

Chapter 14.28

ENFORCEMENT AND REVIEW

Sections:

- 14.28.010 Complaints Regarding Violations
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- 14.28.030 Procedures Upon Discovery of Violations
- 14.28.040 Violation and Penalty
- 14.28.050 *Repealed*
- 14.28.060 *Deleted*

14.28.010 Complaints Regarding Violations.

The planning director shall investigate any written, signed complaints received alleging a violation of this title, take whatever action is warranted, and inform the complainant in writing of those actions.

14.28.020 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. (Ord. 639, Sec. 1, 2001; Ord. 468, 1995)

14.28.030 Procedures Upon Discovery of Violations.

- (a) Upon finding that any provision of this title is being violated, the Planning Director shall send a written notice to the offending party, indicating the nature of the violation and ordering the action necessary to correct it.
- (b) The final written notice (and the initial written notice may be the final notice) shall state what action the Planning Director intends to take if the violation is not corrected and shall advise

that the Planning Director's decision or order may be appealed in accordance with Section 14.16A.265.

- (c) When delay in enforcement would seriously threaten the effectiveness of this title or pose a danger to the public health, safety, or welfare, the Planning Director may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 14.28.040. (Ord. 811, Sec. 20, 2010; Ord. 676, Sec. 17, 2003; Ord. 639, Sec. 1, 2001; Ord. 468, 1995)

14.28.040 Violation and Penalty.

- (a) Violation of any provision of this title or any permits issued pursuant to this title shall either be (1) a misdemeanor subject to a jail term of not more than one year, a fine of not more than \$1,000, or both such fine and imprisonment or (2) subject to enforcement pursuant to Title 17 of the Lake Stevens Municipal Code.
- (b) Violation of the provisions of this title or any permits issued pursuant to this title shall also subject the offender to a civil penalty of \$50.00 for each and every violation. If the offender fails to pay this penalty within 10 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 Section 14.28.030 and did not take an appeal to the Hearing Examiner within the prescribed time.
- (c) Violations of Section 14.76.120 (Retention and Protection of Large Trees) or any permits or permit conditions imposed pursuant to that section shall be remedied by the forfeiture, by the violator, to the City of the value of the trees removed, plus \$3,000 per tree, plus any costs incurred in determining said value. Value shall be determined by the submission of receipts by the applicant or, in the absence of receipts, by a certified arborist or timber estimator

engaged by the City for this purpose. Three new trees of six-inch trunk diameter at breast height (dbh) shall be planted to replace each tree lost as a result of said violations. The location these trees are to be planted shall be approved by the Planning Director. A maintenance bond shall be provided pursuant to Sections 14.16A.180(d) and (g)(3) to ensure survival of the replacement trees for two years from the date of planting. Sections 14.76.120(h) and (i) which prohibit development and building permits from being issued prior to actual tree replacement shall be applied to this section. Completion securities authorized by Section 14.16A.180(c) shall not be allowed in lieu of actual tree replacement.

- (d) This title may also be enforced by any appropriate equitable action.
- (e) Each day that any violation continues after notification by the Planning Director that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section.
- (f) Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this title. (Ord. 811, Sec. 21, 2010; Ord. 676, Sec. 18, 2003; Ord. 639, Sec. 1, 2001; Ord. 468, 1995)

14.28.050 Permit Revocation.

Repealed by Ord. 811. (Ord. 676, Sec. 19, 2003; Ord. 639, Sec. 1, 2001; Ord. 468, 1995)

14.28.060 Judicial Review.

(Deleted by Ord. 676, Sec. 20, 2003)