>
</tbody>
</table>
Attachment B

All sections of the Thurston County Code (TCC) must be updated to add references to the new Code Enforcement Title and amend references that refer to the new Title for Code Enforcement.

Amendments in this attachment include changes to the following Titles and Chapters:

Titles 14, 19, 20, 21, 22, 23 and 24 and Chapters 13.56, 13.60, 15.05, 15.09 through 15.11, 17.09, 17.15, 17.20, 17.25, 17.30, and 18.48.

A. The table of contents for Chapter 13.56 TCC is hereby amended to read as follows:

   Sections:
   ...
   13.56.400 Violations and penalties enforcement.
   ...

B. Section 13.56.190 TCC is hereby amended to read as follows:

   ...
   5. Upon the owner's failure to accomplish such work, the county or other governmental agencies may perform or cause the performance of such work at the owner's expense to be reimbursed within thirty days after receipt of a written invoice or take compliance action pursuant to Section 13.56.400 Violations and Penalties Title 26 TCC. Following relocation, removal and/or alteration, all affected property shall be restored to, at a minimum, the condition which existed prior to construction and to the county’s satisfaction, by the owner at their expense. Notwithstanding the requirements of this section, an owner may request additional time to complete a relocation project. The director may grant a reasonable extension if, in his or her sole discretion, the extension will not adversely affect the public project.
   ...

C. Section 13.60.050 TCC is hereby amended to read as follows:

   ...
B. Civil infractions. The violation of any provision of Chapters 13.60 through 13.92 is designated as a Class 1 Civil Infraction pursuant to Chapter 7.80 RCW and subject to the provisions of Title 26 TCC.

D. The table of contents for Title 14 TCC is hereby amended to read as follows:

Chapters:

...  
Chapter 14.21 Civil infractions Violations and enforcement.  
...

E. Section 14.17.060 TCC is hereby amended to read as follows:

...  
[A] 114.4 Violation penalties. The violation of International Building Code [A] 105.1 (building without a permit); Thurston County Code Chapter 14.37 (grading) or International Building Code section 3408 (change in use or character of occupancy) shall be designated as a class 1 civil infraction pursuant to Chapter 7.80 RCW and *Title 26 Chapter 14.21* Thurston County Code.  
Any violation of International Building Code [A] 110.1 (forgoing inspections) shall be designated as a class 2 civil infraction pursuant to Chapter 7.80 RCW.  
Each day of any such violation is a separate civil infraction. A notice of infraction may be issued for each day of any such violation; however, the enforcement officer is not required to issue a notice of infraction for each day of such violation.  
Civil infractions shall be heard and determined according to Chapter 7.80 RCW, *Chapter 14.21 TCC* as amended, *Title 26 TCC*, and any applicable court rules. Notwithstanding the existence or use of any other remedy, the building official may seek legal or equitable relief to enjoin any acts or practices and abate any conditions which constitute or will constitute a violation of the Thurston County Building Code or other regulations herein adopted.  
...

F. Section 14.18.060 TCC is hereby amended to read as follows:

...  
Section R113.4 Violation penalties. The violation of International Residential Code R105.1 (building without a permit); Thurston County Code Chapter 14.37 (grading) or International Building Code section 3408 (change in use or character of occupancy) shall be designated as a class 1 civil infraction pursuant to Chapter 7.80 RCW and *Title 26 Chapter 14.21* Thurston County Code.
Any violation of International Residential Code R109.4 (forgoing inspections) shall be designated as a class 2 civil infraction pursuant to Chapter 7.80 RCW. Each day of any such violation is a separate civil infraction. A notice of infraction may be issued for each day of any such violation; however, the enforcement officer is not required to issue a notice of infraction for each day of such violation. Civil infractions shall be heard and determined according to Chapter 7.80 RCW, Chapter 14.21 TCC as amended, Title 26 TCC, and any applicable court rules.

G. Section 14.19.060 TCC is hereby amended to read as follows:

... 

Section [A] 113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law. The violation of International Existing Building Code [A] 105.1 (building without a permit) or Thurston County Code Chapter 14.37 (grading) shall be designated as a class 1 civil infraction pursuant to Chapter 7.80 RCW and Title 26 Chapter 14.21 Thurston County Code.

Any violation of the International Existing Building Code [A] 109.1 (forgoing inspections) shall be designated as a class 2 civil infraction pursuant to Chapter 7.80 RCW.

Each day of any such violation is a separate civil infraction. A notice of infraction may be issued for each day of any such violation; however, the enforcement officer is not required to issue a notice of infraction for each day of such violation. Civil infractions shall be heard and determined according to Chapter 7.80 RCW, Chapter 14.21 TCC as amended, Title 26 TCC, and any applicable court rules.

... 

H. Section 14.21.010 TCC is hereby re-titled and amended to read as follows:

14.21.010 Purpose—Enforcement authority.

Violations of this chapter shall be enforced through the provisions of Title 26 TCC.

It is imperative that Thurston County Code Title 14 regulations governing the construction of buildings and grading of land be properly enforced. To better accomplish this goal, the Thurston County board of commissioners has designated certain violations of Thurston County Code Title 14 to be civil infractions pursuant to Chapter 7.80 RCW. The purpose of this action is remedial. Use of the civil infraction procedure will better
protect the public from the harmful effects of violations, will aid enforcement, and will help reimburse the county for the expenses of enforcement.

I. Section 14.21.020 TCC is hereby repealed.

J. Section 14.21.040 TCC is hereby repealed.

K. Section 14.21.050 TCC is hereby repealed.

L. Section 14.21.060 TCC is hereby repealed.

M. Section 14.21.070 TCC is hereby repealed.

N. Section 14.32.050 is hereby amended to read as follows:

...[A] 109.3 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars or by imprisonment not exceeding ninety days, or both such fine and imprisonment. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted. Violations shall be prosecuted through Title 26 Thurston County Code Chapter 14.21.

O. Section 14.34.050 is hereby amended to read as follows:

...C 110.2 Violation penalties. The violation of the International Energy Conservation Code - Commercial shall be designated as a class 1 civil infraction pursuant to Chapter 7.80 RCW and Title 26 Chapter 14.21 Thurston County Code. Any violation of International Energy Conservation Code - Commercial C104 (forgoing inspections) shall be designated as a class 2 civil infraction pursuant to Chapter 7.80 RCW. Each day of any such violation is a separate civil infraction. A notice of infraction may be issued for each day of any such violation; however, the enforcement officer is not required to issue a notice of infraction for each day of such violation. Civil infractions shall be heard and determined according to Chapter 7.80 RCW, Chapter 14.21 TCC as amended, Title 26 TCC, and any applicable court rules. Notwithstanding the existence or
use of any other remedy, the building official may seek legal or equitable relief to enjoin any acts or practices and abate any conditions which constitute or will constitute a violation of the Thurston County Building Code or other regulations herein adopted.

... P. Section 14.35.050 is hereby amended to read as follows:

...  

**R110.2 Violation penalties.** The violation of the International Energy Conservation Code - Residential shall be designated as a class 1 civil infraction pursuant to Chapter 7.80 RCW and [Title 26 Chapter 14.21](link) Thurston County Code. Any violation of International Energy Conservation Code - Residential R104 (forgoing inspections) shall be designated as a class 2 civil infraction pursuant to Chapter 7.80 RCW. Each day of any such violation is a separate civil infraction. A notice of infraction may be issued for each day of any such violation; however, the enforcement officer is not required to issue a notice of infraction for each day of such violation. Civil infractions shall be heard and determined according to Chapter 7.80 RCW, [Chapter 14.21 TCC](link) as amended, [Title 26 TCC](link), and any applicable court rules. Notwithstanding the existence or use of any other remedy, the building official may seek legal or equitable relief to enjoin any acts or practices and abate any conditions which constitute or will constitute a violation of the Thurston County Building Code or other regulations herein adopted.

... Q. Section 15.05.020 is hereby amended to read as follows:

...  

C. Determination of Civil Infractions. Violations of the provisions of this chapter, including the manual standards, are designated as civil infractions pursuant to Chapter 7.80 RCW and [Title 26 TCC](link). Civil infractions shall be heard and determined according to Chapter 7.80 RCW, as amended, [Title 26 TCC](link), and any applicable court rules. Pursuant to RCW 7.80.120 each person found to have committed a civil infraction shall be assessed a monetary penalty based on the class of infraction. **Maximum penalties** (not including any statutory assessments) are as follows: Class 1 equals two hundred fifty dollars; Class 2 equals one hundred twenty-five dollars; Class 3 equals fifty dollars; Class 4 equals twenty-five dollars.

...  

R. Section 15.09.300 is hereby amended to read as follows:

Violations of this chapter shall be enforced through the provisions of [Title 26 TCC](link).
A. Any person who violates or fails to comply with any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine in a sum not to exceed five hundred dollars for each violation.

B. Industrial dischargers who violate TCC 15.09.060 shall be subject to the following civil penalties:
   1. A user, which has violated, or continues to violate a provision of this Section 15.09.060 including a pretreatment standard or requirement, or a permit or order issued hereunder shall be liable to the county for a maximum civil penalty of ten thousand dollars per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
   2. The county may recover reasonable attorney’s fees, court costs, and other expenses associated with any emergency response, enforcement activities, additional monitoring and oversight, and cost of any actual damages to the county.
   3. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, any other action the county may take to resolve noncompliance by a user.

C. The prosecuting attorney is authorized to bring actions by any appropriate means to enforce the provisions of this chapter.

S. Section 15.10.300 is hereby amended to read as follows:

...  

B. The prosecuting attorney is authorized to bring actions by any appropriate means to enforce the provisions of this chapter including enforcement under Title 26 TCC.

T. Section 15.11.070 is hereby amended to read as follows:

...  

B. The prosecuting attorney may bring such actions as are deemed necessary to prevent the violation of and compel compliance with the provisions of the chapter including enforcement under Title 26 TCC.

U. The table of contents for Chapter 17.09 TCC is hereby amended by adding the following section:

17.09.200 Violations and enforcement.
V. A new section, Section 17.09.200 TCC is hereby added to Chapter 17.09 TCC as follows:

17.09.200 Enforcement authority.

Violations of this chapter shall be enforced through the provisions of Title 26 TCC or 197-11 WAC, as applicable.

W. The table of contents for Chapter 17.15 Part 400 Administrative Actions is hereby amended to read as follows:

17.15.430 Administrative actions—Enforcement Violations and enforcement.
17.15.435 Administrative actions—Violations.
17.15.440 Administrative actions—Misdemeanor penalty.

X. Section 17.15.430 TCC is hereby re-titled and amended to read as follows:

17.15.430 Administrative actions—Enforcement Violations and enforcement.

Violations of this Chapter shall be enforced through the provisions of TCC Title 26 TCC.

A. Adherence to the requirements of this chapter and to any permit conditions or orders issued pursuant to this chapter is required throughout the construction period and thereafter.

B. Each violation of this chapter or of any permit, permit condition, or order issued pursuant to this chapter is a separate offense. Each day in which such a violation is not remedied is a separate and distinct violation.

C. If the review authority determines that a violation has occurred, the review authority may:

1. Issue a stop work order to halt any activity which is in violation of this chapter. The stop work order shall set forth the following terms and conditions:
   a. A description of the specific nature, extent, and time of violation and the damage or potential damage, and
   b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time;

2. Issue a restoration order for complete or partial restoration of the critical area by the person or agent responsible for the violation who may not be the property owner;

3. Issue a civil infraction under TCC Section 17.15.435; or

4. Request that the prosecuting attorney commence a criminal prosecution, seek a temporary restraining order or seek equitable relief to enjoin any act or practices and abate any conditions which constitute or will constitute a violation to this chapter.
D. The stop work or restoration order shall become effective immediately upon receipt by the person to whom the order is directed.

E. Failure to comply with the terms of a stop work or restoration order may result in additional enforcement actions including, but not limited to, the issuance of a civil infraction, or referral to the prosecuting attorney to seek equitable or injunctive relief or for criminal prosecution.

F. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.

G. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24), the Thurston County Agricultural Activities Critical Areas Ordinance (Chapter 17.15 TCC), Thurston County Forest Land Conversion Ordinance (Chapter 17.25 TCC), Thurston County Zoning Ordinances (Titles 20, 21, 22, and 23 TCC), Thurston County Plating and Subdivision Ordinance (Title 18 TCC), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or Title 14 TCC (Buildings and Construction).

A permit or approval may be granted if conditioned on having the violation remedied within a reasonable time as provided by the approval authority. If a permit or approval is conditioned on remedial action, security in the form of a letter of credit or similar instrument shall be required unless waived by the approval authority for good cause. This section shall not apply to requests for a permit or approval to remedy a violation.

H. The owner of property on which a violation of this chapter has occurred and the persons or entities carrying out actions in violation of this chapter are each responsible and liable for the violation.

I. No use or activity listed in Tables 2 and 5 may be carried out within a critical area or its buffer until any violation of this chapter which has occurred in such critical area or buffer has been fully remedied.

Y. Section 17.15.435 TCC is hereby repealed.

Z. Section 17.15.440 is hereby repealed.

AA. The table of contents for Chapter 17.20 is hereby amended to read as follows:

17.20.280 Civil Infractions Violations and enforcement.

BB. Section 17.20.280 TCC is hereby re-titled and amended to read as follows:

17.20.280 Civil Infractions Violations and enforcement. Violations of this chapter shall be enforced through the provisions of Title 26 TCC.
A. Violations of the provisions of this chapter are designated as Class I civil infractions pursuant to RCW Chapter 7.80. Each day of any such violation is a separate civil infraction. However, a notice of infraction shall not be issued until the person responsible has been notified of the alleged violation and has been afforded a reasonable period of time to come into compliance. Civil infractions shall be heard and determined according to RCW Chapter 7.80, as amended, and any applicable court rules.

B. The enforcement officer for implementation of this chapter is the director of the resource stewardship department or designee.

C. An enforcement officer issuing a notice of civil infraction shall require the person receiving the notice to identify himself by producing a valid driver's license or identicard. If the person receiving the notice is unable to produce such a card, the enforcement officer shall require the person to give name, address and date of birth. If the person is unable or unwilling to give such information, the enforcement officer may, with the assistance of a deputy sheriff, detain such person for a period of time not longer than is reasonably necessary to identify the person.

D. The resource stewardship department director is responsible for assuring county compliance with RCW 7.80.150.

E. Notice of civil infractions may be recorded with the Thurston County auditor against the property on which the violation took place in the following instances:

1. The person receiving the notice of civil infraction does not respond as required by RCW 7.80.080;

2. The person receiving the notice of civil infraction fails to appear at a hearing requested under RCW 7.80.080(3) and (4);

3. The person assessed a monetary penalty for the civil infraction fails to pay such penalty within the time required by law and does not appeal the penalty. If the penalty is appealed, the enforcement officer may record the notice of civil infraction only if a penalty remains unpaid after a final appellate determination has been entered.

F. The auditor shall record any notice of civil infraction submitted for recording under this section.

G. The purpose of this section is remedial. Use of the civil infraction procedure will better protect the public from the harmful effects of violations, will aid enforcement, and will help reimburse the county for the expenses of enforcement.

CC. The table of contents for Chapter 17.25 is hereby amended to read as follows:

17.25.800 Enforcement Violations and enforcement.
DD. Section 17.25.800 TCC is hereby re-titled and amended to read as follows:

17.25.800 Enforcement Violations and enforcement.

Violations of this chapter shall be enforced through the provisions of Title 26 TCC.

A. Enforcement Authority.

1. The director shall have authority to enforce this chapter, any rule or regulation adopted, and any permit, order or approval issued pursuant to this chapter, against any violation. If there is a threatened violation, the director may issue a cease and desist order.

2. Enforcement actions include: civil infractions, cease and desist orders, restoration orders and judicial enforcement actions. Recourse to any single remedy shall not preclude recourse to any of the other remedies.

3. Each violation of this chapter, or any rule or regulation adopted, or any permit, permit conditions, approval or order issued pursuant to this chapter, shall be a separate offense. In cases of a violation, each day's continuance shall be deemed to be a separate and distinct offense. Each tree cut in violation of this chapter shall constitute a separate offense.

4. Any person who violates this chapter, or any permit, order or approval issued pursuant to this chapter shall be liable for all costs, fees and expenses incurred in connection with enforcement activities.

B. Cease and Desist Orders.

1. The director may serve a cease and desist order when any person engages in any use of land, development or any activity in violation of this chapter.

2. The cease and desist order shall include the following:
   a. A description of the specific nature, extent, approximate time of the violation if known, and any damage or potential damage resulting from the violation;
   b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time.

3. The cease and desist order issued under this section shall become effective immediately upon service on the person to whom the order is directed or upon posting of the order in a conspicuous manner on the property.

C. Restoration Orders.

1. The director may serve a restoration order for complete or partial restoration of the site by the person responsible for any violation of this chapter.

2. The restoration order shall include the following:
a. A description of the specific nature, extent, approximate time of the violation if known, and any damage or potential damage resulting from the violation;

b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time.

3. The restoration order shall include the specific corrective measures to be taken to mitigate environmental damage or restore the site and shall specify a date by which such measures must be accomplished.

4. The restoration order issued under this section shall become effective immediately upon service upon the person to whom the order is directed.

D. Compliance.

1. It is unlawful for any person to fail to comply with the terms of a cease and desist order or a restoration order. Each and every such violation shall constitute a separate violation of this chapter which may result in further enforcement actions including, but not limited to, the issuance of a civil infraction.

2. A cease and desist order or restoration order shall be appealable to the hearing examiner. Any aggrieved person may request a hearing by sending a written request for a hearing to the director within ten days of the service of such order.

3. The filing of an appeal shall operate as a stay of corrective measures required by a restoration order except where such order determines that an emergency exists, requiring immediate action to protect public health, safety or the environment. The filing of an appeal shall not operate as a stay of a cease and desist order.

E. Civil Infractions. In addition to any other remedy provided in this chapter, the director or his/her designee may issue a civil infraction pursuant to TCC Section 17.15.430 for agricultural activities governed by the Thurston County Agricultural Activities Critical Areas Ordinance (Chapter 17.15 TCC), or a civil infraction pursuant to Chapter 24.92 TCC for all other uses governed by the Thurston County Critical Areas Ordinance (Title 24 TCC). Any violation of this chapter shall constitute a Class II civil infraction. Except where trees are removed without a required permit, such civil infraction shall be given only after the owner of the property has been given prior notice with an opportunity to cure the violation.

F. Judicial Enforcement Actions. The prosecuting attorney is authorized to commence an action at law or in equity, including an action for injunctive relief to secure compliance with this chapter.

G. Misdemeanor. Any person found to have violated any provision of this chapter or who knowingly makes a false statement, representation or certification in any application, record or other document filed or required to be maintained under this chapter, shall be guilty of a misdemeanor.

H. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this
A land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 of the Thurston County Code), the Thurston County Agricultural Activities Critical Areas Ordinance (Chapter 17.15 of the Thurston County Code), Thurston County Forest Land Conversion Ordinance (Chapter 17.25 of the Thurston County Code), Thurston County Zoning Ordinances (Titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (Title 18 of the Thurston County Code), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or Title 14 of the Thurston County Code (Buildings and Construction).

A permit or approval may be granted if conditioned on having the violation remedied within a reasonable time as provided by the approval authority. If a permit or approval is conditioned on remedial action, security in the form of a letter of credit or similar instrument shall be required unless waived by the approval authority for good cause. This section shall not apply to requests for a permit or approval to remedy a violation.

I. Responsible Parties. The owner of property on which a violation of this chapter has occurred, any person who engages in any activity in violation of this chapter, or any person who, through an act of commission or omission, procures, aids or abets a violation of this chapter, may be considered to have committed a violation of this chapter and may be individually responsible and liable.

EE. Section 17.30.090 is hereby amended to read as follows:

... D. The violation of any provision of this chapter is designated as a Class I civil infraction pursuant to Chapter 7.80 RCW. Civil infractions shall be heard and determined according to Chapter 7.80 RCW, as amended, Title 26 TCC and any applicable court rules. ...

FF. The table of contents for Chapter 18.48 TCC is hereby amended to read as follows:

Sections:
18.48.020 Violations — Penalties and enforcement.
...
18.48.040 Prosecuting attorney.

GG. Section 18.48.020 TCC is hereby re-titled and amended to read as follows:

18.48.020 Violations — Penalties and enforcement.
Violations of this chapter shall be enforced through the provisions of Title 26 TCC.

Except as provided by Section 18.04.050, any person, firm, corporation or association, or any agent of any person, firm, corporation or association, who violates any provisions of this title relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land, is guilty of a gross misdemeanor, and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of this title is a separate and distinct offense. Any other violation of this title shall be considered a misdemeanor and shall be punishable as provided by state law for the commission of misdemeanor.

HH. Section 18.48.040 TCC is hereby repealed.

II. The table of contents for Title 19 TCC is hereby amended by adding the following chapter:

Chapters:
...
Chapter 19.13 Violations and enforcement.
...

JJ. A new Chapter TCC 19.13 is hereby added to Title 19 TCC to read as follows:

19.13 Violations and enforcement.

KK. A new section, Section 19.13.010 TCC is hereby added to Chapter 19.13 TCC to read as follows:

Section 19.13.010 Enforcement authority.

Violations of this Title shall be enforced through the provisions of Title 26 TCC or the Shoreline Master Program for the Thurston Region, as applicable.

LL. The table of contents for Title 20 TCC is hereby amended to read as follows:

Chapters:
...
Chapter 20.60 Administration, Fees, Violations and Penalties enforcement.
...
Paragraphs 31.040 is hereby amended to read as follows:

... 7. Chapter 20.60, Administration, Fees, Violations and enforcement Penalties.

Section 20.40.035 is hereby amended to read as follows:

... 15. Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, excluding right-of-way. Each sign shall be removed within fifteen days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in this title and Title 26 TCC;

... 16. The table of contents for Chapter 20.60 TCC is hereby amended to read as follows:

Sections:
20.60.010 Title enforcement Enforcement authority.
... 20.60.050 Violations, civil infractions and penalties.
20.60.055 Civil infraction procedures.
...

Section 20.60.010 TCC is hereby re-titled and amended to read as follows:

20.60.010 Title enforcement Enforcement authority.

Violations of this title shall be enforced through the provisions of Title 26 TCC.

This title shall be administered and enforced by the department, which shall have all necessary authority on behalf of the board to administer and enforce the provisions of this title. The authority shall include the ability to order, in writing, the remedy of any condition found in violation of this title and the ability to institute legal action with the
prosecuting attorney’s office to insure compliance with the provisions, including
injunction, abatement or other appropriate action or proceeding.

QQ. Section 20.60.050 TCC is hereby repealed.

RR. Section 20.60.055 TCC is hereby repealed.

SS. The table of contents for Title 21 TCC is hereby
amended to read as follows:

Chapters:
... 
Chapter 21.102 Violations and enforcement.
...

TT. The table of contents for Chapter 21.102 TCC is
hereby amended to read as follows:

Sections:
21.102.010 Violations, civil infractions and penalties. Enforcement authority.
21.102.020 Remedy.
21.102.030 Civil infraction procedures.

UU. Section 21.102.010 TCC is hereby re-titled and
amended to read as follows:

21.102.010 Violations, civil infractions and penalties. Enforcement authority.

Violations of this title shall be enforced through the provisions of Title 26 TCC.

A. Any person, whether owner, lessee, principal, agent, employee or otherwise, who
violates any of the provisions of this title or permits any such violation, or fails to comply
with any of its requirements or who erects any building or uses any building or uses any
land in violation of any detailed statement or plan submitted by him and approved under
the provisions of this title shall be guilty of a misdemeanor and, upon conviction thereof,
shall be punished as provided by the statutes of the state for the commission of a
misdemeanor.

B. Any violations of TCC Section 21.57.060C1 shall be designated as a Class 1 civil
infraction. The violation of any other provision of Title 21 TCC shall be designated as a
Class 2 civil infraction. Each day of any such violation is a separate civil infraction; a
notice of infraction may be issued for each day of any such violation, however the enforcement officer is not required to issue a notice of infraction for each day of such violation. Civil infractions shall be heard and determined according to Chapter 7.80 RCW and TCC Section 21.102.030.

The civil infraction procedure adopted in this chapter and by TCC Section 21.102.030 provides an additional method of civil enforcement to procedures found in subsections A, C, and D of this section. The initiation of a proceeding under subsections A, C and D of this section does not preclude the initiation of a civil infraction proceeding under TCC Section 21.102.030.

C. Any building erected or improvements constructed contrary to any of the provisions of this title and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this title or permits issued pursuant thereto shall be and is declared to be unlawful. The prosecuting attorney is authorized to bring actions by any appropriate means to prevent the violation of this title and to enforce its provisions.

D. The director may, in writing, suspend or revoke a permit or approval required by this title whenever the permit is issued in error or on the basis of incorrect information, or in violation of any ordinance or regulation or any provision of this title, or when a use or building is being maintained in a manner contrary to the terms of the permit or approval.

E. Permit Approval Limitations. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section. For purposes of this section, a land use violation is any violation of the Thurston County Critical Areas Ordinance (Title 24 of the Thurston County Code), Thurston County Agricultural Activities Critical Areas Ordinance (Chapter 17.15 of the Thurston County Code), Thurston County Forest Land Conversion Ordinance (Chapter 17.25 of the Thurston County Code), Thurston County Zoning Ordinances (Titles 20, 21, 22 and 23 of the Thurston County Code), Thurston County Platting and Subdivision Ordinance (Title 18 of the Thurston County Code), Sanitary Code for Thurston County, Shoreline Master Program for the Thurston Region or Title 14 of the Thurston County Code (Buildings and Construction).

A permit or approval may be granted if conditioned on having the violation remedied within a reasonable time as provided by the approval authority. If a permit or approval is conditioned on remedial action, security in the form of a letter of credit or similar instrument shall be required unless waived by the approval authority for good cause. This section shall not apply to requests for a permit or approval to remedy a violation.

VV. Section 21.102.020 TCC is hereby repealed.

WW. Section 21.102.030 TCC is hereby repealed
XX. The table of contents for Title 22 TCC is hereby amended to read as follows:

Chapters:
...
Chapter 22.64 Enforcement and penalty. Violations and enforcement.
...

YY. Section 22.43.080 is hereby amended to read as follows:

Any person found to have violated any of the provision of this chapter shall be deemed to have committed a civil infraction pursuant to Title 26 Section 22.64.030 TCC.

ZZ. Section 22.44.070 is hereby amended to read as follows:

... 
L. Political campaign signs advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot may be erected on any privately owned lot or parcel, excluding right-of-way. Each sign shall be removed within fifteen days after that election. For a successful candidate in a primary election, the sign may remain until the final election but shall be removed within fifteen days after that election. The candidate or committee for which the sign is displayed shall be responsible for its removal and subject to the penalties as provided in Title 26 TCC this title; 
...

AAA. Section 22.47.040 is hereby amended to read as follows:

...
C. Action Upon Noncompliance. Failure, neglect or refusal of owner to perform the required maintenance action shall be taken in accordance with Title 26 TCC Section 22.64.030

BBB. The table of contents for Chapter 22.64 TCC is hereby amended as follows:

Sections:
22.64.010 Generally. Violations and enforcement.
22.64.030 Violations, civil infractions and penalties.
22.64.040 Other remedies.
22.64.050 Civil infraction procedures.

CCC. Section 22.64.010 TCC is hereby re-titled and amended to read as follows:

22.64.010 Generally Violations and enforcement.

Violations of this chapter shall be enforced through the provisions of Title 26 TCC.

The department shall administer and enforce this title. If the department finds that any of the provisions of this title are being violated, it shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The department shall take any action authorized by this title to insure compliance with or to prevent violation of its provisions, including the issuance of orders to stop work.

DDD. Section 22.64.030 TCC is hereby repealed.

EEE. Section 22.64.040 TCC is hereby repealed.

FFF. Section 22.64.050 TCC is hereby repealed.

GGG. The table of contents for Title 23 TCC is hereby amended to read as follows:

Chapters:
...
23.73 Violations and enforcement and penalty.
...

HHH. The table of contents for Chapter 23.73 TCC is hereby amended to read as follows:

Sections:
23.73.010 Generally Enforcement authority.
...
23.73.030 Violations, civil infractions and penalties.
23.73.040 Other remedies.
23.73.050 Civil infraction procedures.
III. Section 23.73.010 TCC is hereby re-titled and amended to read as follows:

23.73.010 Generally Enforcement authority.

Violations of this chapter shall be enforced through the provisions of Title 26 TCC.

The department shall administer and enforce this title. If the department finds that any of the provisions of this title are being violated, it shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The department shall take any action authorized by this title to insure compliance with or to prevent violation of its provisions, including the issuance of orders to stop work.

JJ. Section 23.73.030 TCC is hereby repealed.

KK. Section 23.73.040 TCC is hereby repealed.

LL. Section 23.73.050 TCC is hereby repealed.

MM. The table of contents for Title 24 TCC is hereby amended to read as follows:

... Chapter 24.92 Violations and enforcement. Enforcement, violations, and penalties.

NN. Section 24.30.070 is hereby amended to read as follows:

...


OO. The table of contents for Chapter 24.92 is hereby re-titled and amended to read as follows:

Sections:
24.92.010 Generally Enforcement authority.
24.92.020 Calculation of penalties and damages.
24.92.030 Violation remedies.
24.92.040 Stop work orders.
24.92.050 Restoration orders.
24.92.060 Revocation of permits.
24.92.070 Civil infractions.
24.92.080 Liability for violations.

PPP. Section 24.92.010 TCC is hereby re-titled and amended to read as follows:

24.92.010 Generally Enforcement authority.

Violations of this title shall be enforced through the provisions of Title 26 TCC.

A. The director shall administer and enforce this title. For the purposes of Chapter 7.80 RCW, the director is the enforcement officer for this title. If the director finds that any of the provisions of this title are being violated, it shall notify in writing the person responsible for such land use violation, indicating the nature of the land use violation and ordering the action necessary to correct it. The director shall take any action authorized by this title to ensure compliance with or to prevent a land use violation of its provisions, including the issuance of orders to stop work.

B. Adherence to the requirements of this title and to any permit conditions or orders issued pursuant to this title is required throughout the construction period and thereafter. No use or activity subject to this title may be carried out within a critical area, buffer, or management zone where a violation occurred, until the county determines that all violations of this title in the affected critical area, buffer, or management zone have been fully remedied.

C. No permit or approval shall be granted pursuant to this title if there exists on the subject property any land use violation known by the approval authority unless expressly authorized by this section.

D. A permit approval may be granted if conditioned on having the violation remedied within a reasonable time as provided by the approval authority. If a permit or approval is conditioned on remedial action, a bond, surety or similar instrument that meets the requirements of Chapter 24.70 TCC may be required.

E. Permits may be granted to remedy a violation.

F. For the purposes of this chapter, a land use violation is a violation of this title, the Agricultural Activities Critical Areas Ordinance (Chapter 17.15 TCC), Thurston County Forest Land Conversion Ordinance (Chapter 17.25 TCC), the Thurston County Zoning Ordinances (Titles 20, 21, 22, and 23 TCC), the Thurston County Plating and Subdivision Ordinance (Title 18 TCC), Sanitary Code for Thurston County, Shoreline Master Program (Title 19 TCC), or the Buildings and Construction Code (Title 14 TCC).

QQQ. Section 24.92.020 TCC is hereby repealed.
Section 24.92.030 TCC is hereby repealed.

Section 24.92.040 TCC is hereby repealed.

Section 24.92.050 TCC is hereby repealed.

Section 24.92.060 TCC is hereby repealed.

Section 24.92.070 TCC is hereby repealed.

Section 24.92.080 TCC is hereby repealed.