

ORDINANCE NO. 1935

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON, NEW SECTIONS TO CHAPTER 1.14 OF THE REDMOND MUNICIPAL CODE, CODE COMPLIANCE, AND THE COMMUNITY DEVELOPMENT GUIDE AND AMENDING REDMOND MUNICIPAL CODE SECTIONS 1.14.010, 1.14.020, 1.14.030, 1.14.040, 1.14.050, 1.14.070, 1.14.080, AND 1.14.090, AND DELETING REDMOND MUNICIPAL CODE SECTION 1.14.060 TO PROVIDE FOR CRIMINAL AND CIVIL PENALTIES AND OTHER ENFORCEMENT MEANS FOR VIOLATIONS OF VARIOUS PROVISIONS, NOTICES AND ORDERS WITH CIVIL PENALTIES AND RESTORATION REQUIREMENTS, APPEALS OF SUCH ORDERS TO THE CODE COMPLIANCE HEARING EXAMINER, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, effective and efficient administration and enforcement is necessary to effectively implement the City of Redmond's comprehensive plan and development regulations; and

WHEREAS, clear and updated enforcement provisions can help make enforcement more effective and efficient while protecting the rights of Redmond residents and property owners; and

WHEREAS, Redmond has not comprehensively updated its enforcement regulations recently and the this ordinance updates the City's existing enforcement provisions; and

WHEREAS, the City of Redmond is an Optional Municipal Code City, is required to plan under the Growth Management Act, and is required to administer the Shoreline Management Act; and

WHEREAS, this ordinance includes administration and enforcement provisions authorized by and designed to implement Article 11 § 11 of the Constitution of

the State of Washington, RCW 35A.63.100 and RCW 35A.63.120 of the Optional Municipal Code, Chapter 36.70A RCW, the Growth Management Act, Chapter 43.21C RCW, the Washington State Environmental Policy Act, and Chapter 90.58 RCW, the Shoreline Management Act of 1971; and

WHEREAS, code enforcement is an important public service that should be carried out fairly and efficiently; and

WHEREAS, the Planning Commission has reviewed the issue of code compliance and concludes that this ordinance will improve code compliance in the City of Redmond; and

WHEREAS, the Planning Commission has held a hearing on this ordinance and has recommended that the City Council amend the Redmond Municipal Code as provided in this ordinance; and

WHEREAS, the City Council of the City of Redmond desires to improve the effectiveness and efficiency of code enforcement and acknowledges that this ordinance is for the benefit of the public health, safety, and welfare, NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
DO ORDAIN AS FOLLOWS:**

Section 1. The following section entitled "Code Compliance Policy" is hereby adopted as a policy of the City of Redmond. This policy is not a regulation and shall not be codified in the City of Redmond Municipal Code or the Community Development Guide.

Code Compliance Policy

The City of Redmond adopts this policy to guide the Code Compliance Officer and other non-sworn officials and employees in enforcing the regulations listed in RMC Section 1.14.030(a), Applicability.

1. These policies shall not apply to the City Prosecuting Attorney or the Police Department or their successors. These policies shall not be enforceable

by any private party nor shall any person avoid prosecution or any penalty due to noncompliance with this policy.

2. The primary goal of enforcement is to achieve compliance with the regulations listed in RMC Section 1.14.030(a), Applicability, to achieve the purposes of this chapter. Where a person (i) commits a first alleged violation, (ii) this alleged violation is inadvertent and was done without an oral or written warning or notice from city staff, (iii) the person cooperates with staff in its investigations including answering staff requests for information fully and truthfully, (iv) the person stops the alleged violation immediately when informed of the alleged violation, (v) the person corrects the alleged violation and any resulting damage promptly and in compliance with any agreements with staff or any notices and orders, (vi) no significant damage occurs, and (vii) the violation does not cover more than a small geographic area which is no case is more than 5,000 square feet; penalties should not be imposed and no other enforcement action should occur. An exception to this policy is where the city has established mandatory monetary penalties for specific violations, then these penalties shall be paid.

3. Civil penalties should be sought in any one of the following circumstances:

- (a) Where a person has committed more than one violation which is similar in-kind, that does not result from just one act or failure to act, knew or should have known that the act or omission was unlawful, and the violation would otherwise fit into the requirements of Policy 2.
- (b) Where a person commits a violation after a warning from staff or actual notice and the violations would otherwise fit into the requirements Policy 2. The warning should either have been in writing or made orally.
- (c) Where a person commits a violation that results in significant damage that would otherwise fit into the requirements of Policy 2.
- (d) The City Prosecuting Attorney, in consultation with the Code Compliance Officer, determines a criminal conviction is unlikely, but criminal prosecution would otherwise be warranted.
- (e) The Code Compliance Officer determines that a civil fine is necessary to deter future violations or to recover the economic benefit of the violation. That is where a person or

company derives an economic benefit from its violation, the fine should equal or exceed the estimate of this benefit where consistent with the other provisions RMC Chapter 1.14. Where civil penalties are insufficient to recover the economic benefit of the violation, criminal charges should be considered.

4. Criminal penalties should be sought in any one of the following circumstances:

- (a) Where a person has committed more than one violation which is similar in-kind, that does not result from just one act or failure to act, and one or more of the violations takes place after written notice or written warning from staff.
 - (b) Where a person refuses to correct a violation or restore a site after a violation in a reasonably timely manner. Except under emergency conditions, at least two requests should be made for corrections or restoration before filing criminal charges. These requests may be oral, written, or by electronic means such as electronic mail or fax. At least one of the requests shall be in writing or sent by electronic means such as electronic mail or fax.
 - (c) Where a person commits violation that results in significant damage and the person knowingly or criminally negligently committed the violation.
 - (d) The City Prosecuting Attorney, in consultation with the Code Compliance Officer, determines that a criminal penalty is necessary to deter future violations or to recover the economic benefit of the violation. That is where a person or company derives an economic benefit from its violation, the fine should equal or exceed the estimate of this benefit where consistent with the other provisions this chapter.
- (5) The following policies apply to all violations.
- (a) Injunctions should be sought where necessary to protect the public health, safety or welfare or the environment from likely significant damage.
 - (b) In all cases, including those described in policy 2 above, where a violation has conferred a significant economic benefit on the violator, civil fines or criminal penalties

sufficient to undue the unjust enrichment shall be levied or requested. In levying or requesting such fines or penalties, the cost of any restoration shall be taken into account in deciding whether to request such fines or penalties. Fines or penalties shall not exceed the maximums set in Redmond Municipal Code Chapter 1.14.

- (c) In all cases where significant damage occurs, the responsible persons shall restore the damage where possible. Restoration, which is not a penalty, shall take place even where penalties have been levied.
- (d) Where necessary to correct violations, restore a site or stop a pattern of repeated violations, other enforcement measures may be undertaken. Examples include recording notices of violation against real property or suspending or revoking a business license.
- (e) In deciding which enforcement measures, if any, to take, the city may consider the availability of resources, the cost of obtaining compliance, and other factors.

Section 2. The following section headings and new sections entitled "Definitions" and "Purpose" are hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

**Chapter 1.14
Enforcement and Penalties**

Sections:

1.14.010	Definitions
1.14.020	Purpose
1.14.030	Applicability
1.14.040	Guidance for Code Compliance Actions.
1.14.050	Code Compliance Officer Position Created -- Duties
1.14.060	Criminal Violations and Penalties, Civil Violations and Penalties, and other Penalties
1.14.070	Equitable Actions and Injunctions
1.14.080	Restoration and Natural Resources Damages
1.14.090	Application of Criminal Penalties, Civil Penalties, Equitable Actions, Injunctions, and Other Remedies

- 1.14.100 Notice and Orders, Restoration Orders, and Imposition of Civil Penalties
- 1.14.110 Code Compliance Hearing Examiner position created -- Qualifications
- 1.14.120 Requests for Remission and Appeals
- 1.14.130 Authority of Code Compliance Hearing Examiner
- 1.14.140 Stop Work Orders
- 1.14.150 Violation of Stop Work Orders - Penalties
- 1.14.160 Compliance Enforced by Lawsuit, Correction, or Recording of a Notice of Violations
- 1.14.170 Rights of Entry
- 1.14.180 Performance Assurance Devices Authorized
- 1.14.190 Administrative Search Warrants Authorized
- 1.14.200 Recovery of Enforcement Costs, Restoration Costs, Abatement Costs, and the Costs of Bring the Violation into Compliance
- 1.14.210 Liens
- 1.14.220 Chief's Enforcement of Fire Code
- 1.14.230 Collection of Costs and Penalties

1.14.010 Definitions. For the purposes of this chapter, the words and phrases designated in this section shall be defined as follows:

(a) "A - J" Definitions.

Code Administrator: The Director of Planning and Community Development or the successor of that position or his or her designee. The Code Administrator administers the Community Development Guide, which is also Chapter 20 of the Redmond Municipal Code.

Code Compliance Hearing Examiner: A person or persons contracted or hired by the city to carryout the duties assigned by this chapter.

Code Compliance Officer: A city employee or employees designated by the Mayor to enforce the provisions listed in RMC Section 1.14.030, Applicability. This term also includes city employees to whom the Code Compliance Officer has delegated some of all of his or her duties to the extent of that delegation.

(b) "K - Q" Definitions.

Person: Any individual, association, partnership, corporation, society, firm, joint stock company, state, all political subdivisions of a state, or legal entity either public or private, or any agents and assigns of such individual, association, partnership, corporation, society, firm, joint stock company, state, all political subdivisions of a state, or other legal entity.

Permit: Written governmental permission required by any provision listed in RMC Section 1.14.030, Applicability, and issued by an authorized official empowering the person to whom it was issued, the holder thereof, or the owner of a specific property to do some act not forbidden by law but not allowed without such authorization. Any conditions, requirements, limitations, drawings, maps, or other materials or writings included or referenced in the permission or attached to the permission shall be part of the permit.

Provision: Any law, regulation, ordinance, or other legal requirement.

(c) "R - Z" Definitions.

Restoration: To take whatever steps are deemed necessary by the Code Compliance Officer to return a property to the condition in which it existed before a violation of any provision listed in RMC Section 1.14.030, Applicability. Restoration may include, but is not limited to, rehabilitation, removal of fill, removal of materials, excavation, filling, demolition, construction, replacement, repair, and planting, and replacing materials lost or damaged until the prior functions of the property are reestablished. Restoration also includes the costs of studies necessary to determine ~~the~~ ~~the~~ the condition in which the property existed before a violation of any provision listed in RMC Section 1.14.030, Applicability, the functions it performed, how best to return it to that state, and how to prevent further harm to the public and the natural environment.

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1.14.020 Purpose. This chapter provides for the enforcement of the city's development, building, public facility, health and safety, and animal regulations. The purposes of this chapter include: to prevent harm to the public and the environment by ensuring compliance with the development regulations, building codes, public facility, health and safety, and animal regulations; to provide for restoration where damage has occurred; and to provide for penalties where violations have occurred to deter future violations and prevent unjust enrichment of those who violate these regulations. This chapter also provides for additional

protection of the public and environment by providing for appropriate enforcement tools.

Redmond's primary goal is to achieve compliance with its regulations. Redmond strives to work cooperatively with affected residents, businesses and property owners to resolve potential violations in a manner that respects the rights and, where possible, the interests of all parties. Redmond also strives to be responsive to public complaints related to potential violations.

The provisions of this chapter are authorized by and designed to implement Article 11 § 11 of the Constitution of the State of Washington, RCW 35A.63.100 and RCW 35A.63.120 of the Optional Municipal Code, Chapter 36.70A RCW, the Growth Management Act, Chapter 43.21C RCW, the Washington State Environmental Policy Act, and Chapter 90.58 RCW, the Shoreline Management Act of 1971.

Section 3. Section 1.14.080 of the Redmond Municipal Code is hereby amended to read as follows:

1.14.030 Applicability.

(a) This chapter shall apply to the following ordinances, regulations of the city, and state laws or regulations and permits issued under the following ordinances, regulations, and state laws and regulations unless otherwise indicated:

- (1) Community Development Guide, Title 20, Redmond Municipal Code;
- (2) Cabarets Dances, Chapter 5.20, Redmond Municipal Code;
- (3) Carnivals, Circuses, and Amusement Activities, Chapter 5.28, Redmond Municipal Code;
- (4) Health and Sanitation, Title 6, Redmond Municipal Code (except RMC 6.26.040);
- (5) Animal Control, Title 7, Redmond Municipal Code except those contracted to King County Animal Control;
- (6) Abandoned Vehicles, Chapter 9.44, Redmond Municipal Code;
- (7) Streets and Sidewalks, Title 12, Redmond Municipal Code;
- (8) Water and Sewers, Title 13, Redmond Municipal Code;

(9) Buildings and Construction, Title 15, Redmond Municipal Code;

(10) Subdivisions, Title 16, Redmond Municipal Code;

(11) The Shoreline Management Act, Chapter 90.58 RCW, and the state regulations adopted to implement the Shoreline Management Act.

(12) The Washington State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the state regulations adopted to implement the Washington State Environmental Policy Act.

(b) The procedures for notification and enforcement set forth in this chapter are intended to apply in addition to any procedures or courses of action provided elsewhere in the Redmond Municipal Code, including the Community Development Guide. Use of the procedures set forth herein shall not require or preclude use of any such other procedures.

Section 4. The following new section entitled "Guidance for Imposing Penalties" is hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.040 Guidance for Code Compliance Actions.

(a) The primary goal of enforcement is to achieve compliance with the regulations listed in RMC Section 1.14.030(a), Applicability, to achieve the purposes of this chapter.

(b) Where a person complies with all of the following criteria, based on the information available to staff: (i) the alleged violation is a first violation, (ii) the alleged violation is inadvertent and was done without an oral or written warning or notice from city staff, (iii) the person cooperates with staff in its investigations including answering staff requests for information fully and truthfully, (iv) the person stops the alleged violation immediately when informed of the alleged violation, (v) the person corrects the alleged violation and any resulting damage promptly and in compliance with any agreements with staff or any notices and orders, (vi) no significant damage occurs, and (vi) the violation does not cover more than a small geographic area which is no case is more than 5,000 square feet; penalties should not be imposed and no other enforcement action should occur. An exception to this subsection is where the city has established mandatory monetary penalties for specific violations, then these penalties shall be paid.

(c) These policies shall not be enforceable by any private party nor shall any person avoid prosecution or any penalty due to noncompliance with this policy.

Section 5. Section 1.14.010 of the Redmond Municipal Code is hereby

amended to read as follows:

1.14.050 Code Compliance Officer Position Created -- Duties.

The position of Code Compliance Officer is established. The Mayor shall designate one or more Code Compliance Officers. The Code Compliance Officer(s) shall have the following duties and authority:

(a) To investigate compliance with the provisions enumerated in RMC Section 1.14.030(a), Applicability, and to take reasonable actions to bring about compliance with such provisions. The Code Compliance Officer may investigate violations based on complaints, reports from city staff, or the officer's own reviews, inventories or investigations.

(b) To issue and serve notices and orders imposing civil penalties and restoration requirements in appropriate cases as provided in this chapter.

(c) To issue stop work orders in compliance with this chapter.

(d) To refer cases to the Police Department or City Prosecuting Attorney for criminal investigations or criminal prosecution.

(e) To request assistance from the Police Department or the City Prosecuting Attorney in investigations, obtaining and serving warrants, or obtaining and serving injunctions.

(f) To negotiate and approve informal and formal agreements with violators to correct violations and restore damage. The Code Compliance Officer may approve modifications to informal agreements. The Mayor and the City Attorney or the City Prosecuting Attorney shall approve all formal agreements that purport to bind the city.

(g) To serve administrative search warrants or assist in serving criminal search warrants with any necessary assistance of the Police Department.

(h) To represent the city before the Code Compliance Hearing Examiner whether or not the Code Compliance Officer is a witness in the proceeding before the Code Compliance Hearing Examiner.

(i) Assist in criminal investigations and prosecutions under this chapter.

(j) Work with other agencies to enforce local provisions and state laws the city is responsible for enforcing.

- (k) Contract with other agencies for enforcement activities.
- (l) Delegate some or all of the Code Compliance Officer's duties to other city employees.
- (m) To use any administrative or judicial remedies as may be available under the Redmond Municipal Code or other applicable local or state laws or regulations.
- (n) To enter and inspect public or private buildings, structures, and property as authorized by RMC Section 1.14.170(2), Rights of Entry.
- (o) Such other duties and authorities as may be granted by this chapter or other provision of the Redmond Municipal Code or state law or state regulations.

Section 6. The following new sections entitled "Criminal Violations and Penalties, Civil Violations and Penalties, and other Penalties," "Equitable Actions and Injunctions," and "Application of Criminal Penalties, Civil Penalties, Equitable Actions, Injunctions, and Other Remedies" are hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.060 Criminal Violations and Penalties, Civil Violations and Penalties, and other Penalties.

- (a) Criminal Violation and Penalty.
 - (1) Any person who intentionally, knowingly, recklessly, or criminally negligently commits an act which violates (i) this chapter; (ii) any provision listed in RMC Section 1.14.030(a), Applicability; (iii) any approval or approval condition granted under any provision listed in RMC Section 1.14.030(a), Applicability; or (iv) any orders issued under this chapter shall be guilty of a gross misdemeanor.
 - (2) Any person who intentionally, knowingly, recklessly, or criminally negligently fails to act when required to do so by (i) this chapter; (ii) any provision listed in RMC § 1.14.030(a), Applicability; (iii) any approval or approval condition granted under any provision listed in RMC Section 1.14.030(a), Applicability; or (iv) any orders issued under this chapter shall be guilty of a gross misdemeanor.

(3) Any person convicted of any of the crimes created in RMC Section 1.14.060(a), Criminal Violation and Penalty, shall be punished by a fine of not more than \$5,000 and/or imprisonment of not more than one year. In no case shall such a violation be punished by a fine of less than \$250.

(b) Civil Violation and Penalty.

(1) Any person who commits an act which violates (i) any provision listed in RMC Section 1.14.030(a), Applicability; (ii) any approval or approval condition granted under any provision listed in RMC Section 1.14.030(a), Applicability; or (iii) any orders issued under this chapter shall be subject to a civil penalty not to exceed \$1,000 for each violation. The minimum civil penalty shall be \$100.

(2) Any person who fails to act when required to do so by (i) any provision listed in RMC § 1.14.030(a), Applicability; (ii) any approval or approval condition granted under any provision listed in RMC Section 1.14.030(a), Applicability; or (iii) any orders issued under this chapter shall be subject to a civil penalty not to exceed \$1,000 for each violation. The minimum civil penalty shall be \$100.

(c) Acts and omissions that violate any provision listed in RMC Section 1.14.030(a), Applicability, include, but are not limited to:

(1) Carrying out a prohibited use or activity or allowing a prohibited use or activity to occur on your property or property you rent, lease, control, or occupy.

(2) Failing to obtain a required permit; carrying out a regulated use or activity without obtaining a required permit; or allowing a regulated use or activity to occur on your property or property you rent, lease, control, or occupy without obtaining a required permit.

(3) Conducting a use, conducting an activity, occupying land, or dividing property while failing to install, maintain, repair, operate reconstruct, or reinstall improvements required by a permit including improvements shown on an approved site plan, building plan, plat, binding site plan or other approved drawing or document and any conditions imposed as part of the approval of such documents or allowing a use, activity, occupancy, or structure to occur on your property or property you rent, lease,

control, or occupy which has failed to install, maintain, repair, operate reconstruct, or reinstall improvements required by a permit including improvements shown on an approved site plan, building plan, plat, binding site plan or other approved drawing or document and any conditions imposed as part of the approval of such documents.

- (4) Failing to comply with the terms of a permit or allowing a regulated use or activity to be carried out or to occur on your property or property you rent, lease, control, or occupy while failing to comply with the terms of a permit.
- (5) Altering land, water bodies, or improvements in violation of a permit or any provision listed in RMC Section 1.14.030(a), Applicability. Moving or removing earth, minerals, land or improvements in violation of a permit or any provision listed in RMC Section 1.14.030(a), Applicability. Allowing the activities listed in this subsection to occur on your property or property you rent, lease, control, or occupy without obtaining a required permit or in violation of a permit or any provision listed in RMC Section 1.14.030(a), Applicability.
- (6) Erecting, constructing, enlarging, intensifying, altering, repairing, improving, converting, demolishing, equipping, using, occupying, or maintaining any building or structure in violation of a permit or any provision listed in RMC Section 1.14.030(a), Applicability. Causing the same to be done in violation of a permit or any provision listed in RMC Section 1.14.030(a), Applicability. Allowing the activities listed in this subsection to occur on your property or property you rent, lease, control, or occupy without obtaining a required permit or in violation of a permit or any provision listed in RMC Section 1.14.030(a), Applicability.
- (7) Maintaining violations of any provision listed in RMC Section 1.14.030(a), Applicability, or any permit issued under any provision listed in RMC Section 1.14.030(a), Applicability, on a property.
- (8) Carrying out activities or uses; modifying land, water bodies, or vegetation, or constructing structures on a property subject to a Native Growth Protection Easement or similar easement or equitable servitude which violates or is inconsistent with the easement or servitude. Carrying out activities or uses; modifying land, water bodies, or vegetation; or constructing

structures on property subject to an easement, equitable servitude, or similar legal restriction granted to or in the favor of the City of Redmond or King County which violates or are inconsistent with the easement or servitude.

(9) Failing to comply with a stop work order or a notice and order issued under this chapter.

(10) Performing work which violates any provision listed in RMC Section 1.14.030(a), Applicability; or a permit issued under any provision listed in RMC Section 1.14.030(a), Applicability. Contracting with ~~or~~ a person to perform work which violates any provision listed in RMC Section 1.14.030(a), Applicability, or a permit issued under any provision listed in RMC Section 1.14.030(a), Applicability, when that work is partially or entirely performed. Causing or directing a person to perform work which violates any provision listed in RMC Section 1.14.030(a), Applicability; or a permit issued under any provision listed in RMC Section 1.14.030(a), Applicability. Participating, assisting, aiding, abetting, directing, creating, or maintaining any situation that is contrary to the requirements of or in violation of this chapter, any provision listed in RMC Section 1.14.030(a), Applicability, or any permit issued under any provision listed in RMC Section 1.14.030(a), Applicability.

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(11) Removing, destroying, covering, or defacing notices and orders posted in compliance with this chapter or any provision listed in RMC Section 1.14.030(a), Applicability.

(d) The Code Compliance Officer may allow a person who has had civil penalties imposed under this chapter to voluntarily participate in community service projects in lieu of paying some or all of the civil penalty. Community service may include, but is not limited to, restoration or education programs. The amount of community service shall reasonably relate to the comparable value of the civil penalties imposed.

(e) Delinquent Permit Fee. Persons applying for a permit after commencement of a use, activity, or construction may be required, in addition to paying the permit fee, to pay a delinquent permit fee. If required, the fee shall be as follows:

Number of times within 12 months that the applicant or a contractor acting for the applicant has not obtained a similar permit for a similar use, activity or construction:	The fee due shall be the permit application fee plus a delinquent permit fee equal to:
1 time	1 times the permit fee
2 or more times	4 times the permit fee

Both the permit fee and delinquent permit fees shall be paid in full prior to resuming the use, activity or construction. In deciding whether to impose a delinquent permit fee, the person administering the permit shall consider the following factors: whether a city regulation requires the imposition of such a fee, whether the city will likely be required to conduct studies or investigations to determine if the work done without the permit meets the applicable requirements, whether the enforcement action required an investigation, or whether the applicant knew or should have known that a permit was required.

(f) Where acts or omissions which violate this chapter or any provision listed in RMC Section 1.14.030(a), Applicability, occur on a weekend or holiday and are carried out by a person employed in the construction industry, any fine or monetary penalty shall be doubled.

(g) The imposition of any penalty or fee under this chapter or the payment of any penalty, fee, or serving any sentence under this chapter shall not excuse the violation or permit a violation to continue.

1.14.070 Equitable Actions and Injunctions. This chapter or any provision listed in RMC Section 1.14.030(a), Applicability, may also be enforced by any appropriate equitable action. The Code Compliance Officer, through the City Attorney or Prosecuting Attorney, may seek such injunctions as are necessary to prevent or stop violations of this chapter or any provision listed in RMC Section 1.14.030(a), Applicability, any permit or approval issued under any provision listed in RMC Section 1.14.030(a), Applicability, and to otherwise enforce the provisions of this of this chapter or any provision listed in RMC Section 1.14.030(a), Applicability.

1.14.080 Restoration and Natural Resources Damages.

(a) In addition to any penalties, any person who violates this chapter or any provision listed in RMC Section 1.14.030(a), Applicability, and this violation results in the destruction or removal of trees or vegetation, clearing or grading, damage to natural resources, damage to real or personal property owned by the city (including public utilities), or other changes to the prior condition of land, water, or vegetation, shall restore these conditions and any damage. This

restoration requirement is not a penalty, but rather it is method undoing the harm done. Restoration shall include such studies as are necessary to determine the conditions prior to the change, the functions performed by the area damaged and the best methods to use in restoring a site or to prevent further harm to the public and the natural environment from occurring.

(b) Any person subject to the regulatory program of the Shoreline Management Act or the shoreline master program provisions in Title 20 of the Redmond Municipal Code (the Community Development Guide) who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The City Attorney shall bring suit for damages under this section on behalf of the City. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provisions to assure that restoration will be accomplished within reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

1.14.090 Application of Criminal Penalties, Civil Penalties, Equitable Actions, Injunctions, and Other Remedies.

(a) Each violation of this chapter, any provision listed in RMC Section 1.14.030(a), Applicability, or a permit or approval issued under any provision listed in RMC Section 1.14.030(a), Applicability, shall constitute a separate violation.

(b) Each calendar day or portion of a calendar day that any violation continues after receiving notification by city, state, or federal agency staff that the violation exists shall be considered a separate violation for the purposes of the penalties and remedies provided in this chapter. The notification shall be in writing or electronic mail or fax. Posting a written notice on the property on which the violation is occurring shall be considered receiving the notice.

(c) Any one, all, or any combination of the penalties and remedies provided for in this chapter may be used to enforce this chapter or any provision listed in RMC Section 1.14.030(a), Applicability. However, a criminal penalty and a civil penalty shall not be sought or obtained for any single violation or offense. Combinations of criminal and civil penalties may be sought and obtained for separate violations as defined in RMC Section 1.14.090(b), Application of Criminal Penalties, Civil Penalties, Equitable Actions, Injunctions, and Other Remedies.

Section 7. Section 1.14.020 of the Redmond Municipal Code is hereby amended to read as follows:

1.14.100 Notices and Orders, Restoration Orders, and Imposition of Civil Penalties

(a) Notice and order. If the Code Compliance Officer determines that a violation of one or more of the provisions listed in RMC Section 1.14.030(a), Applicability, has occurred, the Code Compliance Officer may issue a notice and order, which may also include a civil penalty as provided for in RMC Section 1.14.060, Criminal Violations and Penalties, Civil Violations and Penalties, and other Penalties, and a restoration order as provided for in RMC Section 1.14.080, Restoration and Natural Resources Damages, to any responsible person or persons. The notice and order shall contain the following information:

- (1) A description of the specific nature and extent of violation and the damage or potential damage;
- (2) The location of the violation;
- (3) The violation date;
- (4) The name of the person who observed the violation, if any is known;
- (5) The title and section number of the law or regulation violated;
- (6) A notice that the violation cease and desist;
- (7) Any civil penalty imposed and the date by which the penalty must be paid;
- (8) Any restoration required to undo the harm created by the violations or to achieve compliance;
- (9) The date(s) upon which compliance and restoration shall occur; and
- (10) The deadline for seeking remission or appealing the order to the Violations Hearings Examiner.
- (11) That each calendar day the violation continues after receiving this notice is a separate violation.

(b) **Service of a Notice and order.** A notice and order shall be served by:

- (1) Mailing the notice and order to the owner of the property on which the violation has occurred (i) at his or her last known address or (ii) serving the order in person to the owner of the property on which the violation has occurred.
- (2) If a notice and order is directed to a person other than the property owner, a cease desist order shall be served by serving the owner of the property as provided in subsection (b)(1) and by mailing the notice and order to person(s) to whom it is directed at his/her last known address or serving the order in person to the person(s) to whom the order is directed.
- (3) If the violation is ongoing, a copy of the notice and order may be left with the occupant of the property, a person conducting activities on the property and apparently in charge of the activities on the site, or be posted in a conspicuous place on the affected property or structure, if any.
- (4) If the violation consists of a sign which violates provisions listed in RMC Section 1.14.030(a), Applicability, the notice and order may be served solely by affixing the notice to the sign and serving the a copy of the notice and order on the premises of the person advertised by the sign.

(c) **Mailed Service.** All mailed orders shall be mailed first class certified mail, return receipt requested.

(d) **Proof of Service.** Proof of service shall be made by a written declaration under penalty of perjury by the person serving or mailing the order, declaring the date and time of service and the manner by which service was made. The declaration shall be filed with the Code Compliance Hearing Examiner whenever a hearing is requested as provided in this chapter, and it shall be made part of the record of the matter.

(e) **Extensions of Compliance or Restoration Time Periods.** Upon written request prior to completion of the time period, the Code Compliance Officer may extend the date for compliance or for restoration for good cause. Good cause may include substantial completion of the necessary correction(s) or unforeseeable circumstances, which, in the judgment of the Code Compliance Officer, render the completion impossible by the date established.

(f) **Effective Date.** The notice and order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed, receipt at the person's home or office, or upon posting it upon the property on which the violation occurred or an adjoining public right-of-way.

(g) **Compliance.** Failure to comply with the terms of a notice and order is a violation of this chapter and can result in enforcement actions including, but not limited to, the issuance of an additional civil penalty.

(h) The notice and order or any restoration order together with any other documentary evidence in the case may, at the option of the Code Compliance Officer, substitute for a staff report in appeals before the Violations Hearings Examiner.

(i) Preprinted forms or other types of forms may be used for notice and orders where they include the information required by this section. Such forms may be filled in by legible handwriting or by any other legible written means.

(j) The Code Compliance Officer may impose a civil penalty or require restoration in orders issued separately from any notice and order. The form of these orders shall comply with this section.

Section 8. Section 1.14.030 of the Redmond Municipal Code is hereby amended to read as follows:

1.14.110 Code Compliance Hearing Examiner position created -- Qualifications. The position of Code Compliance Hearing Examiner is established. The Code Compliance Hearing Examiner shall be appointed by the Mayor. The examiner must be qualified to practice law in the state of Washington or experienced in planning and planning administration. The Code Compliance Hearing Examiner shall preside over all hearings provided for in Section 1.14.120, Requests for Remission and Appeals.

Section 9. Section 1.14.040 of the Redmond Municipal Code is hereby amended to read as follows:

1.14.120 Requests for Remission and Appeals.

(a) **Remission of Civil Penalties.** Within 21 calendar days of the effective date of a notice and order or other order which includes a civil penalty, the person incurring the penalty may appeal in writing to the Code Compliance Hearing Examiner for remission or mitigation of such civil penalty.

(b) **Appeal of Notice and Order or Restoration Order.** Within 21 calendar days of the effective date of a notice and order or restoration order, the owner of the property for which the order was issued or any other person who is

subject to the order may appeal the order in writing to the Code Compliance Hearing Examiner.

(c) Within ten days of receipt of the written request or appeal, the Code Compliance Hearing Examiner shall notify the Code Compliance Officer, the owner of the property for which the order was issued, and any other person who appealed the order, the date, time and place of hearing. The notification of hearing shall be sent to the owner of the property for which the order was issued and the person appealing the order, if different than the property owner, by certified mail with return receipt requested. The notices shall be mailed at least ten days before the hearing date. A written declaration of mailing shall be made a part of the record declaring the date and time of mailing. The hearing shall be held within 30 days of receipt of the written request for a hearing unless all parties agree to another date.

(d) In accordance with RCW 90.58.050 and RCW 90.58.210(4), any penalty jointly imposed by the Code Compliance Officer and the Department of Ecology shall be appealed to the Shorelines Hearings Board. When a penalty is imposed jointly by the Code Compliance Officer and the Department of Ecology, it may be remitted or mitigated only upon such terms as both the Code Compliance Officer and the Department of Ecology agree.

(e) Any requests for remission or appeals do not toll the requirement to comply with the ordinances, regulations, and state laws listed in RMC Section 1.14.030, Applicability. Any violations which continue during the pendency of any requests for remission or appeals shall be separate violations as provided in RMC Section 1.14.090, Application of Criminal Penalties, Civil Penalties, Equitable Actions, Injunctions, and Other Remedies. However, civil penalties need not be paid until after the Code Compliance Hearing Examiner decides the request for remission or appeal.

(f) The Code Compliance Hearing Examiner's decision to uphold a civil penalty may be appealed by the party on which the penalty is imposed as provided in RCW 36.70C.040 or its successor.

(g) Any party, including the city, may appeal the Code Compliance Hearing Examiner's decision on an appeal of a notice and order or a restoration order as provided in RCW 36.70C.040 or its successor.

Section 10. Section 1.14.050 of the Redmond Municipal Code is hereby amended to read as follows:

1.14.130 Authority of Code Compliance Hearing Examiner.

(a) The Code Compliance Hearing Examiner shall have the authority to:

- (1) Administer oaths and affirmations, examine witnesses and receive evidence;
- (2) Issue subpoenas upon the request of any party. When so required, the applicant for the subpoena shall show to the satisfaction of the examiner the general relevance and reasonable scope of the evidence sought;
- (3) Rule on objections and offers of proof;
- (4) Regulate the course of the hearing, including imposition of penalties for disruption of the orderly process, or refusal to comply with lawful orders of the Code Compliance Hearing Examiner; penalties may include an award of costs and/or attorney's fees to a party injured or prejudiced by the noncompliance or a fine not to exceed five hundred dollars; proceeds of fines shall be used to defray the costs to the city of hearings conducted under this chapter;
- (5) Hold conferences for the purpose of promoting settlement or simplifications of issues by consent of the parties;
- (6) Make decisions which can be incorporated into findings of fact, conclusions of law and order of the Code Compliance Hearing Examiner and enter orders of default and consent orders;
- (7) Establish rules and procedures to conduct hearings consistent herewith;
- (8) Decide appeals of notice and orders and restoration orders and issue orders to enforce such decisions; and
- (9) Decide requests to remit civil penalties imposed by the Code Compliance Officer.
- (10) Consolidate hearings of appeals or requests to remit civil penalties when they cover the same occurrence or property.

(b) The Code Compliance Hearing Examiner shall uphold a notice and order if the city shows by the preponderance of the evidence that (i) the alleged violation occurred and (ii) the appellant is liable either under this chapter or the provision which was violated.

(c) Appeals of Restoration Orders.

(1) The Code Compliance Hearing Examiner shall uphold a restoration order if the city shows by the preponderance of the evidence that (i) the alleged violation occurred, (ii) the appellant liable either under this chapter or the regulation which was violated, (iii) the alleged damage occurred, and (iv) the cost of restoration is proportional to the damage that occurred.

(2) The appellant may assert as an affirmative defense that another type or level of restoration would be proportional to the damage that occurred and the results of the restoration would be generally equivalent to the restoration ordered by the Code Compliance Officer. If the appellant shows by preponderance of evidence that this is the case, the Code Compliance Hearing Examiner may modify the restoration order as the examiner determines is appropriate.

(d) Remission or Mitigation of Civil Penalties.

(1) The Code Compliance Hearing Examiner shall uphold and not remit a civil penalty if the city shows by the preponderance of the evidence that that the appellant is liable either under this chapter or the provision which was violated.

(2) The appellant may assert as an affirmative defense that extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty, justify the remission or mitigation. If the appellant shows by preponderance of evidence that this is the case, the Code Compliance Hearing Examiner may remit a civil penalty. In no case shall the Code Compliance Hearing Examiner have the authority to remit or mitigate a civil penalty below the minimum penalty set in RMC Section 1.14.060(b), Criminal Violations and Penalties, Civil Violations and Penalties, and other Penalties.

Section 11. The following new section entitled "Stop Work Orders" is hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.140 Stop Work Orders.

(a) Whenever any work or development is being done or use is being conducted contrary to the provisions of the regulations, ordinances, or state laws listed in RMC Section 1.14.030, Applicability, the Code Compliance Officer, or any person designated by the Code Compliance Officer to issue stop work orders, may issue a stop work order requiring that all or part of the work on the project be stopped or that the use be discontinued. All persons shall cease the work or use that is the subject of the stop work order until authorized by the person who issued the order or the Code Compliance Officer to proceed with the work or use. The determination of the scope of the work covered by the stop work order shall be discretionary with the Code Compliance Officer, or any person designated by the Code Compliance Officer to issue stop work orders, based upon the seriousness of the violation, its relationship to the remainder of the project, and the degree to which the responsible party has demonstrated the ability and willingness to remedy any prior violations or comply with the applicable governmental procedures and regulations.

(b) The stop work order shall be in writing unless the Code Compliance Officer, or other designated person, determines that an emergency requires that the order be given orally. When given orally, the stop work order shall be re-issued in writing by 5:00 p.m. of the next day that general city offices are open. Service of the stop work order may be in person, by conspicuously posting the stop work order on the property or a public right-of-way adjacent to the property, by giving a copy of the stop work order to the person on the property who is who appears to be in charge or by certified mail return receipt requested. The Code Compliance Officer, or other designated person who issued the stop work order, may modify or supplement the stop work order.

(c) A stop work order is an enforcement mechanism and is not a penalty. Issuance of a stop work order shall not bar the imposition of a civil or criminal penalty under this chapter or the use of any other provision of this chapter.

Section 12. Section 1.14.070 of the Redmond Municipal Code is hereby amended to read as follows:

1.14.150 Violation of Stop Work Orders – Penalties. Notwithstanding any other provision of this chapter, it is unlawful for any person, with actual or constructive knowledge of the issuance of a stop work order pursuant to RMC Section 1.14.140, Stop Work Orders, to construct or do the work prohibited by the order, or to permit or allow the same to be done, or to remove or deface said order, until the Code Compliance Officer, Code Administrator, Public Works Director or their designees have removed or lifted the order and issued a written authorization for the activity or work to be continued. The Code Compliance

Officer, Code Administrator, Public Works Director or their designees may immediately seek issuance of a criminal citation through the Redmond Police Department where there is a violation of a stop work order. Any violator of a stop work order may be subject to arrest if the violation is committed in the presence of an officer per RCW 10.31.100. Violation of a stop work order shall be a gross misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$5,000 and/or imprisonment for not more than one year. Each day or part thereof during which any violation is committed or permitted shall constitute a separate offense.

Section 13. Section 1.14.090 of the Redmond Municipal Code is hereby amended to read as follows:

1.14.160 Compliance Enforced by Lawsuit, Correction, or Recording of a Notice of Violation. In addition to imposing additional civil or criminal penalties, when a violation has not been abated within 30 days after conviction of the violator or 30 days after the deadline set in a notice and order or any order upholding such an order any or all of the following remedies may be pursued::

(a) An equitable action to enjoin and abate the violation either as a public nuisance or as a continuing violation of this chapter.

(b) The Code Compliance Officer or department director may cause the violation to be brought into compliance. The property owner shall pay the costs of bringing the property into compliance within 60 days of the date the work necessary to bring the violation into compliance is completed. If not paid within 60 days, the costs incurred shall be recorded as a lien against the property or otherwise collected as provided in Section 1.14.230, Collection of Costs and Penalties. The city and its contractors shall have a right of entry to perform this work under the circumstances set out in this section. This right of entry may be enforced by order of a court of competent jurisdiction. If a lien is imposed and satisfied and any costs incurred by the city paid, any excess proceeds shall be paid to the owner.

(c) The Code Compliance Officer may record a notice of violation in the real property records of King County. The notice shall describe the violation and its duration at the date of filing, the law or regulation violated, a brief description of the corrections needed to comply with the law or regulation, a legal description of the property on which the violation occurred, the owner of the property on which the violation occurred, if known, or a statement that the owner is not known, and the city official with the authority to file a notice stating that the violation had been corrected.

(1) If the violation is corrected, the property owner shall request that the Code Compliance Officer record a notice that the violation has been corrected.

(2) Within 15 days of receiving such a request, the Code Compliance Officer shall determine if the violation has been corrected. If the violation has been corrected, the Code Compliance Officer shall record a notice in the King County real property records stating that the violation has been corrected and referred the volume and page in which the notice of violation is recorded. If the violation has not been corrected, the Code Compliance Officer shall notify the property owner of the actions necessary to correct the violation within 30 days of the property owner's request.

(d) The Code Compliance Officer may request that the Finance Director, his or her designees, or his or her successor, suspend or revoke a City of Redmond business license held by a violator where the business was involved in the violation or the violation occurred on the premises or property of the business.

Section 14. The following new section entitled "Right of Entry" is hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.170 Rights of Entry.

(1) For Permitting or the Inspection of Work Conducted Under Permit. Whenever any person applies for a permit or approval under any of the provisions listed in RMC Section 1.14.030(a), Applicability, or constructs structures or develops land under any of the provisions listed in RMC Section 1.14.030(a), Applicability, the City of Redmond staff shall have a limited right of entry during the City of Redmond's normal business hours or the times the business is in operation to conduct studies necessary to determine whether to approve the proposal or to inspect work being conducted under the permit or approval.

(2) To Investigate Violations and Corrections. The Code Compliance Officer is authorized to enter upon property or premises to determine whether the provisions listed in RMC Section 1.14.030(a), Applicability, are being obeyed, and to make any examinations, surveys, and studies as may be necessary in the performance of his or her duties. These may include the taking of photographs, digital images, videotapes, video images, audio recordings, samples, or other physical evidence. As part of the inspections, the Code Compliance Officer or persons assisting him or her may use instruments and devices which have the purpose of determining if the provisions listed in RMC Section 1.14.030(a), Applicability, have been violated. Persons assisting the Code Compliance Officer in conduction examinations, surveys, and studies may accompany the Code Compliance Officer. All inspections, entries, examinations, studies, and surveys shall be done in a reasonable manner. If the property is occupied, the Code

Compliance Officer shall ask permission of the occupants before entering the property. If an owner, occupant, or agent refuses permission to enter or inspect, the Code Compliance Officer may seek an administrative or criminal search warrant.

Section 15. The following new section entitled "Performance Assurance Devices Authorized" is hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.180 Performance Assurance Devices Authorized.

(a) As part of a notice and order, restoration order, negotiated agreement or other agreement to correct a violation of a provision listed in RMC Section 1.14.030(a), Applicability, the Code Compliance Office may require a performance assurance device to guarantee that the correction or restoration is completed or to assure maintenance of the correction or restoration work after completion.

(b) The person required to correct the violation or conduct the restoration shall engage independent consultants to determine the cost of the work or the likely cost of maintaining the work after completion. The Code Compliance Officer shall review, and if acceptable, approve the cost estimates.

(c) The performance assurance device shall be for 150 percent of the cost of the work it is to guarantee. It shall be valid for at least one year beyond the time period it is to cover. The form of the performance assurance device shall be acceptable to the City Attorney or City Prosecuting Attorney. The city shall hold the performance assurance device. The performance assurance device shall comply with all applicable requirements for performance assurance devices in the Community Development Guide.

(d) The Code Compliance Officer shall release the performance assurance device after the work it is to guarantee is completed or the work continues to function properly after the end of maintenance period.

(e) If the work is not completed during the set time period or if maintenance of the completed work is required, the Code Compliance Officer shall negotiate the performance assurance device and use the proceeds to complete the work or maintenance. If the cost of the work exceeds the available funds, the persons who committed the violation shall be responsible for the additional cost. If the work costs less than the available funds, the remaining balance shall be

refunded to the persons who provided the performance assurance device after the work is completed or the end of the maintenance period.

Section 16. The following new section entitled "Administrative Search Warrants Authorized" is hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.190 Administrative Search Warrants Authorized.

(a) The City Attorney or City Prosecuting Attorney may request that a District Court or Superior Court of competent jurisdiction issue an administrative search warrant. The request shall be supported by an affidavit of a designated officer or employee having knowledge of the facts sworn to before the judge and establishing the grounds for issuing the warrant.

(b) If the judge finds that the affidavit given upon proper oath or affirmation shows probable cause, the judge may issue administrative warrants for the purpose of conducting administrative inspections or gathering of evidence. The warrant may be issued where the affidavit shows probable cause (i) that properties or buildings in the area to be searched may violate one or more of the provisions listed in RMC Section 1.14.030(a), Applicability; (ii) that it is necessary to enforce a right of entry to conduct studies or inspect work to ensure compliance with state law, the Community Development Guide, or this chapter and that the right of entry is granted by state law, the Community Development Guide; or this chapter; (iii) it is necessary to allow the inspection of buildings after a natural or human caused mishap or disaster to determine if buildings are safe to occupy; or (iv) a civil or criminal violation has taken place on the property for which the warrant is sought and the city will enter the property and correct the violation.

(c) The warrant shall:

- (1) State the grounds for its issuance and the name of each person whose affidavit has been taken in support of the warrant.
- (2) Be directed to the Code Compliance Officer or a person authorized by the Code Compliance Officer to execute it.
- (3) Command the person to whom it is directed to inspect the area, premises, or building identified for the purpose specified and the evidence that may be gathered.
- (4) Direct that it be served during normal business hours and designate the judge to whom it shall be returned.

Four copies of the proposed warrant shall be presented. If issued, one copy shall be left with the court, one copy left on the premises searched, one copy returned with any receipt(s), and one copy retained by the Code Compliance Officer. The judge issuing the warrant shall sign all copies.

(d) A warrant issued under this section shall be executed and returned within ten days of its date unless, upon a showing of a need for additional time, the court orders otherwise. If evidence is seized pursuant to a warrant, a copy shall be given to the person from whom or from whose premise the evidence is taken, together with a receipt for the evidence taken. The return of the warrant shall be made promptly, accompanied by a written inventory of any evidence taken. The inventory shall be made ^{on} ~~in~~ the premises the property was taken, if ^{people are} present, or in the presence of at least one credible person other than the person executing the warrant. A copy of the inventory shall be delivered to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

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(e) The judge who has issued a warrant shall attach thereto a copy of the return and all papers returnable in connection therewith and file them with the clerk of the court in which the inspection was made.

Section 17. The following new section entitled "Recovery of Enforcement Costs" is hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.200 Recovery of Enforcement and Other Costs.

(a) In addition to the other remedies available under this chapter, the Code Compliance Officer may charge the owner of the property on which a violation of any provision listed in RMC Section 1.14.030(a), Applicability, or any permit issued under any provision listed in RMC Section 1.14.030(a), Applicability, occurred or any person who violated any provision listed in RMC Section 1.14.030(a), Applicability, or a permit issued under RMC Section 1.14.030(a), Applicability, with the costs of enforcement, restoration, abatement, and bringing the violation into compliance. Such costs are due and payable thirty days from the date the invoice is mailed.

(b) The costs of enforcement, restoration, abatement, and bringing the violation into compliance shall include, but are not limited to:

- (1) Personnel costs, both direct and indirect, including attorney's fees and costs incurred to document the violation.
- (2) Removal, excavation, loading, hauling, storage, and disposal expenses incurred by the city or the city's contractors.

- (3) The cost of any studies needed to determine how to restore the property or to correct any violations incurred by the city or the city's contractors.
- (4) The costs of stabilizing the site to prevent further damage or pollution incurred by the city or the city's contractors.
- (5) Construction, excavation, regrading, seeding, or planting expenses incurred by the city or the city's contractors.
- (6) The costs of maintaining any restoration or repair work incurred by the city or the city's contractors.
- (7) Actual expenses and cost of the city in preparing notices, specifications, and contracts and in accomplishing or contracting and inspecting the work, and the costs of any required printing and mailing.

(c) Where the Code Compliance Officer assesses costs under RMC Section 1.14.200, Recovery of Enforcement and Other Costs, those costs create a joint and several personal obligation in any person violating any provision listed in RMC Section 1.14.030(a), Applicability, or any permit issued under any provision listed in RMC Section 1.14.030(a), Applicability. The city may collect these costs by turning the debt over to a collection agency, filing a civil lawsuit, filing a lien or other legal means.

Section 18. The following new section entitled "Liens" is hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.210 Liens.

(a) Within 60 days from the date that any monetary penalty, abatement cost, enforcement cost, cost of restoration, or cost of bringing the structure or property into compliance, or other cost authorized by this chapter is due, the Code Compliance Officer, City Attorney, or City Prosecuting Attorney or their designees may file a lien against the property of a violator or the property on which the violation has occurred for the amount due. This lien shall be filed with the King County Office of Records and Elections, or its successor.

(b) The lien shall contain the following information:

- (1) The regulation or law violated.
- (2) A brief description of the violation and its duration at the date of filing.

- (3) A brief description of abatement or correction work done, if any, and who performed the work;
- (4) The owner of the property, if known, or a statement that the owner is not known.
- (5) A legal description of the property.
- (6) The amount of the penalties, fines, or costs that are owed.
- (7) A sworn statement signed by the Code Compliance Officer or his or her designee that the Code Compliance Officer or his or her designee believes that the claim is just.

(c) The Code Compliance Officer, City Attorney, or City Prosecuting Attorney or their designees may file supplemental liens against the property of a violator or the property on which the violation has occurred with the King County Office of Records and Elections, or its successor, to update information regarding penalties, fines, costs or fees contained in any existing lien.

(d) The lien shall be valid until the amount of money specified in the lien is paid in full.

(e) The City Attorney or Prosecuting Attorney or their designees may under take actions to enforce the lien.

(f) After a lien is paid or satisfied, the Code Compliance Officer, City Attorney, or City Prosecuting Attorney or their designees shall file a legal notice with the King County Office of Records and Elections, or its successor, stating that the lien has been paid or satisfied. The notice shall include a reference to the original lien and any supplemental liens and include reference to where in the records they are recorded, a legal description of the property, and the person filing the notice.

Section 19. The following new sections entitled "Chief's Enforcement of Fire Code" and "Collection of Costs and Penalties" are hereby added to Chapter 1.14 of the Redmond Municipal Code to read as follows:

1.14.220 Chief's Enforcement of Fire Code. To enforce the Uniform Fire Code, or any other fire code, adopted by the City of Redmond, the City of Redmond Fire Chief and his or her designees shall have all of the authority and powers of the Code Compliance Office as provided in this chapter. In exercising this authority and power, City of Redmond Fire Chief and his or her

designees shall comply with all of the applicable provisions of this chapter and shall be subject to any appeals provided under this chapter.

1.14.230 Collection of Costs and Penalties. Any civil penalty, criminal penalty, fee, or cost authorized by this chapter and imposed, assessed, or billed under this chapter may be collected by any means authorized by this chapter or otherwise authorized by law. Under this chapter, the city is authorized to collect these penalties, fees, or costs by billing the responsible party, requesting payment by other legal means, turning the debt over to a collection agency, filing a civil lawsuit, or filing a lien as provided in 1.14.210, Liens.

Section 20. The following new sections entitled "Development Guide Compliance Required," and "Violations and Penalties," are hereby added to the Redmond Community Development Guide and the Redmond Municipal Code to read as follows:

20G.10.010 Community Development Guide Compliance Required.

(a) All land use, activities, construction, development, intensification, and structural modifications or alterations shall comply with the Development Guide, Title 20 of the Redmond Municipal Code, and all permits granted for the use, activity, construction, development, intensification, or structural modifications or alternations.

(b) All permits and approvals shall comply with the Development Guide, Title 20 of the Redmond Municipal Code. No permit or approval shall be issued for any parcel of land developed or divided in violation of the Development Guide, Title 20 of the Redmond Municipal Code.

(c) All divisions of land shall comply with the Community Development Guide, Title 20 of the Redmond Municipal Code. Any portion of a lot or lots that was used to calculate compliance with the Community Development Guide, Title 20 of the Redmond Municipal Code, standards or regulations shall not be subsequently subdivided or segregated from such lot or lots or sold or transferred separately from such lot or lots.

(d) All purchasers or transferees of property shall comply with provisions of the Development Guide, Title 20 of the Redmond Municipal Code, and all applicable state laws and each purchaser or transferee may recover his or her damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Development Guide, Title 20 of the Redmond Municipal Code, and all applicable state laws including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Development Guide, Title 20 of the Redmond Municipal Code, and all applicable state laws as well as cost of investigation, suit and reasonable attorney's fees occasioned thereby. Such purchaser, transferor,

transferee, or lessor may, as an alternative to conforming his property to these requirements, rescind the sale, transfer, or lease and recover cost of investigation and reasonable attorney's fees occasioned thereby from the violator.

20G.10.020 Violations and Penalties.

(a) Any person violating any provisions of Community Development Guide, Title 20 of the Redmond Municipal Code, shall be punished as provided in Section 1.10.050 of the Redmond Municipal Code.

(b) Any building, structure, development, activity, land use or division of land, not in conformance with the Development Guide, Title 20 of the Redmond Municipal Code, and not a legal nonconformance is declared to be unlawful, substandard, and a public nuisance, and is subject to the enforcement and abatement provisions in Chapter 1.14, Code Compliance, of the Redmond Municipal Code.

20G.10.030 Limited Statute of Limitations.

(a) Applicability. This section, 20G.10.030 Limited Statute of Limitations, shall only apply to violations of the of the City of Redmond Community Development Guide, Title 20 of the Redmond Municipal Code, which involve the construction of new structures other than signs or additions to structures other than signs where all required permits were obtained for the work.

(b) Except as provided in Section 20G.10.030(c) or (d) (Limited Statute of Limitations), the Code Compliance Officer, City Prosecuting Attorney, or other city official shall have seven years from the date construction is completed to mail or serve a notice and order, restoration order, or civil penalty or to charge a violator with a criminal violation. If no order or penalty has been mailed or served or if a violator has not been charged with a criminal violation within the seven year limited statute of limitations and the structure is not excluded by Section 20G.10.030(a), (c), or (d) (Limited Statute of Limitations), the structure shall be considered a legal non-conforming structure.

(c) Where the Administrator finds that the violation may adversely affect the public health, has the potential to increase the likelihood of damage to property or injury to persons who use the structure or nearby premises, or where the violation results in continuing adverse effects on the environment, the statute of limitations in Section 20G.10.030(b) (Limited Statute of Limitations) shall not apply to the violation. The Administrator may make this finding either before or after the seven-year period in 20G.10.030(b), Limited Statute of Limitations.

(d) This limited statute of limitations shall only apply to structures other than signs. This statute of limitations shall not apply to fills other than those

normally needed for the construction of structures other than signs. This statute of limitations shall not apply to uses.

Section 21. Repealer. The following section and subsections of the Redmond Municipal Code and Community Development Guide are hereby repealed:


<u>Section or Subsection</u>	<u>Title</u>
1.14.060	Cease and desist orders - Service
20F.10.050(30)	Stop Work Order
20F.10.050(55)	Complaints
20F.10.050(60)	Alternative Methods of Enforcement

Section 22. Severability. If any section, sentence, clause, or phrase of this ordinance or any regulation adopted or amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance or any regulation adopted by amended hereby.



Section 23. Savings. Adoption of this ordinance shall not waive or excuse any violation of any provision included in Section 3 of this ordinance. No ongoing enforcement action shall be required to be re-instituted for any reason because of any amendment, adoption, or repeal under this ordinance.

Section 24. Effective Date. This ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect five days after passage and publication of an approved summary thereof consisting of the title.

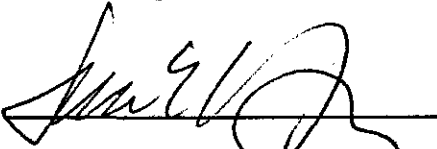
CITY OF REDMOND


MAYOR ROSEMARIE IVES

ATTEST/AUTHENTICATED:



CITY CLERK, BONNIE MATTSON

**APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:**

By: 

FILED WITH THE CITY CLERK: May 1, 1997
PASSED BY THE CITY COUNCIL: May 6, 1997
SIGNED BY THE MAYOR: May 8, 1997
PUBLISHED: May 10, 1997
EFFECTIVE DATE: May 15, 1997
ORDINANCE NO.: 1935