

## Chapter 20.28

## ENFORCEMENT AND REVIEW

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20.28.010 Complaints Regarding Violations.

Whenever the Community Development Director receives a written, signed complaint alleging a violation of this Title, he shall in collaboration with the Code Enforcement Official investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

20.28.020 Persons Liable.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Title may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

20.28.030 Procedures Upon Discovery of Violations.

- (a) If the Community Development Director finds that any provision of this Title is being violated, he shall in collaboration with the Code Enforcement Official send a written notice to the person responsible for such violation, indicating the nature of the violation, ordering the action necessary to correct it, and the timeframe in which to do so. Additional written notices may be sent at the Community Development Director and Code Enforcement Officials' discretion.
- (b) The final written notice (and the initial written notice may be the final notice) shall state what action the Community Development Director and Code Enforcement Official intends to take if the violation is not corrected and shall advise that the Code Enforcement Official's decision or order may be appealed to the Hearing Examiner in accordance with [§20.20.010 \(Appeals of Community Development Director, Design Review Board, Planning Commission or Hearing Examiner Decisions\)](#).
- (c) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Title or pose a danger to the public health, safety, or welfare, the Community Development Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in [§20.28.040 \(Penalties and Remedies for Violations\)](#).

#### 20.28.040 Penalties and Remedies for Violations.

- (a) Violations of the provisions of this Title or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or land use permits, shall constitute a misdemeanor, punishable by a fine of up to one thousand dollars for each and every violation, or a maximum ninety days imprisonment, or both.
- (b) Any act constituting a violation of the provisions of this Title or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of fifty dollars for each and every violation. If the offender fails to pay this penalty within ten days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of debt. A civil penalty may not be appealed to the Hearing Examiner if the offender was sent a final notice of violation in accordance with [§20.28.030 \(Procedures Upon Discovery of Violations\)](#) and did not take an appeal to the Hearing Examiner within the prescribed time.
- (c) This Title may also be enforced by any appropriate equitable action.
- (d) Each day that any violation continues after notification by the Community Development Director or Code Enforcement Official that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (e) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Title.

#### 20.28.050 Permit Revocation.

- (a) A zoning, sign, special use, or conditional use permit may be revoked by the permit-issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Title, or any additional requirements lawfully imposed by the permit-issuing authority.
- (b) Before a conditional use or special use permit may be revoked, all of the notice and hearing and other requirements of [Chapter 20.24](#) shall be complied with. The notice shall inform the permit recipient of the alleged grounds for the revocation.
  - (1) The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked for any of the reasons set forth in Subsection (a) shall be upon the party advocating that position. The burden of persuasion shall also be upon that party.
  - (2) A motion to revoke a permit shall include, insofar as practicable, a statement of the specific reasons or findings of fact that support the motion.
- (c) Before a zoning or sign permit may be revoked, the Community Development Director shall give the permit recipient 10 days notice of intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Community Development Director shall provide to the permittee a written statement of the decision and the reasons therefore.
- (d) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special use or conditional use permit after such permit has been revoked in accordance with this section.

20.28.060 Judicial Review.

Every final decision of the City granting or denying a land use permit shall be subject to review by the Superior Court of Snohomish County under the Land Use Petition Act, Chapter 36.70C RCW.