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Establishes positions of
Code Compliance Officer
and Violations Hearing
Examiner

ORDINANCE NO. 1458

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON,
ESTABLISHING THE POSITIONS OF CODE COMPLIANCE
OFFICER AND VIOLATIONS HEARING EXAMINER AND
PROVIDING PROCEDURES FOR ENFORCEMENT OF
SPECIFIED LAND USE AND OTHER CITY ORDINANCES.

WHEREAS, the Redmond City Council finds that violations of City regulations pertaining to land use, construction, nuisances, sanitation, animal control and other miscellaneous matters endanger the public health, safety and welfare, and

WHEREAS, there is a need for a city official charged with responsibility for enforcement of such regulations, and

WHEREAS, administrative actions regarding violations should be subject to impartial review prior to the issuance of criminal citations to reduce costs to the public and promote fairness in the enforcement process, and

WHEREAS, the objectives of careful investigation and impartial decision-making may be accomplished by a procedure under which notices of violations are issued, subject to review by a Hearing Examiner, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. A new Chapter 1.14 entitled "Code Compliance" is hereby added to the Redmond Municipal Code to read as follows:

1.14.010 Code Compliance Officer Position
Created - Duties. The position of Code Compliance Officer is hereby established. The Code Compliance Officer shall be appointed by the Mayor. It shall be the duty of the Code Compliance Officer to investigate compliance with the City regulations enumerated in Section 1.14.080 and to take reasonable action to bring about compliance with such regulations. The Compliance Officer is authorized to issue and serve a Notice of Violation in appropriate cases as provided in this Chapter.

1.14.020 Notice of Violation.

- A. A Notice of Violation may be issued by the Code Compliance Officer to any responsible person, firm, corporation or agent based upon reasonable cause to believe that such party has violated one or more of the regulations identified in Section 1.14.090. The Notice of Violation shall contain the following information:
- 1) a statement of the violation observed;
 - 2) the location of the violation;
 - 3) the violation date;
 - 4) the name of the person who observed the violation;
 - 5) the title and section number of the City regulation violated; and
 - 6) the date upon which compliance shall occur.
- B. A Notice of Violation shall be served upon the person to whom it is directed in person, or by mailing a copy of the Notice to such person at his/her last known address, or by posting a copy of the Notice in a conspicuous place on the affected property or structure, if any. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the order, declaring the date and time of service and the manner by which service was made. The declaration shall be filed with the Violations Hearing Examiner whenever a hearing is requested as provided in this Chapter, and it shall be made part of the record of the matter.
- C. Upon written request prior to completion of the time period, the Code Compliance Officer may extend the date for compliance for good cause. Good cause may include substantial completion of the necessary correction(s) or unforeseeable circumstances which render the completion impossible by the date established.

1.14.030 Violations Hearing Examiner Position Created - Qualifications. The position of Violations Hearing Examiner is hereby established. The Violations Hearing Examiner shall be appointed by the Mayor. The examiner must be qualified to practice law in the State of Washington. The Violations Hearing Examiner shall preside over all hearings provided for in Section 1.14.040.

1.14.040 Hearings. A hearing upon the violation identified in a Notice of Violation shall be held when a written request is submitted to the Violations Hearing Examiner by the Code Compliance Officer, Code Administrator, or the person, firm, corporation or agent to whom the Notice of Violation was issued. Within 10 days of receipt of the written request, The Violations Hearing Examiner shall notify the Code Compliance Officer, person to whom the Notice was issued, and if another person has requested the hearing, the person who requested the hearing, of the date, time, and place of the hearing. The hearing shall be held within 15 working days of receipt of the written request for a hearing unless all parties agree to a later date.

1.14.050 Authority of Violations Hearing Examiner. The Violations Hearing Examiner shall have the authority to:

- A. administer oaths and affirmations, examine witnesses and receive evidence;
- B. 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;
- C. rule on objections and offers of proof;
- D. 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 Violations Hearing Examiner; penalties may include an award of costs and/or attorneys fees to a party prejudiced by the noncompliance or a fine not to exceed \$500; proceeds of fines shall be used to defray the costs to the City of hearings conducted under this Chapter;
- E. hold conferences for the purpose of promoting settlement or simplification of issues by consent of the parties;
- F. make decisions which can be incorporated into findings of fact, conclusions of law and order of the Violations Hearing Examiner and enter orders of default and consent orders;
- G. establish rules and procedures to conduct hearings consistent herewith; and
- H. issue Cease and Desist Orders.

1.14.060 Cease and Desist Orders - Service. Cease and Desist Orders shall be served upon the person who has committed, or

who is responsible for the activity which constitutes, the violation, either personally or by mailing a copy of the Order to such person at his/her last known address, or by posting a copy of the Order conspicuously on the affected property or structure, if any. Proof of service shall be made by a written declaration under penalty of perjury by the person serving the order, declaring the date and time of service and the manner by which service was made, which shall be filed with the Violations Hearing Examiner and made part of the record of the matter.

1.14.070 Cease and Desist Orders - Penalty for Violation. Violation of a Cease and Desist Order issued by the Violations Hearing Examiner conducting a hearing on a Notice of Violation, served in the manner required by Section 1.14.060, shall be a misdemeanor punished by a fine not to exceed \$1,000 per day of violation. Criminal complaints charging violation of a Cease and Desist Order shall be filed by the City Attorney in the Northeast District Court.

1.14.080 Applicability.

- A. This Chapter shall apply to the following ordinances and regulations of the City:
1. Community Development Guide: Section 20C.20 General Regulations; Section 20E Building and Construction Codes; Section 20F Administration and Procedures.
 2. Health and Sanitation - Title 6, Redmond Municipal Code
 3. Animal Control - Title 7, Redmond Municipal Code
 4. Streets and Sidewalks - Title 12, Redmond Municipal Code
 5. Water and Sewer - Title 13, Redmond Municipal Code
 6. Buildings and Construction - Title 15, Redmond Municipal Code.
- 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 Municipal Code, including the Community Development Guide. Use of procedures set forth herein shall not require or preclude use of any such other procedures.

1.14.090 Compliance Enforced. When a violation has not been abated within thirty (30) days after conviction of the violator or

imposition of a civil penalty, the Code Administrator or Department Director may cause the violation to be brought into compliance with the costs incurred becoming a recorded lien upon the property. Upon satisfaction of the lien and payment of processing costs incurred by the City, any excess proceeds shall be paid to the owner.

Section 2. The Redmond Municipal Code and Community Development Guide is hereby amended by repealing Community Development Guide Sections 20F.10.050(25), (40), (45) and (50).

Section 3. The Redmond Municipal Code and Community Development Guide is hereby revised by amending Community Development Guide Section 20F.10.050(20) to read as follows:

Any building, structure or land use not in conformance with the Development Guide and not a legal non-conformance is declared to be unlawful, substandard and a public nuisance, and is subject to the enforcement and abatement procedures set forth in Chapter 1.14, Code Compliance, of the Redmond Municipal Code.

Section 4. If any section, sentence, clause or phrase of this ordinance 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.

Section 5. This ordinance, being an administrative action, is not subject to referendum and shall take effect five (5) days after publication of the attached summary which is hereby approved.

APPROVED:

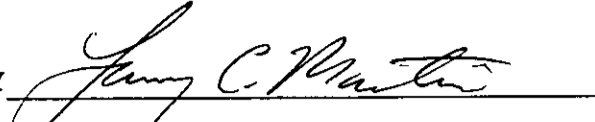

MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS A. SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY



FILED WITH THE CITY CLERK: November 10, 1988
PASSED BY THE CITY COUNCIL: November 15, 1988
PUBLISHED: November 20, 1988
EFFECTIVE DATE: November 25, 1988
ORDINANCE NO. 1458

● CODE ENFORCEMENT PROCEDURE ●

(PROPOSED)

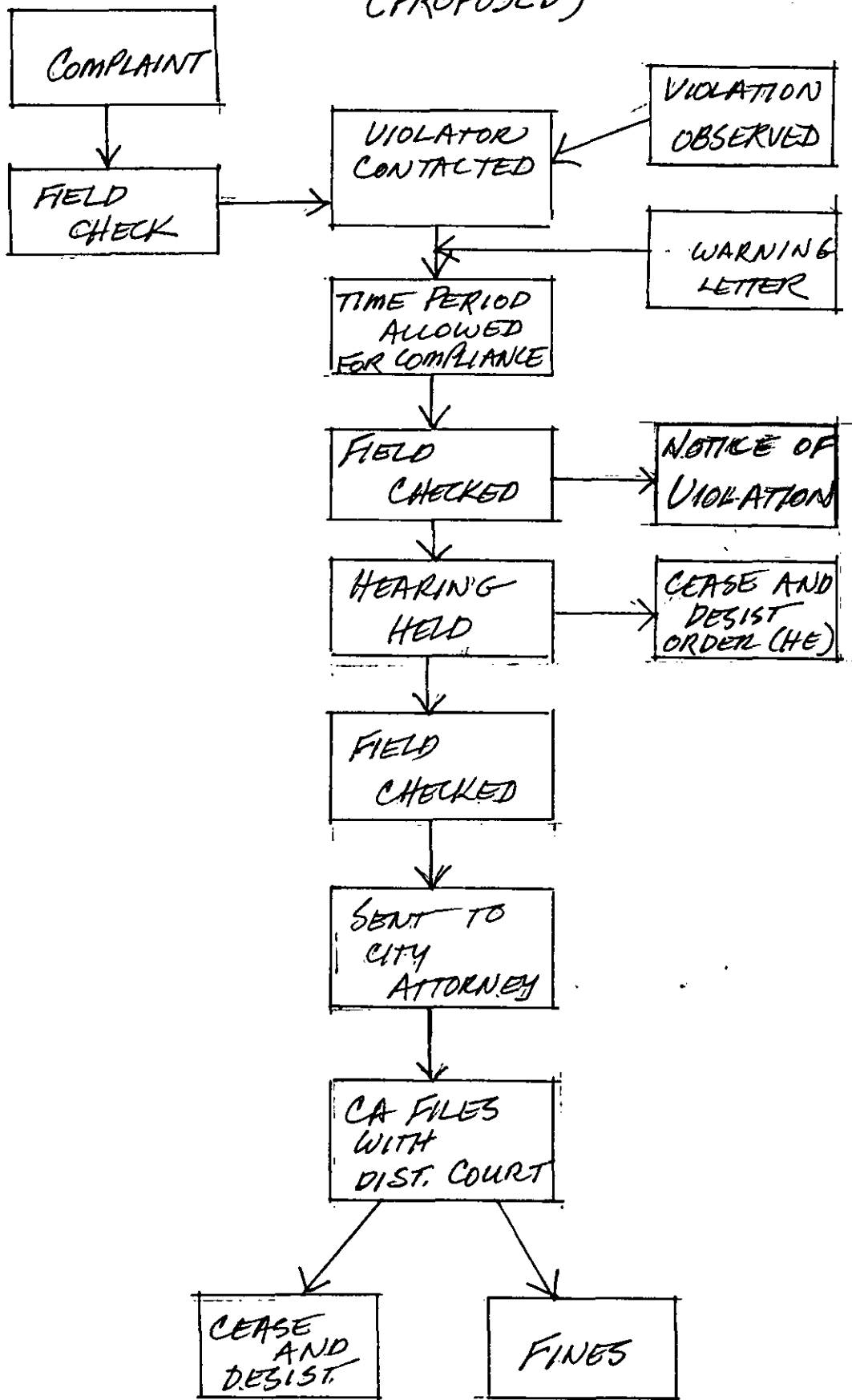


EXHIBIT I