

Chapter 17.20
CIVIL ENFORCEMENT AND
PENALTIES

Sections:

- 17.20.010 Civil Enforcement
- 17.20.020 Voluntary Correction
- 17.20.030 Suspension or Revocation of Permits
- 17.20.040 Notice and Order
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17.20.010 Civil Enforcement. As a means of correcting a violation of the Lake Stevens Municipal Code, civil enforcement actions may be taken by the City of Lake Stevens.

17.20.020 Voluntary Correction

- A. Applicability. This section applies whenever the applicable department director determines that a violation of the Lake Stevens Municipal Code has occurred or is occurring.
- B. General. The applicable department director shall attempt to secure voluntary correction by contacting the responsible person for the violation and, where possible, explaining the violation and requesting correction.
- C. Issuance of Voluntary Correction Agreement. When the applicable department director determines that a violation has occurred or is occurring, the department director or directors may issue and enter into a voluntary correction agreement.
 - 1. Content. The voluntary correction agreement is a contract between the City and the responsible person for the violation under which such person agrees to abate the violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:
 - (a) The name and address of the person responsible for the violation; and

- (b) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
 - (c) A description of the violation and a reference to the regulation which has been violated; and
 - (d) The necessary corrective action to be taken, and a date or time by which correction must be completed; and
 - (e) An agreement by the person responsible for the violation that the City may inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; and
 - (f) An agreement by the person responsible for the violation that the City may abate the violation and recover its costs and expenses (including attorney fees, expert witness fees, and court costs) and/or a monetary penalty pursuant to this chapter from the person responsible for the violation if the terms of the voluntary correction agreement are not satisfied; and
 - (g) An agreement that by entering into the voluntary correction agreement, the person responsible for the violation waives the right to a hearing before the court, under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
- 2. Right to a Hearing Waived. Upon entering into a voluntary correction agreement, the person responsible for the violation shall have no right to a hearing before the court, under this chapter or otherwise, regarding the matter of the violation and/or the required corrective action.
 - 3. Extension and Modification. An extension of the time limit for correction

or a modification of the required corrective action may be granted by the applicable department director if the person responsible for the violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances delay correction under the original conditions.

4. Abatement by the City. The City may abate the violation pursuant to all legal means if the terms of the voluntary correction agreement are not met.
5. Collection of Costs. If the terms of the voluntary correction agreement are not met the responsible person for the violation shall be assessed a monetary penalty commencing on the date set for correction plus all costs and expenses of abatement.

17.20.030 Suspension or Revocation of Permits.
If the holder of any permit issued by the City of Lake Stevens allows or creates a violation of any Lake Stevens Municipal Code, said permit may be immediately suspended by the applicable department director until the violation is corrected. Permits may be permanently revoked for subsequent or on-going violations, or failure to correct violations.

17.20.040 Notice of Civil Violation.

A. Issuance.

1. When the applicable department director determines that a violation has occurred or is occurring, and is unable to secure voluntary correction, the applicable department director may issue a notice of civil violation to the person responsible for the violation.
2. The applicable department director may issue a notice of civil violation without having attempted to secure voluntary correction under the following circumstances:
 - (a) When an emergency exists; or
 - (b) When a repeated violation occurs; or

- (c) When the violation creates a situation or condition which cannot be corrected; or
- (d) When the person knows or reasonably should have known that the action is in violation of a City regulation; or
- (e) The person cannot be contacted or refuses to communicate or cooperate with the City in correcting the violation.

B. Content. The notice of civil violation shall include the following:

1. The name and address of the person responsible for that violation; and
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and
3. A description of the violation and a reference to the provision(s) of the City regulation(s) which has been violated; and
4. The required corrective action and a date and time by which the correction must be completed, after which the city may abate the unlawful condition using all legal means; and
5. The date, time, and location of an appeal hearing before a judge, judge pro tem, or commissioner of the municipal or district court which will be at least 20 days but no more than 60 days from the date the notice of civil violation is issued, unless such date is continued by the court for good cause shown; and
6. A statement indicating that the hearing will be canceled and no monetary penalty will be assessed, other than the court filing fee, if the applicable department director approves the completed, required, corrective action prior to the hearing; and
7. A statement that the costs and expenses of abatement incurred by the City and a monetary penalty in an amount per day

for each violation, may be assessed against the person to whom the notice of civil violation is directed as specified and ordered by the court.

- C. Service of Notice. The applicable department director shall serve the notice of civil violation upon the person responsible for the violation, either personally or by mailing a copy of the notice of civil violation by certified or registered mail, return receipt requested, to such person at their last known address. If the person responsible for the violation cannot be personally served within Snohomish County and if an address for mailed service cannot be ascertained, notice shall be served by posting a copy of the notice of civil violation 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 effecting the service, declaring the time and date of service, the manner by which the service was made and, if by posting, the facts showing the attempts to serve the person personally or by mail.
- D. Extension. Extensions of the time specified in the notice of civil violation for the correction of the violation may be granted at the discretion of the applicable department director or by order of the court.
- E. Monetary Penalty. The monetary penalty for each violation per day or portion thereof shall be \$500.00 or as declared in the applicable code section, whichever is higher.
- F. Continued Duty to Correct. Payment of a monetary penalty pursuant to this chapter does not relieve the responsible person of the duty to correct the violation, nor does correction of the violation waive fines and/or fees, or actions imposed by the City of Lake Stevens.
- G. Collection of Monetary Penalty.
 - 1. The monetary penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any monetary penalty assessed must be paid to the City within 10

calendar days from the date of mailing of the court's decision or a notice from the City that penalties are due. Any such monetary penalty shall further constitute a lien against the affected real property.

- 2. The City Attorney is authorized to take appropriate action to collect the monetary penalty.

17.20.050 Abatement.

- A. Urgent Abatement: Whenever a condition, the continued existence of which constitutes an immediate threat to the public health, safety or welfare or to the environment, exists, the city may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it shall be given to the person responsible for the violation as soon as reasonably possible after the abatement. No right of action shall lie against the city or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, but neither shall the city be entitled to recover any costs incurred for summary abatement, prior to the time that actual notice of same is provided to the person responsible for the violation.
- B. Judicial Abatement: The city may seek judicial process, as it deems necessary to abate a condition which was caused by or continues to be a violation of the Lake Stevens Municipal Code and other method of remedial action fails to produce compliance. An Order of Abatement is issued through the appropriate court of jurisdiction. (Ord. 604, Sec. 11, 1999)