JEFFERSON COUNTY BOARD OF HEALTH
October 15, 2020
Jefferson County Public Health
Virtual Meeting
2:30 – 4:30 PM
DRAFT AGENDA

COVID-19 NOTICE:
NO IN-PERSON ATTENDANCE ALLOWED
(Per Governor Inslee’s Proclamation 20-28)

To view this meeting live go to www.co.jefferson.wa.us
Follow the links under “Quick Links: Videos of Meetings-Streaming Live”
Those without internet can listen by dialing: 1 (571) 317-3122 enter access code: 485-306-037
Public comment can be emailed to BOH@co.jefferson.wa.us

I. Approval of Agenda

II. Approval of Minutes of September 17, 2020 Board of Health Meetings

III. Old Business and Information Reports
2. Community Health Division Report
4. Resolution Declaring Racism a Public Health Crisis

IV. New Business
1. Public Hearing re: Proposed Changes to Environmental Public Health Fee Schedule.
2. Preadoption Briefing on Proposed Jefferson County Enforcement Code, Call for Public Hearing
   Date to be Determined
3. Proposed Revisions to Basic Sanitation Code: Basic Sanitation for Non-Permitted Living
   Conditions
4. COVID-19 Pandemic Situation Report: Changes to Allowed Activities in Phase 2 and 3 of the
   Safe Start WA Plan, School Update, and Preparation for Fall/Winter “Flu Season”

V. Activity Update

VI. Agenda Planning Calendar:

1. Next Scheduled Meeting: November 19, 2020
   2:30 – 4:30 PM
   Jefferson County Public Health
   Virtual Meeting
JEFFERSON COUNTY BOARD OF HEALTH
MINUTES
September 17, 2020
Jefferson County Public Health, 615 Sheridan Street, Port Townsend WA 98368
DRAFT

Board Members
Pamela Adams, Vice Chair, Port Townsend
City Council Greg Brotherton, County
Commissioner, District #3
Kate Dean, County Commissioner District #1
Kees Kolff, Public Hospital District #2
Commissioner
Denis Stearns, Citizen at large
David Sullivan, County Commissioner, District #2
Sheila Westerman, Chair, Citizen at large

Staff Members
Michael Dawson, Water Quality Manager
Vicki Kirkpatrick, Public Health Director
Thomas Locke, Health Officer
Apple Martine, Community Health Director
Pinky Mingo, Environmental Public Health Director
Veronica Shaw, Public Health Deputy Director

Chair Sheila Westerman called the September 17, 2020 meeting of the Jefferson County Board of Health to order at 2:31 p.m. A quorum was present.

Members Present: Chair Sheila Westerman, Vice-Chair Pamela Adams, Commissioner Greg Brotherton, Commissioner Kate Dean, Member Kees Kolff, Member Denis Stearns, Commissioner David Sullivan

Staff Present: Michael Dawson, Water Quality Manager; Dr. Thomas Locke, Health Officer; Apple Martine, Community Health Director; Pinky Mingo, Environmental Public Health & Water Quality Director, Vicki Kirkpatrick, Director of Jefferson County Public Health, Austin Watkins, Civil Deputy Prosecuting Attorney, Deborah Murdock, Code Compliance Coordinator, Philip Hunsucker, Chief Civil Deputy Prosecuting Attorney

APPROVAL OF AGENDA

Chair Westerman asked for approval of the agenda for September 17, 2020. Agenda changes and amendments were approved.

Member Kolff moved to approve the agenda as edited. Commissioner Dean seconded the motion. The motion carried.

APPROVAL OF MINUTES

Chair Westerman asked for approval of the minutes for August 20, 2020.
Member Kolff motioned to approve the minutes. The motion was seconded by Commissioner Dean. Member Kolff moved to accept the minor changes that were discussed. The motion passed unanimously.

PUBLIC COMMENT

Discussion on how to address public comments during the meeting. Discussion tabled until staff can suggest how to handle public comments in the future. Greg noted that comments are not anonymous, and new measures (N 95 masks) are in place protecting agricultural workers.

NEW BUSINESS

Member Mingo reported that the recurring event fee of $95.50 for low risk foods, was left out of the fee scheduled adopted last year.

MOTION: Commissioner Sullivan motioned to have a public hearing at the next Board meeting on October 15, 2020, Vice-Chair Adams seconded the motion. The motion carried.

2. Activity Update on Proposed Jefferson County Enforcement Code
Chief Civil Deputy Prosecuting Attorney Philip Hunsucker, Deputy Prosecuting Attorney Austin Watkins, Code Compliance Officer Debra Murdock and Environmental Health Water Quality Director Pinky Mingo briefed the Board on a draft Enforcement Code. The code would address many enforcement issues in the County including COVID-19 and the masking directive. If approved, violators of the code could face civil infractions and other penalties.

3. Proposed Revisions to Basic Sanitation Code: Basic Sanitation for Non-Permitted Living Conditions:
Member Mingo reported on and reviewed the draft proposed revisions to the code. There was further discussion by the Board. Member Mingo will incorporate the edits and incorporate edits and bring back to the next meeting. Pit privy’s will be added to a future agenda.

Dr. Locke gave an update on current COVID conditions.

5. Wildfire Discussion.
Dr. Locke gave a report on the health effects of the current wildfire (climate fire) smoke air quality in the County as well as other air quality concerns. There was brief discussion by the Board.

OLD BUSINESS AND INFORMATIONAL ITEMS

1. Jefferson Healthcare Update
Member Kolff discussed the child care crisis in the County, COVID caseload, revenue, flu vaccines and other Jefferson Healthcare news. Dr. Locke reported on COVID testing status.
2. **Community Health Division Report**
   Apple provided a briefing. In the future, she will provide her report in writing ahead of the meeting as well. Member Kolff requested a list of services offered and staff members from Community Health.

3. **Addressing Racism**
   The Board discussed a proposed resolution. The Ad hoc committee will incorporate edits and bring back at the next meeting. The proposed racism resolution will be posted on the website ahead of the next meeting.

**ACTIVITY UPDATE**

There were no activity update reports from the Board.

**AGENDA PLANNING CALENDAR**

- Addressing racism as a public health concern
- Public hearing for the Environmental Public Health Fee Schedule revision

**NEXT SCHEDULED MEETING**

The next Board of Health meeting will be held online as a GoToMeeting on Thursday, October 15, 2020 from 2:30 – 4:30 p.m.

**ADJOURNMENT**

Chair Sheila Westerman adjourned the September 17, 2020 Jefferson County Board of Health meeting at 4:46 p.m.

**JEFFERSON COUNTY BOARD OF HEALTH**

Sheila Westerman, Chair

Kate Dean, Member

Pamela Adams, Vice Chair

Greg Brotherton, Member

David Sullivan, Member

Kees Kolff, Member

Denis Stearns, Member

Respectfully submitted
K. Abbott
Jefferson County
Board of Health

III
Old Business and Information Reports
Item 2
Community Health and Division Report

October 15, 2020
Tobacco Prevention & Control

Prevention

and testing, hepatitis screening, and administration of Hepatitis A vaccine. Health care providers, including doctors, nurses, and pharmacists, can provide these services.

School Nurse Programs

Nurse Family Partnerships

Home visiting nurses meet with first-time mothers during their pregnancy and until their child is two years old. They provide education and support on health and development milestones, and help parents develop healthy learning environments for their children.

School-Based Health Clinics

Wellness Support

Services include home and office visits to promote and support health behaviors.

Family Health Services

Immunizations

Tokyo Community Education and Information Center

Substance Abuse Prevention

Preventative programs are offered for children and youth in the community.

Communicable Disease

Recommendations

Clinic visits also include the specific prevention

International Travelers Clinic

Vaccines are available on site at walk-in clinics.

Childhood Vaccines

Walk-in Clinics

Walk-in Clinics

Tuesdays & Thursdays 1-4 pm

Immunizations

School Nursing Program

School health and mental health programs, including counseling services, are available at the school.

Nutrition Services

Services may include snacks, meals, and a healthy meal plan for school-aged children.

Schools

Nutrition services are provided to children with special health needs and support public health needs. Nurses visit schools to provide nutritional guidance and support children with special health needs.

School Counseling Services

Counseling services are available to children and youth in the community.

School Health

Services include health education, counseling, and support for students with special health needs.
Jefferson County
Board of Health

III
Old Business and Information Reports
Item 3
New England Journal of Medicine Editorial

October 15, 2020
Covid-19 has created a crisis throughout the world. This crisis has produced a test of leadership. With no good options to combat a novel pathogen, countries were forced to make hard choices about how to respond. Here in the United States, our leaders have failed that test. They have taken a crisis and turned it into a tragedy.

The magnitude of this failure is astonishing. According to the Johns Hopkins Center for Systems Science and Engineering, the United States leads the world in Covid-19 cases and in deaths due to the disease, far exceeding the numbers in much larger countries, such as China. The death rate in this country is more than double that of Canada, exceeds that of Japan, a country with a vulnerable and elderly population, by a factor of almost 50, and even dwarfs the rates in lower-middle-income countries, such as Vietnam, by a factor of almost 2000. Covid-19 is an overwhelming challenge, and many factors contribute to its severity. But the one we can control is how we behave. And in the United States we have consistently behaved poorly.

We know that we could have done better. China, faced with the first outbreak, chose strict quarantine and isolation after an initial delay. These measures were severe but effective, essentially eliminating transmission at the point where the outbreak began and reducing the death rate to a reported 3 per million, as compared with more than 500 per million in the United States. Countries that had far more exchange with China, such as Singapore and South Korea, began intensive testing early, along with aggressive contact tracing and appropriate isolation, and have had relatively small outbreaks. And New Zealand has used these same measures, together with its geographic advantages, to come close to eliminating the disease, something that has allowed that country to limit the time of closure and to largely reopen society to a prepandemic level. In general, not only have many democracies done better than the United States, but they have also outperformed us by orders of magnitude.

Why has the United States handled this pandemic so badly? We have failed at almost every step. We had ample warning, but when the disease first arrived, we were incapable of testing effectively and couldn’t provide even the most basic personal protective equipment to health care workers and the general public. And we continue to be way behind the curve in testing. While the absolute numbers of tests have increased substantially, the more useful metric is the number of tests performed per infected person, a rate that puts us far down the international list, below such places as Kazakhstan, Zimbabwe, and Ethiopia, countries that cannot boast the biomedical infrastructure or the manufacturing capacity that we have. Moreover, a lack of emphasis on developing capacity has meant that U.S. test results are often long delayed, rendering the results useless for disease control.

Although we tend to focus on technology, most of the interventions that have large effects are not complicated. The United States instituted quarantine and isolation measures late and inconsistently, often without any effort to enforce them, after the disease had spread substantially in many communities. Our rules on social distancing have in many places been lackadasical
at best, with loosening of restrictions long before adequate disease control had been achieved. And in much of the country, people simply don't wear masks, largely because our leaders have stated outright that masks are political tools rather than effective infection control measures. The government has appropriately invested heavily in vaccine development, but its rhetoric has politicized the development process and led to growing public distrust.

The United States came into this crisis with enormous advantages. Along with tremendous manufacturing capacity, we have a biomedical research system that is the envy of the world. We have enormous expertise in public health, health policy, and basic biology and have consistently been able to turn that expertise into new therapies and preventive measures. And much of that national expertise resides in government institutions. Yet our leaders have largely chosen to ignore and even denigrate experts.

The response of our nation's leaders has been consistently inadequate. The federal government has largely abandoned disease control to the states. Governors have varied in their responses, not so much by party as by competence. But whatever their competence, governors do not have the tools that Washington controls. Instead of using those tools, the federal government has undermined them. The Centers for Disease Control and Prevention, which was the world's leading disease response organization, has been eviscerated and has suffered dramatic testing and policy failures. The National Institutes of Health have played a key role in vaccine development but have been excluded from much crucial government decision making. And the Food and Drug Administration has been shamefully politicized, appearing to respond to pressure from the administration rather than scientific evidence. Our current leaders have undercut trust in science and in government, causing damage that will certainly outlast them. Instead of relying on expertise, the administration has turned to uninform opinions and charlatans who obscure the truth and facilitate the promulgation of outright lies.

Let's be clear about the cost of not taking even simple measures. An outbreak that has disproportionately affected communities of color has exacerbated the tensions associated with inequality. Many of our children are missing school at critical times in their social and intellectual development. The hard work of health care professionals, who have put their lives on the line, has not been used wisely. Our current leadership takes pride in the economy, but while most of the world has opened up to some extent, the United States still suffers from disease rates that have prevented many businesses from reopening, with a resultant loss of hundreds of billions of dollars and millions of jobs. And more than 200,000 Americans have died. Some deaths from Covid-19 were unavoidable. But, although it is impossible to project the precise number of additional American lives lost because of weak and inappropriate government policies, it is at least in the tens of thousands in a pandemic that has already killed more Americans than any conflict since World War II.

Anyone else who recklessly squandered lives and money in this way would be suffering legal consequences. Our leaders have largely claimed immunity for their actions. But this election gives us the power to render judgment. Reasonable people will certainly disagree about the many political positions taken by candidates. But truth is neither liberal nor conservative. When it comes to the response to the largest public health crisis of our time, our current political leaders have demonstrated that they are dangerously incompetent. We should not abet them and enable the deaths of thousands more Americans by allowing them to keep their jobs.

Disclosure forms provided by the authors are available with the full text of this editorial at NEJM.org.

III
Old Business and Information Reports
Item 4
Resolution Declaring Racism a Public Health Crisis

October 15, 2020
IN THE STATE OF WASHINGTON
FOR JEFFERSON COUNTY
JEFFERSON COUNTY BOARD OF HEALTH

A RESOLUTION OF THE
JEFFERSON COUNTY BOARD OF
HEALTH DECLARING RACISM
A PUBLIC HEALTH CRISIS

NO.

PREAMBLE:

"We in this country are like homeowners who inherited a house on a piece of land that is beautiful on the outside but whose soil is unstable and rock, heaving and contracting over generations, cracks patched but the deeper ruptures waved away for decades, centuries even. Many people might rightly say: 'I had nothing to do with how all this started. I have nothing to do with the sins of the past. My ancestors never attacked indigenous people, never owned slaves.' And yet. Not one of us was here when this house was built. Our immediate ancestors may have had nothing to do with it, but here we are, the current occupants of a property with stress cracks and bowed walls and fissures in the foundation. We are the heirs to whatever is right or wrong with it. We did not erect the uneven pillars or joists, but they are ours to deal with now.

And any further deterioration is, in fact, on our hands."


The Jefferson County Board of Health is adopting this Resolution to declare that racism is a public health crisis. In doing so, the Board takes express notice of and adopts the following findings, facts, statements, and good faith beliefs:

1. We acknowledge that in East Jefferson County we live on land usurped from indigenous peoples and that the ongoing presence of systemic, cultural, and personal racism in this
country continues to distribute privilege and access inequitably.

2. Racism has deep and harmful impacts that unfairly disadvantages too many, including Black, Indigenous and People of Color ("BIPOC"), and unfairly advantages others, including people who identify as white.

3. At this moment in time, the term BIPOC is widely used and accepted; however, we recognize that it may not seem or be inclusive enough to all. We also acknowledge that, with passage of time, this term may no longer be fully appropriate or as widely used and accepted. We intend this Resolution to apply to all people who are marginalized due to difference and encourage the changing of the terminology over time to reflect respect and changing concepts of race and ethnicity. Further, we understand and use “POC” or “person of color” to be an umbrella term that broadly refers to all non-white individuals who often face discrimination, including those who have Asian, Middle Eastern, Indian, and Pacific Island heritage, among others.¹

4. Racism harms every person in our society and is a root cause of poverty and economic inequality.

54. The Reverend Dr. Martin Luther King Jr. memorably and truthfully stated that “injustice anywhere is a threat to justice everywhere.” More recently, the great civil rights leader, John Lewis, who passed away on July 17, wrote in an essay published on the day of his funeral:

Like so many young people today, I was searching for a way out, or some might say a way in, and then I heard the voice of Dr. Martin Luther King Jr. on an old radio. He was talking about the philosophy and discipline of nonviolence. He said we are all complicit when we tolerate injustice. He said it is not enough to say it will get better by and by. He said each of us has a moral obligation to stand up, speak up and speak out. When you see something that is not right, you must say something. You must do something. Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself.

65. Whether intended or not, racism becomes ingrained in institutional policies and

practices, creating differential access to opportunities and resources, and causes disparate outcomes in all aspects of life affecting health.

76. By maintaining the status quo and existing systems of power and privilege based on our country’s long history of and continued persistence of white supremacy, institutional policies and practices do not need to be explicitly racist in order to have racist impacts on residents.

87. The legacy of racist policies and practices often continue to exist after the policies and practices have been changed.

98. Reversing the legacy of institutional racism calls for an understanding of the intersectional nature of power and oppression that amplify adverse effects on people who experience more than one form of marginalization (such as race, gender and disability) and a commitment to anti-racist policies and practices.

109. Decades of data collected by public health agencies have demonstrated how marginalized communities, including especially BIPOC communities, are affected by more acute impacts, such as gun violence, and chronic impacts such as higher rates of cardiovascular disease and diabetes, maternal and infant mortality, underweight babies and shorter, less-healthy lives overall.

110. Victims of racism or marginalization, including especially BIPOC residents of Jefferson County, are more likely to experience inequities in social determinants of health, including education, access to jobs, earning power, adequate and safe housing, higher rates of policing and involvement in the criminal legal system, and overall quality of life.

121. The disproportionate impact of the COVID-19 on victims of racism or marginalization, including especially our BIPOC communities, is a present-day demonstration of the systemic racism in institutions and systems that have not valued and supported human life equitably.

122. We recognize that historically and currently Jefferson County has been complicit in maintaining and perpetuating structural racism, and that as an institution the Board of Health must
stand in support of dismantling oppressive systems grounded white supremacy.

Jefferson County government and Board of Health have a mandate to serve all, without prejudice, and have expressed a commitment to developing stronger and better resourced partnerships with community organizations and leaders to disrupt and dismantle racism and protect the health and well-being of all residents without exception, including our BIPOC residents, using quantitative data, including data about racial inequities, along with voices and knowledge of community leaders and residents in an effort to heal the wounds of racism and build a welcoming and anti-racist community.

The Board of Health is committed to addressing racial equity and health disparities in all forms and at all levels, which are the individual, institutional and systemic levels, across the county.

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Health—

A. The Board declares racism an acute and chronic public health crisis;

B. The Board supports Jefferson County Public Health immediately in the work to advance a public health approach in identifying and addressing any institutional and systemic racism;

C. The Board commits to assessing and revising its policies, practices, and culture with a racial justice and equity lens including the Board of Health Code and annual work plan; and

D. The Board members commit to ongoing work around race and equity such as participating in racial equity training, engaging and being responsive to communities and residents impacted by racism as partners in identifying and implementing solutions, establishing an agreed upon understanding of racial equity principles to work towards antiracist policies and practices and to serve as ambassadors of racial equity work, seeking
diversity in board membership, the need to include voices of people of color when addressing issues of racism, and to hold one another accountable to addressing implicit biases of all kinds.

APPROVED this ___ day of October 2020.

_________________________  __________________________
Sheila Westerman, Chair       Greg Brotherton, Member

_________________________  __________________________
Pamela Adams, Vice Chair      Kees Koff, Member

_________________________  __________________________
David Sullivan, Member        Denis Stearns, Member

_________________________
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IN THE STATE OF WASHINGTON
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APPROVED this _____ day of October 2020.

____________________  ______________________
Sheila Westerman, Chair       Greg Brotherton, Member

____________________  ______________________
Pamela Adams, Vice Chair    Kees Koff, Member

____________________  ______________________
David Sullivan, Member       Denis Stearns, Member

____________________
Kate Dean, Member
IV
New Business
Item 1
Public Hearing re: Proposed Changes to Environmental Public Health Fee Schedule

October 15, 2020
<table>
<thead>
<tr>
<th>Service Description</th>
<th>2020 Technology Fee</th>
<th>2020 TOTAL Fee</th>
<th>Additional Fees and Other Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ENVIRONMENTAL HEALTH</strong></td>
<td></td>
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<tr>
<td><strong>ON SITE SEWAGE DISPOSAL</strong></td>
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<tr>
<td>Sewage Disposal Permits</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>New Construction</td>
<td>612.00</td>
<td>30.00</td>
<td>642.00 (Valid for 3 years)</td>
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<tr>
<td>New Alternative</td>
<td>992.00</td>
<td>44.00</td>
<td>1036.00 (Valid for 3 years)</td>
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<tr>
<td>New Septic tank and/or pump chamber only</td>
<td>368.00</td>
<td>18.00</td>
<td>386.00</td>
</tr>
<tr>
<td>New Community or Commercial</td>
<td></td>
<td></td>
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<tr>
<td>Conventional</td>
<td>773.00</td>
<td>35.00</td>
<td>808.00 (Base Fee - Valid for 3 years)</td>
</tr>
<tr>
<td>Alternative</td>
<td>965.00</td>
<td>45.00</td>
<td>1010.00 (Base Fee - Valid for 3 years)</td>
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<tr>
<td>Septic Permit with SPWAAD (conventional)</td>
<td>351.00</td>
<td>16.09</td>
<td>367.00</td>
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<tr>
<td>Septic Permit with SPWAAD (alternative)</td>
<td>612.00</td>
<td>33.03</td>
<td>645.00</td>
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<tr>
<td><strong>On Site Sewage - Building and Planning</strong></td>
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<tr>
<td>Subdivision Review Base Fee</td>
<td>955.00</td>
<td>27.50</td>
<td>982.50 (Plus Per lot fee)</td>
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<tr>
<td>Boundary line adjustment or Lot Certification base review fee</td>
<td>217.00</td>
<td>10.85</td>
<td>227.85 (Plus Per lot fee)</td>
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<tr>
<td>PL/1200 local residential development review fee</td>
<td>217.00</td>
<td>10.85</td>
<td>227.85 (Plus Per lot fee)</td>
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<tr>
<td>Per lot fee</td>
<td>97.00</td>
<td>4.85</td>
<td>101.85 (For Subdivision Review, Boundary Line Adjustment and Certified Rural Residential Development Review fees)</td>
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<tr>
<td>Pre-application meeting fee</td>
<td>217.00</td>
<td>10.85</td>
<td>227.85</td>
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<td>Hazard review fee</td>
<td>136.00</td>
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<td>Field Work for Density Exemption Review</td>
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<td>Building Application Review</td>
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</tr>
<tr>
<td>Residential - Individual OIS</td>
<td>136.00</td>
<td>6.85</td>
<td>142.85 (Review after Building Permit issued, in same fee)</td>
</tr>
<tr>
<td>Commercial - Individual OIS</td>
<td>278.00</td>
<td>14.00</td>
<td>292.00 (Review after Building Permit issued, in same fee)</td>
</tr>
<tr>
<td>Community OIS</td>
<td>278.00</td>
<td>14.00</td>
<td>292.00 (Review after Building Permit issued, in same fee)</td>
</tr>
<tr>
<td>Revised Site Plan Review</td>
<td>76.00</td>
<td>3.80</td>
<td>80.00 (Review of resubmission before Building Permit is issued)</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Woven Variance Application</td>
<td>256.00</td>
<td>12.80</td>
<td>268.80</td>
</tr>
<tr>
<td>Woven Variance Hearing</td>
<td>416.00</td>
<td>21.80</td>
<td>437.80</td>
</tr>
<tr>
<td>Wet soil evaluation</td>
<td>579.00</td>
<td>28.95</td>
<td>607.95</td>
</tr>
<tr>
<td><strong>General Environmental Health review fee</strong></td>
<td>93.00</td>
<td>4.65</td>
<td>97.65 (Per Hour)</td>
</tr>
<tr>
<td><strong>License</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Inspector, Pumper, Operator (maintenance person)</td>
<td>579.00</td>
<td>28.95</td>
<td>607.95</td>
</tr>
<tr>
<td>Radar</td>
<td>231.00</td>
<td>11.55</td>
<td>242.55</td>
</tr>
<tr>
<td>Hazard Inspector Authorization</td>
<td>11.00</td>
<td>0.55</td>
<td>11.55</td>
</tr>
<tr>
<td>Annual Certificate Renewal</td>
<td>341.00</td>
<td>17.05</td>
<td>358.05</td>
</tr>
<tr>
<td>Deactivation Renewal after January 1</td>
<td>519.00</td>
<td>26.05</td>
<td>545.05</td>
</tr>
<tr>
<td><strong>FOOD SERVICE ESTABLISHMENTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Annual Permit Fees (Based on menu Complexity &amp; seating - menu changes may change category)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category 1</td>
<td>248.00</td>
<td>12.40</td>
<td>260.40</td>
</tr>
<tr>
<td>Category 2</td>
<td>348.00</td>
<td>17.40</td>
<td>365.40</td>
</tr>
<tr>
<td>Category 3</td>
<td>362.00</td>
<td>18.10</td>
<td>380.10</td>
</tr>
<tr>
<td>With lounge, add</td>
<td>248.00</td>
<td>12.40</td>
<td>260.40 (Additional lounge area)</td>
</tr>
<tr>
<td>With catering, add</td>
<td>348.00</td>
<td>17.40</td>
<td>365.40</td>
</tr>
<tr>
<td><strong>Temporary Permits Application Fees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Single Event (Medium and High Risk)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Initial Application (First Event)</td>
<td>133.00</td>
<td>6.65</td>
<td>139.65 (Not to exceed $200.00 at your location)</td>
</tr>
<tr>
<td>Additional Event (Same Event Only)</td>
<td>77.00</td>
<td>3.95</td>
<td>80.95 (Not to exceed $200.00 at your location)</td>
</tr>
<tr>
<td><strong>Organized Recurring Event (e.g. Farmers Market)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Limited Menu</td>
<td>161.00</td>
<td>8.05</td>
<td>169.05 (Not to exceed 3 days a week at a single location)</td>
</tr>
<tr>
<td>Complex Menu</td>
<td>215.00</td>
<td>10.75</td>
<td>225.75 (Not to exceed 3 days a week at a single location)</td>
</tr>
<tr>
<td><strong>Low Risk Foods Limited to Specific Listed Foods</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>60.00</td>
<td>3.00</td>
<td>63.00</td>
</tr>
<tr>
<td>Recurring</td>
<td>90.00</td>
<td>4.50</td>
<td>94.50</td>
</tr>
<tr>
<td><strong>Annual (Art Weeks, Open House)</strong></td>
<td>340.00</td>
<td>17.00</td>
<td>357.00</td>
</tr>
<tr>
<td><strong>Demonstration</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>80.00</td>
<td>4.00</td>
<td>84.00</td>
</tr>
<tr>
<td>Event, per location</td>
<td>250.00</td>
<td>12.50</td>
<td>262.50</td>
</tr>
<tr>
<td><strong>Permitting</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>25% Reduction for 81+ population and households that meet USHHR Poverty Guidelines</strong></td>
<td>75% of fee</td>
<td>3.75% of fee</td>
<td>Based on Permit</td>
</tr>
<tr>
<td><strong>Late Fee for Temporary Permits</strong></td>
<td>50% of fee</td>
<td>5% of fee</td>
<td>Based on Permit</td>
</tr>
<tr>
<td><strong>Other Food Fees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Establishment</td>
<td>215.00</td>
<td>10.75</td>
<td>225.75</td>
</tr>
<tr>
<td>New Owner/Change of Owner</td>
<td>135.00</td>
<td>6.75</td>
<td>141.75</td>
</tr>
<tr>
<td>Waver/Variances</td>
<td>108.00</td>
<td>5.40</td>
<td>113.40 (Per Hour, for review and/or approval)</td>
</tr>
<tr>
<td>Reinspection Fee</td>
<td>100.00</td>
<td>5.00</td>
<td>105.00 (Per Hour)</td>
</tr>
<tr>
<td>Manager's Course</td>
<td>280.00</td>
<td>14.00</td>
<td>304.00 (Per Hour)</td>
</tr>
<tr>
<td>Pre-opening inspection</td>
<td>106.00</td>
<td>5.30</td>
<td>111.30 (Per Hour, for review and/or approval)</td>
</tr>
<tr>
<td>Food Service Plan Review</td>
<td>100.00</td>
<td>5.00</td>
<td>105.00 (Per Hour, for review and/or approval)</td>
</tr>
<tr>
<td>Retraining</td>
<td>181.00</td>
<td>9.05</td>
<td>189.05</td>
</tr>
<tr>
<td>Each Inspection after first</td>
<td>293.00</td>
<td>14.65</td>
<td>289.65</td>
</tr>
<tr>
<td><strong>Food Handler Card</strong></td>
<td>10.00</td>
<td>0.50</td>
<td>10.50</td>
</tr>
</tbody>
</table>

1 of 2
<table>
<thead>
<tr>
<th>SOLID WASTE</th>
<th>2020</th>
<th>Technology Fee</th>
<th>2020 TOTAL Fee</th>
<th>Additional Fees and Other Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Permit Fees</td>
<td>2,958.00</td>
<td>147.00</td>
<td>3,105.00</td>
<td>For the first 30 hours, then assess technical rate</td>
</tr>
<tr>
<td>Charged Landfill</td>
<td>2,952.00</td>
<td>111.00</td>
<td>3,063.00</td>
<td>For the first 24 hours, then assess the technical rate</td>
</tr>
<tr>
<td>Transfer Station</td>
<td>2,232.00</td>
<td>111.00</td>
<td>2,343.00</td>
<td>For the first 5 hours, then assess the technical rate</td>
</tr>
<tr>
<td>Other Solid Waste Facilities</td>
<td>758.00</td>
<td>37.00</td>
<td>795.00</td>
<td>For the first 5 hours, then assess the technical rate</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Miscellaneous Fees</th>
<th>609.00</th>
<th>20.00</th>
<th>629.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Facility Application</td>
<td>463.00</td>
<td>23.00</td>
<td>486.00</td>
</tr>
<tr>
<td>Reinspection</td>
<td>50% of fee</td>
<td>5% of 50% fee based on hematitis</td>
<td></td>
</tr>
</tbody>
</table>

Plan, Document and Review/Waiver/Varience Review | 371.00 | 18.00 | 389.00 |

**WATER**

<table>
<thead>
<tr>
<th>Application Fee</th>
<th>222.00</th>
<th>11.00</th>
<th>233.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Determination of Adequate Water Supply base fee</td>
<td>139.00</td>
<td>6.00</td>
<td>145.00</td>
</tr>
<tr>
<td>Well Inspection &amp; Water Sample for Loan</td>
<td>185.00</td>
<td>9.00</td>
<td>194.00</td>
</tr>
<tr>
<td>Well Site Inspection/Proposed public water supply</td>
<td>445.00</td>
<td>22.00</td>
<td>467.00</td>
</tr>
</tbody>
</table>

**LIVING ENVIRONMENTS**

**Water Recreation Facilities Operation Permit**

| Single Swimm Pool (in operation for < 6 months of the year) | 318.00 | 15.00 | 333.00 |
| Single Spa Pool (in operation for < 6 months of the year) | 406.00 | 20.00 | 426.00 |
| Single Spa Pool (in operation for > 6 months of the year) | 204.00 | 10.00 | 214.00 |
| Single Video Pool (in operation for > 6 months of the year) | 406.00 | 20.00 | 426.00 |
| Single Spa Pool (in operation for > 6 months of the year) | 204.00 | 10.00 | 214.00 |
| Swimming Pool or Pools (in operation for < 6 months of the year) | 115.00 | 5.00 | 120.00 |
| Swimming Pool or Pools (in operation for > 6 months of the year) | 114.00 | 5.00 | 119.00 |
| Single Additional Sheet, Spa, or Video Pool (in operation for < 6 months of the year) | 69.00 | 3.00 | 72.00 |
| Single Additional Sheet, Spa, or Video Pool (in operation for > 6 months of the year) | 92.00 | 4.00 | 96.00 |

**Transportation**

| Plan | 18.00 | 0.90 | 18.90 |
| Plan Review | 18.00 | 0.90 | 18.90 |

**Indoor (Air / Tobacco)**

| Compliance Enforcement | 93.00 | 4.65 | 97.65 |
| Reinspection | 93.00 | 4.65 | 97.65 |

| Note: **10% Decrease from adopted per Ordinance 07-1399-96, Section 4 - Annual Fee:** The initial base fee established by this ordinance shall be adjusted annually on the first business day of January (calendar date) by the amount of the increase in the Consumer Price Index (CPI). The CPIW is the Consumer Price Index - Urban Average for All Urban Wage Earners and Clerical Workers, published by the Bureau of Labor Statistics for the United States Department of Labor. |
| The annual fee adjustment shall be calculated as follows: each fee in effect immediately prior to the Adjustment Date will be increased by the percentage increase in the CPIW as reported for the month of September preceding the Adjustment Date. Increases will be rounded to the nearest dollar. A fee shall not be reduced by reason of such calculation. However, fee increases in accordance with this calculation shall not exceed 5 percent per year. |
COUNTY OF JEFFERSON
STATE OF WASHINGTON

An Ordinance on Code Compliance in } Unincorporated Areas of Jefferson County } ORDINANCE NO. _______________

WHEREAS, Article XI, section 11 of the Washington Constitution, confers upon county legislative authorities the police power to adopt such local police, sanitary and other regulations as are not in conflict with general laws; and,

WHEREAS, Article XI, section 11 of the Washington Constitution is a direct delegation of the police power to cities and counties, and the power delegated is as extensive within their sphere as that possessed by the legislature; and,

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, RCW 70.05.060 grants to the Board of Health specific powers and duties including: (1) Enforce through the local health officer or the administrative officer appointed under RCW 70.05.040, if any, the public health statutes of the state and rules promulgated by the state board of health and the secretary of health; (2) Supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction; (3) Enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof; (4) Provide for the control and prevention of any dangerous, contagious or infectious disease within the jurisdiction of the local health department; (5) Provide for the prevention, control and abatement of nuisances detrimental to the public health; (6) Make such reports to the state board of health through the local health officer or the administrative officer as the state board of health may require; and, (7) Establish fee schedules for issuing or renewing licenses or permits or for such other services as are authorized by the law and the rules of the state board of health;

WHEREAS, police power is that inherent and plenary power which enables prohibition of all things hurtful to the comfort, safety and welfare of society; and,

WHEREAS, the scope of police power is broad, encompassing all those measures which bear a reasonable and substantial relation to promotion of the general welfare of the people; and,

WHEREAS, RCW 36.32.120(10) provides that county legislative bodies have the power to declare by ordinance what shall be deemed a nuisance within the county; to abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, or to reimburse the county for the cost of abating it; and,
WHEREAS, Jefferson County is exercising its constitutional and statutory authority to declare what shall be deemed a nuisance in unincorporated Jefferson County and is establishing a system for addressing nuisances in the county that is consistent with state law; and,

WHEREAS, the BOH and the BoCC each have held a hearing and has received public comment on the draft ordinance proposed by staff; and,

WHEREAS, in response to the public comment and testimony, additional improvements to the draft ordinance have been made, and,

NOW, THEREFORE, be it ordained by the BOH and the BoCC as follows:

Section 1. Adding Title 19 JCC. The BoCC and the BOH have concurrent legislative authority regarding the adoption of Title 19 JCC and for the changes in the other Titles for which they have legislative authority as stated below. The BoCC and the BOH jointly adopt Title 19, as set forth in Appendix A.

Section 2. Conforming Other Provisions of the JCC to Title 19 JCC. The provisions of Title 8 JCC, Title 15 JCC, Title 17 JCC, Title 18 JCC shall be modified to conform to Title 19 JCC as set forth in Appendix B.

a. The BoCC and the BOH have concurrent legislative authority regarding the proposed changes to Title 8 JCC as follows:
   i. The BoCC and the BOH have concurrent legislative authority for the changes to Chapters 8.01, 8.05, 8.10, 8.15, 8.45, 8.55, 8.60, and, 8.65. For these changes, the BoCC and the BOH jointly adopt them.
   ii. The BoCC has legislative authority regarding the proposed changes to Chapters 8.20, 8.25, 8.30, 8.40, 8.70, 8.75, 8.80, and, 8.90 and the BOH has no legislative authority regarding these changes. For these changes only the BoCC adopts them.

b. The BoCC has legislative authority regarding the proposed changes to Titles 15, 17 and 18 and the BOH has no legislative authority regarding these changes. For these changes only the BoCC adopts them.

Section 3. Findings. The BOH and the BoCC hereby adopt the above recitals (the “WHEREAS” statements) as its findings of fact in support of this Ordinance.

Section 4. Severability. The provisions of this Ordinance are declared separate and severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, then the remainder of this Ordinance or application of its provisions to other persons or circumstances shall remain valid and unaffected.

Section 5. Establishment Fees. Fees set forth in Title 19 JCC shall be established. These fees shall be added to the Appendix Fee Schedule.

Section 6. SEPA Compliance. The Jefferson County Prosecuting Attorney’s Office prepared an environmental checklist detailing the proposed ordinance and its compliance with the State Environmental Policy Act (SEPA). After a review of the environmental checklist,
proposal, available information, and applicable regulations Jefferson County’s SEPA Responsible Official issued a Determination of Non-Significance (DNS) on October ___, 2019 under WAC 197-11-340(1). Under WAC 197-11-340 this DNS does not require a public comment period.

Section 7. Effective Date. This ordinance is effective immediately upon adoption.

(SIGNATURES FOLLOW ON NEXT PAGES)
APPROVED AND ADOPTED this _________day of ________________, 2019.

JEFFERSON COUNTY BOARD OF HEALTH

Sheila Westerman, Chair

Pamela Adams, Member

Kees Kloff, Member

David Sullivan, Member

Kate Dean, Vice Chair

Greg Brotherton, Member

Denis Stearns, Member

ATTEST:

Karen Abbott, Date
Clerk of the Board

APPROVED AS TO FORM:

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney
ADOPTED this ___ day of ________________________ 2019, at ___:___ a.m.

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

SEAL:

Greg Brotherton, Chair

David Sullivan, Member

ATTEST:

Kate Dean, Member

APPROVED AS TO FORM:

Carolyn Gallaway, Date
Deputy Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney
IV
New Business
Item 2
Preadoption Briefing on Proposed Jefferson County
Enforcement Code, Call for Public Hearing Date to be
Determined

October 15, 2020
PROPOSED COMPLIANCE CODE AND
PROPOSED UPDATES TO OTHER COUNTY CODES
TO CREATE A UNIFORM COMPLIANCE SYSTEM
FOR JEFFERSON COUNTY

DRAFT – 10/06/2020
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APPENDIX A – TITLE 19

Notes:

(1) All the text in Title 19 is new.

(2) **Highlighting** is to make future editing easier for staff, not for emphasis.

(3) Text in **strikeout** shows language staff proposes to delete in existing code in favor of the new compliance code. Text without strikeout in existing code is language staff proposes to keep.

(4) Text **underlined** shows language to be added to an existing provision of the JCC.
TITLE 19 – NEW COMPLIANCE CODE

This new compliance code incorporates the existing Public Nuisance Code in Chapter 8.90 JCC.
Chapter 19.05
INTRODUCTORY PROVISIONS

Sections:
19.05.010 Purpose.
19.05.015 Liberal Construction.
19.05.020 Code Compliance Rules of Procedure Authorized.
19.05.025 Severability.

19.05.010 Purpose.

(1) The purpose of this title is to identify processes and methods to achieve compliance with laws and regulations adopted by Jefferson County pursuant to Article XI, Section 11 of the Washington Constitution and other State laws that promote and protect the general public health, safety, and environment of Jefferson County residents. Pursuant to RCW 36.32.120(7), this title declares certain acts to be civil violations and establishes civil enforcement procedures and penalties, and also declares certain acts to be misdemeanors, punishable by a fine of not more than $1,000 or imprisonment in a County jail for not more than 90 days.

(2) In this chapter, the board of county commissioners also exercises the power granted to it by RCW 36.32.120(10) to declare what shall be deemed a nuisance within the county; to prevent, remove, and abate a nuisance at the expense of the parties creating, causing, or committing the nuisance; and, to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, to reimburse the county for the cost of abatement, and to assess penalties to encourage compliance, which shall constitute a lien against the property that shall be of equal rank with state, county, and municipal taxes.

(3) In addition to the power exercised by the board of county commissioners through RCW 36.32.120(10), the board of health has the authority to provide for the preventing and control of nuisances detrimental to the public health under RCW 70.05.060(5).

(4) This chapter provides uniform and efficient regulation for civil code violations and acts or omissions which annoy, injure, or endanger the public health and safety. Uniform and efficient procedures with consistent application tailored to each county department’s mission should be used to accomplish the purposes of this chapter.

(5) It is the intent of Jefferson County to pursue code compliance in order to protect the health, safety, and environment of the general public.

(6) The county shall pursue compliance (including voluntary compliance) with this chapter actively and vigorously in order to protect the public health and safety. The county’s intention is to pursue compliance consistently, with adherence to, and respectful of, fundamental constitutional principles.

(7) The county emphasizes voluntary compliance with statutes, regulations, ordinances, and avoidance of public nuisances by education, prevention, and voluntary compliance as a first step. County departments should be sensitive to the possibility that residents may not be aware of this chapter and should give warnings prior to enforcing this chapter, unless there is an immediate adverse impact. Warnings should be in writing, whenever possible.

(8) While voluntary compliance through warnings and voluntary compliance agreements are desired as a first step, enforcement and monetary penalties should be used for remedial purposes as needed to assure
and effect compliance with this chapter. Abatement or remediation should be pursued when appropriate and feasible.

(9) While this chapter authorizes the county to enforce county laws and regulations it shall not be construed as placing responsibility for the nuisance or enforcement upon the county in any particular case, or as creating any duty on the part of the county to any particular person or class of persons.

(10) This title, along with Chapter 2.30 JCC (Hearing Examiner) is intended to be a complete and uniform system for code compliance, including issuing civil violations, monetary penalties, and appeal processes.

(11) The intent of this title is that the director of the department responsible for implementing a chapter of Jefferson County Code also has responsibility for compliance with that chapter under this title.

(12) Jefferson County intends this Title to be a complete system in lieu of a civil infraction system, as authorized by RCW 7.80.010(5).

19.05.015 Liberal Construction.

This title shall be liberally construed to carry out its broad purposes.

19.05.020 Code Compliance Rules of Procedure Authorized.

(1) Code Compliance Rules of Procedure. Code Compliance Rules of Procedure are authorized and may be adopted by the board of county commissioners and board of health.

(2) Amendment to Code Compliance Rules of Procedure. The county administrator, with the concurrence of the Prosecuting Attorney’s Office is delegated authority to propose amendments to the Code Compliance Rules of Procedure pursuant to this section. The county administrator shall transmit a copy of the proposed rule or amendment to the clerk of the board of county commissioners and board of health for review and potential approval. The clerk of the board of county commissioners and board of health shall place the proposed rule or amendment on the board of county commissioners’ and board of health’s meeting agenda. The board of county commissioners and board of health shall approve, modify, or deny all proposed rules or amendments through a motion.

(3) Scope and Enforceability of Code Compliance Rules of Procedure. The scope of the Code Compliance Rules of Procedure shall be limited to rules necessary to carry out the intent of this title, such as code compliance investigations, priority of enforcement, penalty additions or subtractions, settlement options, and similar rules. Rules shall not conflict with any ordinance or statute and must be consistent with this title. The Code Compliance Rules of Procedure shall be enforceable to the same extent as the Jefferson County Code.

19.05.025 Severability.

Should any section, subsection, paragraph, sentence, clause, or phrase of this title be declared unconstitutional or invalid or unenforceable for any reason, such decision shall not affect the validity of the remaining portions of this title which will remain in full force and effect.
Chapter 19.10  
GENERAL PROVISIONS

Sections:

19.10.010  Applicability.
19.10.015  Definitions.
19.10.020  Declaration of public nuisance, misdemeanor.
19.10.025  Enforcement authority and administration.
19.10.030  Conference.
19.10.035  Guidelines regarding responses to potential violations.
19.10.040  Investigating potential violations.
19.10.045  Enforcing civil code violations.
19.10.050  Service of notices of voluntary compliance, notices of noncompliance, notices of violation, stop work orders, notices of violation and orders of abatement, and certificates of correction.
19.10.055  Right of entry.
19.10.060  Conflicts.
19.10.065  Representation by attorney.
19.10.070  Certificate of correction.
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19.10.085  Suspension or revocation of permit.
19.10.090  Notice to Title.

19.10.010  Applicability.

This title shall apply to enforcement actions under the following statutes, regulations, ordinances, or health officer directive, or health officer order(s) as they now exist, or as they may hereafter be amended:

(1) Title 8 JCC, any statute, regulation, or ordinance listed in JCC 8.01.030, except:

(a) Suspension or revocation for any permit, license, or certificate listed in JCC 8.01.030;

(b) Stop work orders for any permit listed in JCC 8.01.030; and,

(c) Notice to vacate issued under JCC 8.10.950.

(2) Title 12 JCC, Chapter 12.05 JCC, Road Approaches.

(3) Title 15 JCC, Chapter 15.05 JCC, Building Codes.

(4) Title 15 JCC, Chapter 15.15 JCC, Flood Damage Prevention.

(5) Title 17 JCC, Master Planned Resorts - All chapters.

(6) Title 18 JCC, Unified Development Code - All chapters.

(7) Any other statutes, regulations, ordinances, health officer directive, or health officer order(s) defined as a civil code violation pursuant to JCC 19.10.015(14).
19.10.015 Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Abandoned vessel" has the same meaning as in RCW 79.100.010(1).

(2) "Abandoned or derelict vessel nuisance" means an abandoned vessel or a derelict vessel that has an adverse impact on public health and safety.

(3) "Abate" means to take steps to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a nuisance under this chapter by such means and in such a manner as are deemed necessary by the director in the interest of the public health and safety.

(4) "Act" means taking any action.

(5) "Adverse impact" means a condition that degrades public health and safety.

(6) "Aggrieved person" means a person subject to a decision by the director under this chapter and any other person when:

(a) The decision has prejudiced or is likely to prejudice that person;

(b) That person's asserted interests are among those that the county was required to consider when the director made the decision; and,

(c) A judgment or final decision in favor of that person would substantially eliminate or redress the prejudice to that person or entity caused or likely to be caused by the final decision.

(7) "Administrative hearings officer" means the health officer or a disinterested director, or their designee.

(8) "Attractive nuisance" means a condition that is detrimental to minors, whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children, including, but not limited to, unused or abandoned refrigerators, freezers, or other large appliances or equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or building; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and, any lumber, trash, debris or vegetation which may prove a hazard for minors.

(9) "Automotive repair business" means a business that performs "automotive repair," as defined in RCW 46.71.011(2).

(10) "Building" means any structure utilized or intended for supporting or sheltering any occupancy.

(11) "Building nuisance" means, in conjunction with Chapter 35.80 RCW, dwellings which are unfit for human habitation, and buildings, structures, and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions that have an adverse impact on health and safety.
(12) "Burning nuisance" means the burning of any plastics, rubber, or any materials or item causing noxious or toxic odors. Natural vegetation including tree limbs, brush, grass clippings, garden refuse, agricultural stubble, or other like materials are exempt, unless burning these materials is prohibited under Chapter 173-425, 173-430 or 332-24 WAC.

(13) "Code Compliance Coordinator" means the Jefferson County staff member responsible for coordinating and enforcing ordinances, statutes, and regulations under this title.

(14) "Civil code violation" means and includes:

(a) Any act or omission contrary to any ordinance, resolution, regulation, health officer directive, or health officer order of the county that regulates or protects public health, safety, environment, or use and development or land or water, whether or not the ordinance is codified; or,

(b) Any act or omission contrary to the conditions of any permit, notice of violation, notice of violation and order of abatement, or stop work order issued pursuant to any ordinance, resolution, regulation, health officer directive, or health officer order.

(c) For the avoidance of doubt, a civil code violation exists whether or not the ordinance, resolution, regulation, health officer directive, or health officer order is codified.

(15) "Condition" means a state of being.

(16) "County" means Jefferson County, Washington.

(17) "Critical areas" means critical areas as defined in RCW 36.70A.030(6), including critical aquifer recharge areas, geologically hazardous areas, fish and wildlife habitat conservation areas, frequently flooded areas, and wetlands, each as further delineated in Chapter 18.22 JCC. Per RCW 36.70A.030(6), "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(18) "Degrade" means to scale down in desirability or salability, to impair with respect to a condition.

(19) "Director" means: (a) the elected official, county department head, or county officer responsible for enforcing a civil code violation; (b) the health officer, as defined in JCC 19.10.015(27) or their designee; (c) authorized representatives of the director, including compliance officers and inspectors whose responsibility include the detection and reporting of civil code violations; and, (d) any designee of the board of health or the board of county commissioners empowered to enforce violations of this chapter.

(20) "Disinterested director" means a director of a county department whose department is not closely involved in the ongoing code compliance enforcement action.

(21) "Department" means the county department responsible for enforcing the civil code being violated.

(22) "Derelict vessel" has the same meaning as in RCW 79.100.010(5).

(23) "Development" means the alteration, demolition, enlargement, erection, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, in a manner authorized by law.
(24) "Emergency" means a situation which, in the opinion of the director, requires immediate action to prevent or eliminate substantial and immediate adverse impact to the public health and safety.

(25) "Final decision" means:

(a) A voluntary compliance agreement entered into pursuant to JCC 19.15.015, unless a notice of noncompliance has been issued under the voluntary compliance agreement;

(b) A decision pursuant to JCC 19.15.015, 19.20.010, or 19.20.020, unless a timely request for an administrative hearing has been made;

(c) A decision pursuant to JCC 19.25.010(5) or JCC 19.25.015(2), unless a timely request for a hearing has been made;

(d) A decision pursuant to JCC 19.25.010(7), when there has been a timely request for a hearing after a decision under JCC 19.25.010(5);

(e) A decision pursuant to 19.25.015(3);

(f) A decision pursuant to JCC 19.35.015, when there has been a timely request for an administrative hearing after a decision under JCC 19.20.010, 19.20.015, or 19.20.020 or when a notice of noncompliance has been issued under a voluntary compliance agreement entered into pursuant to JCC 19.15.015;

(g) A decision pursuant to JCC 19.35.045, when there has been a timely request for a hearing examiner appeal after a decision under JCC 19.35.015.

(h) A decision pursuant to JCC 19.40.015, when there has been a timely request for a hearing examiner appeal after a decision pursuant to JCC 19.20.015, 19.25.010(5), or JCC 19.25.015(2).

(26) "Found violation" means: (a) a notice of violation, stop work order, notice of violation and order of abatement, or notice of noncompliance with a voluntary compliance agreement, that has not been timely appealed; (b) a voluntary compliance agreement; or, (c) the administrative hearings officer or the hearing examiner has determined that the violation has occurred and the final decision has not been stayed or reversed on appeal.

(27) "Health officer" means a legally qualified physician who has been appointed as the health officer for Jefferson County under RCW 70.05.070 or their designee.

(28) "Hearing examiner" means an examiner under Chapter 2.30 JCC who is authorized to handle the administrative remedies and hearing examiner appeals authorized by this title.

(29) "Hulk hauler" has the same meaning as in RCW 46.79.010(4).

(30) "Immediate adverse impact" means an adverse impact to public health and safety that could occur within a short period of time.

(31) "Inoperative vehicle" means a vehicle which: (a) has been in stationary position for more than 60 days; (b) appears to be unable to operate or move; (c) needs repairs to be operable; or, (d) is unable to move a distance of 20 feet under its own power on a flat surface.

(32) "JCC" means the Jefferson County Code, as it now exists or is later amended.
(33) “Junk vehicle” has the same meaning as in RCW 46.55.010(5). However, “junk vehicle” does not include a vehicle or part thereof that is stored entirely within a building in a lawful manner where it is not visible from the street or other public or private property, or a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle wrecker or licensed vehicle dealer and is fenced according to the requirements of RCW 46.80.130.

(34) “Land-disturbing activity” means any activity that results in a change to the existing soil cover, both vegetative and non-vegetative, or existing soil topography. Land-disturbing activities include, but are not limited to: clearing, construction, demolition, excavation, filling, or grading.

(35) “Mitigate” means to take measures, subject to county approval, to minimize the harmful effects of a violation where remediation is either impossible or unreasonably burdensome.

(36) “Nuisance” includes: (a) conditions meeting the definition in RCW 7.48.120, that are public nuisances; and, (b) each of the conditions determined to be nuisances pursuant to RCW 36.32.120(10) by the board of county commissioners, namely; (i) abandoned or derelict vessel nuisances; (ii) attractive nuisances; (iii) building nuisances; (iv) burning nuisances; (v) civil code violations; (vi) other nuisances declared by the board of county commissioners or the board of health and which are codified in the JCC; (vii) public right-of-way nuisances; (viii) salvage nuisances; and, (ix) vehicle nuisances.

(37) “Omission” means a failure to act.

(38) “Or” means both or and and/or.

(39) “Other declared nuisances” means nuisances declared elsewhere in the Jefferson County Code as declared under RCW 36.32.120(10).

(40) “Person” means person as that term is defined in RCW 1.16.080.

(41) “Person responsible” means a person who caused the alleged civil code violation or nuisance, if that can be determined, or the lessor, owner, tenant or other person entitled to control, use or occupy, or any combination of control, use or occupy, property where a civil code violation or nuisance occurs, or both.

(42) “Public health and safety” means the public health, safety or welfare and the protection of the environment and includes protection of the comfort, repose, security or safety of persons or property from conditions that: (a) annoy, injure or endanger the repose, health or safety of others; (b) degrade the environment; (c) unlawfully interfere with, obstruct or tend to obstruct, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; (d) in any way render other persons insecure in life, or (e) in the use of property are inconsistent with public health and safety.

(43) “Public nuisance” has the same meaning as in RCW 7.48.130.

(44) “Public right-of-way nuisance” means personal property or solid waste belonging to an evicted tenant which has been placed onto the public right-of-way pursuant to a court-ordered eviction per Title 59 RCW and not removed within twenty-four hours, is a nuisance.

(45) “RCW” means the Revised Code of Washington, as it now exists or is later amended.

(46) “Registered tow truck operator” has the same meaning as in RCW 46.55.010(7).
(47) “Remediation” means to restore a site to a condition that complies with critical areas or other regulatory requirements as they existed when the nuisance occurred; or, for sites that have been degraded under prior ownerships, restore to a condition that does not pose an immediate adverse impact to the public health and safety.

(48) “Repeat civil code violation” means a civil code violation of the same regulation by the same person or property owner for which voluntary compliance previously has been sought, a notice of violation has been issued, or a notice and order of abatement has been issued, within the immediately preceding 24-consecutive-month period.

(49) “Repeat nuisance” means a nuisance of the same regulation by the same person or property owner for which voluntary compliance previously has been sought, a notice of violation has been issued, or a notice and order of abatement has been issued, within the immediately preceding 24-consecutive-month period.

(50) “Salvage nuisance” means the outside accumulation of solid waste or materials that have an adverse impact on public health and safety.

(51) “Solid waste” has the same meaning as in RCW 70A.205.015(22).

(52) “Scrap” means any manufactured metal or secondhand vehicle parts useful only as material for reprocessing.

(53) “Scrap processor” has the same meaning as in RCW 46.79.010(2).

(54) “Screened” means not visible from any portion or elevation of any neighboring or adjacent public or private property, easement, or right-of-way.

(55) “Secondhand vehicle part” means any secondhand vehicle part, including but not limited to a “core” as defined in RCW 46.80.010(1), or “major component part” as defined in RCW 46.80.010(4).

(56) “Substantially prevails” means the party which is meritorious on the substance of the relief that is granted to the parties. If each party prevails on the merits on the substance of the relief that is granted then there shall be no substantially prevailing party.

(57) “Vehicle” means every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway. “Vehicle” shall include but shall not be limited to automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, and boat trailers. “Vehicle” does not include devices moved by human or animal power, or used exclusively upon stationary rails or tracks.

(58) “Vehicle dealer” has the same meaning as in RCW 46.70.011(17).

(59) “Vehicle nuisance” means a vehicle nuisance as described in JCC 19.25.010.

(60) “Vehicle wrecker” has the same meaning as in RCW 46.80.010(5).

(61) “Violation” means a violation of this chapter.

(62) “WAC” means the Washington Administrative Code, as it now exists or is later amended.
(63) “Work” means and act or omission resulting in development or a land disturbing activity.

(64) “Wrecked vehicle” has the same meaning as in RCW 46.80.010(6).

19.10.020 Declaration of public nuisance, misdemeanor.

(1) All civil code violations consistent with JCC 19.10.015(14) are hereby determined to be detrimental to the public health, safety, and environment and are hereby declared public nuisances, which may be subject to abatement and recovery of abatement costs pursuant to RCW 36.32.120(10), as now enacted or hereafter amended.

(2) All nuisances as defined under JCC 19.10.015(36) are hereby determined to be detrimental to the public health, safety, and environment and are hereby declared public nuisances, which may be subject to abatement and recovery of abatement costs pursuant to RCW 36.32.120(10), as now enacted or hereafter amended.

(3) Any person who knowingly causes, aids, or abets a civil code violation or nuisance by any act of commission or omission is guilty of a misdemeanor, punishable by a fine of not more than $1,000 or imprisonment in a county jail for not more than 90 days. Each calendar week (seven days) such violation continues shall be considered a separate misdemeanor offense. The preference in this title is for voluntary compliance and civil enforcement, whenever possible.

(4) The Prosecuting Attorney may at any time bring such additional injunctive, declaratory, criminal, or other actions as are necessary to enforce the provisions of the Jefferson County Code.

(5) Nothing in this title shall be interpreted to mean that civil and criminal remedies for the same violations may not be brought simultaneously.

19.10.025 Enforcement authority and administration.

(1) All conditions determined to be civil code violations or nuisances may be enforced pursuant to the provisions of this title except to the extent preempted by State or Federal Law, and except to the extent preempted by any contrary enforcement and penalty provisions contained in the ordinance being enforced.

(2) Authority. As a result of a determination that a civil code violation or a nuisance under this title exists, a director may:

(a) Issue notices of voluntary compliance as authorized by JCC 19.15.010.

(b) Enter into voluntary compliance agreements with persons responsible for the civil code violation or nuisance and issue notices of noncompliance if the persons responsible fail to comply with the terms of the voluntary compliance agreement as authorized by JCC 19.15.015(2)(a);

(c) Order work stopped at a site by means of a stop work order, as authorized by JCC 19.20.020;

(d) Issue notice of violations, assess monetary penalties and fines as authorized by JCC 19.20.010 and 19.30.010, and recover costs as authorized by JCC 19.30.020.
(e) For nuisances order abatement by means of a notice of violation and order of abatement; if not completed in a timely manner by the person responsible, undertake the abatement and charge the reasonable costs of such work as authorized by JCC 19.20.015, 19.30.010, and 19.30.020;

(f) Suspend, revoke, or modify any permit previously issued by the director or deny a permit application as authorized by the department when other efforts to achieve compliance have failed, except for any permit issued by any statute, regulation, or ordinance listed in JCC 19.10.080; and,

(g) For de minimis violations, decide not to take enforcement action.

(3) All penalties and costs shall constitute a lien against the affected property. The director shall have the ability to enforce the liens under JCC 19.30.020(3).

(4) The director is authorized to issue a notice to title against the affected property when found violations remain uncorrected.

(5) The provisions of this chapter are not exclusive and may be used in addition to other enforcement provisions authorized by the RCW, WAC, or JCC.

(6) The provisions of this chapter shall not in any manner limit or restrict the county from remedying civil code violations or abating nuisances in any other manner authorized by law.

(7) This title shall not be construed to limit the authority of the county board of health in enforcement of the county health code or regulations. This title shall be used to enforce the statutes, regulations, or ordinances listed in JCC 19.10.010, unless the specific statute, regulation, or ordinance allows alternative enforcement authority.

(8) In addition to or alternative to using the procedures in this chapter, a director may seek legal or equitable relief to abate any nuisance or enjoin any acts or practices which constitute a nuisance.

(9) The provisions of this chapter shall in no way adversely affect the rights of the owner, lessee, or occupant of any property to recover all costs and expenses incurred and required by this chapter from any person causing a civil code violation or nuisance.

(10) The director shall send out regular bills for penalties and costs owing under this title. If penalties or costs remain unpaid 90 calendar days after they have been imposed (or, if appealed, 90 calendar days after final resolution of the appeal), the director is authorized to:

   (a) Impose interest at six percent per annum; and,

   (b) Record a lien against the subject property.

(11) The provisions of this title detailing departmental administration of code compliance procedures are intended only for the purpose of providing guidance to Jefferson County employees and are not to be construed as creating a basis for appeal or a defense of any kind to an alleged violation.

(12) The provisions of this title authorizing the enforcement of non-codified ordinances are intended to assure compliance with conditions of approval on permits or approvals which may have been granted pursuant to ordinances which have not been codified, and to enforce new regulatory ordinances which are not yet codified. Departments should be sensitive to the possibility that citizens may not be aware of these
ordinances, and should give warnings prior to enforcing such ordinances, except that a stop work order may be issued any time when a civil code violation is found to be in progress.

19.10.030 Conference.

An informal conference may be conducted at any time by the director at their discretion and subject to available resources for the purpose of facilitating communication among concerned persons and providing a forum for efficient resolution of any violation.

19.10.035 Guidelines regarding responses to potential violations.

It is the county’s policy to investigate and to attempt to resolve all potential code violations. At the discretion of the director, potential violations may be processed in any order that maximizes the efficiency of enforcement. However, at times when not all potential code violations can be investigated due to lack of resources or otherwise, the most serious potential violations should be addressed before less serious potential violations. The Code Compliance Rules of Procedure shall contain priorities of enforcement consistent with this section.

19.10.040 Investigating potential violations.

The director shall determine, based on information derived from such sources as field observations, the statements of witnesses, relevant documents, and available data systems, if the following elements have been established. All elements must be established to determine that a civil code violation or nuisance has occurred or is occurring.

(1) The director shall identify the person responsible as defined JCC 19.10.015(41);

(2) The director shall identify the specific provision of the relevant statute, regulation, ordinance, permit condition, notice and order, or stop work order that has been or is being violated; and,

(3) The director shall determine whether there are reasonable grounds to believe that the acts or omissions that constitute the violation did occur or are occurring. Such grounds may be established either by personal observation or by reliable evidence from witnesses.

19.10.045 Enforcing civil code violations.

When a civil code violation has been established according to the provisions of JCC 19.20.010, the director may use the following guidelines in enforcing the violation. Failure to meet the following guidelines does not in any way prevent the director from enforcing the violation.

(1) Stop work orders should be issued promptly upon discovering a violation in progress.

(2) Except as provided in subsections (1) and (3) of this section, the director may issue a written warning, in the form of a notice of voluntary compliance, to the person determined to be responsible for code compliance. Notice of voluntary compliance may be mailed by regular mail, hand-delivered in person, or posted on the subject property. The notice of voluntary compliance shall inform the person determined to be responsible for code compliance of the violation and allow the person an opportunity to correct it or enter into a voluntary compliance agreement as provided for by this title.

(3) No notice of voluntary compliance need be issued in emergencies, repeat violation cases, cases that are already subject to a voluntary compliance agreement, cases in which the violation creates a situation
or condition that is not likely to be corrected within a short period of time, cases in which a stop work order is necessary, compliance cases started under Chapter 8.90 JCC before recodification or Chapter 8.90 JCC into this Title, or if the person responsible knows or reasonably should have known that the action was a civil code violation.

(4) Notice of violations may be issued in cases where a monetary penalty is necessary to bring about corrective action, such as remediation or mitigation.

(5) Orders of abatement may be issued in cases where the person responsible has failed to abate the nuisance or the nuisance represents an immediate life safety threat. Orders of abatement authorize the County to abate the nuisance if the responsible person fails to abate the nuisance within the time authorized, unless the nuisance represents an immediate life safety threat.

19.10.050 Service of notices of voluntary compliance, notices of noncompliance, notices of violation, stop work orders, notices of violation and orders of abatement, and certificates of correction.

(1) Service of a notice of voluntary compliance, notice of noncompliance, notice of violation, stop work order, and notice of violation and order of abatement shall be made on a person responsible by one or more of the following methods:

(a) Personal service may be made on the person identified by the department as being responsible for the civil code violation or nuisance or by leaving a copy of notice at that person’s house of usual abode with a person of suitable age and discretion who resides there.

(b) Service directed to either the landowner or occupant of the property, or both, may be made by posting in a conspicuous place on the property where the civil code violation or nuisance occurred and concurrently mailing notice as provided for below, if a mailing address is available.

(c) Service by mail may be made by mailing two copies, postage prepaid, one by ordinary first-class mail and the other by certified mail, to the person responsible at the person’s last known address, at the address of the civil code violation or nuisance, or at the address of the person’s place of business. The taxpayer’s address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the nuisance occurred. However, a notice of voluntary compliance and certificate of correction may be sent solely by ordinary first-class mail to the person responsible at the person’s last known address, at the address of the civil code violation or nuisance, or at the address of the person’s place of business. All other communication may be sent via USPS first class mail or through electronic means.

(d) When the address of the person responsible cannot reasonably be determined, service may be made by publication once in a local newspaper with general circulation.

(e) 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.

(f) Service of a stop work order on a person responsible may be made by posting the stop work order in a conspicuous place on the property where the nuisance occurred or by serving the stop work order in any other manner permitted by this section.
(g) If the person responsible is a tenant, a copy of the notice, order, or other documents shall also be mailed to the landlord or owner of the property where the alleged civil code violation or nuisance is occurring.

(h) If the alleged civil code violation or nuisance involves a vehicle nuisance, notice shall be provided in accordance with ICC 19.25.010(6).

(i) Service by mail shall be deemed effective upon the third business day following the day of mailing.

(2) The failure of the director to make or attempt service on any person named in the notice of voluntary compliance, notice of noncompliance, notice of violation, stop work order, or notice of violation and order of abatement shall not invalidate any proceedings as to any other person duly served.

19.10.055 Right of entry.

(1) It is the intention of this title that any entry made to private property for the purpose of inspection for civil code violations or nuisances be accomplished in strict conformity with constitutional and statutory constraints on entry and the holdings of relevant court cases regarding entry. The right of entry granted by this chapter shall not supersede those legal constraints.

(2) The director is authorized to enter upon any property for the purpose of administering this chapter only if entry is consistent with the constitutions and laws of the United States and the state of Washington.

(3) If required by the constitutions and laws of the United States or the State of Washington, the director shall apply to a court of competent jurisdiction for a search warrant authorizing access to property for the purpose of administering this chapter. The court may upon such application issue the search warrant for the purpose requested.

19.10.060 Representation by attorney.

A person subject to proceedings under this title may appear on their own behalf or be represented by counsel. The prosecuting attorney represents the county and may, but is not required to, appear in any proceedings under this title.

19.10.065 Certificate of correction.

(1) It shall be the responsibility of the person responsible to bring the subject property into compliance with the statute, regulation, or ordinance. Payment of monetary penalties and costs, applications for permits, acknowledgement of stop work orders, and compliance with other remedies does not substitute for performing the corrective work required to bring the subject property into compliance.

(2) A violation shall be considered ongoing and daily penalties continue to accrue up to the date that the subject property has been brought into compliance with the statute, regulation, or ordinance, as determined by the director, and as evidenced by a written certificate of correction in the form of a letter issued by the director.

(3) A request for a certificate of correction shall be in writing on a form made available by the director and shall be submitted to the director. This request shall include the following:

(a) The address, legal description, and Jefferson County tax parcel number of the subject property;
(b) A declaration of corrective actions performed;

c) Authorization for the director or his designee to enter and remain upon the subject property, during normal county business hours, to verify whether the subject property has been brought into compliance, in the form of written permission of the occupant or, if not occupied, the landowner; and,

d) Name, mailing address, and phone number of the person requesting the certificate of correction.

(4) The director shall issue a decision on a request for a certificate of correction in writing within 10 days of receipt of the written request and shall serve the same on the person responsible, the party requesting the certificate of correction, and the landowner of the subject property by mailing a copy of the same to the last known address of each party by first class USPS mail. The person effecting the mailing shall declare in writing the date and address the mailing was made. Service by mail shall be deemed effective upon the third business day following the day of mailing. The decision of the director on a request for a certificate of correction may be appealed pursuant to the appeal provisions of this title.

(5) The certificate shall include a legal description of the subject property, shall indicate the date on which daily monetary penalties ceased to accrue, and shall state if any unpaid monetary penalties and costs for which liens have been recorded are still outstanding and continue as liens on the subject property.

(6) A certificate of correction shall not constitute nor be considered a warranty, guarantee, or certification of any kind, express or implied, by Jefferson County as to the physical condition of the subject property.

19.10.070 Limitation of liability.

Any person determined to be responsible for code compliance pursuant to a notice or order shall be liable, jointly and severally, with all persons responsible for code compliance, for the payment of any and all monetary penalties and costs. However, if the landowner of the subject property affirmatively demonstrates that the action which resulted in the violation was taken without the landowner’s actual or constructive knowledge, the landowner shall be liable, jointly and severally with the person responsible, only for the costs of bringing the subject property into compliance with the Jefferson County Code.

19.10.075 Denial of permits.

The director shall not issue any permit or other development approval on a property subject to a stop work order, notice of violation, or notice of violation and order of abatement as long as the civil code violation or nuisance that is the subject of the stop work order, notice of violation, or notice of violation and order or abatement remains uncorrected, except that the director may issue such permits necessary to correct the violation or permits to preserve life or property.

19.10.080 Suspension or revocation of permit.

(1) The director may suspend or revoke any permit issued by that director whenever:

(a) The director has determined that permit holder has committed a found civil code violation or nuisance, as defined in JCC 19.10.015(14) or 19.10.015(36) in the course of performing activities subject to that permit; or,

(b) The permit holder has failed to comply with the provisions of a notice of violation, notice of violation and order of abatement, stop work order, or voluntary compliance agreement.
(2) A suspension or revocation authorized by subsection (1) of this section shall be carried out through the notice of violation provisions within this title.

(3) Notwithstanding any other provision of this title, the director may immediately suspend operations under any permit by issuing a stop work order pursuant to the provisions of this title.

(4) Suspension or revocations of permits may be appealed within fifteen (15) days of receipt, pursuant to ICC 19.35.015.

(5) This section shall not apply to any statute, regulation, or ordinance listed in JCC 8.01.030.

19.10.090 Notice to Title.

(1) Notice to Title. If the director finds that an owner has failed to comply with the requirements of this Title, the director, after consultation with the Prosecuting Attorney may record a notice of potential uncorrected violation finding on the title of the property with the Jefferson County auditor.

(2) Removal of Notice. The owner shall make written request to the director for rescission of the notice to title. The request shall specify corrective actions that have been completed.

(3) The director, upon determining that noticed violation has been corrected, shall record a rescission of notice with the Jefferson County auditor.

(4) The owner shall pay fees as required to complete inspection(s) to verify correction and to record the rescission prepared by the director.
Chapter 19.15
VOLUNTARY COMPLIANCE

Sections:
19.15.010 Notice of Voluntary Compliance.
19.15.015 Voluntary Compliance Agreements.

19.15.010 Notice of Voluntary Compliance.

(1) Whenever the director has a reasonable belief that a civil code violation, as defined in JCC 19.10.015(14) or nuisance, as defined in JCC 19.10.015(36), has occurred or is occurring, the director shall make reasonable efforts to investigate the alleged civil code violation or nuisance, and secure voluntary compliance from the person responsible, including pursuant to a notice of voluntary compliance as described in JCC 19.15.010(a).

(a) The notice of voluntary compliance shall state the following:

(i) The name and address of the person responsible;

(ii) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged civil code violation or nuisance has occurred or is occurring;

(iii) A description of the alleged civil code violation or nuisance and a reference to the regulation(s) which has been violated;

(iv) A reasonable time and date by which the corrective action is to be completed to resolve the alleged civil code violation or nuisance; however, in no event shall the time given for voluntary compliance be greater than 30 days, unless authorized under subsection (1)(a)(ii) of this section; and,

(v) That continued or subsequent found violations may result in civil violations and penalties, stop work orders, and a notice of violation and order of abatement, including cost recovery as a lien against property or as a personal obligation.

(b) Upon written request received prior to the correction date, the director may, for good cause shown, grant an extension of the date set for voluntary compliance for an amount of time as deemed reasonable by the director. The director may only consider as good cause:

(i) Substantial completion of necessary correction;

(ii) Unforeseeable circumstances not caused by the person so as to make completion impossible by the date established; or,

(iii) Procedural requirements for obtaining a permit to carry out the corrective action.

19.15.015 Voluntary Compliance Agreements.

(1) The director and person responsible may meet to develop a voluntary compliance agreement.

(a) Upon written request received prior to the correction date, the director may, for good cause shown, grant an extension of the date set for voluntary compliance for an amount of time as deemed reasonable by the director. The director may only consider as good cause:
(i) Substantial completion of necessary correction;

(ii) Unforeseeable circumstances not caused by the person so as to make completion impossible by the date established; or,

(iii) Procedural requirements for obtaining a permit to carry out the corrective action.

(b) Voluntary Compliance Agreement.

(i) The person responsible may enter into a voluntary compliance agreement with the director, acting on behalf of the county. A voluntary compliance agreement is a contract between the county and the person responsible under which the person agrees to do any combination of abating the civil code violation or nuisance, remediating the site, or mitigating the impacts of the civil code violation or nuisance, within a specified time and according to specified conditions.

(ii) A voluntary compliance agreement may be entered into at any time after issuance of a notice of voluntary compliance, a notice of violation, or a stop work order.

(iii) Content. The voluntary compliance agreement shall include the following:

(A) The name and address of the person responsible;

(B) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged civil code violation or nuisance has occurred or is occurring;

(C) A description of the alleged civil code violation or nuisance and a reference to the regulation which has been violated;

(D) The necessary corrective action to be taken, and a date or time by which correction must be completed;

(E) An acknowledgment by the person responsible that:

(I) The County may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary compliance agreement;

(II) The person waives the right to appeal administratively the existence of the conditions and the fact that they constituted a nuisance; and,

(III) If a notice of noncompliance is issued and not successfully appealed, the person is subject to and liable for any remedy authorized by this chapter, which includes the assessment of the monetary penalties identified in the voluntary compliance agreement, abatement of the nuisance, assessment of the costs incurred by the county to pursue compliance with this chapter (such as, legal, administrative, hearing, removal, and incidental costs), and the suspension, revocation or limitation of a development permit.

(c) Right to a Hearing or Administrative Appeal Waived. By entering into a voluntary compliance agreement, the person responsible voluntarily and knowingly waives the right to a hearing or administrative appeal before the administrative hearing officer or hearing examiner, under this chapter or otherwise, regarding the matter of the nuisance or the required corrective action. However, a notice of noncompliance with the voluntary compliance agreement may be administratively appealed under JCC 19.35.015 or JCC 19.40.015.
(d) Effect of Voluntary Compliance Agreement. Upon entering into a voluntary compliance agreement, a person responsible admits that the conditions described in the voluntary compliance agreement existed and constituted a civil code violation or nuisance; and, agrees that if the director issues a notice of noncompliance, and if the notice of noncompliance is not successfully challenged through administrative appeal, that person is liable for the monetary penalty available under JCC 19.30.010. The person identified in the voluntary compliance agreement is liable for the costs incurred by the county to pursue compliance with this chapter and to abate the nuisance, monetary penalties, including legal and incidental expenses as provided for in JCC 19.30.020 and is subject to all other remedies provided for in this title.

(e) Extension and Modification. The director may grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible has shown due diligence or substantial progress in correcting the civil code violation or nuisance, but unforeseen circumstances have made full and timely correction under the original conditions unattainable.

(2) Failure to Meet Terms of Voluntary Compliance Agreement.

(a) Notice of Noncompliance. If the department determines that terms of the voluntary compliance agreement are not completely met, the director may issue a notice of noncompliance. A notice of noncompliance shall include a description of all incomplete or untimely corrective or abatement action required under the voluntary compliance agreement. The notice of noncompliance shall also include the monetary penalty to be imposed based upon the failure to comply with the voluntary compliance agreement.

(b) Appeal. Any person responsible may appeal the facts and conclusions described in the notice of noncompliance as provided by JCC 19.35.015 or JCC 19.40.015.

(c) Abatement, Costs, and Penalties for Noncompliance. If the director issues a notice of noncompliance and the notice of noncompliance is not successfully challenged through appeal as provided by JCC 19.35.015 or JCC 19.40.015, then:

(i) If applicable, the department may abate the nuisance in accordance with this chapter without the person responsible being issued a notice of violation, stop work order, or notice of violation and order of abatement;

(ii) The person responsible shall be assessed a monetary penalty commencing on the date set for correction in the notice of noncompliance and thereafter, in accordance with JCC 19.20.010 or the penalty provisions of the voluntary compliance agreement, plus all costs incurred by the county to pursue compliance with this chapter and to abate the nuisance in accordance with JCC 19.20.015 and 19.30.020.

(iii) The person responsible may be subject to other remedies authorized by this title.
Chapter 19.20
NOTICE AND ORDERS

Sections:
19.20.010 Notice of Violation.
19.20.015 Notice of Violation and Order of Abatement,
19.20.020 Stop Work Order.

19.20.010 Notice of Violation.

(1) Issuance.

(a) When the director determines that a civil code violation, as defined in JCC 19.10.015(14) or nuisance, as defined in JCC 19.10.015(36), has occurred or is occurring and is unable to secure voluntary compliance, the director may issue a notice of violation to the person responsible.

(b) Under the following circumstances the director may issue a notice of violation without having attempted to secure voluntary compliance as provided in JCC 19.15.010:

(i) When an emergency exists;

(ii) When a repeat violation occurs;

(iii) When the civil code violation or nuisance creates a situation or condition which cannot be corrected;

(iv) When the person responsible knew or reasonably should have known that the action was a civil code violation; or,

(v) When the person responsible cannot be contacted, when reasonable attempts to contact the person have failed, or the person refuses to communicate or cooperate with the county in correcting the civil code violation or nuisance.

(2) Content. The notice of violation shall include the following:

(a) The name and address of the person responsible;

(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the civil code violation or nuisance has occurred or is occurring;

(c) A description of the civil code violation or nuisance and a reference to the provision(s) of the county regulation(s) which has been allegedly violated;

(d) A statement that a monetary penalty in an amount per day for each civil code violation or nuisance as specified in JCC 19.30.010 may be assessed against the person to whom the notice of violation is directed and a statement that all costs associated with the civil code violation nuisance may be recovered as specified in JCC 19.30.020; and,

(e) A statement that administrative appeal rights may be available under JCC 19.35.015 or an administrative hearing examiner appeal for nuisances under JCC 19.40.015.
19.20.015 Notice of Violation and Order of Abatement.

(1) Issuance and Abatement.

(a) When the director determines that a nuisance, as defined in JCC 19.10.015 (36), has occurred or is occurring and is unable to secure compliance after an attempt for voluntary compliance or a notice of violation under JCC 19.15.010, the director may issue a notice of violation and order of abatement to the person responsible. The notice and order permits Jefferson County to abate the nuisance, usually by removing or rectifying of the nuisance.

(b) Under the following circumstances the director may issue a notice of violation and order of abatement without having attempted to secure voluntary compliance after a notice of violation when:

(i) When an emergency exists;

(ii) When a repeat violation occurs;

(iii) When the nuisance creates a situation or condition which cannot be corrected;

(iv) When the person responsible knew or reasonably should have known that the action was a civil code violation; or,

(v) When the person responsible cannot be contacted when reasonable attempts to contact the person have failed or the person refuses to communicate or cooperate with the county in correcting the nuisance.

(c) Content. The notice of violation and order of abatement shall include the following:

(i) The name and address of the person responsible;

(ii) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the nuisance has occurred or is occurring;

(iii) A description of the nuisance and a reference to the provision(s) of the county regulation(s) which has been allegedly violated;

(iv) The required corrective action and a date and time by which the correction must be completed and, after which, the county may abate the nuisance in accordance with JCC 19.10.025;

(v) A statement that the costs and expenses of abatement incurred by the county pursuant to JCC 19.30.020, and a monetary penalty in an amount per day for each nuisance as specified in JCC 19.30.010, may be assessed against the person to whom the notice of violation and order of abatement is directed; and,

(vi) A statement that administrative appeal rights to the hearing examiner may be available under JCC 19.40.015.

(d) Extensions. Extensions of the time specified in the notice and order of abatement may be granted at the discretion of the director upon a showing of good cause. The director may only consider as good cause:

(i) Substantial completion of necessary correction;
(ii) Unforeseeable circumstances not caused by the person so as to make completion impossible by the date established; or,

(iii) Procedural requirements for obtaining a permit to carry out the corrective action.

(2) Summary Abatement.

(a) When the director determines that a nuisance, as defined in JCC 19.10.015(36), has occurred or is occurring and constitutes an emergency, the director 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 as soon as reasonably possible after the abatement, consistent with JCC 19.10.050.

(i) The person responsible shall bear the costs and expenses of abatement incurred by the county pursuant to JCC 19.30.020 after service upon the person responsible of the notice of violation and order of abatement. A monetary penalty in an amount per day for each nuisance as specified in JCC 19.30.010 may be assessed against the person to whom the notice of violation and order of abatement is directed.

(b) No right of action shall lie against the county or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate adverse impacts to the public health and safety, but neither shall the county be entitled to recover any costs incurred for summary abatement until service upon the person responsible of the notice of violation and order of abatement.

19.20.020 Stop Work Order.

(1) Stop Work Order. Whenever the director determines that work is a civil code violation, as defined in JCC 19.10.015(14) or is a nuisance, as defined in JCC 19.10.015(36), the director may issue a stop work order when:

(a) Work is not authorized by a valid permit;

(b) A valid permit has been issued, but the work is not in compliance with the permit or approved plans; or,

(c) The work creates an imminent threat to the public health, safety or welfare, or the environment.

(d) Content. The stop work shall include the following:

(i) The name and address of the person responsible;

(ii) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the civil code violation or nuisance has occurred or is occurring;

(iii) A description of the civil code violation or nuisance and a reference to the provision(s) of the ordinance, statute, regulation, health officer directive, or health officer order(s) which has been allegedly violated;

(iv) Notification that the stop work order requires the immediate cessation of the specified work or activity on the subject property and that work or activity may not resume unless authorized in writing by the director in the form of a certificate of correction; and,

(v) A statement that a monetary penalty in an amount per day for each civil code violation or nuisance as
specified in JCC 19.30.010, may be assessed against the person to whom the stop work order is directed; and,

(vi) A statement that administrative appeal rights may be available under JCC 19.35.015 or JCC 19.35.045.

(vii) Posting. The director shall post a visible stop work order on the building, structure, premises, or land upon which is subject to the stop work order.
Chapter 19.25
VEHICLE AND PUBLIC RIGHT OF WAY NUISANCES

Sections:

19.25.010 Vehicle Nuisance.

19.25.010 Vehicle Nuisance.

(1) Placement of any inoperative, junk or wrecked vehicles, or secondhand vehicle parts on private property, Jefferson County right-of-way, or other property controlled by Jefferson County is a nuisance, as defined under JCC 19.10.015(36), except where storing an inoperative, junk or wrecked vehicle, or secondhand vehicle part is a permitted use under Title 18 JCC and exempt under JCC 19.25.010(2).

(2) Exception for Inoperative, Junk or Wrecked Vehicles, or Secondhand Vehicle Parts Enclosed within a Permitted Building or a Compliant Fence. Inoperative, junk or wrecked vehicles, or secondhand vehicle parts shall be exempt from subsection (1) of this section when the property owner cleans up and properly disposes of any visible contamination resulting from the storage of inoperative, junk or wrecked vehicles, or secondhand vehicle parts and the inoperative, junk or wrecked vehicles, or secondhand vehicle parts are:

(a) Completely enclosed within a permitted building or a compliant fence and not visible from the street or from other public or private property where:

(i) Any fence or wall is painted or stained a neutral shade that blends in with the surrounding premises and is kept in good repair; or,

(ii) Any living hedge is of sufficient density to prevent view of the confined area and any dead or dying portion is replaced; or,

(b) Parked or stored by an automobile repair business, a licensed hulk hauler, a licensed scrap processor, a licensed vehicle dealer, or a licensed vehicle wrecker; and, are enclosed by a fence, living hedge or wall of such height as to obscure the nature of the business carried on, where:

(i) Any fence or wall is painted or stained a neutral shade that blends in with the surrounding premises and is kept in good repair; or,

(ii) Any living hedge is of sufficient density to prevent view of the confined area and any dead or dying portion is replaced.

(3) Certification. The director may inspect and certify that a vehicle is an inoperative vehicle, junk vehicle, or wrecked vehicle. The certification shall be made in writing. The person making the certification shall record the make and vehicle identification number or license number of the vehicle if available or legible and shall also document in detail the damage or missing equipment to verify whether the approximate value of the vehicle is equivalent to the approximate value of the scrap in it (only if that is one of the definitional criteria that was alleged in the notice of abatement issued by the county). If abated, the vehicle shall be photographed by the person making the certification, removed from the property by the county, and disposed of by a licensed hulk hauler, scrap processor, or vehicle wrecker with notice to the Washington State Patrol and the Washington State Department of Licensing that the
vehicle has been wrecked. The county shall maintain a photographic record of all abated inoperative, junk, or wrecked vehicles for a period of two years following abatement.

(4) A vehicle certified as an inoperative, junk, or wrecked vehicle shall only be disposed of as scrap.

(5) When the director determines that a vehicle nuisance has occurred or is occurring and is unable to secure compliance after an attempt for voluntary compliance and a notice of violation under JCC 19.20.010 and JCC 19.20.015, the director may issue a notice of violation and order of abatement to the person responsible. The notice and order directs the county to abate the nuisance, usually by removing or rectifying the vehicle nuisance.

(a) Under the following circumstances the director may issue a notice of abatement without having attempted to secure voluntary compliance or compliance after a notice of violation, as provided in JCC 19.15.010 and JCC 19.20.010:

(i) When an emergency exists;

(ii) When a repeat violation occurs;

(iii) When the nuisance creates a situation or condition which cannot be corrected;

(iv) When the person responsible knew or reasonably should have known that the action was a civil code violation; or,

(v) When the person responsible cannot be contacted when reasonable attempts to contact the person have failed or the person refuses to communicate or cooperate with the county in correcting the nuisance.

(6) Notice of violations and order of abatements authorized under JCC 19.20.015 for vehicle nuisances under this section must comply with subsections (7) and (8) of this section for notice, determination of responsibility, and requests for hearing.

(7) Notice Required and Request for Hearing.

(a) Whenever a vehicle is certified to be an inoperative, junk, or wrecked vehicle the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a public hearing may be requested before the hearing examiner.

(b) If no hearing is requested within 15 days from the certified date of receipt of the notice, the vehicle shall be removed by the county.

(c) If a request for hearing is received within 15 days, a notice giving the time, location and date of the hearing on the question of abatement and removal of the inoperative, junk, or wrecked vehicle shall be mailed by certified mail, with five-day return receipt requested, to the land owner as shown on the last equalized assessment roll and to the last registered and legal owner of record of each such vehicle unless the vehicle identification numbers are not available to determine ownership.

(8) Determination of Responsibility.

(a) The owner of the property on which the inoperative, junk or wrecked vehicle, or secondhand vehicle part is located may appear in person at the hearing or present a written sworn statement in time for consideration at the hearing. The owner may deny responsibility for the presence of the inoperative, junk
or wrecked vehicles, or secondhand vehicle parts on the land stating the reason for such denial. If the owner of the property submits an affidavit or documents for the hearing examiner’s decision, it must be received in time for the scheduled hearing and must clearly and unequivocally indicate that they are for the hearing. If the owner of the property does not appear at the hearing and does not properly submit a written sworn statement, the hearing examiner may enter a default. If it is determined by the hearing examiner that the inoperative, junk or wrecked vehicles, or secondhand vehicle parts were placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in their presence, then costs of administration or removal of the inoperative, junk, or wrecked vehicles or secondhand vehicle parts shall not be assessed against the property upon which the inoperative, junk or wrecked vehicles or secondhand vehicle parts are located nor otherwise be collected from the land owner. However, if the junk vehicles were placed on the land with the consent of the land owner or the land owner acquiesced in their presence, penalties and costs shall be assigned to the land owner in accordance with JCC 19.30.010 and JCC 19.30.020.

(b) Nothing in this chapter shall relieve the landowner of any monetary penalties which may accrue from any civil code violation related to the improper placement, parking or storage of inoperative, junk or wrecked vehicles, or secondhand vehicle parts to which the landowner has consented or acquiesced.

(c) In addition to determination of responsibility as provided for in JCC 19.25.010(8)(a), the hearing examiner shall receive and examine evidence on other relevant matters, including whether a nuisance as defined in this chapter exists. The decision of the hearing examiner shall be a final agency action.

(d) The hearing examiner shall use the process and factors in JCC 19.35.050(6)(d) when assessing penalties and costs pursuant to JCC 19.30.010 and JCC 19.30.020.

(9) Abatement and Removal Authorized. The county may remove any inoperative, junk or wrecked vehicle, or secondhand vehicle part after complying with JCC 19.25.010 (7) and (8). The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such inoperative, junk or wrecked vehicles, or secondhand vehicle parts, including costs of administration and enforcement.

(10) Limitations. Nothing in this section prohibits Jefferson County from enforcing other statutes, regulations, or ordinances for civil code violations involving junk vehicles independent of nuisance actions.


(1) Personal property or solid waste belonging to an evicted tenant which has been placed onto public right-of-way pursuant to a court-ordered eviction per RCW Title 59, and not removed within 24 hours, is a public right-of-way nuisance, as defined under JCC 19.10.015(44).

(2) When the director determines that a public right-of-way nuisance, as defined in JCC 19.10.015(44), has occurred or is occurring, notice of such removal after 24 hours shall be given to the evicted tenant or owner of the personal property or solid waste or their designee. Notice shall be placed in a conspicuous place on or near the personal property.

(3) If, after 24 hours after the notice was placed, the evicted tenant or owner or their designee has not removed the personal property or solid waste from the public right-of-way, the property shall be deemed a nuisance, and the property owner or their designee shall remove the personal property or solid waste for proper disposal or the county shall seek to abate the nuisance and bill costs to the property owner or their designee. If abated, this shall be a final decision, as defined under JCC 19.10.015(26), without administrative appeal rights under JCC 19.40.015.
Chapter 19.30
PENALTIES, COSTS, AND SETTLEMENTS

Sections:
19.30.010 Monetary Penalties.
19.30.015 Monetary Penalties Additions and Subtractions.
19.30.025 Settlement of Monetary Penalties and Costs.

19.30.010 Monetary Penalties.
(1) Any person, company, firm, corporation, or other legal entity who creates, maintains, or permits a civil code violation, as defined under JCC 19.10.015(14), or a nuisance, as defined under JCC 19.10.015 (36), shall be subject to a monetary penalty. Each violation shall constitute a separate civil violation for each and every day or portion thereof during which such violation is committed, continued, or permitted.

The daily monetary penalties that may be assessed under this chapter are as follows:

<table>
<thead>
<tr>
<th>Violation Category</th>
<th>First Violation</th>
<th>Subsequent Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abandoned Vessel or Derelict Vessel Nuisance (JCC 19.10.015(2))</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Building Nuisance (JCC 19.10.015(10))</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Burning Nuisance (JCC 19.10.015(12))</td>
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<td>$250</td>
</tr>
<tr>
<td>Civil Code Violation (JCC 19.10.015(14))</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Public Right-of-Way Nuisance (JCC 19.10.015(44) and JCC 19.25.015)</td>
<td>$100</td>
<td>$250</td>
</tr>
<tr>
<td>Salvage Nuisance (JCC 19.10.015(50))</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Vehicle Nuisance (JCC 19.10.015(59) and JCC 19.25.010)</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Violation of Stop Work Order (JCC 19.20.0020)</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>All Other Violations</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Multiple Violations – Maximum Daily</td>
<td>$500</td>
<td>$1,000</td>
</tr>
</tbody>
</table>
(2) Monetary penalties assessed create a joint and several obligation in all persons responsible for the civil code violation or nuisance. Such penalties are due and payable 30 calendar days from assessment. The director may collect assessed penalties by any appropriate legal means. A lien for penalties may be recorded if penalties remain unpaid, according to the provisions of this title. A lien for penalties shall run with the subject land (if owned by the person responsible for the civil code violation or nuisance), and shall accrue interest at six percent per annum from the date of recording the lien until paid in full.

(3) The monetary penalties above may be increased or decreased up to fifty (50) percent when authorized by the director, consistent with JCC 19.30.015.

(4) A violation shall be considered ongoing and daily penalties continue to accrue up to the date that the subject property has been brought into compliance with the statute, regulation, or ordinance, as determined by the director, and as evidenced by a written certificate of correction in the form of a letter issued by the director, consistent with JCC 19.10.065.

19.30.015 Monetary Penalties Additions and Subtractions.

(1) The director may increase or decrease the monetary penalties by fifty (50) percent when the director finds that the addition or subtraction is warranted and the finding is in writing with notice to the person responsible.

(a) The director may increase the monetary penalties up to fifty (50) percent of the penalties authorized under JCC 19.30.010 when the civil code violation or nuisance:

(i) Creates an imminent life safety threat;

(ii) Constitutes a violation of Chapter 18.22 JCC (Critical Areas) or Chapter 18.25 JCC (Shoreline Master Program), which has or will reasonably seriously impact the environment;

(iii) Constitutes a violation of Chapter 8.10 JCC (Solid Waste Regulations) or Chapter 8.15 JCC (On-Site Sewage Code), which has or will reasonably seriously impact human health or the environment; or,

(iv) The person responsible had actual knowledge of the existing conditions which constituted a civil code violation or nuisance and has failed to remedy the civil code violation or nuisance after two (2) or more violations.

(2) The director may decrease the monetary penalties up to fifty (50) percent of the penalties authorized under JCC 19.30.010 when the civil code violation or nuisance:

(a) Is de minimis; or,

(b) The person responsible was unaware that the conditions constituted a civil code violation or nuisance and has made reasonable attempts at correcting the civil code violation or nuisance.

(3) The penalty provisions of this section are in addition to or a subtraction from, and not in lieu of, the penalty provisions of JCC 19.30.010.

(4) The penalty additions or subtractions are discretionary and do not impose any requirement on Jefferson County to grant a requested addition or subtraction.

(5) If the director authorizes additions or subtractions to the monetary penalties the director must make written findings detailing the rationale for the additions or subtractions and provide those to the person responsible.

(1) All penalties, fees, and costs incurred under a notice of noncompliance with a voluntary compliance agreement, notice of violation, notice of violation and order of abatement, stop work order, or any other decision shall be billed to the person responsible or the owner, lessor, tenant, or any other person entitled to control the property where the civil code violation or nuisance has occurred and shall become due and payable to the county within 30 days of the date of mailing the billing.

(2) The following and costs that may be recovered:

(a) Civil Code Violations. Appeal costs for appeals to the hearing examiner if the person responsible or aggrieved party does not substantially prevail, including but not limited to, personnel costs, both direct and direct including attorney’s fees; actual expenses and costs of the county in preparing notices and contracts; hearing examiner costs; and, the costs of any required printing and mailing.

(b) Nuisances and All Other Violations. Costs that may be recovered include, but are not limited to, personnel costs, both direct and indirect and including attorney’s fees; costs incurred in documenting the civil code violation or nuisance; disposal, towing, hauling, or removal expenses; actual expenses and costs of the county in preparing notices, specifications and contracts associated with the nuisance, and in accomplishing or contracting and inspecting the work; hearing examiner costs; and, the costs of any required printing and mailing.

(3) Lien – Authorized. All penalties and costs shall constitute a lien against the affected property, as set forth in JCC 19.10.025(3). The county shall have a lien for any monetary penalty imposed, the cost of any proceedings under this title, and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall run with the land but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.

(a) The director shall cause a claim for lien to be filed for record within 90 days from the later of the date that the monetary penalty is due, the work is completed, or the nuisance abated.

(b) The claim for lien shall contain sufficient information regarding the notice, as determined by the director, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

(c) Any such claim for lien shall be verified by the director and may be amended to reflect changed conditions.

(4) The prosecuting attorney is authorized to take appropriate action to collect the monetary penalty.

(5) A director may use the services of a collection agency in order to collect any amounts owing under this chapter.

19.30.025 Settlement of Monetary Penalties and Costs.

(1) The director is authorized to settle claims for monetary penalties incurred under JCC 19.30.010 and costs incurred under JCC 19.30.020 when such settlement is in the best interest of the county. In addition to the best interest of the county, the director shall consider the following factors:

(a) Whether the person responsible responded to notices and cooperated to correct the civil code violation or nuisance;
(b) Whether the person responsible failed to appear at the hearing;

(c) Whether the civil code violation or nuisance was a repeat violation;

(d) Whether the person responsible showed due diligence or substantial progress in correcting the civil code violation or nuisance; and,

(e) Any other relevant factors.

(2) The director shall make a report to the board of county commissioners regarding all settlements under this section.

(3) The director shall not waive any assessed costs of code compliance or actual abatement costs incurred by the county, including associated interest thereon. Actual abatement costs are funds spent by the county to achieve physical abatement of the violation.

(4) Upon a determination that the violation has been corrected according to the terms of the voluntary compliance agreement, the director shall record a certificate of correction together with an amended lien that reflects a settlement agreement.

(5) Within thirty (30) days of full payment of any remaining penalties, costs, and associated interest, the director shall record a lien satisfaction.

19.30.030 Enforcement Fund Authorized

All monies collected from the assessment of civil penalties, abatement costs, or other costs recovered for the work relating to civil code or nuisance enforcement shall be allocated to support expenditures for enforcement and abatement and shall be accounted for through the creation of an account in the fund for civil code enforcement and abatement costs or other appropriate accounting mechanisms.
Chapter 19.35

ADMINISTRATIVE AND HEARING EXAMINER APPEALS FOR CIVIL CODE VIOLATIONS

Sections:
19.35.010 Applicability.
19.35.015 Administrative Hearing.
19.35.020 Administrative Hearings Officer.
19.35.025 Administrative Hearing Procedure.
19.35.030 Service of the Administrative Hearing Notice.
19.35.035 Administrative Hearing Orders.
19.35.040 Administrative Hearing – Duty of the Administrative Hearings Officer.
19.35.045 Hearing Examiner Appeal.
19.35.050 Hearing Examiner Appeal Procedure.
19.35.055 Final Decisions.

19.35.010 Applicability.

This chapter shall apply to all appeals for civil code violations as defined under JCC 19.10.015(14). This chapter shall not apply to appeals involving nuisances as defined under JCC 19.10.015(36). Nuisance must be appealed under Chapter 19.40 JCC.

19.35.015 Administrative Hearing.

A person responsible or aggrieved person may appeal a notice of violation, stop work order, notice of noncompliance, denial of a permit, suspension of a permit, revocation of a permit, or certificate of correction to an administrative hearing within 15 days of the decision being mailed. The administrative hearing will be conducted by the health officer or a disinterested director, or their designee.

19.35.020 Administrative Hearings Officer.

(1) The health officer or disinterested director, or their designee shall be the administrative hearings officer and conduct a hearing pursuant to the Compliance Code and Rules of Procedure, as adopted by the board of county commissioners and board of health. The administrative hearing shall be informal.

(2) For civil code violations listed under JCC 8.01.030 or state statutes and regulations which authorize enforcement by a local board of health, enforcement of which is not otherwise covered by the Jefferson County Code, the Health Officer or their designee shall conduct and adjudicate the administrative hearing.

(3) For all other civil code violations not involving the violations in 19.35.015, a disinterested director or their designee shall conduct and adjudicate the administrative hearing.

19.35.025 Administrative Hearing Procedure.

(1) A person responsible or aggrieved person may begin the appeal a civil code violation by filing a notice of appeal with the department issuing the civil code violation. The notice of appeal shall request an appeal hearing and specify the grounds for the appeal, including the alleged errors.
(2) There shall be no filing fee for an administrative hearing, nor shall any cost associated with the administrative hearing be assigned to the person responsible or aggrieved person, regardless of the outcome of the hearing. This subsection does not limit the authority of the administrative hearings officer to affirm or assign monetary penalties or costs associated with the code compliance case, excluding the cost of conducting the administrative hearing.

(3) The administrative hearing shall be conducted within forty-five (45) days of the request for the administrative hearing, unless the person responsible agrees to an extension.

(4) Administrative hearings shall be informal. The administrative hearing shall occur in accordance with this title and shall be conducted in accordance with the Compliance Code and Rules of Procedure. The County shall have the burden of proving, by a preponderance of the evidence that a violation has occurred. Formal rules of evidence shall not apply to administrative hearings.

(5) Staff shall develop a departmental report outlining the alleged violation, history of compliance efforts, and any other evidence necessary to demonstrate the civil violation occurred.

(6) The administrative hearing shall be conducted on the record and shall allow for testimony from county staff, person responsible and any witnesses called by the county staff or person responsible. The county or the person responsible may submit evidence for consideration by the administrative hearing officer. Administrative hearings shall not allow public testimony, written or oral.

(7) Final Agency Decision.

(a) At the conclusion of the administrative hearing, the administrative hearings officer shall either: (i) affirm the director’s decision; (ii) dismiss the director’s decision; or, (iii) modify the director’s decision.

(b) The administrative hearings officer shall make findings and conclusions of law sufficient to permit further review.

(c) A copy of the administrative hearings office decision shall be mailed to the person responsible and the county, and if the person responsible is a tenant to the owner of the property where the violation is occurring.

(d) Monetary Penalties. The administrative hearings officer may assess monetary penalties in accordance with JCC 19.30.010 and JCC 19.35.025(8)(c).

(i) The administrative hearings officer has the following options in assessing monetary penalties:

(A) Assess monetary penalties as outlined in the director’s decision;

(B) Assess monetary penalties beginning on the correction date set by the director or an alternate correction date set by the administrative hearings officer;

(C) Assess less than the established monetary penalty set forth in JCC 19.30.010, based on the criteria of subsection (4)(d) of this section; or,

(D) Assess no monetary penalties.

(E) In determining the monetary penalty assessment, the administrative hearings officer shall consider the following factors:

(1) Whether the person responsible responded to notices and cooperated to correct the civil code violation;
(2) Whether the person responsible failed to appear at the hearing;

(3) Whether the civil code violation was a repeat violation;

(4) Whether the person responsible showed due diligence or substantial progress in correcting the civil code violation; and,

(5) Any other relevant factors.

(e) If a notice of noncompliance with a voluntary compliance agreement, notice of violation, stop work order, or a notice of violation, or any other decision is not timely appealed within 15 days of mailing the decision, then the director’s decision shall be a final decision.

(8) Failure to Appear. If the person responsible fails to appear at the scheduled hearing or present a written statement in time for consideration at the hearing, the administrative hearings officer shall enter an order of default with findings and assess the appropriate monetary penalty pursuant to JCC 19.30.010. The county may enforce the administrative hearings officer’s decision and recover all related expenses. A copy of the order of default shall be mailed to the person responsible and against whom the default order was entered, to the county, and, if the person responsible is a tenant, to the landlord or owner of the property where the civil code violation is occurring.

(9) Appeal to Hearing Examiner. A final decision by the administrative hearings officer may be appealed to the Jefferson County Hearings Examiner within fifteen (15) days of mailing the administrative hearings officer’s decision. If the decision of the administrative hearings officer is not appealed to the hearing examiner within fifteen (15) days then the decision of the administrative hearings officer shall become a final agency decision and order.

19.35.030 Service of the Administrative Hearing Notice.

(1) The notice of the administrative hearing shall contain the date, time, and location of the administrative hearing, a copy of the civil code violation, and the name and telephone number of the director.

(2) The notice of the administrative hearing shall be served on the person responsible for the civil code violations and, if applicable, the landowner of the subject property by personal service or by mailing a copy of the same to the last known address of each party.

(3) The person effectuating or achieving the service shall declare in writing the date and address the personal service or mailing was made. Service by mail shall be deemed effective upon the third business day following the day of mailing.

19.35.035 Administrative Hearing Decisions.

In the event the administrative hearings officer determines that a civil code violation occurred or is occurring, the administrative hearings officer shall issue an order to the person responsible for the civil code violation or nuisance which contains the following information:

(1) The decision regarding the civil code violation or nuisance, including findings of fact and conclusions of law based on those findings in support of the decision;

(2) The monetary penalties and costs of enforcement, which will become a personal debt of the person responsible;

(3) A statement informing the person responsible for the civil code violation that entry of this decision does not relieve that person of the obligation to cure, remove or remedy the civil code violation; and,
(4) How the decision may be appealed.

19.35.040 Administrative Hearing – Duty of the Administrative Hearings Officer.

The administrative hearings officer shall issue a decision within fifteen (15) days of the administrative hearing, unless the administrative hearings officer determines that more time is necessary. The decision shall be mailed by first class or hand-delivered to the person responsible and the code compliance coordinator.

19.35.045 Hearing Examiner Appeal.

The person responsible or an aggrieved person may appeal the decision of the administrative hearings officer, as authorized in JCC 19.35.020 to the Jefferson County Hearing Examiner within 15 days of mailing the administrative hearing’s officer decision. A $250 filing fee is required to file an appeal with the hearing examiner. An appeal to hearing examiner must be filed with the Office of the Hearing Examiner.

19.35.050 Hearing Examiner Appeal Procedure.

(1) Procedure.

(a) The person responsible or an aggrieved person may appeal the decision of the administrative hearings officer by filing a notice of appeal with the Office of the Hearing Examiner and paying the $500 filing fee within 15 days of mailing the administrative hearings officer’s decision.

(b) The notice of appeal shall contain: (1) full name; (2) mailing address; (3) e-mail address (if available); (4) file number, license number, or other identifying number; (5) a concise statement of the factual and legal basis for the appeal citing specifically the alleged errors in the administrative official’s decision; and, (6) the specific relief sought.

(2) The hearing examiner appeal shall be conducted within sixty (60) days of the notice of appeal, unless the person responsible agrees to an extension.

(3) The hearing examiner appeal shall occur in accordance with this title and shall be conducted in accordance with the Chapter 2.30 JCC (Hearing Examiner) and Hearing Examiner Rules of Procedure. The County shall have the burden of proving, by a preponderance of the evidence that a violation has occurred. Formal rules of evidence shall not apply to administrative hearings.

(4) Staff shall develop a departmental report outlining the alleged violation, history of compliance efforts, and any other evidence necessary to demonstrate the civil violation occurred.

(5) The administrative hearing shall be conducted on the record and shall allow for testimony from county staff or the person responsible and any witnesses called by the county or the person responsible. The county or the person responsible may submit evidence for consideration by the examiner. Hearing examiner appeals shall not allow public testimony, written or oral.

(6) Final Agency Decision.

(a) At the conclusion of the hearing, the examiner shall either: (i) affirm the administrative hearings officer’s decision; (ii) dismiss the administrative hearings officer’s decision; or, (iii) modify the administrative hearings officer’s decision.

(b) The examiner shall make findings and conclusions of law sufficient to permit further review, consistent with Chapter 2.30 JCC and the Hearing Examiner Rules of Procedure.
(c) A copy of the examiner’s decision shall be mailed to the person responsible, the county, and if the person responsible is a tenant to the owner of the property where the violation is occurring.

(d) Monetary Penalties. The examiner may assess monetary penalties in accordance with **JCC 19.30.010**.

(i) The examiner has the following options in assessing monetary penalties:

(A) Assess monetary penalties as outlined in the decision;

(B) Assess monetary penalties beginning on the correction date set by the director, administrative hearings office, or an alternate correction date set by the examiner;

(C) Assess less than the established monetary penalty set forth in **JCC 19.30.010**, based on the criteria of subsection (4)(d) of this section; or,

(D) Assess no monetary penalties.

(d) In determining the monetary penalty assessment, the examiner shall consider the following factors:

(i) Whether the person responsible responded to notices and cooperated to correct the civil code violation;

(ii) Whether the person responsible failed to appear at the hearing;

(iii) Whether the civil code violation was a repeat violation;

(iv) Whether the person responsible showed due diligence or substantial progress in correcting the civil code violation; and,

(v) Any other relevant factors.

(7) Failure to Appear. If the person responsible fails to appear at the scheduled hearing examiner appeal or present a written statement in time for consideration at the hearing, the examiner shall enter an order of default with findings and assess the appropriate monetary penalty pursuant to **JCC 19.30.010**. The county may enforce the examiner’s decision and recover all related expenses, including attorney fees and staff time, plus the costs of the hearing and any monetary penalty from the person responsible pursuant to **JCC 19.30.020**. A copy of the order of default shall be mailed to the person responsible and against whom the default order was entered, to the county, and, if the person responsible is a tenant, to the landlord or owner of the property where the civil code violation is occurring.

(8) Costs. If the person responsible substantially prevails at the hearing examiner appeal with the examiner dismissing the administrative hearings officer’s decision or substantially modifying the administrative hearings officer’s decision, then the hearing examiner filing fee shall be refunded and no costs for the hearing examiner appeal shall be assigned to the person responsible. If the person responsible does not substantially prevail at the hearing, the examiner may assign all hearing and related costs to the person responsible including attorney’s fees and staff time. This subsection does not limit the authority of the examiner to affirm or assign monetary penalties or costs associated with the code compliance case.

(9) Judicial Review. A final decision by the hearing examiner shall be final and conclusive, unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law. A final decision by the hearing examiner affirming or reinstating a notice or stop work order renders the notice or stop work order a final agency order.
19.35.055 Final Decisions.

(1) If a notice of noncompliance with a voluntary compliance agreement, notice of violation, stop work order, or a notice of violation, or any other decision is not timely appealed within fifteen (15) days of mailing the decision, then the director's decision shall be a final decision.

(2) If the decision of the administrative hearings officer is not appealed to the hearing examiner within fifteen (15) days of mailing the decision then the decision of the administrative hearings officer shall become a final agency decision and order.

(3) A final decision by the hearing examiner shall be final and conclusive, unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law. A final decision by the hearing examiner affirming or reinstating a notice or stop work order renders the notice or stop work order a final agency order.
Chapter 19.40
HEARING EXAMINER APPEALS FOR NUISANCES

Sections:
19.40.010  Applicability.
19.40.015  Hearing Examiner Appeal.
19.40.025  Final Decision.

19.40.010  Applicability.

This chapter shall apply to all appeals for nuisances as defined in JCC 19.10.015(36), except for vehicle nuisances and public right-of-way nuisances which if applicable may be appealed under Chapter 19.25 JCC. This chapter shall not apply to appeals involving civil code violations as defined in JCC 19.10.015(14).

19.40.015  Hearing Examiner Appeal.

The person responsible or an aggrieved person may appeal a nuisance notice of violation, stop work order, notice of noncompliance, notice of violation and order of abatement, or certificate of correction to an administrative hearing within 15 days of mailing the decision. The appeal will be conducted by the Jefferson County Hearing Examiner pursuant to the Chapter 2.30 JCC (Hearing Examiner Code) and Hearing Examiner Rules of Procedure.


(1) The person responsible or an aggrieved person may appeal a nuisance notice of noncompliance with a voluntary compliance agreement, notice of violation, stop work order, or a notice of violation and order of abatement to the hearing examiner within 15 days of mailing the decision. However, a notice of violation and order of abatement for vehicle nuisances under JCC 19.25.010 shall not be appealed under this section.

(2) Procedure. The hearing examiner shall conduct a hearing pursuant to the Chapter 2.30 JCC (Hearing Examiner Code) and Hearing Examiner Rules of Procedure.

(3) Final Agency Decision.

(a) At the conclusion of the hearing, the hearing examiner shall either: (i) affirm the director’s notice or stop work order if the nuisance exists substantially as stated in the notice or stop work order; (ii) dismiss the notice or stop work order and grant the appeal if the hearing examiner determines that the nuisance does not exist substantially as stated in the notice or stop work order; or, (iii) modify the notice or stop work order depending on the specifics of the nuisance.

(b) A copy of the hearing examiner’s ruling shall be mailed to the person responsible, the county, and if the person responsible is a tenant to the owner of the property where the nuisance is occurring.

(c) Monetary Penalties. The hearing examiner may assess monetary penalties in accordance with JCC 19.30.020.

(i) The hearing examiner has the following options in assessing monetary penalties:

(A) Assess monetary penalties beginning on the date the notice was issued;
(B) Assess monetary penalties beginning on the correction date set by the director or an alternate correction date set by the hearing examiner;

(C) Assess less than the established monetary penalty set forth in JCC 19.30.020, based on the criteria of subsection (3)(d) of this section; or,

(D) Assess no monetary penalties.

(d) In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:

(i) Whether the person responsible responded to notices and cooperated to correct the nuisance;

(ii) Whether the person responsible failed to appear at the hearing;

(iii) Whether the nuisance was a repeat violation;

(iv) Whether the person responsible showed due diligence or substantial progress in correcting the nuisance; and,

(v) Any other relevant factors.

(e) The hearing examiner may double the monetary penalty schedule if the nuisance was a repeat violation. In determining the amount of the monetary penalty for repeat violations, the hearing examiner shall consider the factors set forth in subsection (3)(d) of this section.

(f) The hearing examiner will award cost recovery for all related nuisance or abatement expenses, including attorney fees, the costs of the hearing, and all other costs pursuant to JCC 19.30.020, unless the hearing examiner dismisses the director’s notice or stop work order.

(g) If a notice of noncompliance with a voluntary compliance agreement, notice of violation, stop work order, or a notice of violation and order of abatement is not timely appealed within 15 days of mailing the decision, then this shall be a final decision.

(4) Failure to Appear. If the person responsible fails to appear at the scheduled hearing or present a written statement in time for consideration at the hearing, the hearing examiner shall enter an order of default with findings and assess the appropriate monetary penalty pursuant to JCC 19.30.010. The county may enforce the hearing examiner’s order and recover all related expenses, including attorney fees, plus the costs of the hearing and any monetary penalty from the person responsible pursuant to JCC 19.30.20. A copy of the order of default shall be mailed to the person responsible and against whom the default order was entered, to the county, and, if the person responsible is a tenant, to the landlord or owner of the property where the nuisance is occurring.

(5) Time Period for Correction. If a decision is affirmed by the hearing examiner, the person responsible shall have 30 days to abate the nuisance and bring the nuisance into compliance with the terms of this chapter or the county may perform the abatement required and shall bill the costs in the manner provided in JCC 19.10.025, 19.30.010, and 19.30.020. Correcting the nuisance(s) within this time period does not excuse payment of any penalties or costs under this section.

19.40.025 Final Decision.

(1) If a notice of noncompliance with a voluntary compliance agreement, notice of violation, stop work order, or a notice of violation and order of abatement is not timely appealed within 15 days of mailing the decision, then this shall be a final decision.
(2) Judicial Review. A final decision by the hearing examiner shall be final and conclusive, unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law. A final decision by the hearing examiner affirming or reinstating a notice or stop work order renders the notice or stop work order a final agency order.
APPENDIX B – UPDATES TO OTHER CODES
TITLE 8 – PROPOSED UPDATES
Chapter 8.01
ENVIRONMENTAL HEALTH CIVIL ENFORCEMENT

Sections:
8.01.010 Purpose.
8.01.020 Authority.
8.01.030 Applicability.
8.01.040 Conflict.
8.01.050 Designation of civil infractions violations.
8.01.060 Processing and adjudicating civil infractions, Nuisance Declaration.
8.01.070 Enforcement officers.

8.01.010 Purpose.
It is the express purpose of this chapter to provide for and promote the health of the general public and not to create or otherwise establish or designate a particular class or group of people who will or should be especially protected by the terms of this chapter.

It is the specific purpose of this chapter to place the obligation of complying with its requirements upon persons, businesses or companies required to meet provisions of the health regulations. Enactment of this chapter and its terms and provisions does not impose any duty upon the Jefferson County public health department or any of its officers or employees unless a duty is imposed on such officers or employees by the express terms of this chapter. Implementation or enforcement of this chapter by county officers or employees shall be discretionary and not mandatory.

8.01.020 Authority.
This chapter is promulgated under the police power granted to the Jefferson County board of health, including, but not limited to, authority granted to them by Chapters 7.48, 7.80 and 70.05 RCW to protect the public health, safety, and welfare of the people in Jefferson County, including those county residents residing within the city of Port Townsend.

8.01.030 Applicability.

Provisions of this chapter apply to violations of the following statutes, regulations and/or ordinances as they now exist or as they may hereafter be amended:

- Chapter 70.90 RCW Water Recreation Facilities
- Chapter 70.95 RCW Solid Waste Management
- Chapter 246-203 WAC General Sanitation
- Chapter 246-215 WAC Food Service
- Chapter 246-260 WAC Water Recreation Facilities
- Chapter 246-261 WAC Recreational Water Contact Facilities
- Chapter 246-272 WAC On-Site Sewage Systems
- Chapter 246-290 WAC Public Water Supplies
- Chapter 266-291 WAC Group B Public Water Systems
- Chapter 173-304 WAC Minimum Functional Standards for Solid Waste
- Chapter 173-308 WAC Biosolids Management
Additional enforcement authority may be found in each statute, regulation, or ordinance, listed above.

8.01.040 Conflict.
In case of a conflict between this chapter and the chapters of the county code relating to food service sanitation, solid waste and/or on-site sewage, as currently enacted or as may in the future be amended or recodified, the text of those three chapters shall control except that the local health officer shall have discretion to interpret and implement any county code sections enforced by public health (or its successor agency or division) which are at variance with one another in a manner that best protects and furthers public health.

8.01.050 Designation of civil infractions violations

Any violation of the laws, regulations and ordinances specified in JCC 8.01.030 (including any future amendments to these statutes, regulations and ordinances) shall constitute a civil infraction.

Each 24-hour period when a violation is found to exist shall constitute a separate and distinct violation.

The owner or lessor of any real property shall be and is jointly and severally liable with any tenant, occupier or user of real property for any violation alleged against that property or alleged to have occurred on the owner’s property.

The legality or illegality of the use or occupancy of the land by a person or entity shall not be a defense available to the owner of such property if it is alleged a violation of this chapter occurred on that property.

A first violation shall be a Class 3 civil infraction as established in Chapter 7.80 RCW.

A second violation shall be a Class 2 civil infraction as established in Chapter 7.80 RCW.

A third violation shall be a Class 1 civil infraction as established in Chapter 7.80 RCW. [Ord. 6-15 § 5]

1. Any violation of the laws, regulations and ordinances specified in JCC 8.01.030, including any future amendments, shall constitute a civil code violation under JCC 19.10.015(14).

2. The enforcement provisions codified in Title 19 JCC, Code Compliance, as currently enacted or as hereafter amended, shall apply to any alleged or found violation of the laws, regulations and ordinances specified in JCC 8.01.030, including any future amendments.

8.01.060 Processing and adjudicating civil infractions: Nuisance declaration

Such violations shall be adjudicated and any related fines determined in accordance with the procedures established in Chapter 7.80 RCW, the Jefferson County district court rules for infractions and the Washington State Rules for Courts of Limited Jurisdiction, which shall have precedence over the terms and obligations of this chapter if this chapter conflicts with state statutes or court rules.

Upon a determination that the county has met its burden of proof regarding any contested violation alleged against a person or entity pursuant to this chapter, the county may seek to obtain attorney’s fees against the violating party or entity pursuant to RCW 7.80.140.

Utilization of the procedures and penalties laid out in this chapter and the underlying state statutes shall not prohibit this county from utilizing any other lawful means or seeking any other lawful remedies against the person or entity that has allegedly violated the terms of this chapter.
Nothing in this chapter shall prevent the judge hearing these civil infraction matters from reducing or mitigating the monetary fines that would otherwise be imposed. [Ord. 6-15 § 6]

(1) Pursuant to RCW 70.05.060(5), the board of health for Jefferson County declares that all nuisances defined in ICC 19.10.015(37) and all violations of this chapter are hereby determined to be detrimental to public health and safety and are hereby declared public nuisances.

(2) The enforcement provisions codified in Title 19 JCC, Code Compliance, as currently enacted or as hereafter amended, shall apply to any alleged or found nuisance, as defined in ICC 19.10.015(37).

8.01.070 Enforcement officers.
The board of health, or its designated health officer, may authorize the Jefferson county health department director or their designee(s) one or more persons to serve as an “enforcement officer,” duly authorized to enforce this chapter as enforced under Title 19 JCC.
Chapter 8.05
FOOD SERVICE SANITATION

Sections:
8.05.010 Purpose.
8.05.020 Regulations adopted.
8.05.030 Hearings.
8.05.040 Fees.
8.05.050 Severability.
8.05.060 Effective date.

8.05.010 Purpose.
The purpose of this chapter is to establish local board of health standards for food safety to supplement Chapter 246-215 WAC, to promote and protect the health, safety, and well-being of the public and prevent the spread of disease through food. [Ord. 6-05]

8.05.020 Regulations adopted.
The Rules and Regulations of the Washington State Board of Health for Food Service Sanitation, Chapter 246-215 WAC, is hereby adopted by reference as the rules and regulations governing food service sanitation in Jefferson County, and including subsequent revisions thereto. [Ord. 6-05]

8.05.030 Hearings.
(1) Request for a Hearing Following Notice of Suspension of a Food Establishment Permit. Any permit holder who has received a notice of suspension of a food establishment permit may request a hearing by filing a written request for a hearing within 10 days of receipt of the notice of suspension. The health officer will hear such appeals. The health officer’s decision regarding an order prohibiting use may be appealed to the board of health. Any action to review the health officer’s decision must be filed within 30 days of the date of the decision.

(a) Administrative Hearing. Any person aggrieved by an order suspending a food establishment permit may request, in writing, a hearing before the health officer or his or her designee. The appellant shall submit specific statements, in writing, of the reason why error is assigned to the health officer’s decision. Such request shall be presented to the health officer within 10 days of the action appealed. Upon receipt of such request, together with any applicable hearing fees, the health officer shall notify the person in writing of the time, date, and place of such hearing, which shall be set at a mutually acceptable time not more than 30 days from the date the request was received. The health officer will issue a decision affirming, reversing, or modifying the order prohibiting use. The health officer may require additional actions as part of the decision.

(b) Hearing Procedures. Hearings shall be open to the public and presided over by the health officer. Such hearings shall be recorded. Hearings shall be opened with a recording of the time, date and place of the hearing, and a statement of the cause for the hearing. The health officer shall then swear in all potential witnesses. The case shall be presented in the order directed by the health officer. The appellant may present rebuttal. The health officer may question either party. The health officer may allow for a closing statement or summation. General rights include:

(i) To be represented by an attorney;

(ii) To present witnesses;

(iii) To cross-examine witnesses;

(iv) To object to evidence for specific grounds.

In the conduct of the proceeding, the health officer may consider any evidence, including hearsay evidence that a reasonably prudent person would rely upon in the conduct of his or her affairs. Evidence is not admissible if it is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the
courts of this state. The health officer shall decide rulings on the admissibility of evidence, and the Washington rules of evidence shall serve as guidelines for those rulings.

Inasmuch as any appeal to the board of health from a health officer decision is a review on the record, the health officer shall ensure that the record generated contains testimonial and documentary evidence supporting the health officer’s issuance of the order prohibiting use.

The health officer may continue the hearing to another mutually acceptable date to allow for additional submission of information or to allow for additional consideration. Prior to closing of the hearing, the health officer shall issue its oral ruling unless the health officer determines that the matter should be taken under advisement. Written findings of fact, conclusions of law, and orders shall be served on the appellant within 14 days of the oral ruling. If the matter is taken under advisement, written findings, conclusions, and orders shall be mailed to the appellant within 21 days of the close of the hearing.

The appellant shall bear the burden of proof and may overcome the order suspending the food establishment permit by a preponderance of the evidence.

(c) Appeals. Any decision of the health officer shall be final and may be reviewable by an appeal filed with the board of health through the health officer. Any action to review the health officer’s decision must be filed within 30 days of the date of the decision.

(2) Request for Hearing Following Notice of Revocation of a Food Establishment Permit.

(a) Administrative Hearing. Any permit holder in receipt of a notice of revocation of a food establishment permit may request, in writing, a hearing before the health officer or his or her designee. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the health officer. Such request shall be presented to the health officer within 10 days of the action appealed. Upon receipt of such request, together with any applicable hearing fees, the health officer shall notify the person in writing of the time, date, and place of such hearing, which shall be set at a mutually acceptable time not more than 30 days from the date the request was received. The health officer will issue a decision affirming, reversing, or modifying the revocation order. The health officer may require additional actions as part of the decision.

(b) Hearing Procedures. Hearings shall be open to the public and presided over by the health officer. Such hearings shall be recorded. Hearings shall be opened with a recording of the time, date and place of the hearing, and a statement of the cause for the hearing. The health officer shall then swear in all potential witnesses. The case shall be presented in the order directed by the health officer. The appellant may present rebuttal. The health officer may ask questions. The health officer may allow the opportunity for a closing statement or summation. General rights include:

(i) To be represented by an attorney;

(ii) To present witnesses;

(iii) To cross-examine witnesses;

(iv) To object to evidence for specific grounds.

In the conduct of the proceeding, the health officer may consider any evidence, including hearsay evidence that a reasonably prudent person would rely upon in the conduct of his or her affairs. Evidence is not admissible if it is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The health officer shall decide rulings on the admissibility of evidence, and the Washington rules of evidence shall serve as guidelines for those rulings.

Inasmuch as any appeal to the board of health from a health officer decision is a review on the record, the health officer shall ensure that the record generated contains testimonial and documentary evidence supporting the health officer’s order revoking the food establishment permit.
The health officer may continue the hearing to another mutually acceptable date to allow for additional submission of information or to allow for additional consideration. Prior to closing of the hearing, the health officer shall issue its oral ruling unless the health officer determines that the matter should be taken under advisement. Written findings of fact, conclusions of law and orders shall be served on the appellant within 14 days of the oral ruling. If the matter is taken under advisement, written findings, conclusions and orders shall be mailed to the appellant within 21 days of the close of the hearing.

The appellant shall bear the burden of proof and may overcome the permit revocation order by a preponderance of the evidence.

(c) Appeals. Any decision of the health officer shall be final and may be reviewable by an appeal filed with the board of health through the health officer. Any action to review the health officer’s decision must be filed within 30 days of the date of the decision.

(d) Appeal of Health Officer’s Decision to Board of Health.

(i) Any person aggrieved by the findings, conclusions or orders of any administrative hearing conducted by the health officer shall have the right to appeal the matter by requesting a hearing before the board of health. Such notice of appeal shall be in writing and presented to the health officer within 30 days of the health officer’s decision. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the health officer.

(ii) The suspension or revocation of food establishment permits by the health officer shall remain in effect during the appeal process. Any person affected by the suspension may make a written request for a stay of the decision to the health officer within five business days of the health officer’s decision. The health officer will grant or deny the request within five business days.

(iii) Upon receipt of a timely written notice of appeal, the health officer shall set a time, date, and place for the requested hearing before the board of health and shall give the appellant written notice thereof. Such hearing shall be set at a mutually convenient time not less than 15 days or more than 30 days from the date the appeal was received by the health officer unless mutually agreed to by the appellant and health officer.

(iv) Board of health hearings shall be open to the public and presided over by the chair of the board of health. Such hearings shall be recorded. Board of health hearings shall be opened with a recording of the time, date and place of the hearing, and a statement of the cause for the hearing. The hearing shall be limited to argument of the parties and no additional evidence shall be taken unless, in the judgment of the chair, such evidence could not have reasonably been obtained through the exercise of due diligence in time for the hearing before the health officer. Argument shall be limited to the record generated before the health officer unless the chair admits additional evidence hereunder.

(v) Any decision of the board of health shall be final and may be reviewable by an action filed in superior court. Any action to review the board’s decision must be filed within 30 days of the date of the decision. [Ord. 6-05]

8.05.040 Fees.  
The board of health shall establish fee schedules for issuing or renewing licenses or permits for such other services as are authorized by the law and the rules of the State Board of Health and necessary for the enforcement of this regulation; provided, that such fees for services shall not exceed the actual cost of providing any such services (RCW 70.05.060(7)).² [Ord. 6-05]

8.05.050 Severability.  
Should any part of this chapter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder. [Ord. 6-05]

8.05.060 Effective date.  
The effective date of the ordinance codified in this chapter shall be May 19, 2005. [Ord. 6-05]
1 Prior legislation: Ord. 2-77.

2 Fee schedules are located in the appendix to the Jefferson County Code.
Chapter 8.10
SOLID WASTE REGULATIONS

Sections:
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Appendix A References

8.10.010 Authority and purpose.
(1) These solid waste rules and regulations are promulgated to implement the requirements of Chapter 70.95 RCW and Chapters 173-304, 173-350 and 17-351 WAC in order to protect the public health and the environment, and promote the safety and welfare of the citizens of Jefferson County. All references to these RCWs and WACs, and all other RCWs, WACs, and other federal, state, and local regulations, refer to the cited chapters and paragraphs, as amended. The rules and regulations herein govern the handling, storage, collection, transportation, treatment, utilization, processing and final disposal of all solid waste within Jefferson County, including the issuance of permits and enforcement.
(2) These regulations shall apply to all persons and in all territory within the boundaries of Jefferson County, except actions by persons on lands under the jurisdiction of the federal government or recognized Native American nations and tribes.

(3) It is expressly the purpose of this chapter to provide for and promote the health of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these rules and regulations.

(4) It is the specific intent of these rules and regulations to place the obligation of complying with their requirements upon waste generators, haulers, and/or operators of solid waste handling sites, and no provision of, nor term used in, these rules and regulations is intended to impose any duty whatsoever upon the county, the board of health or any of its officers or employees, for whom the implementation or enforcement of these rules and regulations shall be discretionary and not mandatory.

(5) Nothing contained in these rules and regulations is intended to be, nor shall be construed to create or form, the basis for any liability on the part of the county, the board of health or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to these rules and regulations to comply with these rules and regulations, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of these rules and regulations on the part of the county or the board of public health. [Ord. 6-19]

8.10.015 Adoption by reference.
Pursuant to and by the authority of Chapter 70.95 RCW, Jefferson County public health hereby adopts Chapter 173-350 WAC (Solid Waste Handling Standards). As provided for by RCW 70.95.160, the board of health makes the following amendments to Chapter 173-350 WAC in order to make this chapter more stringent, as authorized by RCW 70.95.160 and WAC 173-350-700(2). To the extent that any state statute or regulation listed in this section is amended or revised subsequent to the adoption of this chapter, that amendment or revision is deemed incorporated into this chapter upon its effective date and is applicable to any activity regulated by this chapter. [Ord. 6-19]

8.10.020 Applicability.
WAC 173-350-020, Applicability, is adopted by reference except that subparagraph (2)(f) is hereby repealed in order to make this chapter more stringent, as authorized by RCW 70.95.160 and WAC 173-350-700(2). Single-family residences and single-family farms disposing of their own solid wastes on their own property shall be subject to these regulations. [Ord. 6-19]

8.10.021 Determination of solid waste.
WAC 173-350-021, Determination of solid waste, is adopted by reference. [Ord. 6-19]

8.10.025 Owner responsibilities for solid waste.
WAC 173-350-025, Owner responsibilities for solid waste, is revised as follows:

1) General.

The owner, operator, or occupant of any premise, business, establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste generated or accumulated by them on the property. An owner is not relieved of the duties and obligations imposed by this Chapter because the owner has leased the property or premises to another or permitted others to occupy the premises or operate there.

2) Removal.

It shall be the responsibility of the owner, operator or occupant of any premise, business, establishment or industry to remove solid waste from the premises where it was generated to a permitted solid waste handling facility at a frequency that does not create a nuisance or litter problem, or at a frequency otherwise approved by the Health Officer. The Health Officer may require any person who does not store, remove, transport, or dispose of solid waste consistent with these regulations, or who stores solid waste so as to create a nuisance or litter problem, to
remove solid waste from the premises where it was generated, or collected, by that person to a permitted solid waste handling facility no less frequently than once per week.

3) Disposal.

a) Generally. It shall be the responsibility of the owner, operator or occupant of any premises, business, establishment or industry to dispose of all solid wastes at an appropriate solid waste handling facility permitted to receive such waste, or in a manner consistent with these regulations as approved by the Health Officer. Should a situation arise where disposal of solid waste is not covered under these regulations, the Health Officer shall determine acceptability of a method of disposal for the solid waste on a case-by-case basis.

b) Unlawful Dumping. It shall be unlawful for any person to dump, deposit, bury, or allow the dumping, depositing or burying of any solid waste onto or under the surface of the ground or into the waters of this state, except at a solid waste disposal site for which there is a valid permit. Unlawful dumping shall include unauthorized deposition of solid waste into a container that is owned or leased by another person.

c) Name Appearing on Waste Material and Presumption. Whenever solid waste dumped in violation of this regulation contains three (3) or more items bearing the name of one individual, there shall be a presumption that the individual whose name appears on such items committed the unlawful act of dumping.

d) Identification Presumed. When the Health Officer investigates a case of unlawful dumping and finds identification in the solid waste as described in Section 025(3)(c), or other evidence, the Health Officer may then order the person who committed the unlawful dumping to remove and dispose of said solid waste according to these regulations. Following the disposal of said solid waste, the Health Officer may order this person to present to the Health Officer a receipt from the permitted disposal facility as proof of appropriate disposal.

e) Lack of Identification. When the Health Officer investigates a case of unlawful dumping and finds no identification in the solid waste, nor evidence, the Health Officer may then order the property owner to remove said solid waste from the land, and have the solid waste disposed of according to these regulations. Where this occurs on private land, the property owner or occupant shall be responsible for removal and disposal. Where this occurs on public land, the appropriate governmental agency shall be responsible for removal and disposal.

f) Burning Prohibited. It shall be unlawful for any person to burn solid waste including garbage or rubbish unless these materials are burned in an appropriate permitted energy recovery or incinerator facility. The burning of land clearing debris and the residential burning of natural vegetative matter is regulated under Chapter 173-425 WAC (Outdoor Burning).

g) Disposal Service Required. When a person does not dispose of solid wastes in a manner consistent with these regulations, the Health Officer may order said person to obtain ongoing and regularly scheduled solid waste collection service if said person does not already have this service and if a solid waste collection service exists or is offered in the geographic area where the person resides. Said service shall be from a solid waste collection service holding a Solid Waste Handling Permit issued by Jefferson County Public Health and necessary certificates issued by the Washington Utilities and Transportation Commission. If said person does not have this service and resides in a geographic area where a single solid waste collection service operates exclusively under covenant or ordinance as required by local government, and said service is mandatory for persons residing within the jurisdiction of the local government, the Health Officer may schedule ongoing regularly scheduled service for said person with this solid waste collection service. If service is cancelled through nonpayment, it will be deemed a violation of this section.
h) Disposal Receipts Required. Any person in violation of this section to whom a notice and order to correct violation has been issued is required to produce receipts from a permitted solid waste disposal, recycling and/or reclamation facility or solid waste transporter to demonstrate compliance with the notice and order to correct violation issued by the Health Officer or designee.

[Ord. 6-19]

8.10.030 Effective dates.
WAC 173-350-030, Effective dates, is hereby adopted by reference. [Ord. 6-19]

8.10.040 Performance standards.
WAC 173-350-040, Performance standards, is hereby adopted by reference. [Ord. 6-19]

8.10.100 Definitions.
Terms used in this regulation shall have the meanings provided in WAC 173-304-100, 173-350-100 and 173-351-100, hereby adopted in their entirety by reference, except as revised or altered by the definitions provided below.

Abandoned Landfills: Those sites not closed in accordance with all applicable regulatory requirements in place at the time that waste handling/disposal activities ceased.

Abate: Repair, replace, remove, destroy, or otherwise remedy a condition(s) which constitutes a nuisance or a violation of these regulations by such means, in a manner, and to such an extent as the Health Officer determines is necessary in the interests of the general health, safety and welfare of the community.

Abrasive Blasting: A method of surface preparation in which an abrasive aggregate is sprayed under pressure on to exterior surfaces which include, but are not limited to, boats, ships or other watercraft.

Agricultural Wastes: Non-dangerous wastes on farms resulting from the production of agricultural products including, but not limited to, crop residues, manures, animal bedding, and carcasses of dead animals weighing each or collectively in excess of fifteen (15) pounds.

Animal Wastes: Wastes generated on a farm, including manure, pet feces, and dead animals.

Asbestos-Containing Material: Any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section I, Polarized Light Microscopy.

Asbestos-Containing Waste Material: Any waste that contains or is contaminated with friable asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

Ashes: The residue from combustion or incineration of material including solid wastes and any air pollution flue dust.

Biomedical Waste: Biomedical waste means, and is limited to, the following types of waste:

1) “Animal waste” is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.
2) "Biosafety level 4 disease waste" is the waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, and Biosafety in Microbiological and Biomedical Laboratories, current edition.

3) "Cultures and stocks" are wastes infectious to humans including specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

4) "Human blood and blood products" are waste human blood and blood components, and materials containing free-flowing blood and blood products.

5) "Pathological waste" is human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

6) "Sharps waste" is all hypodermic needles, syringes with needles attached, intravenous tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Biomedical Waste Collection Service: Any agency, business, or service operated by a person for the purpose of biomedical waste collection and transportation.

Biomedical Waste Generator: Any producer of biomedical waste to include without limitation the following categories: General acute care hospitals, skilled nursing facilities or convalescent hospitals, intermediate care facilities, in-patient care facilities for the developmentally disabled, chronic dialysis clinics, community clinics, health maintenance organizations, surgical clinics, urgent care clinics, acute psychiatric hospitals, laboratories, medical buildings, offices and clinics, veterinary offices and clinics, dental offices and clinics, funeral homes or other similar facilities.

Biomedical Waste Treatment: Means incineration, sterilization, or other method, technique, or process that changes the character or composition of a biomedical waste so as to minimize the risk of transmitting infectious disease.

Board of Health: The Jefferson County Board of Health.

Buffer Zone: That part of a facility that lies between the active area and the property boundary. Junk cars are not allowed in a Buffer Zone as defined in Title 18 of Jefferson County Code.

Bulky Waste: Large items of refuse, such as appliances (white goods), furniture, junk vehicles, and other oversize wastes which would typically not fit into reusable or disposable containers.

CFR: The Code of Federal Regulations as it exists now or may be amended.

Construction Waste: Non-dangerous solid waste, largely inert waste, generated as the result of construction of buildings, roads, and other man-made structures. Construction waste consists of, but is not limited to: concrete, asphalt, brick, rock, wood and masonry, composition roofing and roofing paper, shakes, shingles, plastic and paper wrappings, plastic pipe,
fiberglass insulation, carpeting, floor tile, glass, steel, and minor amounts of other metals like copper.

Decision: Any writing authored by Public Health, the Health Officer or any employee or representative of Public Health or Health Officer that serves to represent the official position of the Public Health or Health Officer including, but not limited to, a decision to deny a permit application, a decision to allege permit violation(s), issuance of an Abatement Order, transmittal to a person or entity of a Notice and Order to Correct Violation, or a decision to suspend or revoke an existing or issued permit.

Demolition Waste: Non-dangerous solid waste, largely inert waste, resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to: concrete, asphalt, brick, rock, wood and masonry, composition roofing and roofing paper, shakes, shingles, plastic pipe, fiberglass insulation, carpeting, floor tile, glass, steel, minor amounts of other metals like copper, and incidental amounts of soil associated with these wastes. Plaster (i.e., sheet rock or plaster board), yard wastes, stumps, or any other materials that are likely to produce gases or leachate during the decomposition process are not considered to be demolition waste for the purposes of this definition. Bulky wastes, white goods, and asbestos-containing materials are not considered to be demolition waste for the purpose of this regulation.

Discarded Commodity: Products or items that because of damage, misuse, wear, or neglect and because of such neglect are no longer being utilized for their intended purpose. Neglect, for the purpose of this definition is deemed to include, but not limited to, circumstances where a product or item is left exposed to the weather to rot, rust or deteriorate or is so severely damaged such that it can no longer be used for its intended purpose.

Disposal Site: The location where any final treatment, utilization, processing or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

Drop Box Facility: A facility used for the placement of a detachable container, including the area adjacent for necessary entrance and exit roads, unloading and turnaround areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.


Emission: The release of air contaminants from solid waste into the outdoor atmosphere.

Environmentally Sensitive Areas or "ESA": shall be as defined at RCW 36.70A.030(5) (or as hereafter amended) to include wetlands, areas with a critical recharging effect on aquifers used for potable water, fish and wildlife habitat conservation areas, frequently flooded areas and geologically hazardous areas (and buffers for all such areas) as those terms are defined and described in Title 18 of the Jefferson County Code in its current form or as it may be in the future, amended, supplemented or replaced. Junk cars are not allowed in an ESA as defined in Title 18 of Jefferson County Code.

EPA: The United States Environmental Protection Agency.

Hazardous Substance: Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

Health Officer: The Health Officer or the Health Officer's representative, of the Jefferson County Public Health.

Junk Vehicle: “Junk vehicle” has the same meaning as in RCW 46.55.010(5). However, “Junk vehicle” does not include a vehicle or part thereof that is stored pursuant to a permitted use
under Chapter 18 JCC and entirely within a building in a lawful manner where it is not visible from the street or other public or private property, or a vehicle or part thereof that is stored or parked pursuant to a permitted use under Chapter 18 JCC in a lawful manner on private property in connection with the business of a licensed vehicle wrecker or licensed vehicle dealer and is fenced according to the requirements of RCW 46.80.130.

For enforcement purposes, possessing three (3) or more junk vehicles on a single property of any size is not allowed under this regulation.


Moderate Risk Waste (MRW): means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter.

Nuisance: Consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the repose, health or safety of others; or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property. To the extent applicable, the County adopts the definitions of nuisance found in Chapter 7.48 RCW.

Owner: The person, business entity or partnership that is the title owner of record with the Jefferson County Auditor for the parcel or parcels where the violation is allegedly occurring.

Person responsible: The owner, lessee, occupant or operator of the premises, business, activity or action that is allegedly a violation of this Chapter.

Problem Wastes:

1) Any solid material removed during a remedial action, a dangerous waste site closure, other cleanup efforts, or other actions, which contain hazardous substances, but are not designated dangerous wastes;

2) Dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by Section 404 of the Federal Clean Water Act (PL 95-217); or

3) Waste abrasive blasting grit or other material used in abrasive blasting. Common aggregates include, but are not limited to silica sand, utility slag or copper slag. Waste abrasive blasting grit does not include blasting grit that will be reused for its intended purpose.

Public Health: Jefferson County Public Health or any person acting on behalf of or employed by Jefferson County Public Health.

Remedial Action: Any action to identify, eliminate or minimize any threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessment or health effects studies conducted to determine the risk or potential risk to human health.

RCW: The Revised Code of Washington as it exists now or may be amended.

Rubbish: All non-putrescible wastes from all public and private establishments and from all residences.
Solid Waste: All putrescible and non-putrescible solid and semi-solid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, animal wastes, construction and demolition wastes, land clearing wastes, contaminated soils, contaminated dredged spoils, junk vehicles or parts thereof (including waste tires), and discarded commodities. This includes all liquid, solid and semi-solid, materials that are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste also includes, but is not limited to, woodwaste, dangerous waste, yard waste, bulky waste, biomedical waste, animal waste, waste tires, recyclable materials, and problem wastes. Municipal sewage sludge or septage is a solid waste when placed in a municipal solid waste landfill subject to the requirements in Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfills, Chapter 173-308 WAC, Biosolids Management, and a solid waste handling permit issued by the Health Officer.

Used Oil:

1) Lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, truck, bus, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; or

2) Any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; or

3) Any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser; and

4) Used oil does not include oil to which dangerous wastes have been added, or oil that would otherwise be considered used oil except that it is used as a fuel in an industrial furnace, which meets the emission standards of the Olympic Region Clean Air Agency.

WAC: The Washington Administrative Code as it exists now or may be amended.

[Ord. 6-19]

8.10.200 Beneficial use permit exemptions.
WAC 173-350-200, Beneficial use permit exemptions, is hereby adopted by reference. [Ord. 6-19]

8.10.210 Recycling and material recovery facilities.
WAC 173-350-210, Recycling and material recovery facilities, is hereby adopted by reference. [Ord. 6-19]

8.10.220 Composting facilities.
WAC 173-350-220, Composting facilities, is hereby adopted by reference. WAC 173-350-220(9) has been revised as follows:


1) Financial Assurance may be required for certain compost facilities as determined by Public Health.

2) If required by Public Health, the owner or operator shall establish a financial assurance mechanism in accordance with 173-350-600 for closure in accordance with the approved closure plan. The funds shall be sufficient for hiring a third party to remove the maximum amount of wastes that could be present at any time during the operation of the facility and to accomplish closure in accordance with the facility closure plan.

3) If required, no owner or operator shall commence or continue to operate any part of the facility until a suitable financial assurance mechanism has been provided to the JHD in accordance with WAC 173-350-600.
8.10.225 Other organic handling.
WAC 173-350-225, Other organic material handling activities, is hereby adopted by reference. [Ord. 6-19]

8.10.230 Land application.
WAC 173-350-230, Land application, is hereby adopted by reference. [Ord. 6-19]

8.10.240 Energy recovery and incineration.
WAC 173-350-240, Energy recovery and incineration facilities, is hereby adopted by reference. [Ord. 6-19]

8.10.250 Anaerobic digesters.
WAC 173-350-250, Anaerobic digesters, is hereby adopted by reference. [Ord. 6-19]

8.10.300 On-site storage, collection, and transportation standards.
WAC 173-350-300, On-site storage, collection, and transportation standards, is hereby adopted by reference and the following has been added:

300(2)(b)(iv) Containers of mixed municipal solid waste, putrescible waste, and rubbish shall be closed at all times except when waste is being added or removed. Commercial containers located at public or private collection facilities may be kept open during routine hours of operation, as long as the container drain plugs remain in place.

300(2)(b)(v) The owner, operator or occupant of any premises, business establishment or industry shall store all recyclable materials so as not to produce unsafe or unsanitary conditions.

[Ord. 6-19]

8.10.305 Solid waste handling standards for specific waste stream.
(1) Animal Waste.

(a) Animal waste, as defined in JCC 8.10.100, shall be disposed of in a manner consistent with these regulations, or other method approved by the health officer.

(b) Any animal waste that is deemed biomedical waste, as defined in JCC 8.10.100, shall be handled, treated, and disposed of as required in subsection (3) of this section.

(c) Animal Manure. Animal manure shall not be deposited, or allowed to accumulate, in any ditch, gulch, ravine, river, stream, lake, pond, marine water, or upon the surface of the ground, or on any highway or road right-of-way, where it may become a nuisance or menace to health, as determined by the health officer, through the breeding of flies, harboring of rodents, or pollution of water. Manure shall not be allowed to accumulate in any place where it can pollute any source of drinking water.

(d) Dead Animals. Except as otherwise provided in subsection (3) of this section, dead animals shall be disposed of in a manner to protect the public health and the environment. Their disposal shall be consistent with local codes. Dead animals may be taken to a rendering plant, a veterinary clinic, an animal shelter, pet cemetery, or can be disposed of directly at permitted operating landfills or transfer stations so as not to create a nuisance. Property owners may bury dead animals on their property, so long as no nuisance is created. If the dead animal is buried, it shall be placed so that every part shall be covered by at least two feet of earth and at a location not less than 100 feet from any well, spring, stream, or other surface waters, and in a place not subject to overflow. In all cases of death from communicable disease, the dead animal, if disposed of by burial, shall first be thoroughly enveloped in unsalted lime.

(e) Pet Feces. Pet feces, especially dog droppings, shall be disposed of in a manner, such as burial, or bagging and placement into containers described in WAC 173-350-300(2), which does not create a nuisance or pollute surface waters of the state. Pet feces shall not be disposed of into the sanitary sewer unless approved by the sewer purveyor. This waste shall not be put into a storm sewer or on-site sewage system.
(2) Asbestos-Containing Waste.

(a) General. Asbestos-containing waste material (ACWM), as defined in JCC 8.10.100, shall be handled and disposed of pursuant to 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants; Chapter 173-303 WAC, Dangerous Waste Regulations; Olympic Region Clean Air Agency Rule 6.3; and Chapter 296-65 WAC, Asbestos Removal and Encapsulation.

(b) Removal. Persons removing ACWM shall contact the Olympic Region Clean Air Agency for information and instruction concerning removal and disposal. ACWM must be wetted down during removal to reduce airborne emissions of particulate matter. ACWM shall be sealed into leak-tight containers or placed in one or more plastic bags with a combined six mils thickness or greater and identified with the proper warning label.

(c) Disposal. The ACWM shall be disposed of in accordance with 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants, at a facility permitted to receive such wastes, in accordance with an approved operations plan, and covered with at least 15 centimeters (six inches) of non-asbestos-containing waste material immediately following disposal.

(3) Biomedical Waste.

(a) Applicability. This regulation applies to all persons who generate biomedical waste including, but not limited to, individuals, hospitals, medical and dental clinics, medical laboratories, nursing or intermediate care facilities, veterinary facilities and other institutions which may generate biomedical wastes as defined in JCC 8.10.100, without regard to the quantity of biomedical waste produced per month.

(b) Storage and Handling.

(i) Containment of biomedical waste shall be in a manner and location which affords protection from animals, rain, and wind and does not provide a breeding place or a food source for insects or rodents.

(ii) Biomedical wastes shall be segregated from the general medical waste stream at the point of origin and stored in separate containers. When possible, biomedical wastes should be rendered non-infectious through chemical or physical treatment procedures as approved by the facility’s site safety officer.

(iii) Biomedical waste, except for sharps, shall be contained in disposable leakproof containers having strength to prevent ripping, tearing or bursting under normal conditions of use. The containers shall be secured to prevent leakage or expulsion of solid or liquid waste during storage, handling or transport. The containers can be of any color and shall be conspicuously labeled with the international biohazard symbol, and the words “Biohazardous Waste” or words that clearly denote the presence of biomedical waste.

(iv) All sharps, including home-generated sharps, shall be contained in leak-proof, rigid, puncture-resistant, break-resistant containers that are labeled and tightly lidded during storage, handling and transport. These containers must be capable of maintaining their structural integrity from the point of storage to deposition at an approved disposal or collection site. The containers shall be of any color and shall be conspicuously labeled with the international biohazard symbol, and the words “Biohazardous Waste” or words that clearly denote the presence of biomedical waste.

(v) Reusable Containers.

(A) Reusable containers for biomedical waste storage, handling or transport shall be thoroughly washed and decontaminated by a method approved by the health officer each time they are emptied, unless the surfaces of the containers have been protected from contamination by disposable liners, bags or other devices removed with the waste.

(B) Approved methods of decontamination are agitation to remove visible solid residue combined with chemical disinfection. Chemical disinfectants should be used in accordance with the manufacturer’s recommendations or by disinfectant concentration/contact times approved in writing by the health officer. Other decontamination methods may be approved in writing by the health officer.
(C) Reusable pails, drums or bins used for containment of biomedical waste shall not be used for any other purpose except after being disinfected by procedures as described in this regulation and after the international biohazard symbol and the words "Biohazardous Waste" are removed.

(vi) The handling and storage of all biomedical waste must prevent the dissemination of biomedical waste into the environment.

(vii) Trash chutes shall not be used to transfer biomedical waste.

(viii) Biomedical waste shall not be placed into the general waste stream unless contained and treated.

(ix) Sharps shall not be placed into the general waste stream.

(c) Disposal.

(i) All biomedical waste that has been contained as described in subsection (3)(b) of this section shall be disposed of at a solid waste handling facility permitted to receive such waste.

(ii) All human or animal body parts, fetuses, and other pathological specimens shall be disposed of either by appropriate interment, incineration or other method approved by the health officer.

(iii) Untreated liquid and liquefied biomedical waste may be disposed of by release into a sanitary sewage system, if this practice is approved by the providing sewer utility; provided, that the health officer shall have the authority to require the treatment of any biomedical liquid, according to requirements specified by the health officer, prior to release into a sanitary sewage system if deemed necessary to protect the public health.

(iv) Biomedical waste shall be disposed of on a regular basis to avoid nuisance conditions. If any nuisance condition exists, the health officer shall have the authority to require a specific disposal or collection frequency.

(v) Sharps must be contained in accordance with subsection (3)(b)(iv) of this section and prepared for disposal by a means that protects medical handlers, solid waste workers and the public from injury. The disposal of sharps shall be limited to the following methods unless prohibited by the requirements of Chapter 70.95K RCW, Biomedical Wastes (no longer exempts home-generated sharps):

(A) Depositing properly contained sharps at a facility that has agreed to accept home-generated sharps.

(B) Depositing properly contained sharps at a medical facility or pharmacy that provides a program to dispose of sharps waste and that meets the requirements of these regulations.

(C) Using a permitted biomedical waste collection service.

(D) Other methods approved by the health officer.

(d) Transfer of Biomedical Waste. Any biomedical waste generator who produces untreated biomedical waste shall have said waste collected and transported by a permitted biomedical waste collection service.

(e) Inspection. The health officer shall have the authority to inspect any biomedical waste generator, at any reasonable time, to determine if the generator’s biomedical waste is being handled, stored, and disposed of in accordance with this chapter, or to determine if the waste generator’s solid waste is being disposed of in accordance with this chapter.

(f) Disposal Service Required. When a person does not dispose of biomedical waste in a manner consistent with these regulations, the health officer may order said person to obtain ongoing and regularly scheduled biomedical waste collection and disposal service if said person does not have this service and if commercial biomedical waste collection and disposal service exists in or is offered in the geographic areas where the person
resides. Said service shall be from a biomedical waste collection and disposal service holding a solid waste handling permit issued by public health.

(g) Biomedical Waste Collection Services. In addition to the general operation and maintenance requirements applicable to persons operating a solid waste collection service specified in WAC 173-350-300, vehicles used by biomedical waste collection services shall have a leak-proof and fully enclosed vehicle compartment constructed of durable and easily cleanable materials, and shall be identified on each side of the vehicle with the name or trademark of the biomedical waste collection service.

(4) Bulky Waste. Bulky wastes shall be stored and transported in such a manner so as not to create a nuisance or safety hazard. Recycling of bulky wastes is encouraged where programs have been established to accept them. If recycling is not feasible, these wastes shall be taken directly to a disposal site permitted to accept oversized waste. Land clearing bulky waste such as tree stumps, trees, portions of buildings and other waste shall be transported directly to a transfer station or landfill designed and permitted to accept these bulky wastes; provided, that nothing herein shall prevent these wastes from being salvaged and/or used as firewood.

(5) Dangerous Waste.

(a) All solid waste must be designated as required by WAC 173-303-070 to prevent the disposal of dangerous waste at a facility not permitted to accept dangerous waste. All solid waste designated as a dangerous waste must be managed in a manner consistent with these regulations and Chapter 173-303 WAC.

(b) The health officer may require the screening of any waste suspected of being a regulated dangerous waste as defined in JCC 8.10.100. The screening process may involve analytical testing, a disclosure of the waste constituents and waste generation process, and other additional information necessary to determine if the waste is dangerous. The health officer may establish a schedule for compliance as part of the screening process. Based on the results of the required screening, the health officer may require the generator or transporter to direct the waste to a facility permitted to handle such waste.

(6) Moderate Risk Waste and Used Oil.

(a) Small Quantity Generator (SQG) Waste.

(i) Applicability. This subsection applies to conditionally exempt small quantity generators (SQGs) as defined in JCC 8.10.100. In addition to the requirements of this section, SQGs must meet the storage requirements of subsection (6)(b) of this section.

(ii) Waste Designation. SQGs shall designate suspected or known dangerous wastes pursuant to WAC 173-303-070 through 173-303-100.

(iii) Container Labeling. SQGs shall label all containers of MRW and used oil with the name of the waste and identify the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public. Containers of MRW shall also be labeled with the words “hazardous waste” or “dangerous waste.”

(iv) Secondary Containment. The health officer may require a SQG to provide secondary containment for liquid MRW and/or used oil stored on site if the health officer determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, the location of accumulation, or due to a history of spills or releases from accumulation containers. When required under this subsection, a secondary containment system must be durable, compatible with the waste it is meant to contain, and large enough to contain a volume equal to 10 percent of all containers, or 110 percent of the largest single container, whichever is greater.

(v) Hazardous Materials Management Plans. If a SQG has violated any part of this regulation, the health officer may require the SQG to prepare and follow a written hazardous materials management plan approved by public health and in a format prescribed by public health.

(b) Storage Requirements.
(i) SQG waste, used oil, and hazardous substances shall be stored in containers which are:

(A) Compatible with the waste contained therein;

(B) In good condition and without any leaks, corrosion or other signs of deterioration;

(C) Securely closed at all times except during the addition or removal of contents; and

(ii) Containers of SQG waste, used oil, and hazardous substances shall be stored on an impervious surface and in a location(s) that is covered and controlled to prevent:

(A) Container deterioration due to weather exposure;

(B) Surface water run-on and run-off;

(C) Exposure to extreme temperatures;

(D) Unintentional discharge to stormwater, soil, or surface water; and

(E) Any other controllable condition which may cause or increase the possibility of container failure.

(c) Accumulation. In addition to the quantity exclusion limits (QELs) for small quantity generators contained in WAC 173-303-070(8), SQG waste, used oil, and hazardous substances shall not be accumulated in quantities that, in the opinion of the health officer, present a threat to public health or the environment.

(d) Transportation. SQG waste and used oil shall be transported in accordance with WAC 173-350-300(3).

(e) Treatment and Disposal.

(i) SQG Waste. All SQG waste shall be transported to a permitted MRW collection facility, or picked up by a permitted dangerous waste transporter for treatment or disposal at a facility permitted to accept such waste. SQG waste shall not be deposited in the general municipal solid waste collection system, a public sewer system, a storm drain, an on-site sewage system, in surface or groundwater, or onto or under the surface of the ground.

(ii) Pesticides. Usable pesticides shall be utilized in accordance with the EPA-approved label requirements, or shall be disposed of, as appropriate, at a permitted hazardous waste treatment, storage, or disposal facility, the Jefferson County Moderate Risk Waste Collection Facility, or through an approved Department of Agriculture collection event. (For additional information call WSDA at 1-877-301-4555.) Empty containers from canceled, suspended, or otherwise unusable pesticides should be disposed of as a hazardous waste or triple rinsed in accordance with the requirements under WAC 173-303-160(2)(b). Rinseate from a pesticide container must be reused in a manner consistent with its original intended purpose or disposed of as a hazardous waste under Chapter 173-303 WAC.

(iii) Used Oil. Used oil shall be recycled or disposed of at a facility permitted or approved for that purpose, or as otherwise allowed by Ecology or the health officer. Used oil may be taken to service stations or similar facilities that collect used oil for subsequent reprocessing at a facility specifically permitted for that purpose.

(f) Mitigation and Control. The person responsible for a spill or nonpermitted discharge of SQG waste, used oil, and/or hazardous substances shall take appropriate and immediate action to protect public health and the environment, including any necessary measure required to prevent the spread of contamination. In addition, the person responsible for a spill or discharge shall:

(i) Notify public health and, when an imminent threat to public health or the environment exists, call 911;

(ii) Clean up any released hazardous substance, or take such actions as may be required or approved by federal, state, or local officials; and
(iii) Meet applicable requirements of subsection (7) of this section as directed by the health officer.

(7) Problem Waste.

(a) Screening. Persons excavating problem waste as defined in JCC 8.10.100, which is intended for upland fill in Jefferson County and which may contain a hazardous substance, endanger the public health, or adversely impact the environment, shall contact the health officer to determine the need for screening in accordance with subsection (6)(a)(ii) of this section.

(b) Management Options.

(i) Beneficial Reuse. Any person intending to beneficially reuse problem wastes must first contact the health officer to determine the appropriate reuse options.

(ii) Treatment. Problem wastes may be treated to remove contaminants and, following treatment, may be used as upland fill in Jefferson County if the treated waste is determined by the health officer not to be a problem waste.

(iii) Disposal. Problem waste can only be disposed of at a solid waste handling facility permitted to receive such waste.

(c) Waste Abrasive Blasting Grit Storage. Waste abrasive blasting grit shall be stored under cover in a manner that minimizes contact with process water or stormwater. Persons recycling waste abrasive blasting grit at a facility permitted to recycle such waste are exempt from the provisions of subsection (7)(b) of this section; provided, that the recycling facility enlists a process and produces a final product that does not endanger human health or the environment as a result of using said material.

(8) Septage. Septage must be disposed of directly into a sewage treatment works, licensed as such by Ecology, with the permission of and according to the requirements of the sewage treatment works or disposed of into an alternative treatment works or other process approved by the health officer. Septage of domestic quality, meeting all applicable requirements for biosolids under Chapter 173-308 WAC, Biosolids Management, may be beneficially reused by being applied to land as approved by the health officer on a case-by-case basis. [Ord. 6-19]

8.10.310 Transfer stations and drop box facilities.
WAC 173-350-310, Transfer stations and drop box facilities, is hereby adopted by reference. [Ord. 6-19]

8.10.320 Piles used for storage or treatment.
WAC 173-350-320, Piles used for storage or treatment, is hereby adopted by reference. WAC 173-350-320(9) has been revised as follows:

320(9) Piles used for Storage or Treatment – Financial Assurance requirements.

1) Financial Assurance may be required for certain piles treating or storing solid waste as determined by Public Health.

2) If required by Public Health, the owner or operator shall establish a financial assurance mechanism in accordance with 173-350-600 for closure in accordance with the approved closure plan. The funds shall be sufficient for hiring a third party to remove the maximum amount of wastes that could be present at any time during the operation of the facility and to accomplish closure in accordance with the facility closure plan.

3) If required, no owner or operator shall commence or continue to operate any part of the facility until a suitable financial assurance mechanism has been provided to the JHD in accordance with WAC 173-350-600.

[Ord. 6-19]
8.10.330 Surface impoundments and tanks.
WAC 173-350-330, Surface impoundments and tanks, is hereby adopted by reference. WAC 173-350-330(7) has been revised as follows:

330(7) Surface Impoundments and Tanks – Financial Assurance requirements.

1) Financial Assurance may be required for certain surface impoundments and tanks used for treating or storing solid waste as determined by Public Health.

2) If required by Public Health, the owner or operator shall establish a financial assurance mechanism in accordance with 173-350-600 for closure in accordance with the approved closure plan. The funds shall be sufficient for hiring a third party to remove the maximum amount of wastes that could be present at any time during the operation of the facility and to accomplish closure in accordance with the facility closure plan.

3) If required, no owner or operator shall commence or continue to operate any part of the facility until a suitable financial assurance mechanism has been provided to the JHD in accordance with WAC 173-350-600.

[Ord. 6-19]

8.10.350 Waste tire storage.
WAC 173-350-350, Waste tire storage, is hereby adopted by reference. [Ord. 6-19]

8.10.355 Waste tire transportation.
WAC 173-350-355, Waste tire transportation, is hereby adopted by reference. [Ord. 6-19]

8.10.360 Moderate risk waste handling.
WAC 173-350-360, Moderate risk waste handling, is hereby adopted by reference. [Ord. 6-19]

8.10.400 Limited purpose landfills.
WAC 173-350-400, Limited purpose landfills, is hereby adopted by reference. [Ord. 6-19]

8.10.410 Inert waste landfills.
WAC 173-350-410, Inert waste landfills, is hereby adopted by reference. [Ord. 6-19]

8.10.450 Municipal solid waste landfills.
Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfills, is hereby adopted by reference. [Ord. 6-19]

8.10.460 Construction and notification standards near landfills.
(1) Construction Requirements.

(a) Methane Protection.

(i) Any person constructing or developing any area within 1,000 feet of the footprint of an active, closed, or abandoned landfill shall provide documentation that demonstrates that levels of methane gas within this 1,000-foot zone are below the lower explosive limits (LEL) under all conditions. A description of the investigation methodology, all analytical data, and conclusions shall be presented in a report submitted by a licensed professional engineer or professional geologist to the health officer and the local building department for review and approval. Copies of this report shall also be provided to the Washington Department of Ecology and the Olympic Region Clean Air Agency; and

(ii) Any person constructing or developing any area within 1,000 feet of the footprint of an active, closed, or abandoned landfill shall provide documentation that demonstrates that all enclosed structures are protected from potential methane migration. The method for ensuring a structure’s protection from methane shall be addressed in a report submitted by a licensed professional engineer to the health officer and the local building department for approval. Such a report shall contain a description of the mitigation measures to prevent the accumulation of explosive concentrations of methane gas within or under
enclosed portions of a building or structure. At the time of final inspection, the engineer shall furnish a
signed statement attesting that the building or structure has been constructed in accordance with his/her
recommendations for addressing methane gas migration.

(iii) The health officer may grant a variance to the requirements in subsection (1)(a)(ii) of this section,
based on a review of data submitted pursuant to subsection (1)(a)(i) of this section.

(b) Stormwater. To minimize erosion impacts and leachate generation, no person shall detain stormwater on a
closed or abandoned landfill. Stormwater may be conveyed across a closed or abandoned landfill if the
conveyance system has been engineered to minimize the percolation of stormwater into the landfill.

(c) Construction within the Footprint of the Landfill. No person shall construct within the footprint of a closed
or abandoned landfill without first having submitted detailed engineering plans documenting how potential
hazards will be controlled. Potential hazards include, but are not limited to, subsidence, methane, odor
problems, hazards associated with subsurface utility installation, and leachate generation. A qualified, licensed
professional engineer (PE) shall sign such plans. These plans must be submitted for review and approval to the
jurisdictional building department and public health, or public health's designated representative.

(d) Groundwater Supply Wells. No person shall construct a groundwater supply well within 1,000 feet of an
active, closed, or abandoned landfill property boundary without a formal request for variance as outlined in
Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Wells.

(e) Methane Monitoring. All landfills where methane gas is generated shall provide for adequate venting,
collecting, redirecting, or elimination of gases generated by solid waste. It shall be the responsibility of the
landfill owner/operator to develop a sampling and testing program to monitor gas production and potential
migration.

(2) Notification Requirements for Owners of Landfills. All owners of active, closed, or abandoned landfills shall:

(a) File a notice to title with the county auditor’s office noting the presence of a landfill on the tax parcel within
180 days of the effective date of the ordinance codified in this chapter.

(b) For any property without notice to title, public health may file a notice to title regarding the presence of a
landfill on the property.

(c) Disclose the presence of an active, closed, or abandoned landfill to all prospective purchasers of the
property. [Ord. 6-19]

8.10.490 Other methods of solid waste handling.
WAC 173-350-490, Other methods of solid waste handling, is hereby adopted by reference. [Ord. 6-19]

8.10.500 Groundwater monitoring.
WAC 173-350-500, Groundwater monitoring, is hereby adopted by reference. [Ord. 6-19]

8.10.600 Financial assurance requirements.
WAC 173-350-600, Financial assurance requirements, is hereby adopted by reference and the following has been
added:

d) Certain waste piles; certain surface impoundments and tanks; and certain compost facilities
as determined by Public Health.

[Ord. 6-19]

8.10.700 Permits and local ordinances.
WAC 173-350-700, Permits and local requirements, is hereby adopted by reference and the following has been added.
d) Landfills closed pursuant to this Chapter 173-351, Mixed Municipal Solid Waste Landfills, or Chapter 173-304 are required to obtain a closure-post closure permit.

e) Permit holders must comply with all rules and intent of the Jefferson County Comprehensive Solid Waste Management Plan (JCCSWMP).

[Ord. 6-19]

8.10.710 Permit application and issuance.
WAC 173-350-710, Permit application and issuance, is hereby adopted by reference.

(1) Appeal of a Permit Denial. Any person aggrieved by the denial of permit shall:

(a) Within 10 days of receiving the written letter denying a permit, the appellant shall request a hearing in writing. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the health officer.

(b) The hearing authorized by this chapter and WAC 173-350-710(7) shall be before the health officer.

(c) Upon receipt of such request together with hearing fees, the health officer shall notify the person of the time, date, and place of such hearing, which shall be set at a mutually convenient time not less than five business days or more than 30 business days from the date the request was received.

(d) Within 30 days, the health officer will issue a decision upholding or reversing public health’s action. The health officer may require additional actions as part of the decision.

(e) Any party aggrieved by the health officer’s written determination resolving an appeal may only then appeal to the pollution control hearings board by filing with the board a notice of appeal within 30 days after receipt of notice of the determination of the health officer.

(f) It is expressly stated in this code that this section and WAC 173-350-710(7) do not apply to (i) any notice and order to correct violation sent by Jefferson County public health or its local health officer to any person or entity, or (ii) any written decision by Jefferson County public health or its local health officer which alleges violations of an existing or issued permit or which serves to revoke an existing or issued permit. [Ord. 6-19]

8.10.715 General permit application requirements.
WAC 173-350-715, General permit application requirements, is hereby adopted by reference. [Ord. 6-19]

8.10.900 Remedial action.
WAC 173-350-900, Remedial action, is hereby adopted by reference. [Ord. 6-19]

8.10.950 Enforcement and enforcement alternatives.

(1) The enforcement provisions codified in Title 19 JCC, Code Compliance, as currently enacted or as later amended, shall apply to any alleged violation of this chapter, unless specifically amended or authorized below.

(42) Other Laws, Regulations and Agency Requirements.

(a) All solid waste management shall be subject to the authority of other laws, regulations or other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by persons which exist in equity, common law or other statutes to abate pollution or to abate a nuisance.

(b) Chapter 173-350 WAC, Solid Waste Handling Standards, is hereby adopted by reference.
(c) In order to better protect public health and the environment, if a conflict exists in the interpretation of Chapter 173-350 WAC and these regulations, or in the interpretation of Chapter 173-351 WAC and these regulations, the more stringent regulation shall apply.

(2) Enforcement Authority. The health officer, his or her designee, or any person appointed as an "enforcement officer", pursuant to ICC 8.01.070, by the Jefferson County board of health shall have the authority to enforce the provisions of these regulations equally on all persons. The health officer is also authorized to adopt rules consistent with the provisions of these rules and regulations for the purpose of enforcing and carrying out its provisions.

(3) Right of Entry.

(a) Whenever necessary to make an inspection to enforce or determine compliance with the provisions of these regulations, and other relevant laws and regulations, or whenever the health officer has cause to believe that a violation of these regulations has been or is being committed, the health officer or his/her duly authorized inspector may, in accordance with federal and state law, seek entry of any building, structure, property or portion thereof at reasonable times to inspect the same.

(b) Prior to entering any building, structure, property or portion thereof, the health officer or his/her duly authorized inspector shall attempt to secure the consent of the owner, occupant or other person having apparent charge or control of said building, structure, property or portion thereof.

(i) If such building, structure, property or portion thereof is occupied, the inspector shall present identification credentials, state the reason for the inspection, and request entry.

(ii) In attempting to contact the owner, occupant or other persons having apparent control of said building, structure, property or portion thereof, the inspector may approach said building or structure by a recognizable access route, e.g., a street or driveway, leading to said building or structure.

(e) If permission to enter said building, structure, property or portion thereof is not obtained from the owner, occupant or other persons having apparent control of said building, structure, property or portion thereof, the health officer or his/her duly authorized inspector shall also have recourse to any other remedies provided by law to secure entry.

(4) Inspections – Permitted Facilities.

(a) General. At a minimum, the health officer may, to the extent resources permit, perform annual inspections of all permitted solid waste facilities. Findings shall be noted and kept on file. The health officer shall furnish a copy of the inspection report, or annual summary, to the site operator.

(b) Pre-Operational Inspection. Whenever plans and specifications are required by these regulations to be submitted to the health officer, the health officer may inspect the proposed solid waste disposal site, solid waste handling facility, or solid waste collection service prior to the start of the operations to verify compliance with approved plans and specifications.

(5) Notice and Order to Correct Violation.

(a) Issuance. Whenever the health officer determines that a violation of these regulations has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing or participating in the violation.

(b) Content. The notice and order to correct violation shall contain:

(i) The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;

(ii) 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;
(iii) A description of the violation and a reference to that provision of the regulation which has been violated;

(iv) A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;

(v) A statement that each violation of this regulation shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation;

(vi) A statement that the person, to whom the notice and order is directed, can appeal the order to the health officer in accordance with the terms of this chapter, and that any such appeal must be presented to the health officer within 10 days;

(vii) A statement that the failure to obey this notice may result in the issuance of a notice of civil infraction, and/or the assessment of an administrative remedy, and/or, if applicable, the imposition of criminal penalties.

(e) Disposal Receipts. The notice and order to correct violation may also include a statement requiring the person to whom the notice and order to correct violation is directed to produce receipts from a permitted solid waste disposal facility, permitted hazardous waste facility, or the local household hazardous waste facility (moderate risk waste facility) or transporter to demonstrate compliance with an order issued by the health officer.

(d) Service of Order. The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to correct violation by first class and/or certified mail postage prepaid, return receipt requested, to such person at his/her last known address. The notice and order to correct violation shall also be served via certified mail return receipt requested to the owner of the parcel or parcels where the alleged violations are occurring to the owner's last known address.

(e) Extension. Upon written request received prior to the correction date or time, the health officer may extend the date set for corrections for good cause. The health officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.

(f) Supplemental Order to Correct Violation. The health officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violation procedures contained in these regulations.

(g) Enforcement of Order. If, after any order is duly issued by the health officer, the person to whom such order is directed fails, neglects, or refuses to obey such order, the health officer may:

(i) Utilize any remedy or penalty under subsection (6) of this section; and/or

(ii) Abate the health violation using the procedures of these regulations; and/or

(iii) Pursue any other appropriate remedy at law or equity.

(h) Written Assurance of Discontinuance. The health officer may accept a written assurance of discontinuance of any act in violation of this chapter from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this chapter.

(65) Stop Work Orders. The health officer may cause a stop work order to be issued whenever the health officer has reason to believe that a violation of this chapter is occurring. The effect of the stop work order shall be to require the immediate cessation of such work or activity that has contributed to the violation until authorized by the health officer to proceed.

(a) Content. A stop work order shall include the following:
(i) The name and address for the person responsible for the alleged violation;

(ii) The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring;

(iii) A description of the violation and reference to the provision of the Jefferson County board of health ordinance which has been allegedly violated;

(iv) The required corrective action;

(v) A statement that a failure to comply with the order may lead to issuance of a civil infraction to the person named in the order;

(vi) A statement that the person to whom the stop work order is directed can appeal the order to the health officer in accordance with JCC 8.10.970 and that any such appeal must be presented to the health officer within 10 days.

(b) Service of Notice. The health officer shall serve the stop work order upon the owner of the property where the alleged violation occurred or is occurring and the person, firm or business entity that has allegedly violated this chapter, either personally or by mailing a copy of the notice by regular and certified or registered mail, within a five-day period, return receipt requested, to the owner at his or her last known address. A copy of the order shall also be posted on the property where the alleged violation occurred or is occurring.

(c) Posting of Notice. In addition to service of the notice listed above, an additional notice shall be posted on the property in substantially the following form:

Under the authority of Jefferson County Code Chapter 8.10, Solid Waste Regulations, you are hereby required to immediately STOP WORK.

This order is in effect at this property for all work and activities that relate to violations of Jefferson County Code Chapter 8.10, Solid Waste Regulations, and remains in effect until removed by Public Health. It is a violation of these regulations to remove, deface, destroy, or conceal a posted Stop Work Order.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE ISSUANCE OF A CIVIL INFRACTION CODE VIOLATION PURSUANT TO TITLE 19 JCC.

(7) Voluntary Correction. When the health officer determines that a violation has occurred or is occurring, he or she shall attempt to secure voluntary correction by contacting the person responsible for the alleged violation and, where possible, explaining the violation and requesting correction.

(a) Voluntary Correction Agreement. The person responsible for the alleged violation may enter into a voluntary correction agreement with public health. The voluntary correction agreement is a contract between public health and the person responsible for the violation in which such person agrees to abate the alleged violation within a specified time and according to specified conditions. The voluntary correction agreement will be in lieu of the issuance of further citations or the abatement of the property pursuant to Chapter 7.48 RCW or subsection (8) of this section. The voluntary correction agreement shall include the following:

(i) The name and address of the person responsible for the alleged violation;

(ii) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring;

(iii) A description of the alleged violation and a reference to the regulation which has been violated;

(iv) The necessary corrective action to be taken, and a date or time by which correction must be completed.
(v) An agreement by the person responsible for the alleged violation that public health may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary-correction agreement;

(vi) An agreement by the person responsible for the alleged violation that public health may enter the property to abate the violation and recover its costs and expenses (including administrative, hearing and removal costs) from the person responsible for the alleged violation if the terms of the voluntary-correction agreement are not satisfied; and

(vii) An agreement that by entering into the voluntary correction agreement, the person responsible for the alleged violation waives the right to a hearing before the health officer under these regulations or otherwise, regarding the matter of the alleged violation and/or the required corrective action.

(b) Right to a Hearing Waived. By entering into a voluntary correction agreement, the person responsible for the alleged violation waives the right to a hearing before the health officer under these regulations or otherwise, regarding the matter of the violation and/or the required corrective action. The person responsible for the alleged violation may, through written documentation provided to the health officer, state his or her decision to reject and nullify the voluntary correction agreement, at which time that person is entitled to an appeal to the health officer pursuant to JCC 8.10.070.

(c) Extension and Modification. The health officer, at his or her discretion, may grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible for the alleged violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances have delayed correction under the original conditions.

(d) Abatement by Public Health. The county may abate the alleged violation in accordance with subsection (8) of this section if all terms of the voluntary correction agreement are not met, except that the person responsible for the alleged violation shall not have a right to appeal the abatement order.

(e) Collection of Costs. If all terms of the voluntary correction agreement are not met, the person responsible for the alleged violation shall be assessed all costs and expenses of abatement, as set forth in subsection (8) of this section.

(8) Abatement Orders. Where the health officer has determined that a violation of these regulations has occurred or is occurring, he or she may issue an abatement order to the person responsible for the alleged violation requiring that the unlawful condition be abated within a reasonable time period as determined by the health officer.

(a) Prerequisite to Abatement Order. Absent conditions which pose an immediate threat to the public health, safety or welfare of the environment, the procedures for abatement of conditions constituting a violation of these regulations should be utilized by public health only after correction of such conditions have been attempted through the use of the civil infraction process. Once it has been determined by public health that there is no immediate threat to the public health's safety or welfare and that correction of such conditions has not been adequately achieved through use of the civil infraction process, then public health is authorized to proceed with abatement of such conditions pursuant to these regulations. Public health shall also attempt to enter into a voluntary-correction agreement prior to issuing an abatement order.

(b) Content. An abatement order shall include the following:

(i) The name and address for the person responsible for the alleged violation;

(ii) The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring;

(iii) A description of the violation and reference to the provision of the Jefferson County board of health ordinance which has been allegedly violated;

(iv) The required corrective action and a date and time by which the correction must be completed and after which the health officer may abate the unlawful condition in accordance with this subsection (8);
(v) A statement that the costs and expenses incurred by public health pursuant to this subsection (e), including any amount expended on staff time to oversee the abatement, may be assessed against a person to whom the abatement order is directed in a manner consistent with this chapter; and

(vi) A statement that the person to whom the abatement order is directed can appeal the order to the health officer in accordance with JCC 8.10.970.

(c) Service of Notice. The health officer shall serve the abatement order upon the owner of the property where the alleged violation occurred or is occurring, either personally or by mailing a copy of the notice by registered mail within a five-day period, return receipt requested, to the owner at his or her last known address. The order shall also be served on each of the following if known to the health officer or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record and the holder of any other estate or legal interest of record in or to the property or any structures on the property. The failure of the health officer to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person's duty or relieve any such person from any duty or obligation imposed by the provisions of this section. A copy of the order shall also be posted on the property where the alleged violation occurred or is occurring.

(d) Authorized Action by Public Health. Using any lawful means, public health may enter the subject property and may remove or correct the condition that is subject to abatement.

(e) Recovery of Costs and Expense. The costs of correcting a condition which constitutes a violation of these regulations, including all incidental expenses, shall be billed to the owner of the property upon which the alleged violation occurred or is occurring, and shall become due within 15 calendar days of the date of mailing the billing for abatement. The term "incidental expenses" includes, but is not limited to, personnel costs, both direct and indirect and including attorneys' fees, costs incurred in documenting the violation, towing/hauling, storage and removal/disposal expenses, and actual expenses and costs to public health in preparing notices, specifications and contracts associated with the abatement, and in accomplishing and/or contracting and inspecting the work, and the costs of any required printing and mailing.

(f) Collection of Costs and Expenses. The costs and expenses of correcting a condition which constitutes a violation of these regulations shall constitute a personal obligation of the person to whom the abatement order is directed. Within 15 days of abating any violation, the health officer shall send the person named in the abatement order a bill that details the work performed, materials removed, labor used and the costs and expenses related to those tasks as well as any other costs and expenses incurred in abating the violation.

(96) Notice to Vacate. When a condition constitutes a violation of these regulations and poses an immediate threat to life, limb, property or safety of the public or persons residing on the property, the health officer may issue a notice to vacate.

(a) Content. A notice to vacate shall include the following:

(i) The name and address for the person responsible for the alleged violation;

(ii) The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring;

(iii) A description of the violation constituting an emergency and reference to the provisions of the Jefferson County board of health regulations which have been allegedly violated;

(iv) A date, as determined by the severity of the emergency, by which any persons must vacate the premises. In case of extreme danger to persons or property immediate compliance shall be required;

(v) The required corrective action;

(vi) A statement that the person to whom the notice to vacate is directed can appeal the order to the health officer in accordance with JCC 8.10.970 and that any such appeal must be presented to the health officer within 10 days.
(b) Service of Notice. The health officer shall serve the abatement order upon the owner of the property where the alleged violation occurred or is occurring, either personally or by mailing a copy of the notice by regular and certified or registered mail, within a five-day period, return receipt requested, to the owner at his or her last known address. A copy of the order shall also be posted on the property where the alleged violation occurred or is occurring.

(c) Posting the Notice. In addition to providing service as stated above, an additional notice shall be posted on the property in substantially the following form:

DO NOT ENTER UNSAFE TO OCCUPY

It is a violation of the Jefferson County Code 8.10 to occupy this building, or to remove or deface this notice.

________________________
Health Officer
Jefferson County Public Health

(d) Compliance. No person shall remain in or enter any building, structure, or property which has been so posted, except that entry may be made to repair or correct any conditions causing or contributing to the threat to life, limb, property, or safety of the public or persons residing on the property. No person shall remove or deface any such notice after it is posted until the required corrective action has been completed and approved. [Ord. 6-19]

8.10.960 Violations, remedies and penalties.

(1) Violations.

(a) Any violation of a permit requirement issued pursuant to these regulations shall be a violation of these regulations.

(b) Violations of these regulations may be addressed through the remedies and penalties provided in this section and Title 19 JCC.

(c) Each violation of these regulations shall be a separate and distinct offense and in the case of a continuing violation, each day a violation is occurring or present shall be considered a separate and distinct violation.

(d) The health officer or their designee may investigate alleged or apparent violations of these regulations. Upon request of the health officer, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves.

(e) Violations, apparent or alleged, that occurred or are occurring in environmentally sensitive areas, as that term is defined in this chapter, of Jefferson County will have the highest priority for investigation by those persons charged in this chapter with investigating such violations and enforcing this chapter and such violations will be subject to a "zero tolerance" policy.

(2) Suspension of a Permit.

(a) The health officer may temporarily suspend any permit issued under these regulations for:

   (i) Failure of the holder to comply with the requirements of the permit;

   (ii) Failure to comply with any notice and order to correct violation issued pursuant to these regulations related to the permitted activity;

   (iii) Failure to comply with a stop work or abatement order issued pursuant to JCC 8.10.950(6) and (8); or
(iv) The nonpayment or dishonor of any check or draft used by the permit holder to pay any public health fees associated with the permit.

(b) Permit suspension shall be carried out through the notice and order to correct violation provisions specified in JCC 8.10.950(5), and the suspension shall be effective upon service of the notice and order to correct violation upon the holder or operator. The holder or operator may appeal such suspension as provided in JCC 8.10.970.

(c) Notwithstanding any other provision of this chapter, whenever the health officer finds that a violation of this chapter has created or is creating an unsanitary, dangerous or other condition which, in his/her judgment, constitutes an immediate and irreparable hazard, he/she may, without service of a written notice and order to correct violation, suspend and terminate operations under the permit immediately.

(3) Revocation of Permits.

(a) The health officer may permanently revoke any permit issued by him/her for:

(i) Failure of the holder to comply with the requirements of the permit;

(ii) Failure of the holder to comply with any notice and order to correct violation issued pursuant to these regulations related to the permitted activity;

(iii) Failure to comply with a stop work or abatement order issued pursuant to JCC 8.10.950(6) and (8);

(iv) Interference with the health officer in the performance of his/her duties;

(v) Discovery by the health officer that a permit was issued in error or on the basis of incorrect information supplied to him/her; or

(vi) The nonpayment or dishonor of any check or draft used by the holder to pay any public health fees associated with the permit.

(b) Such permit revocation, including any appeal of the decision to revoke, shall be carried out through the notice and order to correct violation provisions specified in JCC 8.10.950(5) JCC 19.10.050 and the revocation shall be effective upon service of the notice and order to correct violation upon the holder or operator. The holder or operator may appeal such revocation as provided in JCC 8.10.970.

(4) Civil Code Violations

The enforcement provisions codified in Title 19 JCC, Code Compliance, as currently enacted or as later amended, shall apply to any alleged violation of this chapter, unless specifically amended or authorized below.

(4) Civil Remedies:

(a) Except as provided in subsection (4)(b) of this section, the violation of any provision of these regulations is designated as a Class 1 civil infraction pursuant to Chapter 7.80 RCW, Civil Infractions.

(b) Any person who unlawfully dumps solid waste as described in JCC 8.10.025(3)(b) or waste in an amount greater than one cubic foot has committed a Class 1 civil infraction pursuant to Chapter 7.80 RCW, Civil Infractions. Any person who unlawfully dumps solid waste in an amount less than or equal to one cubic foot has committed a Class 2 civil infraction pursuant to Chapter 7.80 RCW. The court may also impose restitution for any-violation.

(c) The health officer may issue a notice of civil infraction pursuant to Chapter 7.80 RCW if the health officer has reasonable cause to believe that the person has violated any provision of these regulations or has not corrected the violation as required by a written notice and order to correct violation.
(d) Civil infractions shall be issued, heard and determined as described in Chapter 7.80 RCW, and any applicable court rules.

(e) All other legal and equitable remedies are also deemed available to public health or its health officer and may be invoked, utilized or sought at any time regardless of whether other remedies have or have not been undertaken or sought.

(5) Criminal Penalties.

(a) Any person who unlawfully dumps biomedical waste as described in JCC 8.10.025(3)(b) shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than $1,000, or imprisonment in the county jail not to exceed 90 days, or both. The court may also impose restitution.

(b) Any person who unlawfully dumps "dangerous waste" as defined in WAC 173-350-100 and/or RCW 70.105.010(5) in violation of RCW 70.105.090 shall be, upon conviction, guilty of a misdemeanor. The court may also impose restitution.

(c) Any person who unlawfully dumps "dangerous waste" as defined in WAC 173-350-100 and/or RCW 70.105.010(5) in violation of RCW 70.105.085 shall be, upon conviction, guilty of a felony. The court may also impose restitution.

(d) Any person who unlawfully dumps solid waste as described in JCC 8.10.025(3)(b) and in an amount less than one cubic yard, but greater than one cubic foot, shall be, upon conviction, guilty of a misdemeanor, and shall be subject to a fine of not more than $1,000, or imprisonment in the county jail not to exceed 90 days, or both. The court may also impose restitution as stated in Chapter 70.95 RCW, Solid Waste Management—Reduction and Recycling.

(e) Any person who unlawfully dumps solid waste as described in JCC 8.10.025(3)(b) and in an amount greater than one cubic yard shall be, upon conviction, guilty of a gross misdemeanor, and shall be subject to a fine of not more than $5,000, or imprisonment in the county jail not to exceed one year, or both. The court may also impose restitution as stated in Chapter 70.95 RCW, Solid Waste Management—Reduction and Recycling.

(f) Any person who fails, neglects, or refuses to obey an order of the health officer to correct a violation as set forth in JCC 8.10.050(5)(g) shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than $100.00, or imprisonment in the county jail not to exceed 90 days, or both. The court may also impose restitution.

(g) Any person who fails, neglects, or refuses to comply with a written assurance of discontinuance pursuant to JCC 8.10.050(5)(h) shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than $100.00, or imprisonment in the county jail not to exceed 90 days, or both. The court may also impose restitution.

(h) Any person who operates a solid waste facility or collection service without a permit shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than $1,000, or imprisonment in the county jail not to exceed 90 days, or both. The court may also impose restitution.

(i) Any person who operates a solid waste facility or collection service after a permit has been revoked shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than $1,000, or imprisonment in the county jail not to exceed 90 days, or both. The court may also impose restitution.

(6) Noncompliance Fees.

(a) Pursuant to the most current public health fee schedule adopted by the board of health, public health may assess a noncompliance fee to a permittee or small quantity generator for the following:

(i) Public health oversight and review required as a result of the health officer's determination that a permitted facility or small quantity generator is not in compliance with its permit and/or applicable regulations and has not met the compliance dates specified in a notice and order to correct violation; or
(ii) Amendments to an existing public health permit required as a result of the permitted facility not being in compliance with its permit and/or applicable regulations.

(iii) Second and subsequent re-inspections conducted by public health in response to the permittee or small quantity generator not complying with their permit and/or JCC or the permittee not meeting the requirements outlined in a notice and order to correct violation.

(b) The noncompliance fee shall not be assessed in addition to the permit fee for permitted facilities where the permit fees, as described in the most recent public health fee schedule, specifically include those public health activities described in subsection (6)(a) this section.

(7) Whenever a re-inspection fee is assessed by public health, the fee shall be due and payable 30 days after receipt of the invoice by the permittee.

(8) Other Legal or Equitable Relief. Notwithstanding the existence or use of any other remedy, the health officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions that constitute or will constitute a violation of this chapter, or rules and regulations adopted under it, or any state health law or regulation, or that otherwise threaten public health.

(9) Imminent and Substantial Dangers. Notwithstanding any provisions of this chapter the health officer may take immediate action to prevent an imminent and substantial danger to the public health by the improper management of any waste irrespective of quantity or concentration. [Ord. 6-19]

8.10.970 Appeals and appellate rules.

(1) Three Categories of Decisions. There are established in this code three categories of decisions (as that term is defined herein) that may be appealed, each category having its own rules. Those three categories are:

(a) Denial of a permit application or suspension of an existing or issued permit, said appeals to be governed by the provisions of WAC 173-350-710(7) as amended by this code;

(i) The initial appeal by the local health jurisdiction shall be with the health officer.

(ii) The appeal of the health officer’s decision shall be to the Washington State Pollution Control Hearings Board pursuant to RCW 70.95.210;

(b) Revocation of an existing or issued permit, said appeals to be governed by this section except that appeals of a permit revocation shall be heard only by the board of health and will not come before the local health officer; and

(c) Any other decision transmitted, issued, promulgated, distributed or submitted by Jefferson County public health or its local health officer, said appeals to shall be governed by this section, unless the decision is subject to the enforcement of this Chapter under Title 19 JCC.

(2) How to Appeal. The process described in this section shall apply to any decision, as that term is defined herein, which is not subject to the provisions of WAC 173-350-710. The person(s) or entity wishing to appeal must fulfill all of the following obligations:

(a) Notify Jefferson County public health of their request for a hearing within 10 days of the date of the decision they wish to appeal;

(b) Submit a specific statement(s) in writing describing why error should be assigned to the decision;

(c) Pay the established hearing fee.

(3) Obligations of Public Health upon Receipt of a Request for a Hearing. Upon the appellant’s compliance with subsection (2) of this section, the local health officer shall notify the appellant of the time, date and place of such hearing, which shall be set at a mutually convenient time not less than five business days nor more than 30 business days from the date public health determines the appellant has complied with subsection (2) of this section.
(4) Hearing Procedures before the Local Health Officer and the Board of Health. Except as noted elsewhere in this chapter, these rules shall apply to hearings held before the local health officer and the board of health.

(a) Hearings shall be open to the public.

(b) Hearings shall be presided over by the health officer or chair of the board of health.

(c) Such hearings shall be recorded.

(d) Hearings shall be opened with a recording of the time, date and place of the hearing, and a statement of the cause for the hearing.

(e) The health officer or chair of the board of health shall then swear in all potential witnesses.

(f) The case shall be presented in the order directed by the health officer or chair of the board of health.

(g) The appellant may present his case of rebuttal. The health officer or any member of the board of health may ask questions. The health officer or chair of the board of health may, at his or her option, allow the opportunity for a closing statement or summation.

(h) General rights held by all parties include, but are not limited to:

(i) To be represented by an attorney;

(ii) To present witnesses and obtain testimony from them;

(iii) To cross-examine witnesses;

(iv) To object to evidence for specific grounds.

(i) In the conduct of the proceeding, the health officer or chair of the board of health may consider any evidence, including hearsay evidence, that a reasonably prudent person would rely upon in the conduct of his or her affairs. Relevant evidence is admissible if in the opinion of the presiding person (chair of the board of health or health officer) it is the best evidence reasonably obtainable having due regard for its necessity, availability and trustworthiness; provided, that in passing upon the admissibility of evidence the presiding person may give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury in the superior court of the state of Washington.

(j) Evidence is not admissible if it is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The health officer shall decide rulings on the admissibility of evidence, and the Washington rules of evidence shall serve as guidelines for those rulings.

(k) Inasmuch as any appeal to the board of health from a health officer decision is a review on the record, the health officer shall ensure that the record generated contains testimonial and documentary evidence supporting the health officer's determination.

(l) The health officer may continue the hearing to another mutually acceptable date to allow for additional submission of information or to allow for additional consideration.

(m) Prior to closing of the hearing, the health officer shall issue its oral ruling unless the health officer determines that the matter should be taken under advisement. Written findings of fact, conclusions of law and orders shall be served on the appellant within 14 days of the oral ruling. If the matter is taken under advisement, written findings, conclusions and orders shall be mailed to the appellant within 30 days of the close of the hearing.

(5) Burden of Proof. Any appellant shall bear the burden of proof, which shall be by a preponderance of the evidence, i.e., that the appellant's factual and legal assertions are more likely than not to be true based on the evidence presented.
(6) How to Appeal a Decision by the Local Health Officer.

(a) Any person aggrieved by the findings, conclusions or required actions of an administrative hearing shall have the right to appeal the matter by requesting a hearing before the board of health.

(b) Such notice of appeal shall be in writing and presented to the health officer within 30 days of the health officer's decision.

(c) The aggrieved person shall pay the fee established in the public health fee ordinance for an appeal to the board of health.

(d) The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the health officer and shall be accompanied by a fee as established in the current public health fee schedule. The appellant and the health officer may submit additional information to the board of health for review.

(e) The notice and order to correct violation shall remain in effect during the appeal.

(f) Any person affected by the notice and order to correct violation may make a written request for a stay of the decision to the health officer within five business days of the health officer's decision. The health officer will grant or deny the request within five business days.

(g) Upon receipt of a timely written notice of appeal together with the hearing fee, the health officer shall set a time, date, and place for the requested hearing before the board of health and shall give the appellant written notice thereof. Such hearing shall be set at a mutually convenient time not less than 15 business days or more than 30 business days from the date the appeal was received by the health officer.

(h) Board of health hearings shall be open to the public and presided over by the chair of the board of health. Such hearings shall be recorded. Board of health hearings shall be opened with a recording of the time, date and place of the hearing, and a statement of the cause for the hearing. The hearing shall be limited to argument of the parties and no additional evidence shall be taken unless, in the judgment of the chair, such evidence could not have reasonably been obtained through the exercise of due diligence in time for the hearing before the health officer. Argument shall be limited to the record generated before the health officer unless the chair admits additional evidence hereunder.

(i) Any decision of the board of health shall be final and may be reviewed by an action filed in superior court. Any action to review the board’s decision must be filed within 30 business days of the date of the decision.

(7) Rules Specific to a Board of Health Hearing Arising from an Appeal of a Health Officer Decision.

(a) Any appeal to the board of health of a decision made by the health officer shall be considered a “closed record” hearing.

(b) The record created below, including all documents, records or exhibits as well as the audio or written transcript of the hearing before the health officer, shall be provided to the board of health by public health.

(c) Upon receipt of the appeal materials transmitted by public health, the board of health shall conduct a hearing to determine the correctness of the decision by the health officer within 35 days.

(d) The petitioner shall be given at least five days’ notice by certified mail of the time, date and place of said hearing. Further, if the petitioning party is a person other than the permit applicant or a permit holder, then notice of the purpose, time, date, and place of said hearing shall likewise be mailed by certified mail to the permit applicant or permit holder.

(e) No additional testimony, written or oral, will be accepted or reviewed by the board of health.

(f) The parties may submit a brief, legal argument or memorandum of authorities of no more than 10 pages on their behalf (style requirements: letter-sized paper, one-inch margins on all edges, at least one and one-half
spaces between lines). This limit may be amended or waived by the chair of the board of health (in writing) if hardship is shown by the party seeking to submit a longer document.

(g) The parties may make oral argument to the board of health, no longer than 15 minutes per side.

(h) The representative or counsel for the party appealing to the board of health shall be permitted to have a rebuttal time of not more than five minutes.

(i) The rules listed above at subsections (4)(a) through (d) of this section shall also apply.

(8) Procedural Rules Specific Only to the Board of Health Hearing a Revocation of Permit Case.

(a) Unless otherwise contravened or distinguished here, the rules listed at subsection (4) of this section shall apply.

(b) Appeals shall be made in writing and shall be signed and dated by the petitioning party.

(c) All parties shall be given an opportunity to present evidence, analysis and recommendations.

(d) The parties are authorized to submit a brief, legal argument or memorandum of authorities of no more than 10 pages on their behalf (style requirements: letter-sized paper, one-inch margins on all edges, at least one and one-half spaces between lines). This limit may be amended or waived by the chair of the board of health (in writing) if hardship is shown by the party seeking to submit a longer document.

(e) Members of the board of health may direct questions to any person providing testimony.

(f) The chairperson of the board of health may permit the presentation of testimony by any nonparty, but only upon an oral finding by the chairperson that the testimony of the nonparty is not cumulative or repetitive and is and will be of substantial value to the ultimate decision of the board of health.

(g) Following presentation of evidence and testimony, the chairperson of the board of health shall close the hearing and initiate discussion with other board members on the matters presented.

(h) Should the board of health require additional testimony, it may continue the hearing to a date and time not to exceed 35 days following the date of the initial hearing; provided, that at the close of the second public hearing the board of health may continue its deliberations on the appeal to another time and date not to exceed 35 days following the close of the second hearing conducted to receive additional testimony. There shall be no extensions past the date of the second hearing without the written consent of all parties to the matter.

(i) A full and complete record shall be kept of all proceedings and all testimony shall be recorded. The record of testimony and exhibits together with all papers and requests filed in the proceedings shall constitute the exclusive record for the decision in accordance with the law.

(j) The board of health shall issue a final ruling in writing and send same to all parties no more than 30 days after the close of the hearing.

(k) All decisions shall become a part of the record and shall include a statement of findings and conclusions.

(9) Exhaustion of Administrative Remedies. An appellant (aggrieved party) shall not be considered to have exhausted all of its administrative remedies until such time as it has obtained from the board of health a final and dispositive ruling.

(10) Further Appeals. Unless the challenged decision was of a type subject to the provisions of WAC 173-350-710(7), a ruling from the board of health constituting a final and dispositive resolution of the issue(s) presented may only be appealed to the superior court of the state of Washington. [Ord. 6-19]
8.10.980 Variances.

(1) Applicability. Any person who owns or operates a solid waste facility may apply to the health officer for a variance from any subsection of these regulations except as provided in subsection (2)(d) of this section.

(2) Granting Requirements.

(a) The health officer may grant such variance if it finds that:

(i) The solid waste handling practices or site location do not endanger public health, safety or the environment; and

(ii) Compliance with the regulation from which variance is sought would produce hardship on the applicant without equal or greater benefits to the public; and

(iii) No other practicable or reasonable alternative exists. A practicable alternative is one that is available and capable of being carried out after taking into consideration cost, existing technology, and logistics in light of overall project purposes, and is better for reducing or eliminating impacts to health and the environment. It may include equipment or facilities not owned by the applicant that could have reasonably been or be obtained, utilized, expanded, or managed in order to manage, reduce, or eliminate impacts to health and the environment. A reasonable alternative is one that could feasibly attain or approximate compliance, but would better reduce or eliminate impacts to health and the environment.

(b) No variance shall be granted pursuant to this subsection until the health officer has considered the relative interests of the applicant, other owners of property likely to be affected by the waste handling practices, and the general public.

(c) Any variance or renewal shall be granted within the requirements of this subsection and for time period and conditions consistent with the reasons therefor, and within the following limitations:

(i) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the health officer may prescribe.

(ii) The health officer may grant a variance conditioned by a timetable if:

(A) Compliance with this chapter will require spreading of costs over a considerable time period; and

(B) The timetable is for a period that is needed to comply with this chapter.

(d) No variance from Chapters 173-350 WAC, Solid Waste Handling Standards, and 173-351 WAC, Criteria for Municipal Solid Waste Landfills, shall be granted by the health officer except with the approval and written concurrence of Ecology prior to action on the variance by the health officer.

(e) The health officer may grant variances from these regulations for standards that are more stringent than the standards of Chapters 173-350 and 173-351 WAC, or from provisions in these regulations that are not contained in Chapters 173-350 and 173-351 WAC, without Ecology approval.

(3) Application.

(a) The application shall be accompanied by such information as the health officer may require.

(b) An application for a variance, or for the renewal thereof, submitted to the health officer shall be approved or disapproved by the health officer within 90 calendar days of receipt unless the applicant and the health officer agree to a continuance.

(c) Notice shall be given by mailing a notice of the variance application to persons who have written to the health officer asking to be notified of all variance requests.
(4) Renewal. The health officer may renew any variance granted pursuant to this section on terms and conditions and for periods that would be appropriate on initial granting of a variance. No renewal shall be granted except on written application. Any such application shall be made at least 60 calendar days prior to the expiration of the variance. [Ord. 6-19]

8.10.990 Severability.
WAC 173-350-980, Severability, is hereby adopted by reference. [Ord. 6-19]

Appendix A REFERENCES
The following is a list of federal, state, and local laws, regulations, and documents referenced in Chapter 8.10 JCC, Solid Waste Regulations. Copies of these documents may be found at the Port Townsend office of Jefferson County public health, the Jefferson County Courthouse, or through your local library.

A. Federal:


   33 U.S.C. 1344 Paragraph 404 of the Federal Clean Water Act (PL 95-217), Permits for Dredged or Fill Material
   42 U.S.C. 300 Safe Drinking Water Act (PL 95-523)


   10 CFR Part 20 Standards for Protection against Radiation
   40 CFR Part 61 National Emission Standards for Hazardous Air Pollutants
   40 CFR Part 258 Criteria for Municipal Solid Waste Landfills
   40 CFR Part 503 Standards for the Use or Disposal of Sewage Sludge

3. Environmental Protection Agency:

   SW-846 Test Methods for Evaluating Solid Waste, Physical/Chemical Methods

B. State:

1. Revised Code of Washington (RCW), Chapters:

   7.80 Civil Infractions
   42.17 Disclosure – Campaign Finances – Lobbying – Records
   43.21A Department of Ecology
   46.37 Vehicle Lighting and Other Equipment
   46.55 Towing and Impoundment
70.05  Local Health Departments, Boards, Officers -- Regulations
70.93  Waste Reduction, Recycling, and Model Litter Control Act
70.94  Washington Clean Air Act
70.95  Solid Waste Management -- Reduction and Recycling
70.95K Biomedical Waste
76.04  Forest Protection
90.48  Water Pollution Control

2. Washington Administrative Code (WAC), Chapters:

173-160  Minimum Standards for Construction and Maintenance of Wells
173-200  Water Quality Standards for Ground Waters of the State of Washington
173-201A Water Quality Standards for Surface Waters of the State of Washington
173-218  Underground Injection Control Program
173-240  Submission of Plans and Reports for Construction of Wastewater Facilities
173-303  Dangerous Waste Regulations
173-304  Minimum Functional Standards for Solid Waste Handling
173-308  Biosolids Management
173-314  Waste Tire Carrier and Storage Site Licenses
173-350  Standards for Solid Waste Handling
173-351  Criteria for Municipal Solid Waste Landfills
173-425  Outdoor Burning
197-11  SEPA Rules
246-203  General Sanitation
246-220  Radiation Protection -- General Provisions
246-232  Radioactive Materials -- Licensing Applicability
296-24  General Safety and Health Standards
296-62  Occupational Safety and Health Standards for Carcinogens
296-65  Asbestos Removal and Encapsulation
480-70  Solid Waste and/or Refuse Collection Companies


Ecology document  Biological Testing Methods
80-12
Ecology document  Guidance for Remediation of Petroleum
91-30  Contaminated Soils (revised November
C. Local/Regional:

1. Jefferson County public health:

Jefferson County Comprehensive Solid Waste Management Plan (JCCSWMP)

[Ord. 6-19]

¹Prior legislation: Ord. 2-77.
Chapter 8.15
ON-SITE SEWAGE CODE

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8.15.010 Authority — Scope.
Pursuant to Chapters 43.20 and 70.05 RCW, the Jefferson County board of health is charged with the duty of protecting the public health and safety of all inhabitants of Jefferson County, and enacting such rules and regulations as are necessary in order to carry out these responsibilities and provide for the enforcement thereof. The provisions of this regulation shall apply to all territory within the boundaries of Jefferson County. [Ord. 6-12]

8.15.020 Purpose.
The purpose of these regulations is to assure protection of public health by:

(1) Minimizing the public health effects of on-site sewage systems on surface water and ground water;

(2) Minimizing the potential for public exposure to sewage;

(3) Establishing design, installation and management requirements for on-site sewage systems to accommodate long-term treatment and disposal of sewage;

(4) Enhancing protection of environmentally sensitive areas within Jefferson County; and

(5) Compliance with the intent of Chapter 246-272A WAC. [Ord. 6-12]

8.15.030 Adoption by reference.
The following are hereby adopted by reference as rules and regulations of the Jefferson County board of health:
(1) Chapter 246-272A WAC, On-Site Sewage Systems Rules and Regulations of the State Board of Health, as it now exists or hereafter may be amended; and

(2) The July 2012 Washington State Department of Health Recommended Standards and Guidance for Performance, Application, Design, and Operation and Maintenance, Water Conserving On-Site Wastewater Treatment Systems, as it now exists or hereafter may be amended, except Subsection A4, Pit Toilets. [Ord. 8-18 § 3; Ord. 6-12]

8.15.040 Administration.
The Jefferson County environmental health director, through authority delegated by the Jefferson County board of health and the Jefferson County health officer, shall administer these regulations. Fees may be charged for this administration. [Ord. 6-12]

8.15.050 Definitions.
In addition to those definitions set forth in Chapter 246-272A WAC the following definitions shall also apply in this regulation:

“Accessory dwelling unit” means an additional dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main structure, for use as a complete, independent living facility with provisions within the accessory dwelling unit for cooking, eating, sanitation, and sleeping. Such a dwelling shall be considered an accessory use of the main dwelling and be clearly subordinate to the main dwelling.

“Certification” means a certificate granted by the health officer permitting a person to practice in the field of sewage disposal as an operation and monitoring specialist, installer, or pumper of on-site sewage systems. This term does not include a “homeowner inspection authorization,” a term defined elsewhere in this chapter.

“Chain of custody” means a procedure to ensure that samples have been in the possession of, or secured by, an authorized person at all times from sample collection to receipt by the laboratory. The procedure includes:

(a) Obtaining the sample by health officer or designee with owner or owner representative present.

(b) Assignment of sample ID number.

(c) Labeling/tagging the sample container with assigned number and location taken.

(d) Documentation by authorized sampler of date and location of samples taken.

(e) Delivery by secured means to the certified laboratory.

“Community on-site sewage system” means any on-site sewage system designed to serve two or more independent stand-alone dwelling units with design flows of up to 3,500 gallons per day. An OSS serving only one single-family residence plus one accessory dwelling unit is not considered a community on-site sewage system.

“Commercial on-site sewage system” means any nonresidential or combined residential/nonresidential on-site sewage system with a design flow of up to 3,500 gallons per day.

“Critical areas” means geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and fish and wildlife habitat areas, all as defined through Chapter 365-196 WAC as “critical areas” and regulated in Chapter 18.22 JCC as adopted or hereinafter amended.

“Department” means the Washington State Department of Health.

Design. An on-site sewage disposal system design shall consist of a complete scale drawing of the site plan showing the proposed sewage disposal system, including all relevant details as specified herein and in Chapter 246-272A WAC and Jefferson County policies. The design shall use the format and forms provided or approved by JCPH.
Proper identification and location of soil logs and drainfield components at the site are considered to be part of the design.

"Designer" means an individual authorized by the Washington State Department of Licensing to perform design services for on-site wastewater treatment system pursuant to Chapter 18.210 RCW. Throughout this chapter this term applies to both on-site sewage treatment system designers licensed under Chapter 18.210 RCW and professional engineers licensed under Chapter 18.43 RCW.

"Dwelling unit" means a unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Education contact hours" means contact participation in an organized educational experience led or facilitated by qualified sponsorship, capable of direction and qualified instruction. Courses must be approved by the health officer or designee and be sources of expanded knowledge pertaining to on-site sewage treatment and disposal. A copy of the agenda or syllabus showing date, time, subject matter, presenter, sponsor and evidence of actual participation must be presented at the time of certification renewal. This evidence could be in the form of a certificate of completion, a receipt or a copy of the attendance roster of the training event.

"Evaluation of existing system" means a monitoring inspection of an on-site sewage system containing the information specified on forms approved by JCPH.

"Expansion" means a change in a residence, facility, site or use that:

(a) Causes an on-site sewage system to exceed its existing treatment or disposal capability: for example, when a residence is increased from two to three bedrooms or there is a change in use of the residence, or a change in use from an office to a restaurant; or

(b) Reduces the treatment or disposal capability of the existing on-site sewage system or the reserve area: for example, when a building is placed over a reserve area.

"Failure" means a condition of an on-site sewage system that threatens the public health by inadequately treating sewage or by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include, but are not limited to:

(a) Sewage on the surface of the ground;

(b) Sewage backing up into a structure caused by slow soil absorption of septic tank effluent;

(c) Sewage leaking from a septic tank, pump chamber, holding tank, septic system component other than the drainfield, or collection system;

(d) Cesspools or seepage pits where evidence of ground water or surface water quality degradation exists;

(e) Inadequately treated effluent contaminating ground water or surface water, as demonstrated through (i) a positive tracing dye result; and (ii) a coliform count of at least 500 organisms per 100 ml of water; or (iii) the presence of the disposal component of the on-site sewage system located in ground water; or

(f) Noncompliance with conditions stipulated on the OSS permit.

"Fees" means charges as hereinafter authorized and adopted by ordinance by the Jefferson County board of commissioners or the Jefferson County board of health.

"Gray water" means sewage from bathtubs, showers, bathroom sinks, washing machines, dishwashers, and kitchen sinks. It includes sewage from any source in a residence or structure that has not come into contact with toilet wastes.
“Health officer” means the local health officer of Jefferson County public health, or a representative authorized by and under the direct supervision of the local health officer, as defined in Chapter 70.05 RCW.

“Homeowner inspector” means a person issued a homeowner inspection authorization by Jefferson County public health. This term includes other persons, including owners of commercial property, that receive approval by Jefferson County public health to complete monitoring inspections of the on-site sewage system serving a commercial establishment.

“Homeowner inspection authorization” means an authorization granted to an individual who has met the requirements of JCC 8.15.145(2) and personally holds the responsibility and liability for completing and reporting monitoring inspections on registered OSS in Jefferson County.

“Installer” means an individual who has passed the Jefferson County installer’s exam, holds a current bond and insurance as specified in JCC 8.15.120, personally holds an installer’s certificate and directly supervises the installation and/or repair of an on-site sewage disposal system in Jefferson County.

“JCPH” means Jefferson County public health.

“Modification” means alteration of an existing on-site sewage component that does not result in an increase of the capacity of the system.

“Monitoring inspection” means an inspection of the components associated with a specific OSS containing the information specified on forms approved by JCPH.

“Notice of violation” means written determination that an element or section of these rules and regulations has not been complied with.

“On-site sewage system (OSS)” means an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, a soil dispersal component, and a reserve area. An on-site sewage system also refers to a holding tank sewage system or other system that does not have a soil dispersal component. This includes systems previously defined as:

(a) Conventional: systems consisting solely of a septic tank and a gravity SSAS, or those including a pump to a gravity SSAS.

(b) Alternative: all systems not defined as conventional, such as pressurized, public domain treatment devices and proprietary products.

“Operation and monitoring agreement” means a document regarding monitoring of the OSS signed by the owner and recorded to the property. The document identifies that the property is served by an OSS and describes the owners’ responsibility to operate, monitor and maintain the system in accordance with state and local requirements.

“Operation and monitoring specialist” means an individual with training, skill, and experience in the maintenance, monitoring, and operation of an OSS and who is certified by JCPH to inspect and monitor the performance of an OSS.

“Owner” means title owner, per the assessor’s office, of a particular parcel or property. Residence or domicile at a particular parcel is not required to satisfy this definition.

“Preoccupation inspection” means any inspection(s) of the OSS that are required before a certificate of occupancy can be issued.

“Probation” means a penalty period where the individual committing the violation shall be subject to additional review, reporting and/or inspection.
“Proprietary product” means a sewage treatment or distribution technology, method, or material subject to a patent or a trademark.

“Pumper” means an individual approved and granted a certificate to operate by the health officer to remove and transport wastewater or septic from septic tanks, pump chambers and portable toilets. Said individuals may repair baffles within the septic tank, install or repair risers on septic tanks or pump chambers, vacuum and hydro-jet systems, and install outlet baffle filters in a septic tank.

“Record drawing” means an accurate graphic and written record of the location and features of the OSS that are needed to properly monitor, operate, and maintain that system.

“Repair” means the reconstruction, relocation, or replacement of any portion of a failed or substandard on-site sewage system. This includes actions proposed to impact the soils surrounding the disposal component to increase the dispersal of effluent or remediate clogged soil surfaces.

“Resident owner” means a person who owns a parcel, per the assessor’s office, and occupies, or intends to occupy, that parcel.

“Residential sewage” means sewage having the constituency and strength typical of wastewater from domestic households not containing chemicals or other waste components atypical of a residential source.

“Revocation” means the termination of all the rights and privileges associated with a certification or homeowner inspection authorization.

“Scale bar” means the graphic representation by which distances can be measured.

“Scum” means lighter solids, such as fats and grease, that rise to the top of a septic tank, holding tank or pump chamber.

“Septage” means the mixture of solid wastes, scum, sludge, and liquids pumped from within septic tanks, holding tanks, pump chambers, and other OSS components or removed from grease traps.

“Septic tank” means a watertight treatment receptacle receiving the discharge of sewage from a building sewer or sewers, designed and constructed to permit separation of settleable and floating solids from the liquid, detention and anaerobic digestion of the organic matter, prior to discharge of the liquid.

“Sewage disposal permit” means a written permit, including conditions of approval, issued by the health officer or designee granting permission for the installation, modification, expansion, or repair of an on-site sewage system.

“Site installer” means an individual that has passed the installer’s exam and maintains an annual certificate, but is working under the direction, insurance and bond of a certified installer.

“Sludge” means heavy solids that settle to the bottom of a septic tank, holding tank or pump chamber.

“Soil log” means a detailed description of soil characteristics providing information on the soil’s capacity to act as an acceptable treatment and disposal medium for sewage. It includes the excavation as described in WAC 246-272A-0220(3).

“SSAS” means subsurface soil absorption system, as defined in WAC 246-272A-0010(2).

“Suspension” means the temporary termination of all rights and privileges associated with a certification or homeowner inspection authorization.

“Violation” means a failure to comply with the provisions of applicable laws, rules or regulations including, but not limited to, instances or cases when:
(a) A designer submits a permit application or a record drawing of an on-site sewage disposal system which contains any significant deviation below the minimum requirements for siting or sizing of on-site waste water treatment.

(b) An individual designs or installs an on-site sewage system that is not in accordance with the applicable regulations, or is not fitting the size, shape or topography of the site, within setbacks, as specified in Chapter 246-272A WAC; specification or approval of inadequate construction material, devices or methods.

(c) A system is not installed in accordance with the approved permit.

(d) Installer fails to notify the designer and/or JCPH when site conditions have changed, making installation of the approved permitted system impossible or impractical.

(e) A pumper disposes of wastewater or septage at an unapproved disposal site.

(f) A designer fails to submit record drawing plans as specified in JCC 8.15.110(5).

(g) An authorized person (including a homeowner inspector) fails to submit required reports to JCPH as specified in the conditions of the on-site sewage disposal permit or in this chapter.

(h) A certificate holder fails to pay fees as specified by Jefferson County ordinance.

(i) A person holding a certificate or license to install, pump or monitor an OSS fails to report to JCPH within 24 hours any nonfunctioning on-site components that could result in human contact with sewage effluent.

(j) An owner fails to complete required monitoring inspections, comply with the monitoring schedule in Table 1 in JCC 8.15.150 and/or submit the reports to JCPH or the approved entity.

(k) An owner fails to comply with conditions of the on-site sewage permit.

"WAC" means the Washington Administrative Code. [Ord. 6-12]

8.15.055 Local management plan.
(1) Management and oversight of on-site sewage treatment and disposal systems is intended to result in an effective means of regulating sewage disposal and necessary to protect the public health, by promoting a comprehensive approach to sewage treatment and disposal.

(2) A local sewage management plan was adopted in July 2007 as required by Chapter 246-272A WAC. It includes elements to:

(a) Identify all OSS in Jefferson County; and

(b) Progressively develop and maintain an inventory of all known OSS in operation; and

(c) Facilitate education of homeowners regarding their responsibilities under Chapter 246-272A WAC and this chapter and provide operation and maintenance information for all types of systems in use; and

(d) Remind and encourage homeowners to complete the operation and maintenance inspections required by WAC 246-272A-0270 and this chapter; and

(e) Maintain records required; and

(f) Enforce OSS owner permit application, operation, monitoring and maintenance and failure repair requirements; and

(g) Identify unknown, undocumented or failing OSS.
(3) The fee will support implementation of the above items and provide support and maintenance of a data base system for the records of septic system permitting, installation, operation, maintenance and communication with the responsible parties.

(4) Each on-site wastewater disposal system shall be charged an annual fee as adopted in the environmental health fee schedule to be collected via the property tax statement to implement the requirements of the Jefferson County sewage management plan as adopted and hereafter amended.

(5) The fee shall be adjusted annually per Ordinance 08-0918-14, Section 3 – Fees.

(6) Exemption from the Annual Fee. Properties that can demonstrate to the satisfaction of the health officer that they are connected to an approved municipal sewer system permitted by the Washington State Department of Ecology or provide documentation that a structure or residential unit is not connected to a water supply and capable of discharging wastewater can be exempted from the annual fee. Documentation shall be provided via:

(a) Submission of a sewer bill for the residence or structure; or

(b) Application on a form provided by environmental health and inspection by JCPH to verify the stated conditions.

(c) Information documenting an exemption shall be submitted between January 31st and March 1st of the year for which an exemption is requested.

(d) This exemption shall not be used for partial reductions of the on-site sewage operation and maintenance program charge.

(7) On-site sewage systems to be assessed the fee shall be determined based on on-site sewage system records.

(8) Jefferson County public health shall provide information to the JC assessor on new OSS and decommissioned OSS annually. [Ord. 5-16 § 1]

8.15.060 Adequate sewage disposal required.

(1) Every residence, place of business, or other building or place where people congregate, reside or are employed shall be connected to an approved public sewer. If no public sewer is available, the building sewer shall be connected to an on-site sewage system approved by the health officer. Said sewage disposal system shall be built or rebuilt, constructed and maintained in such manner as to meet the requirements as prescribed by the health officer in accordance with minimum requirements and standards of Chapter 246-272A WAC and this code. Such system may include the use of waterless toilet devices in conjunction with an approved gray water system or other proprietary products approved by the Washington State Department of Health.

(2) Any unit/facility with the potential to generate waste water by virtue of being equipped with a toilet, sink, shower or other plumbing fixture shall be connected to an approved public sewer or shall be connected to an on-site sewage system approved by the health officer.

(3) Any new or replacement residence or commercial structure, or any expansion, as that term is defined in JCC 8.15.050, may be connected to a pre-existing on-site sewage system only when the pre-existing system has hydraulic capacity, sufficient vertical and horizontal separation, an adequate reserve area and satisfies all other requirements to be in compliance with current code. [Ord. 6-12]

8.15.070 No discharge to water or ground surface.

Effluent from any on-site sewage disposal system shall not be discharged directly or indirectly to surface water or upon the surface of the ground, except where expressly permitted by JCPH or by the Washington State Department of Ecology. [Ord. 6-12]
8.15.080 On-site sewage system permit.

(1) No person shall install or cause to be installed a new on-site sewage system, nor perform any modification, extension, repair, relocation or connection to an existing on-site sewage system without a valid permit issued by the health officer.

(2) When applying for a permit to install an on-site sewage system, a detailed to-scale construction plan of the proposed system and site is required and shall include all items identified herein. Each application shall contain the information required herein, and those items identified on the septic permit application form as a minimum.

(3) The minimum land area required for approval of an OSS permit shall be determined by either Method 1 or Method 2 analysis as established in Chapter 246-272A WAC. Applications shall be reviewed in accordance with Jefferson County Policy 97-2 adopted by the board of health as amended or replaced.

(4) Where more than one lot is required to meet minimum land area requirements for issuance of a permit, a declaration of restrictive covenant shall be recorded binding together, at a minimum, the lots required to meet the minimum land area requirements. Any remaining lots not included in the declaration of restrictive covenant must either meet minimum land area requirements or have a notice recorded to the title stating that the lots do not meet minimum land area requirements for a septic system and that the lots are not eligible for a waiver under Jefferson County Policy 97-2 or as amended or replaced.

(5) Permits are transferable with property ownership.

(6) Any sewage disposal permit issued under this section shall be valid for a period of three years from the date of issuance.

(a) The permit may remain valid if the property for which the permit has been issued also has an active building permit for a structure that will be connected to the on-site sewage system.

(b) If the system is not installed before the permit expires, a new permit may be applied for, based on standards in effect at the date of the new application. Information as specified in JCC 8.15.090 shall be submitted with any new application.

(7) Repair Permit. Repair permits shall expire 90 days from the date of issue. Repair permits may be renewed for an additional 90 days if the health officer determines it is warranted.

(8) The health officer may revoke or deny a permit for due cause. Examples include, but are not limited to:

(a) Development or continued use of an OSS that threatens the public health;

(b) Misrepresentation or inaccuracy in the construction plan or the permit application, whether intended or accidental, shall be considered as grounds for invalidating and voiding any application or permit issued under this section. The applicant or their authorized agent is responsible for the accurate representation of all information presented to the health officer;

(c) Failure to meet conditions of the permit or the regulations; or

(d) Changes or alterations to the site such as grading, filling, clearing, or burning operations.

(9) Jefferson County public health shall have neither an obligation nor the power to reduce the requirements to accommodate a designer or installer’s error.

(10) For any on-site sewage system proposed to serve a structure requiring a flood control zone permit under the provisions of Chapter 86.16 RCW and Chapter 508-60 WAC, or requiring a floodplain certification by Jefferson County under the provision of the flood damage prevention ordinance, the OSS installation permit shall not be issued until a flood control zone permit or floodplain certification has been issued in accordance with Chapter 15.15 JCC or subsequent amendments. An OSS installation permit shall comply with the standards in said chapter.
(11) On-site sewage disposal permits shall comply with regulations and policies established by the state of Washington, the Jefferson County comprehensive plan, the Jefferson County Code, including, but not limited to, the Jefferson County critical areas ordinance, the Jefferson County shoreline master plan, the Jefferson County unified development code and any other duly adopted land use regulations of Jefferson County and the city of Port Townsend in the case of lands within the city, as adopted or hereinafter amended.

(12) Any pending and all future permits and approvals by the JCPH for the subject property shall be withheld when written notice of noncompliance with Jefferson County and other applicable codes has been provided to the property owner. Permits and applications shall be released only upon satisfactory remedy of the noncomplying action or activity.

(13) No on-site sewage system permit shall be issued for industrial, chemical or hazardous waste disposal.

(14) A soil log report shall be provided on a health department approved form by the individual who performed the soil evaluation. The report shall identify the date the soil observations were made and the name of the individual who logged the soils for the report. Soils evaluation shall be completed by a designer or professional engineer licensed in the state of Washington, soil scientist licensed in the state of Washington, the local health officer or designee.

(15) Uniform soil testing procedures shall be as described under WAC 246-272A-0220 and be used in addition to the following procedures:

(a) A minimum of two soil logs shall be dug in each, the proposed primary area and the proposed reserve area of sufficient size and depth to accurately determine site suitability for on-site sewage disposal.

(b) The health officer or designee may require additional soil logs or such further testing as is necessary to determine the adequacy of a site for on-site sewage disposal.

(c) Where sieve analysis tests are required they shall be completed by a certified lab and chain of custody requirements shall be followed.

(16) It shall be the responsibility of the owner or owner's authorized representative to fill/cover the holes provided for evaluation of the soils for an installation permit or subdivision review within 10 days following notification that the inspection by the health officer is complete. The property owner shall be notified in writing when the inspection has been completed.

(17) Any OSS not located entirely on the property originating the sewage must be secured by appropriate easements and/or covenant recorded with the Jefferson County auditor's office prior to issuance of the permit unless specifically waived by the health officer. In all cases the easement or covenant shall be secured and recorded prior to final approval of the system installation.

(18) Pending On-Site Sewage Disposal Permit Applications,

(a) Applications for which no decision has been issued within 12 months following the date of application, due to a lack of action by the applicant, and after receipt of written notice of pending expiration, shall expire by limitation.

(b) The health officer may extend the time for action by the applicant for a period not to exceed 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.

(c) In order to renew action on an application after expiration, the applicant shall resubmit the application and plans, pay current application fees and meet current rules and regulations.

(d) The applicant shall be provided a 60-day notice by certified mail of the pending expiration of a permit application.
(e) The statement “Voided – Lack of Action” shall be entered on the record for an expired pending permit application.

(f) Plans and other data submitted for review shall thereafter be retained as per the Jefferson County records retention schedule. [Ord. 6-12]

8.15.090 Design.

(1) All on-site sewage disposal systems shall be designed in accordance with these rules, and the criteria in Chapter 246-272A WAC, by the local health officer, by an on-site sewage system designer licensed by the Washington State Department of Licensing to perform design work pursuant to Chapter 18.120 RCW or by a licensed engineer pursuant to Chapter 18.43 RCW.

(2) Permits shall be issued for wastewater meeting domestic waste strength criteria as defined in the “Design Manual: On-Site Wastewater Treatment and Disposal Systems,” United States Environmental Protection Agency, EPA-625/1-80-012 and EPA-625/R-00/008 except where modified by, or in conflict with, Chapter 246-272A WAC or this code. Pretreatment shall be required for nonresidential/high-strength waste streams.

(3) Sewage system sizing criteria shall comply with the standards in Chapter 246-272A WAC.

(a) The number of bedrooms shall include all rooms labeled as bedrooms and any additional heated rooms not labeled as bathrooms, kitchen, living room and dining room, utility room and one bonus room except that the sewage system design may be for fewer than determined above if a covenant provided by the health officer and signed by the property owner is filed and recorded with the Jefferson County auditor, so as to be discovered during a title search, which declares the maximum capacity in bedrooms of the sewage system.

(b) In no case shall the septic system be sized for fewer bedrooms than the number of rooms labeled as bedrooms or sleeping rooms such as guest room or bunk room.

(c) The minimum design flow for any dwelling unit is 240 gallons per day.

(4) Reserve Area. As a minimum an area equal to that required for a 100 percent replacement or repair, completely separate from the primary area, and shown dimensioned on the site plan.

(5) Permit application submittal shall include the following items. Each page shall contain a header with the name and address of the property owner, and the address or parcel number of the property.

(a) One copy of the JCPH “Septic Permit Application Form” providing all identified information. This form shall have the signature of the property owner or authorized representative as provided in writing.

(b) Three copies of the design and construction specifications. One copy shall have an original stamp and designer signature with date prepared.

(c) One copy of the soil log report submitted on a separate eight-and-one-half-inch by 11-inch sheet(s). The evaluation shall include the date of evaluation and identify the soil evaluator.

(d) One copy of the calculations and assumptions supporting the proposed design including all items outlined in subsection (7) of this section.

(e) One copy of the following information:

(i) Directions to the site.

(ii) Identification if the parcel is within the boundaries of a sewer utility.

(iii) If connecting to a community OSS provide:
(A) The name, location and permit number of said system,

(B) The name, address and point of contact with the system’s management entity,

(C) A customer agreement with the management entity that provides a commitment to serve the parcel.

(iv) All easements impacting the OSS or access to the OSS, whether public or private and whether or not recorded.

(v) All covenants impacting the OSS or access to the OSS, whether public or private and whether or not recorded.

(vi) One copy of any special reports applicable to the project, such as geotechnical report or wetland delineation.

(6) Design and construction specifications shall include the following items and those required by Chapter 246-272A WAC. This portion of the application shall be no more than 10 pages, 11 inches by 17 inches, unless specifically authorized by the health officer. All sheets must be at least eight and one-half inches by 11 inches but not more than 11 inches by 17 inches.

(a) A complete, detailed, and dimensional site plan including:

(i) The date of the design, the designer’s seal and the designer’s signature.

(ii) An overall plan that represents the entire parcel to scale and identifying the location of the system components. A scale bar is required.

(iii) A scaled drawing of the area within 100 feet of the system that is at an engineering scale not to exceed one inch equals 50 feet. A scale bar is required.

(iv) Designated and dimensioned areas for the proposed primary system and the reserve area.

(v) The location of all soil logs and other soil tests for the OSS.

(vi) Location of utilities.

(vii) General topography and the percent slope of the site within 100 feet of the system and reserve areas.

(viii) Drainage characteristics.

(ix) The location of existing and proposed encumbrances including legal access documents if any component of the OSS is not on the lot where the sewage is generated.

(x) An arrow indicating north on all site plans.

(xi) Location of the essential tightline components of the sewage disposal system, including all plumbing stub outlets between the building(s) and septic tank(s), pump chamber(s), siphon chamber(s), tightline between septic tank or pump chamber and distribution network and all drainfield lines.

(xii) Identify cuts, banks, terraces, foundations, waters of the state, wells, driveways, waterlines, and surface or subsurface drains within 100 feet of the system and reserve.

(xiii) Identify the access route or driveway to the site.

(xiv) Clearly indicate scale on each site plan, including a scale bar.

(b) Construction specifications.
(c) Vertical cross-section drawings showing:
   (i) The depth of the disposal component from native grade, the vertical separation, and depth of soil cover;
   (ii) Septic tank;
   (iii) Pump tank and its components;
   (iv) Monitoring and access ports.

(7) Calculations and assumptions supporting the proposed design, including:
   (a) Soil type.
   (b) Hydraulic loading rate in the disposal component.
   (c) Systems maximum and average daily flow capacity and how determined.
   (d) Source of the sewage including waste strength characteristics.
   (e) Where pumps are included, provide friction loss and dynamic head calculations.

(8) Nothing herein shall preclude the designer from providing supplemental information regarding the design directly to the client under separate cover.

(9) The proposed drainfield lateral/bed shall be staked in the field for inspection and review unless specifically waived by the health officer or designee.

(10) Septic tanks shall:
   (a) Have watertight pumping access ports to ground surface over both compartments and at the outlet and inlet to facilitate inspection and maintenance. A homeowner may provide access ports to within six inches of the surface of the ground; provided, that a written agreement to uncover them for required O&M inspections has been recorded with the title to the property.
   (b) Be set on a self-leveling, stable base.

(11) Distribution boxes shall be fitted with risers to grade. Distribution box risers shall be sized adequately to allow visible inspection of liquid level in the box, shall be constructed of durable materials and shall be equipped with secure, tightly fitted lids. [Ord. 6-12]

8.15.095 Commercial on-site sewage systems.
(1) Commercial on-site sewage systems as defined in this chapter shall be designed according to the standards contained in Chapter 246-272A WAC and this code.

(2) If the ownership is by more than one individual, a management and operations agreement shall be prepared by the applicant, approved by JCPH and recorded to the property as a covenant.

(3) All individual connections or separate uses within a commercial development shall be equipped with a water meter or other approved method for monitoring flows to the on-site sewage system.

(4) All commercial on-site sewage systems shall provide an annual report to JCPH including the following at a minimum:
   (a) Number of connections to the system and each connection’s design flow.
   (b) Copies of inspection reports consisting of the items detailed in JCC 8.15.150(7) completed per Table 1.
(c) Records identifying any maintenance completed on the system components. [Ord. 6-12]

8.15.100 Community on-site sewage disposal systems.
(1) Community on-site sewage systems as defined in this chapter shall be designed in accordance with Chapter 246-272A WAC, this code and the maintenance criteria as set forth in the current Washington State Department of Health "Design Standards for Large On-Site Sewage Systems," 1996, and Chapter 246-272B WAC or as they may be hereafter amended.

(2) Management of community on-site sewage systems shall be by an entity approved by JCPH. If the lots are individually owned the management shall in all cases be provided by a public entity. A homeowners’ association is not considered an approved entity for the management of a community on-site sewage system.

(3) A covenant shall be recorded to the property and shall remain in place for the life of the on-site sewage system or until the on-site sewage system is no longer needed. It shall provide the management entity the following items, including but not limited to:

(a) A legal easement allowing access for construction, operation and maintenance, and repair of the OSS; and

(b) Identification of an adequate financing mechanism to assure the funding of operation, maintenance, and repair of the OSS.

(4) All lots, parcels, or individual connections to a community system shall be equipped with a water meter or other approved method for monitoring flows into the system.

(5) Sites proposing community systems shall conform to the minimum land area requirements of Chapter 246-272A WAC.

(6) All community on-site sewage systems shall provide an annual report to JCPH including the following at a minimum:

(a) Number of connections to the system and each connection’s design flow.

(b) Copies of inspection reports consisting of the items identified on forms provided or approved by JCPH per JCC 8.15.150(10) and completed per JCC 8.15.150(7).

(c) Records identifying all maintenance completed on the system components. [Ord. 6-12]

8.15.105 Subdivision requirements.
(1) A person proposing the development of subdivisions, planned unit developments, binding site plans and other land division shall obtain approval from the health officer, where the use of OSS is proposed, prior to any development.

(2) The proposal shall comply with the standards of WAC 246-272A-0320 and the Jefferson County unified development code as amended.

(3) Where preliminary approval is requested the following shall be submitted at the time of application:

(a) Applicable fees.

(b) Preliminary plan of the proposal showing the layout of the lots.

(c) A soils report and preliminary plan submitted by a licensed designer or licensed professional engineer that:

(i) Shows an area for each proposed lot/segregation that is suitable for on-site sewage disposal, and

(ii) Provides a minimum of four test pits, two feet by four feet by six feet deep, two in the area of the primary drainfield and two in the area of the reserve. Test pits shall be flagged with the lot number, and
(iii) Identifies the locations of the test pits on the preliminary plan.

(d) Soil test pits shall be made available for observation by health department staff and must be filled in upon completion of review and notification of such by the health department.

(e) Statements as to the type of potable water supply.

(4) To Obtain Preliminary Approval.

(a) The health department staff shall review the application and perform field visits.

(b) The highest anticipated ground water table elevation shall be determined. The health officer or designee may require an evaluation during the months of suspected high water table conditions where less than 18 inches of usable soil is observed.

(c) Lot sizes shall meet minimum area requirements.

(d) Soils suitable for the installation of OSS must be identified for each lot.

(e) Conceptual or detailed designs may be required by the health officer or designee.

(f) An evaluation of all existing on-site sewage systems within the bounds of the project shall be completed by an entity authorized by the health officer or designee.

(g) Where a community system or large on-site sewage system is proposed as the method of sewage disposal, a preliminary layout design of the system must be submitted to the health department as well as a letter from an approved management entity indicating that they will meet the standards of JCC 8.15.100.

(h) For the water supply a utility service review shall be completed.

   (i) Public water supplies shall be developed consistent with provision of the Jefferson County coordinated water system plan, Washington State Department of Health drinking water regulations, Chapter 246-290 WAC as amended, and Washington State Department of Ecology water rights provisions, Chapter 90.03 and/or 90.44 RCW.

   (ii) Wells, whether individual or public, shall not encumber adjacent property owner(s) and shall be protected by a sanitary control area of a 100-foot radius. If a sanitary control area of a 100-foot radius cannot be met, evidence of adjacent property owners' written consent shall be submitted to the health department. For existing wells the sanitary control area shall be established by covenant and portrayed graphically on the face of the plat.

(5) To Obtain Final Approval.

(a) All conditions of the preliminary approval shall be met.

(b) The locations of test pits used for the preparation of the soils report shall be portrayed on the final plat. [Ord. 6-12]

8.15.110 Inspection.

(1) An initial inspection by the health officer or designee shall be conducted to verify soil and site conditions for the proposed design unless expressly waived by the health officer.

(2) The health officer or designee may make inspections during construction to determine compliance with these regulations.

(3) It shall be the responsibility of the installer of the system to notify the designer for inspections as specified in the design or in permit conditions.
(4) It shall be the responsibility of the installer of the system to notify the health department within one working day prior to commencement of system construction of the intent to install the system. This shall be done by means of a start card to be submitted by fax or emailed to a designated address.

(5) Final Inspection.

(a) A pre-cover inspection shall be conducted on all systems by the designer of record or other licensed designer or engineer where that person is taking responsibility to certify the system installation.

(b) For pressurized or proprietary systems:

   (i) The designer shall be responsible for all inspections during the construction of the OSS.

   (ii) After completion of the system, when the system is fully functional the designer shall contact the health officer or designee to schedule a joint inspection of the OSS.

(c) The designer of record or other licensed designer or engineer where that person is taking responsibility to certify the system installation shall submit a record drawing of the system installation, including the items specified in this section.

(d) No part of any on-site sewage system installation shall be put into use until final approval has been obtained from the health officer or designee.

(6) Partial installation may be allowed and shall be subject to all of the following requirements and limitations:

(a) Installation shall take place prior to the expiration date of the permit; and

(b) The health officer or designee shall be notified of the intent to install the system as described in this section; and

(c) At a minimum the treatment and disposal components shall be installed; and

(d) The system shall be vested only for the portions that are installed; and

(e) The system shall be subject to review at the time of building permit for a structure to use the system under JCC 8.15.060(3); and

(f) A report shall be submitted by the designer of record or other licensed designer or engineer where that person is taking responsibility to certify the system installation. The report shall provide details on what was installed and shall be accompanied by a drawing locating the components that were installed prior to the expiration of the permit.

(g) An additional inspection and/or permit, with appropriate fees, may be required to complete the installation and finalize the system.

(7) Final approval of on-site systems by the health officer can be made only after:

(a) Satisfactory inspection of the installed system;

(b) Receipt by JCPH of record drawings of the final construction with the operational settings and installation data report;

(c) Receipt of the homeowner operations and monitoring manual; and

(d) Compliance with installation conditions of the permit.
(8) If installation or workmanship of the on-site sewage system does not meet the requirements of this code or conditions of the permit, the health officer or designee shall order corrections and cause a subsequent inspection to be made. Fees may be charged for subsequent inspections.

(9) Designer Inspections. Nothing contained herein shall prohibit the designer of record from requiring additional designer-performed inspections to ensure compliance with the design and regulations.

(10) Record Drawings.

(a) After installation of the sewage disposal system has been completed, a scaled and dimensional record drawing of the sewage disposal system shall be prepared by the designer of the system on forms provided or approved by JCPH.

(b) The record drawing shall include:

(i) Information identified on the JCPH “Final Inspection Report” form as applicable to the system installed;

(ii) Measurements to existing site features enabling the first tank manhole to be easily located;

(iii) A dimensioned reserve area;

(iv) For repaired or altered OSS, the new, repaired or altered components with their relationship to the existing system;

(v) North direction indicated;

(vi) Location of all sewage system components;

(vii) Stub outs;

(viii) Tightlines;

(ix) Pump and/or siphon chamber(s);

(x) D-box(s);

(xi) Drainfield lines or bed and fill area(s) when applicable;

(xii) Other treatment components — sand filter, proprietary device, disinfection unit;

(xiii) Driveway — existing and/or proposed;

(xiv) Building(s) size, shape and placement;

(xv) Water line(s);

(xvi) Location of utility and/or other easements;

(xvii) Slope(s) — direction and percent;

(xviii) Cuts, banks, terraces;

(xix) Foundations;

(xx) Property lines;
(xxi) Surface waters, springs, wells;

(xxii) Additional information as required for systems that are covered by Washington State guidelines;

(xxiii) Designer’s stamp and signature, and date of installation;

(xxiv) Other pertinent information.

(11) The designer shall provide to the property owner:

(a) One copy of the homeowners operations and monitoring manual; and

(b) The “record drawing” of the completed system with the operational settings and installation data.

(12) A preoccupancy inspection prior to occupancy of a residence shall be required if there were no permanent structures connected to the OSS and the system requires a pump or siphon or there was not permanent power wired to a permanent structure connected to the OSS at the time of finalization of the OSS permit. This inspection may be performed by the health department, designer, or a certified operations and maintenance specialist. This inspection shall verify that conditions are consistent with the final inspection and system settings are the same. The inspection report shall be submitted on forms provided or approved by JCPH. Fees shall be charged for inspection. [Ord. 6-12]

8.15.120  Sewage system installer.

(1) Certificate Required. It shall be unlawful for any person, firm or corporation to engage in construction, alteration, repair or modification of on-site sewage systems without first having been issued a septic system installer’s certificate by the health officer.

(2) Requirements for sewage system installer shall include the following:

(a) Application shall be made on forms provided by the health officer.

(b) Certificate and/or application fees as set forth in the fee schedule shall be payable to JCPH.

(c) Written proof showing a minimum of one year of experience under the direct supervision of a certified installer, designer or operation and monitoring specialist. Completion of classroom training specific to on-site sewage system installation as approved by JCPH may be substituted for up to six months of work experience.

(d) Such certificate shall be issued only after the applicant has indicated a basic knowledge of the proper installation and function of a sewage system and knowledge of the provisions of this chapter and Chapter 246-272A WAC by successful completion of a JCPH examination. If the applicant scores below 70 percent, a license shall not be granted and the applicant may request to take the next available examination. Fees for reexamination shall be required.

(3) Renewal of Certificate. Application is required annually for certificate renewal. All certificate renewal applications, along with the required bond, renewal fee, and verification of continuing education, shall be submitted to the health officer no later than March 1st. The certificate shall not be issued or renewed if the applicant is found by the health officer to be out of compliance or in violation of the provisions of this chapter.

(4) Lapse of certification for lack of bond, payment of fees or verification of continuing education shall require completion and passage of the JCPH examination and provision of items identified.

(5) An installer’s certificate is not transferable.

(6) An installer’s certificate grants authority to install any on-site sewage system approved for use in the state of Washington, except in the case of a proprietary product where a special authorization, in writing, is required by the manufacturer or patent holder.
(7) A Jefferson County certified installer, or site installer as defined in JCC 8.15.050, shall be present on the site during all phases of system installation.

(8) Maintenance items, including those listed in JCC 8.15.140(4)(b) and WAC 246-272A(2), shall be reported on an inspection report to JCPH in an approved format.

(9) Exception. A bona fide resident owner may construct, alter, repair, or modify a permitted on-site sewage system on his/her own property for his/her own use without obtaining an installer’s certificate, provided:

(a) That he/she complies with other terms of this chapter, WAC 246-272A-0250; and

(b) That he/she installs no more than one system in any one calendar year; and

(c) The on-site sewage system is intended to serve the primary residence of the owner; and

(d) The resident owner does not arrange for, nor contract, nor hire, with or without reimbursement, any person or concern to perform that work, unless that person is a Jefferson County certified sewage system installer as set forth in this section; and

(e) The sewage system is located on the same lot as the residence or situated on adjoining property controlled by the owner and legally listed as an encumbrance; and

(f) Prior to beginning installation the health officer or designee and the designer are contacted to schedule required inspections.

(10) A property owner may not install the OSS and its components, unless specifically allowed by the health officer or designee, if the site meets any of the following criteria:

(a) Has horizontal or vertical separations less than required in Chapter 246-272A WAC;

(b) Receives commercial or industrial wastewater as defined in Chapter 246-272A WAC;

(c) Is permitted as a nonconforming repair;

(d) Has a reduced drainfield size of 50 percent or less;

(e) Is within 200 feet of surface water, as measured from the ordinary high water mark;

(f) Is within 200 feet of a Category 1 or II wetland;

(g) Is in a 100-year floodplain, as defined by the Federal Emergency Management Agency;

(h) Is in a special aquifer recharge protection area as defined in JCC 18.22.100 or as amended;

(i) Is in a marine recovery area;

(j) Is adjacent to a marine shoreline.

(11) Site Installer. A certified sewage system installer may sponsor a site installer to be responsible for compliance with Chapter 246-272A WAC. The certified installer shall inform the health officer of the site installer’s name(s) and of any changes in employment status of sponsored site installers. Site installers must pass the installer’s exam and maintain their annual certificate.

(12) Bond and Insurance Required. Prior to the issuance of a sewage system installer’s certificate, the applicant must be in possession of a bond obtained in accordance with the special or general contractors laws of the state of Washington running to Jefferson County public health on a form approved by JCPH in the sum of $20,000 and executed by a surety company duly authorized to do business in the state of Washington. The bond shall be
conditioned that the holder of the certificate and his/her agents, in performing work governed by these rules and regulations, shall exercise all reasonable care and skill and shall comply with all the terms and conditions of these rules and regulations. The bond must be kept in effect during the period of time for which the certificate is issued and cancellation of the bond shall automatically suspend the certificate. The bond shall run for a period of 36 months following termination of the certificate. Applicant shall provide proof of business liability insurance in the minimum amount of $500,000 in accordance with the special or general contractors laws of the state of Washington; except, site installers working for or under the direction of a general contractor who is also a certified installer may have this requirement waived if the general contractor provides a written statement indicating their assumption of responsibility for the individual’s work, and agreement to coverage of the individual by the general contractor’s bond and liability insurance.

(13) Continuing Education. Each installer shall obtain a minimum of eight hours of approved classroom training every two years. Subject matter must be directly related to on-site sewage disposal and be acceptable to the health officer. Proof of training shall be submitted annually with application for certificate renewal.

(14) Suspension/Revocation. A sewage system installer’s certificate may be revoked or suspended as set forth in JCC 8.15.180 if he/she has been found to be in noncompliance with provisions of this chapter or has performed with negligence, incompetence or misrepresentation. [Ord. 6-12]

8.15.130 Septic tank pumpers.
(1) Certificate Required. It shall be unlawful for any person, firm, or corporation to engage in the activity of cleaning any septic tank, pump chamber, chemical toilet, or removing other accumulations of sewage without first having obtained a septic tank pumper’s certificate from the health officer.

(2) Renewal of Certificate. Application is required annually for certificate renewal. All certificate renewal applications, along with the required bond, renewal fee, and verification of continuing education, shall be submitted to the health officer no later than March 1st. The certificate shall not be issued or renewed if the applicant is found by the health officer to be out of compliance or in violation of the provisions of this chapter.

(3) A septic tank pumper’s certificate is not transferable.

(4) Septage Disposal Site Approval. It shall be unlawful to dispose of septic tank pumpings or other accumulated sewage at any location other than disposal sites designated and approved by the Washington State Department of Ecology.

(5) No material/substance shall be discharged into any component of the OSS during pumping or maintenance excepting that tank(s) may be filled with water to prevent flotation.

(6) Access risers and monitoring ports shall be secured against tampering and accidental access prior to leaving a site where a tank has been serviced or inspected.

(7) Reporting Requirements.

(a) Each pumper shall submit to the health officer not later than the tenth day of each month a report on a form provided by JCPH. Said report shall contain:

(i) The dates, sources, disposal site, disposal receipts, and volume of each load of wastes handled from the preceding calendar month.

(ii) Vacuumsing system on each occurrence with the date and physical address and property owner name.

(iii) Hydro-jetting system on each occurrence with the date and physical address and property owner name.

(iv) Each pumper shall list portable toilet locations, the frequency of service and the disposal location on the monthly report.
(b) Each pumper shall complete an inspection report at each site where a holding tank, septic tank or pump chamber is serviced. Inspection reports shall be submitted in the format and manner prescribed by JCPH. Said report shall include at a minimum the following information:

(i) Measured depth of scum and sludge in the septic tank and pump chamber if present.

(ii) Condition of tank(s), baffles, risers, screens.

(iii) Signs of backflow from drainfield.

(iv) Signs of ground water infiltration into tank(s).

(c) By submitting these reports, the pumper affirms that they have performed inspection of the items under subsection (7)(b) of this section and accurately reported the results.

(8) Pump Tank Requirements. Pumping equipment must be presented to JCPH for inspection at the time of certificate application and renewal or upon request of the health officer.

(a) The pump tank must be of at least 1,000 gallons in capacity and must be in good repair and of cleanable construction.

(b) All hoses and pumping equipment shall be kept in a clean and sanitary condition while stored or in transit.

(c) All discharge valves shall be in good repair, free from leaks and be fitted with watertight caps.

(d) The name of the operating firm shall be prominently displayed on the sides of the vehicle.

(9) Bond Required. Prior to the issuance of a septic tank pumper’s certificate, the applicant must post a bond with JCPH in a form approved by the prosecuting attorney of Jefferson County, and executed by a surety company authorized to do business in the state of Washington, in the sum of $2,000.

(10) Continuing Education. Each pumper shall obtain a minimum of six hours of approved classroom training every two years. Subject matter must be directly related to on-site sewage disposal and be acceptable to the health officer. Proof of training shall be submitted annually with application for renewal.

(11) Suspension/Revocation. A septic tank pumper’s certificate may be revoked or suspended as set forth in JCC 8.15.180 if he/she has been found to be in noncompliance with the terms of this chapter or has performed with negligence, incompetence or misrepresentation. [Ord. 6-12]

8.15.140 Operation and monitoring specialist.

(1) Certificate Required. It shall be unlawful for any person, firm or corporation to engage in any operation and maintenance or monitoring inspection required by JCPH without first having been issued an operation and monitoring specialist certificate by the health officer, except as identified in JCC 8.15.150(6).

(2) A sewage system operation and monitoring specialist certificate shall not be transferable.

(3) Requirements for monitoring specialist certificate shall include all of the following:

(a) Application shall be made on forms provided by the health officer.

(b) Certificate and/or application fees as set forth in the fee schedule shall be payable to JCPH.

(c) Written proof showing a minimum of one year of experience under the direct supervision of a certified installer, designer or operation and monitoring specialist or other experience as approved by the health officer. Completion of classroom training specific to on-site sewage system operation and maintenance as approved by JCPH may be substituted for up to six months of work experience.
(d) Written proof of completion of a minimum of 16 education contact hours in on-site wastewater treatment, operation and maintenance at the Northwest On-Site Wastewater Training Center or equivalent.

(e) Take and pass a written examination to verify the applicant’s knowledge of the operation and monitoring requirements, both herein and in Chapter 246-272A WAC or as amended, for the on-site sewage systems approved by the Washington State Department of Health, excepting those proprietary devices requiring a special authorization from the system proprietor. A passing score is a minimum of 70 percent correct.

(4) Scope of Practice.

(a) The operations and monitoring specialist may complete regular monitoring of an on-site sewage system including:

(i) Measuring levels of sludge, scum and liquid in the system components,

(ii) Visual evaluation of the condition of all system components,

(iii) Inspect and report the condition of system components, monitoring ports and the surface above the drainfield/disposal area,

(iv) Record information from devices such as cycle counter or operating hour meters and water meters.

(b) The operations and monitoring specialist may complete the following maintenance if authorized by the homeowner:

(i) Clean pump screen or outlet baffle screen,

(ii) Install and repair septic tank lids, risers and baffles,

(iii) Install or adjust flow distribution devices in a distribution box,

(iv) Replace pumps, float switches, and check valves intended to prevent the back flow of effluent into the pump chamber, within Washington State Labor and Industries requirements,

(v) Make repairs to a septic tank or pump chamber to correct a condition of ground water intrusion or leakage,

(vi) Excavate for purposes of affixing sweeping 45-degree-angle lateral ends and removable end caps on manifolds and lateral lines, for purposes of maintenance, such as flushing, jetting and brushing.

(c) The operations and monitoring specialist shall not:

(i) Pump the septic tank and/or pump chamber, except in the case where he/she also holds a valid septic tank pumper’s certificate;

(ii) Excavate an OSS’s drainfield or any drainfield component, except as stated in subsection (4)(b) of this section, or in the case where he/she also holds a valid installer’s certificate;

(iii) Alter devices such as cycle counters or operating hour meters without the prior written approval of JCPH;

(iv) Alter or replace any portion of the subsurface disposal component or pretreatment components, except as stated in subsection (4)(b)(vi) of this section and except in the case where he/she also holds a valid installer’s certificate and a permit has been obtained for such work; or

(v) Replace or alter devices that monitor or regulate the distribution of the effluent, except as noted in subsection (4)(b)(iii) of this section.
(d) The operations and monitoring specialist may expose portions of the OSS to create a scaled location diagram with measurements to permanent objects. To complete or final a permit the OSS components must be verified by JCPH inspection.

(e) Access risers and monitoring ports shall be secured against tampering and accidental access prior to leaving a site where an OSS has been serviced or inspected.

(5) The operations and monitoring specialist shall report failure of an on-site sewage system to JCPH within 24 hours of first identifying the failure.

(6) Inspection reports shall be submitted by the operations and monitoring specialist to JCPH or other authorized agency within 30 days following the inspection.

(a) The reports shall be submitted in the format and manner prescribed by JCPH.

(b) Fees shall be charged for each report submitted, with the exception of those submitted within 60 days to follow up on corrections identified in a previous report.

(c) Fees due to Jefferson County for submittal of inspection reports shall be payable within 30 days of invoice.

(d) By submitting the report the operation and monitoring specialists affirm that they have performed and accurately reported all current system and site conditions.

(i) At a minimum, the monitoring inspection shall include a site visit and a visual inspection of all tanks, pump basins, treatment units, disposal area and other components of the system as detailed on the record drawing or site plan on record.

(e) Maintenance items completed, including those listed in subsection (4)(b) of this section, shall be reported on an inspection report to JCPH in an approved format within 30 days of completion.

(7) For proprietary products that require monitoring and maintenance by an authorized person, an O&M specialist shall not monitor and maintain these products unless he/she has obtained written authorization from the manufacturer or patent holder.

(8) Continuing Education. Each operations and monitoring specialist shall obtain a minimum of eight hours of approved classroom training pertaining to on-site sewage treatment and disposal every two years. Proof of training shall be submitted annually with application for renewal.

(9) Bond Required. Prior to the issuance of an operation and monitoring specialist certificate, the applicant must be in possession of a bond obtained in accordance with the special or general contractors laws of the state of Washington and provide proof of business liability insurance in the minimum amount of $500,000.

(10) Renewal of Certificate. Application is required annually for certificate renewal. All certificate renewal applications, along with the required bond, renewal fee, and verification of continuing education, shall be submitted to the health officer by March 1st.

(a) The certificate shall not be issued or renewed if the applicant is found by the health officer to be out of compliance or in violation of any provision in this chapter.

(b) After March 1st of any particular year, the certificate issued for the prior year shall become void.

(c) If an O&M specialist’s certification lapses or becomes void the applicant cannot renew a certificate. The individual must comply with all requirements of this section in the same manner as a new applicant, including passing the written exam.
(11) JCPH reserves the right to observe, audit, or inspect the on-site sewage system and related activities of certificate holders.

(12) Suspension/Revocation. An operation and monitoring specialist’s certificate may be revoked or suspended as set forth in JCC 8.15.180 if he/she has been found to be in noncompliance with the terms of this chapter or has performed with negligence, incompetence or misrepresentation. [Ord. 6-12]

8.15.145 Homeowner inspection authorization.

(1) Inspection Authorization Required. A property owner may complete monitoring inspections required in this code for the system types and at the frequency identified in Table 1 in JCC 8.15.150 after receiving a homeowner inspection authorization from the health officer.

(a) Authorization allows the authorization holder to inspect an eligible on-site sewage system serving the single-family residence, duplex or other structure appurtenant to the single-family residence on property that he/she owns. See subsection (3) of this section for exceptions.

(b) Authorization for properties that include a commercial activity, including those categorized as a “home business” under JCC Title 18, may be considered based on a number of factors including but not limited to waste strength, use of hazardous materials, proximity to surface water, and others as determined by the health officer.

(c) At the time of authorization a homeowner must register for each OSS where they will be conducting a monitoring inspection. The homeowner must list the assessor’s parcel number and septic case number for each such OSS that will be subject to the homeowner inspection authorization.

(d) A homeowner inspection authorization is issued to a specific individual and shall not be transferable.

(e) A homeowner inspection authorization is valid for the period of ownership of the specific on-site sewage system(s) listed in the initial property/system registration. Reauthorization is required for a new property or new on-site sewage system on the property;

(2) Requirements for a homeowner inspection authorization shall include all of the following:

(a) Application shall be made on forms provided by JCPH and shall specify the OSS(s) to be inspected.

(b) Authorization and/or application fees as set forth in the fee schedule shall be payable to JCPH at the time of application submittal.

(c) Submit documentation to JCPH showing satisfactory completion of JCPH approved training. Training must include:

   (i) Basics of OSS operation, monitoring and maintenance; and

   (ii) How to conduct a monitoring inspection and report the results.

(d) Take and pass an examination from a JCPH approved agency within the past year to verify the applicant’s knowledge of the operation and monitoring for their system;

(3) A family member may apply to perform the monitoring inspection and submit the report for an eligible OSS owned by an infirm elderly, disabled parent or disabled immediate family member.

(a) The owner must sign the application and acknowledgment that they are responsible for the inspection.

(b) The owner must complete the approved training.
(c) The person proposing to perform the monitoring inspection must meet all requirements identified in subsection (2) of this section and document on the report that they completed the inspection.

(d) The requirements of subsections (3)(a) and (b) of this section may be waived by the health officer if circumstances do not allow the owner to sign and acknowledge the application or take the training.

(e) Application to complete a monitoring inspection for a nonfamily member may be considered by the health officer on a case by case basis;

(4) The homeowner inspection authorization does not authorize the holder of that authorization to:

(a) Repair an OSS of which they are not a resident owner;

(b) Inspect or maintain a proprietary product that requires monitoring and maintenance by a manufacturer authorized person, unless they provide written documentation from the manufacturer that they have received training and are authorized to complete inspections and maintain the specific product;

(5) The homeowner inspection authorization holder shall report failure of an on-site sewage system to JCPH within 24 hours of first identifying the failure;

(6) Monitoring inspection reports shall be submitted by the authorization holder to JCPH or other authorized agency within 30 days following the inspection;

(7) The reports shall be submitted in a format and manner prescribed by JCPH; and

(8) Shall be accompanied by the required fees with the exception of those submitted within 60 days to follow up on corrections identified in the previous report;

(9) For each monitoring inspection report submitted the homeowner will affirm that they have reviewed the approved course materials and the field inspection guide.

(10) JCPH reserves the right to observe, audit, or inspect the on-site sewage system and related activities of homeowners authorized to complete inspections under this section.

(11) Suspension/Revocation. A homeowner inspection authorization may be suspended or revoked as set forth in JCC 8.15.180 if he/she has been found to be in noncompliance with the terms of this chapter or has performed with negligence, incompetence or misrepresentation. [Ord. 6-12]

8.15.150 Operation, maintenance and monitoring.
(1) Responsibility of Owner(s). The owner of every residence, business, or other place where persons congregate, reside or are employed that is served by an OSS, and each person with access to deposit materials in the OSS shall use, operate, and maintain the system to eliminate the risk to the public associated with improperly treated sewage. Owners' duties are included, without limitation, in the following list:

(a) They shall comply with the conditions stated on the on-site sewage permit.

(b) They shall employ an approved pumper to remove the septage from the tank(s) when the level of solids and scum indicates that removal is necessary. The septic tank shall be pumped when the total amount of solids equals or exceeds one-third the volume of the tank. The pump and/or siphon chamber(s) shall be pumped when solids are observed.

(c) They shall not use water in quantities that exceed the OSS's designed capacity for treatment and disposal.

(d) They shall not deposit solid, hazardous waste, or chemicals other than household cleaners in the OSS.
(e) They shall not deposit waste or other material that causes the effluent entering the drainfield to exceed the parameters of residential/household waste strength.

(f) They shall not build any structure in the OSS area or reserve area without express, prior consent of the health officer.

(g) They shall neither place nor remove fill over the OSS or reserve area without express, prior consent of the health officer.

(h) They shall not pave or place other impervious cover over the OSS or reserve area.

(i) They shall divert drains, such as footing or roof drains, away from the area of the OSS.

(j) They shall comply with inspection requirements in this section, and JCPH Policy 04-01 as adopted by the board of health as amended or replaced.

(k) They shall provide maintenance and needed repairs to promptly return the OSS system to a proper operating condition. They shall obtain permits where required by local and state codes.

(l) They shall ensure that all monitoring and maintenance is performed by an authorized person and reported to JCPH in the prescribed time frame and approved format.

(m) They should not dispose of excess food waste via a garbage disposal.

(n) They should not drive, park or store vehicles or equipment over the drainfield or reserve area.

(o) They should not allow livestock access to the OSS area or reserve area.

(p) They shall comply with WAC 246-272A-270.

(q) They may complete monitoring inspections for any eligible OSS serving a single-family residence or duplex on property they own at the frequency identified in Table 1 after meeting the requirements of JCC 8.15.145(2).

(2) Breach of Owner’s Responsibilities. An owner’s or occupier’s failure to fulfill any of the responsibilities in subsection (1) of this section shall be a basis for a notice of violation and for the health officer to decline to issue approval for further development on the parcel.

(3) Where a proprietary product is included as a part of the on-site sewage system, a restrictive covenant shall be placed on the title of the property providing notice that the site is served by an alternative method of sewage disposal and requires regular maintenance that must be performed by a person authorized by the device manufacturer and certified by JCPH. This notice shall be recorded prior to final approval of the system on forms approved by JCPH.

(4) The health officer shall be responsible to make available written guidance on the proper maintenance and operation of the OSS to the owner. Information shall be made available to the public by JCPH.

(5) The health officer shall be responsible to retain access to monitoring information submitted to JCPH according to the records retention schedule for review by property owner or interested parties.

(6) Certificate or Authorization Required for Monitoring and Maintenance.

(a) It shall be unlawful for any person, firm or corporation, other than JCPH, to engage in any monitoring inspection required under these regulations without holding either:

(i) A valid operations and monitoring specialist certification from JCPH; or

(ii) A valid license from the Washington Department of Licensing to design on-site sewage systems pursuant to Chapter 18.120 RCW; or
(iii) A licensed engineer pursuant to Chapter 18.43 RCW; or

(iv) A valid homeowner inspection authorization for a specific property or properties.

(b) It shall be unlawful for any person, firm, or corporation to perform maintenance on an OSS without holding a valid designer license or certification from JCPH as an installer, O&M specialist, or pumper. This includes vacuuming or jetting an OSS; except, property owners may perform maintenance on their own OSS.

(7) On-Site Sewage System Inspection Requirements.

(a) The owner shall assure that the OSS receives a complete evaluation of the system components and/or property to determine functionality, maintenance needs and compliance with regulations and any permits:

(i) At least once every three years for all systems consisting solely of a septic tank and gravity drainfield;

(ii) Annually for all other systems unless more frequent inspections are specified by these regulations or the local health officer.

(b) On-site sewage systems in Jefferson County shall be inspected at the identified frequency by an approved monitoring entity that meets the standards in JCC 8.15.140 or 8.15.145 when and where applicable. See Table 1.

(c) Annual monitoring inspection by a certified O&M specialist or licensed designer is required for an OSS that:

(i) Receives wastewater of greater than residential strength.

(ii) Receives wastewater from a food-service establishment.

(iii) Includes an aerobic treatment unit, proprietary treatment unit listed by Washington State Department of Health or includes drip irrigation as a component of the system.

(d) Inspection by a certified O&M specialist, licensed designer or JCPH is required:

(i) For community on-site sewage systems.

(ii) For on-site sewage systems serving commercial enterprises unless authorization is granted to the homeowner for a specific OSS system.

(iii) At the time of sale or transfer of a property, except if there is a monitoring inspection on file by a certified O&M specialist or licensed designer in compliance with the inspection frequency identified in subsection (7)(a) of this section. The monitoring inspection report shall be on file with JCPH prior to the sale or transfer.

(iv) At the time of application for building permit on the property per JCPH Policy 04-01 as adopted or amended.

(v) At the time of application for other land use or governmental actions including but not limited to:

(A) Land divisions where an existing OSS is part of the proposal,

(B) Conditional use permit,

(C) Boundary line adjustment where an existing OSS is part of the proposal.

(e) Where there are no county records regarding the type, size, location and other applicable information on a septic system, a site plan identifying the tank location and other components must be completed by a certified
O&M specialist or licensed designer and submitted to JCPH prior to any inspection by a homeowner holding an inspection authorization.

(f) Fees for inspections and monitoring or maintenance contracts shall be set by the service provider.

(g) The health officer may require more frequent inspections for systems where a problem has been identified.

(h) Multiple Requirements. If the manufacturer, patent holder, state, JCPH, and any other relevant body have differing recommendations or requirements for inspection and maintenance intervals for an OSS or any component of the OSS, then the owner shall follow the most frequent service interval.

(8) Operations and Monitoring Agreement. The owner of any site where a permit is issued for an on-site sewage component shall complete and record to the property title an operations and monitoring agreement prior to finalization of the permit. The agreement shall be on a form approved by the public health department.

(9) Operation and Monitoring Access Requirements.

(a) The owner of the system shall provide access to the system for inspection and maintenance/monitoring as follows:

(i) Septic Tank. Septic tanks shall be fitted with watertight pumping access risers to the ground surface over both compartments and over the outlet baffle, except as set forth in JCC 8.15.090(10). The risers shall have a means to lock or secure the lid against tampering and accidental access.

(ii) Pump Chamber. Pump chambers shall have a watertight riser to ground surface over the pump. The riser shall have a means to lock or secure the lid against tampering and accidental access.

(iii) Proprietary Devices and Disinfection Equipment. Access shall be provided as determined by the manufacturer or patent holder and shall include access to ground surface for effluent sample collection, observation and inspection of the unit.

(10) Inspection Report. The inspection report shall be submitted in a format and manner prescribed by JCPH. The inspection report form shall be completed in full and applicable fees paid for an inspection to be considered valid.

Table 1: Minimum Monitoring Inspection Frequency by System Type and Who Is Eligible to Complete the Inspection

<table>
<thead>
<tr>
<th>Time</th>
<th>Conventional Gravity – No Pump</th>
<th>Conventional w/Pump, Pressure Distribution, Mound, Sandfilter, Other Public Domain Technology</th>
<th>Aerobic Treatment Unit (ATU), Proprietary Device, Drip Irrigation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Frequency of Inspection – Every 3 Years</td>
<td>Frequency of Inspection – Every Year</td>
<td>Frequency of Inspection – Every Year</td>
</tr>
<tr>
<td>OSS$^1$ Not Within Risk Category$^2$</td>
<td>OSS$^1$ Is Within Risk Category$^2$</td>
<td>OSS$^1$ Not Within Risk Category$^2$</td>
<td>OSS$^1$ Is Within Risk Category$^2$</td>
</tr>
<tr>
<td>Year 1</td>
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<td>N/A</td>
<td>HO or OMS or DES</td>
</tr>
<tr>
<td>Year 2</td>
<td>N/A</td>
<td>N/A</td>
<td>HO or OMS or DES</td>
</tr>
<tr>
<td>Year 3</td>
<td>HO or OMS or DES</td>
<td>HO or OMS or DES</td>
<td>HO or OMS or DES</td>
</tr>
<tr>
<td>Year 4</td>
<td>N/A</td>
<td>N/A</td>
<td>HO or OMS or DES</td>
</tr>
<tr>
<td>Time</td>
<td>Conventional Gravity – No Pump</td>
<td>Conventional w/Pump, Pressure Distribution, Mound, Sandfilter, Other Public Domain Technology</td>
<td>Aerobic Treatment Unit (ATU), Proprietary Device, Drip Irrigation</td>
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<td>OSS(^1) Not Within Risk Category(^2)</td>
<td>OSS(^1) Is Within Risk Category(^2)</td>
<td>OSS(^1) Not Within Risk Category(^2)</td>
</tr>
<tr>
<td>Year 5</td>
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<td>N/A</td>
<td>HO or OMS or DES</td>
</tr>
<tr>
<td>Year 6</td>
<td>HO or OMS or DES</td>
<td>OMS or DES</td>
<td>HO or OMS or DES</td>
</tr>
<tr>
<td>Year 7</td>
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<td>N/A</td>
<td>HO or OMS or DES</td>
</tr>
<tr>
<td>Year 8</td>
<td>N/A</td>
<td>N/A</td>
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</tr>
<tr>
<td>Year 9</td>
<td>OMS or DES</td>
<td>HO or OMS or DES</td>
<td>HO or OMS or DES</td>
</tr>
<tr>
<td>Year 10</td>
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</tr>
<tr>
<td>Year 11</td>
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<tr>
<td>Year 12</td>
<td>HO or OMS or DES</td>
<td>OMS or DES</td>
<td>OMS or DES</td>
</tr>
</tbody>
</table>

Above schedule repeats for the life of the OSS

HO = Homeowner with inspection authorization

OMS = Operation and monitoring specialist

DES = Licensed on-site sewage system designer or professional engineer

\(^1\) OSS – includes all components of an on-site sewage system including tanks, transport lines, treatment and disposal components.

\(^2\) Risk categories include any one of the following elements:

- Setbacks – OSS with components not meeting the current required setbacks to a well or surface water.
- Shorelines – OSS with components within 200 feet of ordinary high water.
- Floodplain – sites with OSS components mapped by FEMA as being within a 100-year floodplain.
- Waiver – OSS with components not meeting the current required setbacks to a well or surface water.
- OSS replacement or repairs not meeting current code at the time of permitting.

\(^3\) OMS or DES = Professionals inspecting ATU and proprietary devices must have authorization by the manufacturer to monitor and maintain these treatment units.

[Ord. 6-12]

### 8.15.165 Waiver of state or local regulations.

(1) Applicability. Any person who owns or operates an OSS may apply to the health officer for a waiver from any paragraph of these regulations.

(2) Granting Requirements.

   (a) The health officer may grant such a waiver if it finds that:

      (i) Special circumstances exist that are not of the applicant's making;

      (ii) An unnecessary hardship will occur without the waiver;

      (iii) The health officer has determined that the waiver is consistent with the standards in, and the intent of, the public health protection purpose and objectives of these rules;
(iv) Corresponding mitigation measure(s) to assure that public health and water quality protection, at least equal to that established by these rules, is provided.

(b) The health officer may grant a waiver conditioned by a timetable if:

(i) Compliance with this regulation will require spreading of costs over a considerable time period; and

(ii) The timetable is for a period that is needed to comply with this regulation.

(c) The health officer may grant waivers from these regulations for standards that are more stringent than the standards of Chapter 246-272A WAC, or from provisions in these regulations that are not contained in Chapter 246-272A WAC without department of health approval.

(3) Application.

(a) The application shall be made on forms provided by JCPH and accompanied by all information required by the health officer or designee.

(b) The health officer may request additional information if required to make a decision.

(c) An application for a waiver, or for the renewal thereof, submitted to the health officer shall be approved or disapproved by the health officer within 90 calendar days of receipt unless the applicant and the health officer agree to a continuance.

(4) Renewal. The health officer may renew any waiver granted pursuant to this section on terms and conditions and for periods that would be appropriate on initial granting of a waiver. No renewal shall be granted except on written application. Any such application shall be made at least 60 calendar days prior to the expiration of the variance.

[Ord. 6-12]

8.15.170 Appeal – Hearing.

(1) Appeal of Public Health Action – Health Officer Administrative Hearing. Any person aggrieved by the contents of a notice and order to correct violation issued under this regulation, or by any inspection or permit issuance or enforcement action conducted by public health under this regulation, may request, in writing, a hearing before the health officer or his or her designee. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of public health. Such request shall be presented to the health officer within 10 business days of the action appealed; except in the case of a suspension, the request for a hearing must be made within five business days. Upon receipt of such request together with hearing fees, the health officer shall notify the person of the time, date, and place of such hearing, which shall be set at a mutually convenient time not less than five business days nor more than 30 business days from the date the request was received. The health officer will issue a decision upholding or reversing public health’s action. The health officer may require additional actions as part of the decision.

(2) Appeal of Administrative Hearing.

(a) Any person aggrieved by the findings or required actions of an administrative hearing shall have the right to appeal the matter by requesting a hearing before the board of health. Such notice of appeal shall be in writing and presented to the health officer within five business days of the findings and actions from the administrative hearing and shall be accompanied by a fee as established in the current public health fee schedule. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the health officer. The appellant and the health officer may submit additional information to the board of health for review.

(b) The notice and order to correct violation shall remain in effect during the appeal. Any person affected by the notice and order to correct violation may make a written request for a stay of the decision to the health-
officer within five business days of the health officer’s decision. The health officer will grant or deny the request within five business days.

(e) Upon receipt of a timely written notice of appeal together with the hearing fee, the health officer shall set a time, date, and place for the requested hearing before the board of health and shall give the appellant written notice thereof. Such hearing shall be set at a mutually convenient time not less than five business days or more than 30 business days from the date the appeal was received by the health officer.

(d) Any decision of the board of health shall be final and may be reviewed by an action filed in superior court. Any action to review the board’s decision must be filed within 30 business days of the date of the decision.

(3) All revocation hearings shall be conducted by the board of health.

(4) The following guidelines apply to all hearings and appeals conducted by the board of health pursuant to this section:

(a) Appeals shall be made in writing and shall be signed and dated by the petitioning party.

(b) Appeals shall include a brief and concise statement of the law and facts, which affirmatively establish that the health officer has committed an error.

(c) Appeals shall be transmitted to the board of health by JCPH following receipt from the petitioning party together with all relevant material associated with the health officer’s action, including, but not limited to, applications, reports, soil logs, photographs, staff analysis and recommendations.

(d) Upon receipt of the appeal materials transmitted by JCPH, the board of health shall conduct a hearing to determine the correctness of the decision by the health officer within 35 days. The petitioner shall be given five days’ notice by certified mail of the purpose, time, date and place of said hearing. Further, if the petitioning party is a person other than the permit applicant or a permit holder, then notice of the purpose, time, date, and place of said hearing shall likewise be mailed by certified mail to the permit applicant or permit holder.

(e) Any hearing conducted pursuant to this section shall be a public hearing and the chairperson of the board of health shall open the hearing and take testimony from any interested persons; provided, that testimony in suspension or revocation hearings shall be limited to that presented by the health officer, the certificate holder and any witness called by them; provided further, that the chairperson may limit the length of the testimony to a specific amount of time to be applied equally to those interested persons wishing to speak, except in suspension or revocation hearings where the board of health is authorized to use its discretion.

(f) The procedure to be utilized during any hearing conducted pursuant to this section shall be as follows:

(i) The petitioning party, permit applicant, or permit holder and the health officer, if not the petitioning party, shall be given an opportunity to present evidence, analysis and recommendations.

(ii) Members of the board of health may direct questions to the petitioning party, permit applicant or permit holder and health officer.

(iii) The chairperson of the board of health shall permit the presentation of testimony by any interested person as set forth in this chapter.

(iv) Following presentation of evidence and testimony, the chairperson of the board of health shall close the hearing and initiate discussion with other board members on the matters presented.

(v) Following discussion, the board of health shall make ruling on the appeal.

(vi) Under no circumstances shall cross-examination of persons making presentations at the hearing be permitted, notwithstanding that the board of health may ask questions as set forth above.
(g) Should the board of health require additional testimony, it may continue the public hearing to a date and time not to exceed 35 days following the date of the initial public hearing; provided, that at the close of the second public hearing the board of health may continue its deliberations on the appeal to another time and date not to exceed 35 days following the close of the second public hearing conducted to receive additional testimony. In all other cases the board of health may continue its deliberations on the appeal to another date and time not to exceed 35 days following the close of the public hearing.

(h) Relevant evidence is admissible, if in the opinion of the board of health it is the best evidence reasonably obtainable having due regard for its necessity, availability and trustworthiness; provided, that in passing upon the admissibility of evidence the Jefferson County board of health may give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings in matters not involving trial by jury in the superior court of the state of Washington.

(i) A full and complete record shall be kept of all proceedings and all testimony shall be recorded. The record of testimony and exhibits together with all papers and requests filed in the proceedings shall constitute the exclusive record for the decision in accordance with the law.

(j) All decisions shall become a part of the record and shall include a statement of findings and conclusions.

(k) Notice of the decision of the board of health shall be provided not later than 10 days following the date of its decision.

(l) The petitioning party, permit applicant, permit holder, or designated agent, and JC PH shall be notified of the decision of the board of health, together with the findings and conclusions. [Ord. 6-12]

8.15.180 Enforcement – Penalty.

(1) The enforcement provisions codified in Title 19 JCC, Code Compliance, as currently enacted or as later amended, shall apply to any alleged violation of this chapter, unless specifically amended or authorized below.

(2) Other Laws, Regulations and Agency Requirements.

(a) All OSS management shall be subject to the authority of other laws, regulations or other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by persons, which exist in equity, common law or other statutes to abate pollution or to abate a nuisance.

(b) If a conflict exists between the interpretation of Chapter 246-272A WAC and these regulations, the more stringent regulation shall apply to better protect public health and the environment.

(3) Enforcement Authority. The health officer, his or her designee, or any person appointed as an “enforcement officer”, pursuant to JCC 8.01.070, by the Jefferson County board of health shall have the authority to enforce the provisions of these regulations equally on all persons. The health officer is also authorized to adopt rules consistent with the provisions of these rules and regulations for the purpose of enforcing and carrying out its provisions.

(3) Right of Entry.

(a) Whenever necessary to make an inspection to enforce or determine compliance with the provisions of these regulations, and other relevant laws and regulations, or whenever the health officer has cause to believe that a violation of these regulations has or is being committed, the health officer or his/her duly authorized inspector may, in accordance with federal and state law, seek entry of any building, structure, property or portion thereof at reasonable times to inspect the same.
(b) Prior to entering any building, structure, property or portion thereof, the health officer or his/her duly authorized inspector shall attempt to secure the consent of the owner, occupant or other person having apparent control or control of said building, structure, property or portion thereof.

(i) If such building, structure, property or portion thereof is occupied, the inspector shall present identification credentials, state the reason for the inspection, and request entry.

(ii) In attempting to contact the owner, occupier or other persons having apparent control of said building, structure, property or portion thereof, the inspector may approach said building or structure by a recognizable access route, e.g., a street or driveway, leading to said building or structure.

(c) If permission to enter said building, structure, property or portion thereof is not obtained from the owner, occupier or other persons having apparent control of said building, structure, property or portion thereof, the inspector may enter said building, structure, property or portion thereof only if the entry into the building, structure, or property is consistent with applicable state and federal law.

(d) If permission to enter said building, structure, property or portion thereof is not obtained from the owner, occupier or other persons having apparent control of said building, structure, property or portion thereof, the health officer or his/her duly authorized inspector shall also have recourse to any other remedies provided by law to secure entry, including but not limited to search warrants based on probable cause or statutory authority.

(4) Notice and Order to Correct Violation.

(a) Issuance. Whenever the health officer determines that a violation of these regulations has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing or participating in the violation.

(b) Content. The notice and order to correct violation shall contain:

(i) The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;

(ii) 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;

(iii) A description of the violation and a reference to that provision of the regulation which has been violated;

(iv) A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;

(v) A statement that each violation of this regulation shall be a separate and distinct offense and in the case of a continuing violation, each day’s continuance shall be a separate and distinct violation;

(vi) A statement that the person, to whom the notice and order is directed, can appeal the order to the health officer, in accordance with the terms of this chapter, and that any such appeal must be presented to the health officer within 10 days;

(vii) A statement that the failure to obey this notice may result in the issuance of a notice of civil infraction, and/or the assessment of an administrative remedy, and/or, if applicable, the imposition of criminal penalties.

(c) Receipts. The notice and order to correct violation may also include a statement requiring the person to whom the notice and order to correct violation is directed to produce receipts from a certified professional to demonstrate compliance with an order issued by the health officer.
(d) Service of Order. The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to correct violations by first-class and/or certified mail postage prepaid, return receipt requested, to such person at his/her last known address. The notice and order to correct violation shall also be served via certified mail/return receipt requested to the owner of the parcel or parcels where the alleged violations are occurring, to the owner's last known address.

(e) Extension. Upon written request received prior to the correction date or time, the health officer may extend the date set for corrections for good cause. The health officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.

(f) Supplemental Order to Correct Violation. The health officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violations procedures contained in these regulations.

(g) Enforcement of Order. If, after any order is duly issued by the health officer, the person to whom such order is directed fails, neglects, or refuses to obey such order, the health officer may:

(i) Utilize any remedy or penalty under subsection (g) of this section; and/or

(ii) Abate the health violation using the procedures of these regulations; and/or

(iii) Pursue any other appropriate remedy at law or equity.

(h) Written Assurance of Discontinuance. The health officer may accept a written assurance of discontinuance of any act in violation of this regulation from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this regulation.

§ 4 Violations, Remedies and Penalties.

(a) The enforcement provisions codified in Title 19 JCC, Code Compliance, as currently enacted or as later amended, shall apply to any alleged violation of this chapter, unless specifically amended or authorized below.

(a) Violations.

(i) Violations of these regulations may be addressed through the remedies and penalties provided in this section.

(ii) Each violation of these regulations shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance shall be considered a separate and distinct violation.

(iii) The health officer may investigate alleged or apparent violations of these regulations. Upon request of the health officer or designee, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves.

(iv) Violations, alleged or alleged, that occurred or are occurring in critical areas, as that term is defined in this chapter, of Jefferson County, shall have the highest priority for investigation by those persons charged in this chapter with investigating such violations and enforcing this chapter and such violations will be subject to a "zero-tolerance" policy.

(b) Civil Remedies.

(i) Except as provided elsewhere in this section, the violation of any provision of these regulations is designated as a Class 1 civil infraction pursuant to Chapter 7.80 RCW, Civil Infractions.
(ii) In addition to or as an alternative to any other judicial or administrative remedy provided herein, or by law, any person or establishment who violates this regulation may be assessed a civil penalty up to $5,120.00 per day of continuous violation to be directly assessed by the health officer until such violation is corrected.

(iii) The health officer may issue a notice of civil infraction pursuant to Chapter 7.80 RCW if the health officer has reasonable cause to believe that the person has violated any provision of these regulations or has not corrected the violation as required by a written notice and order to correct violation. Civil infractions shall be issued, heard and determined as described in Chapter 7.80 RCW, and any applicable court rules.

(iv) All other legal and equitable remedies are also deemed available to public health or its health officers and may be invoked, utilized or sought at any time regardless of whether other remedies have or have not been undertaken or sought.

(e) Criminal Penalties.

(i) Any person who fails, neglects, or refuses to obey an order of the health officer to correct a violation asserted forth above in this section shall, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than $1,000, or imprisonment in the county jail not to exceed 90 days, or both. The court may also impose restitution.

(ii) Any person who fails, neglects, or refuses to comply with a written assurance of discontinuance pursuant to this section shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than $1,000, or imprisonment in the county jail not to exceed 90 days, or both. The court may also impose restitution.

(d) Stop-Work Orders. The health officer may cause a stop work order to be issued whenever the health officer has reasonable cause to believe that a violation of this regulation is occurring. The effect of the stop work order shall be to require the immediate cessation of such work or activity that has contributed to the violation until authorized by the health officer to proceed.

(i) Content. A stop work order shall include the following:

(A) The name and address for the person responsible for the alleged violation;

(B) The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring;

(C) A description of the violation and reference to the provision of the Jefferson County board of health ordinance which has been allegedly violated;

(D) The required corrective action;

(E) A statement that a failure to comply with the order may lead to issuance of a civil infraction to the person named in the order;

(F) A statement that the person to whom the stop work order is directed can appeal the order to the health officer in accordance with JCC 8.15.170 and that any such appeal must be presented to the health officer within 10 days.

(ii) Service of Notice. The health officer shall serve the stop work order upon the owner of the property where the alleged violation occurred or is occurring and the person, firm or business entity that has allegedly violated this chapter, either personally or by mailing a copy of the notice by regular and certified or registered mail, within a five-day return receipt requested, to the owner at his or her last known address.
A copy of the order shall also be posted on the property where the alleged violation occurred or is occurring.

(iii) Posting of Notice. In addition to service of the notice listed above, an additional notice shall be posted on the property in substantially the following form:

Under the authority of Chapter 8.15 JCC, On-site Sewage Regulations, you are hereby required to immediately

STOP WORK.

This order is in effect at this property for all work and activities that relate to violations of Chapter 8.15 JCC, On-site Sewage Regulations, and remains in effect until removed by public health. It is a violation of these regulations to remove, deface, destroy, or conceal a posted stop work order.

FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE ISSUANCE OF A CIVIL INFRACTION.

(e) Voluntary Correction. When the health officer determines that a violation has occurred or is occurring, he or she shall attempt to secure voluntary correction by contacting the person responsible for the alleged violation and, where possible, explaining the violation and requesting correction.

(i) Voluntary Correction Agreement. The person responsible for the alleged violation may enter into a voluntary correction agreement with public health. The voluntary correction agreement is a contract between public health and the person responsible for the violation in which such person agrees to abate the alleged violation within a specified time and according to specified conditions. The voluntary correction agreement will be in lieu of the issuance of further citations or the abatement of the property pursuant to Chapter 7.48 RCW or this chapter. The voluntary correction agreement shall include the following:

(A) The name and address of the person responsible for the alleged violation;

(B) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring;

(C) A description of the alleged violation and a reference to the regulation which has been violated;

(D) The necessary corrective action to be taken, and a date or time by which correction must be completed;

(E) An agreement by the person responsible for the alleged violation that public health may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;

(F) An agreement by the person responsible for the alleged violation that public health may enter the property to abate the violation and recover its costs and expenses (including administrative, hearing, and removal costs) from the person responsible for the alleged 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 alleged violation waives the right to a hearing before the health officer under these regulations or otherwise, regarding the matter of the alleged violation and/or the required corrective action.

(ii) Right to a Hearing Waived. By entering into a voluntary correction agreement, the person responsible for the alleged violation waives the right to a hearing before the health officer under these regulations or otherwise, regarding the matter of the violation and/or the required corrective action. The person...
responsible for the alleged violation may, by through written documentation provided to the health officer, state his or her decision to reject and nullify the voluntary correction agreement, at which time the person is entitled to an appeal to the health officer pursuant to JCC 8.15.170.

(iii) Extension and Modification. The health officer may, at his or her discretion, grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible for the alleged violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances have delayed correction under the original conditions.

(iv) Abatement by Public Health. The county may abate the alleged violation in accordance with subsection (5) of this article if all terms of the voluntary correction agreement are not met.

(v) Collection of Costs. If all terms of the voluntary correction agreement are not met, the person responsible for the alleged violation shall be assessed all costs and expenses of abatement, as set forth in this chapter.

(f) Abatement Orders. Where the health officer has determined that a violation of these regulations has occurred or is occurring, he or she may issue an abatement order to the person responsible for the alleged violation requiring that the unlawful condition be abated within a reasonable time period as determined by the health officer.

(i) Prerequisite to Abatement Order. Absent conditions which pose an immediate threat to the public health, safety or welfare of the environment, the procedures for abatement of conditions constituting a violation of these regulations should be utilized by public health only after corrections of such conditions have been attempted through the use of the civil infraction process. Once it has been determined by public health that there is an immediate threat to the public health's safety or welfare and that correction of such conditions has not been adequately achieved through use of the civil infraction process, then public health is authorized to proceed with abatement of such conditions pursuant to these regulations. Public health shall also attempt to enter into a voluntary correction agreement prior to issuing an abatement order.

(ii) Content. An abatement order shall include the following:

(A) The name and address for the person responsible for the alleged violation;

(B) The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring;

(C) A description of the violation and reference to the provision of the Jefferson County board of health ordinance which has been allegedly violated;

(D) The required corrective action and a date and time by which the correction must be completed and after which the health officer may abate the unlawful condition in accordance with this chapter;

(E) A statement that the costs and expenses incurred by public health pursuant to this chapter, including any amount expended on staff time to oversee the abatement, may be assessed against the person to whom the abatement order is directed in a manner consistent with this chapter; and

(F) A statement that the person to whom the abatement order is directed can appeal the order to the health officer in accordance with this chapter.

(iii) Service of Notice. The health officer shall serve the abatement order upon the owner of the property where the alleged violation occurred or is occurring, either personally or by mailing a copy of the notice by regular and certified or registered mail, a five-day return receipt requested, to the owner at his or her last known address. The order shall also be served on each of the following if known to the health officer or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or
encumbrance of record; the owner or holder of any lease of record and the holder of any other estate or legal interest of record in or to the property or any structures on the property. The failure of the health officer to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such served person from any duty or obligation imposed by the provisions of this section. A copy of the order shall also be posted on the property where the alleged violation occurred or is occurring.

(iv) Authorized Action by Public Health. Using any lawful means, public health may enter the subject property and may remove or correct the condition that is subject to abatement.

(v) Recovery of Costs and Expense. The costs of correcting a condition which constitutes a violation of these regulations, including all incidental expenses, shall be billed to the owner of the property upon which the alleged violation occurred or is occurring, and shall become due within 15 calendar days of the date of mailing the billing for abatement. The term “incidental expenses” includes, but is not limited to, personnel costs, both direct and indirect and including attorney’s fees; costs incurred in documenting the violation; towing/hauling; storage and removal/disposal expenses; and actual expenses and costs to public health in preparing notices, specifications and contracts associated with the abatement, and in accomplishing and/or contracting and inspecting the work; and the costs of any required printing and mailing.

(vi) Collection of Costs and Expenses. The costs and expenses of correcting a condition, which constitutes a violation of these regulations, shall constitute a personal obligation of the person to whom the abatement order is directed. Within 15 days of abating any violation, the health officer shall send the person named in the abatement order a bill that details the work performed, materials removed, labor used and the costs and expenses related to those tasks as well as any other costs and expenses incurred in abating the violation.

(g b) Notice to Vacate. When a condition constitutes a violation of these regulations and poses an immediate threat to life, limb, property, or safety of the public or persons residing on the property, the health officer may issue a notice to vacate.

(i) Content. A notice to vacate shall include the following:

(A) The name and address for the person responsible for the alleged violation;

(B) The street address or description sufficient for identification of the building, structure or premises, or land upon or within which the alleged violation has occurred or is occurring;

(C) A description of the violation constituting an emergency and reference to the provisions of the Jefferson County board of health regulations which have been allegedly violated;

(D) A date, as determined by the severity of the emergency, by which any persons must vacate the premises. In case of extreme danger to persons or property immediate compliance shall be required;

(E) The required corrective action;

(F) A statement that the person to whom the notice to vacate is directed can appeal the order to the health officer in accordance with JCC 8.15.170 and that any such appeal must be presented to the health officer within 10 days.

(ii) Service of Notice. The health officer shall serve the abatement order upon the owner of the property where the alleged violation occurred or is occurring, either personally or by mailing a copy of the notice by regular and certified or registered mail, with a five-day return receipt requested, to the owner at his or her last known address. A copy of the order shall also be posted on the property where the alleged violation occurred or is occurring.
(iii) Posting the Notice. In addition to providing service as stated above, an additional notice shall be posted on the property in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a violation of Chapter 8.15 JCC to occupy this building, or to remove or deface this notice.

_________________, Health Officer
Jefferson County Public Health

(iv) Compliance. No person shall remain in or enter any building, structure, or property which has been so posted, except that entry may be made to repair or correct any conditions causing or contributing to the threat to life, limb, property, or safety of the public or persons residing on the property. No person shall remove or deface any such notice after it is posted until the required corrective action has been completed and approved.

(6) Appeals. See JCC 8.15.170.

(7.5) Administrative – Certificate or Authorization Holders.

(a) Suspension of Certificate or Authorization.

(i) The health officer may suspend any certificate or authorization upon making the determination, after a hearing between the health officer and the certificate or authorization holder, that the holder has performed with negligence, incompetence, misrepresentation or failure to comply with the applicable rules, regulations, guidelines, policies or practices which pertain to water supply and waste water disposal, to have made fraudulent misrepresentation in making application for a certificate or authorization or to have made fraudulent misrepresentation in making application for a permit to install an on-site sewage system, either existing at the time of certification or as thereafter enacted.

(ii) The health officer shall give written notice of the hearing to any person aggrieved who has filed a written complaint with the health officer and the affected certificate holder(s).

(iii) For the first confirmed violation under this subsection by certificate holders, the suspension period shall not exceed 30 days; and the second violation in any three-year period shall result in a suspension of the certificate for a period not less than 15 days and not to exceed 180 days.

(iv) For the first confirmed violation under this subsection by homeowner inspectors, the suspension period shall not extend beyond the next required inspection.

(v) If the health officer suspends a certificate or authorization, the holder shall not proceed with any further work in connection with the activity covered by the certificate or authorization.

(vi) The certificate or authorization holder shall be notified by certified mail of suspension of the certificate or authorization upon determination of a finding that a violation has occurred requiring suspension.

(b) Revocation of Certificate or Authorization.

(i) A certificate or authorization may be revoked for repeated violation of any of the requirements of these regulations or any other applicable regulation or if, after a hearing with the board of health, the holder of such certificate or authorization shall be found grossly incompetent or negligent, or to have made
fraudulent misrepresentations in making application for a certificate or authorization or for a permit to install an on-site sewage system, or should the bond or insurance required herein be canceled.

(ii) The health officer shall give written notice of the hearing to any person aggrieved who has filed a written complaint with the health officer and the affected certificate holder(s).

(iii) The third notice of violation issued by JCPH staff within any 12-month period shall be considered as repeated violations and result in certificate or authorization revocation.

(iv) If the board of health revokes a certificate or authorization, the holder shall not proceed with any further work in connection with the activity covered by the certificate or authorization.

(v) The certificate or authorization holder shall be notified by certified mail of revocation of the certificate or authorization, upon determination of a finding that a violation has occurred requiring revocation.

(vi) If, after revocation of a certificate, the applicant desires to reapply for a certificate, the applicant must wait six months prior to reapplication. Any person whose certificate has been revoked will be required to pay all applicable fees and take and pass the written examination again before issuance of a new certificate.

(c) Reinstatement of Suspended or Revoked Certificate or Authorization.

(i) The certificate or authorization holder shall make written application for reinstatement to the environmental health director specifying what practices, performance, and conditions that were named as grounds for suspension or revocation have been remedied; and the certificate or authorization holder will provide a description of the changes in performance that will occur which will directly avoid the repetition of past violations.

(ii) The environmental health director, upon determining that noted deficiencies have been satisfactorily addressed, shall schedule the individual for participation in the next available examination where applicable. Reissuance of the certificate or authorization is subject to the individual’s successful completion of the application and testing procedure and payment of applicable fees as per the fee ordinance.

(d) Probation. A period of probation consisting of additional reporting or inspection requirements may be imposed on a certificate or authorization holder as a result of violations of these rules or as a condition of operation following suspension/revocation of a certificate or authorization. Said period and requirements shall be the decision of the health officer and shall be determined after an administrative hearing with the certificate holder.

(e) Appeal. Any person feeling aggrieved because of the suspension or denial of a certificate by the health officer may, within 15 days of the suspension or denial, appeal to the board of health as set forth in JCC 8.15.170.

(8) Administrative—Property Owners.

(a) Notice to Title. If the health officer finds that an owner has failed to comply with the requirements of this regulation, and all administrative remedies have been exhausted, and the case has been forwarded to the Jefferson County prosecuting attorney for further action, the health officer may record a notice of potential uncorrected violation finding on the title of the property with the Jefferson County auditor.

(b) Removal of Notice. The owner shall make written request to the health officer for rescission of the notice to title. The request shall specify corrective actions that have been completed.

(c) The health officer, upon determining that noticed violation has been corrected, shall record a rescission of notice with the Jefferson County auditor.
(d) The owner shall pay fees as required to complete inspection(s) to verify correction and to record the recision prepared by JCPH. [Ord. 6-12]

8.15.190 Severability.
Provisions of these rules and regulations are hereby declared to be separable, and if any section, subsection, sentence, clause, phrase, or portion of these rules and regulations is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations. [Ord. 6-12]

8.15.200 Fees.

(1) Fees shall be as per Jefferson County public health fee schedule.

(2) Refunds shall not be granted if field investigation, plan review, site visit or design review has been completed by JCPH.

(3) A refund of the application fee minus an administrative fee of $45.00 shall be granted upon written request of the applicant/owner, except as noted in subsection (2) of this section.

(4) All sewage system installer’s, septic tank pumper’s, and operation and monitoring specialist’s certificates are renewable annually on March 1st. Should any renewal fee remain unpaid by March 31st, a penalty fee according to the fee schedule shall be charged. Previously issued certificates shall become void if not renewed prior to April 1st.

(5) Fees generated under this authority cannot be used to support non-public-health activities. [Ord. 6-12]

8.15.210 Effective date.
This chapter shall be effective 10 days after approval is obtained from the department of health as per WAC 246-272A-0015(10). [Ord. 6-12]

8.15.220 Conflict.
Where other county regulations are in conflict with this chapter, the more restrictive regulation shall apply and such application shall extend only to those specific provisions that are more restrictive. [Ord. 6-12]

\footnote{Prior legislation: Ords. 1-69, 2-77, 1-80, 1-83, 1-87 and 4-90.}
Chapter 8.90
PUBLIC NUISANCES

Sections:

8.90.010—Purpose.
8.90.020—Liberal-construction.
8.90.030—Declaration of nuisance.
8.90.040—Public-rules.
8.90.050—Definitions.
8.90.060—Enforcement-authority and administration.
8.90.070—Service of notices of voluntary compliance, notices of noncompliance, notices of violation, stop-work orders, and notices of violation and orders of abatement issued under this chapter.
8.90.080—Complying voluntarily.
8.90.090—Notice of violation.
8.90.100—Stop-work order.
8.90.110—Notice of violation and order of abatement.
8.90.120—Vehicle nuisance.
8.90.130—Public right-of-way nuisance.
8.90.140—Administrative appeals.
8.90.150—Crimes designated.
8.90.160—Right of entry.
8.90.170—Conflicts.
8.90.180—Representation by attorney.
8.90.190—Monetary penalties.
8.90.200—Recovery of costs.
8.90.210—Settlement of monetary penalties and costs.
8.90.010 Purpose.

(1) This chapter shall be construed as, and is intended to be enacted as, a regulation adopted pursuant to the police power granted to counties in Art. XI, Sec. 11, Washington State Constitution.

(2) In this chapter, the board of county commissioners for Jefferson County exercises the power granted to it by RCW 36.32.120(10) to declare what shall be deemed a nuisance within the county, to prevent, remove, and abate a nuisance at the expense of the parties creating, causing, or committing the nuisance, and to levy a special assessment on the land or premises on which the nuisance is situated to defray the cost, to reimburse the county for the cost of abatement, and to assess penalties to encourage compliance, which shall constitute a lien against the property that shall be of equal rank with state, county, and municipal taxes.

(3) In addition to the power exercised by the board of county commissioners for Jefferson County through RCW 36.32.120(10), the board of health for Jefferson County has the authority to declare, control, and abate nuisances detrimental to the public health under RCW 70.05.060(5).

(4) This chapter provides uniform and efficient regulation of acts or omissions which annoy, injure, or endanger the public health and safety. Uniform and efficient procedures with consistent application tailored to each county department’s mission should be used to accomplish the purposes of this chapter.

(5) The county shall pursue compliance (including voluntary compliance) with this chapter actively and vigorously in order to protect the public health and safety. The county’s intention is to pursue compliance consistently, with adherence to, and respectful of, fundamental constitutional principles.

(6) The county emphasizes avoidance of public nuisances by education, prevention, and voluntary compliance as a first step. County departments should be sensitive to the possibility that residents may not be aware of this chapter and should give warnings prior to enforcing this chapter, unless there is an immediate adverse impact. Warnings should be in writing, whenever possible.

(7) While voluntary compliance through warnings and voluntary compliance agreements are desired as a first step, enforcement and monetary penalties should be used for remedial purposes as needed to assure and effect compliance with this chapter. Abatement or remediation should be pursued when appropriate and feasible.

(8) While this chapter does authorize the county to take action to enforce county laws and regulations, it shall not be construed as placing responsibility for the nuisance or enforcement upon the county in any particular case, or as creating any duty on the part of the county to any particular person or class of persons. [Ord. 7-19 § 1 (Appx. A)]

8.90.020 Liberal construction.
This chapter shall be liberally construed to carry out its broad purposes. [Ord. 7-19 § 1 (Appx. A)]

8.90.030 Declaration of nuisance.
Pursuant to RCW 36.32.120(10), the board of county commissioners for Jefferson County declares that all nuisances defined in JCC 8.90.050(32) and all violations of this chapter are hereby determined to be detrimental to public health and safety and are hereby declared public nuisances. [Ord. 7-19 § 1 (Appx. A)]
8.90.040 Public rules.-

The county is authorized to adopt public rules by resolution of the board of county commissioners to implement the provisions of this chapter. [Ord. 7-19 § 1 (Appx. A)]

8.90.050 Definitions.-

The following definitions shall apply in the interpretation and enforcement of this chapter:

(1) "Abandoned vessel" has the same meaning as in RCW 79.100.010(1).

(2) "Abandoned or derelict vessel nuisance" means an abandoned vessel or a derelict vessel that has an adverse impact on public health and safety.

(3) "Abate" means to take steps to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a nuisance under this chapter by such means and in such a manner as are deemed necessary by the director in the interest of the public health and safety.

(4) "Act" means taking any action.

(5) "Adverse impact" means a condition that degrades public health and safety.

(6) "Aggrieved person" means a person subject to a decision by the director under this chapter and:

(a) The decision has prejudiced or is likely to prejudice that person;

(b) The person's asserted interests are among those that the county was required to consider when the director made the decision; and

(c) A judgment or final decision in favor of that person would substantially eliminate or redress the prejudice to that person or entity caused or likely to be caused by the final decision.

(7) "Attractive nuisance" means a condition that is detrimental to minors, whether in or on a building, on the premises of a building, or upon an unoccupied lot, which is left in any place exposed or accessible to children, including, but not limited to, unused or abandoned refrigerators, freezers, or other large appliances; equipment or any parts thereof; abandoned motor vehicles; any structurally unsound or unsafe fence or building; any unsecured or abandoned excavation, pit, well, cistern, storage tank or shaft; and any lumber, trash, debris or vegetation which may prove a hazard for minors.

(8) "Automotive repair business" means a business that performs "automotive repair," as defined in RCW 46.71.011(2).

(9) "Building" means any structure utilized or intended for supporting or sheltering any occupancy.

(10) "Building nuisance" means, in conjunction with Chapter 35.80 RCW, dwellings which are unfit for human habitation, and buildings, structures, and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanness, inadequate light or sanitary facilities,
inadequate drainage, overcrowding, or due to other conditions that have an adverse impact on health and safety.

(11) "Burning nuisance" means the burning of any plastics, rubber, or any materials or item causing noxious or toxic odors or heavy smoke. Natural vegetation including tree limbs, brush, grass clippings, garden refuse, agricultural stubble, or other like materials are exempt, unless burning these materials is prohibited under Chapter 173-425, 173-430 or 332-24 WAC.

(12) "Civil code violation" means and includes:

(a) Any act or omission contrary to any ordinance, resolution, regulation, or public rule of the county that regulates or protects public health and safety;

(b) Any use or development of land or water in violation of JCC Title 17 or 18; or

(c) Any act or omission contrary to the conditions of any permit, notice of violation, notice of violation and order of abatement, or stop work order issued pursuant to any ordinance, resolution, regulation or public rule.

For the avoidance of doubt, a civil code violation exists whether or not the ordinance, resolution, regulation or public rule is codified.

(13) "Condition" means a state of being.

(14) "County" means Jefferson County, Washington.

(15) "Critical areas" means critical areas as defined in RCW 36.70A.030(5), including critical aquifer recharge areas, geologically hazardous areas, fish and wildlife habitat conservation areas, frequently flooded areas, and wetlands, as further delineated in Chapter 18.22 JCC. Per RCW 36.70A.030(5), "Fish and wildlife habitat conservation areas" does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

(16) "Degrade" means to scale down in desirability or salability, to impair with respect to a condition.

(17) "Director" means: (a) the elected official, county department head, or county officer responsible for enforcing a civil code violation; (b) authorized representatives of the director, including compliance officers and inspectors whose responsibility include the detection and reporting of civil code violations; and, (c) any designee of the board of county commissioners empowered to enforce violations of this chapter.

(18) "Department" means the county department responsible for enforcing the civil code being violated.

(19) "Derelict vessel" has the same meaning as in RCW 79.100.010(5).

(20) "Development" means the alteration, demolition, enlargement, erection, maintenance or use of any structure or the alteration or use of any land above, at or below ground or water level, in a manner authorized by law.

(21) "Emergency" means a situation which, in the opinion of the director, requires immediate action to
prevent or eliminate substantial and immediate adverse impact to the public health and safety.

(22) "Final decision" means a final decision pursuant to: (a) JCC 8.90.080, 8.90.090, 8.90.100, 8.90.110, unless a timely request for an administrative appeal, then JCC 8.90.140(4); (b) JCC 8.90.120(5), unless a timely request for a hearing, then JCC 8.90.120(8); or (c) 8.90.130(3). However, if a voluntary correction-agreement is entered into pursuant to JCC 8.90.080(1)(b), then the voluntary correction agreement is a final decision, unless a notice of noncompliance is issued under the voluntary agreement. The notice of noncompliance is a final decision, unless a timely request for an administrative appeal, then JCC 8.90.140(4).

(23) "Found violated" means: (a) a notice of voluntary compliance, a notice of violation, stop work order, or notice of violation and order of abatement has been issued and not timely appealed; (b) a voluntary-compliance agreement has been entered into; or (c) the hearing examiner has determined that the violation has occurred and the hearing examiner's determination has not been stayed or reversed on appeal.

(24) "Hearing examiner" means a hearing examiner employed by the county who is authorized to handle the administrative remedies authorized by this chapter.

(25) "Hulk hauler" has the same meaning as in RCW 46.79.010(4).

(26) "Immediate adverse impact" means an adverse impact to public health and safety that could occur within a short period of time.

(27) "Inoperative vehicle" means a vehicle which: (a) has been in stationary position for more than 60 days; (b) appears to be unable to operate or move; (c) needs repairs to be operable; or (d) is unable to move a distance of 20 feet under its own power on a flat surface.

(28) "JCC" means the Jefferson County Code, as it now exists or is later amended.

(29) "Junk vehicle" has the same meaning as in RCW 46.55.010(5). However, "junk vehicle" does not include a vehicle or part thereof that is stored entirely within a building in a lawful manner where it is not visible from the street or other public or private property, or a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle wrecker or licensed vehicle dealer and is fenced according to the requirements of RCW 46.80.130.

(30) "Land-disturbing activity" means any activity that results in a change to the existing soil cover, both vegetative and nonvegetative, or existing soil topography. Land-disturbing activities include, but are not limited to: clearing, construction, demolition, excavation, filling, or grading.

(31) "Mitigate" means to take measures, subject to county approval, to minimize the harmful effects of a violation where remediation is either impossible or unreasonably burdensome.

(32) "Nuisance" includes: (a) conditions meeting the definition in RCW 7.48.120, that are public nuisances; and (b) each of the conditions determined to be nuisances pursuant to RCW 36.32.120(10) by the board of county commissioners, namely: (i) abandoned or derelict vessel nuisances; (ii) attractive nuisances; (iii) building nuisances; (iv) burning nuisances; (v) civil code violations; (vi) other nuisances declared by the board of county commissioners or the board of health and which are codified in the JCC; (vii) public right-of-way nuisances; (viii) salvage nuisances; and (ix) vehicle nuisances.
(33) "Omission" means a failure to act.

(34) "Or" means both or and and/or.

(35) "Other declared nuisances" means nuisances declared elsewhere in the Jefferson County Code as declared under RCW 36.32.120(10).

(36) "Person" means person as that term is defined in RCW 1.16.080.

(37) "Person responsible" means either the person who caused the alleged nuisance, if that can be determined, or the lessor, owner, tenant or other person entitled to control, use or occupy, or any combination of control, use or occupy, property where a nuisance occurs, or both.

(38) "Public health and safety" means the public health, safety or welfare and the protection of the environment and includes protection of the comfort, repose, security or safety of persons or property from conditions that: (a) annoy, injure or endanger the repose, health or safety of others; (b) degrade the environment; (c) unlawfully interfere with, obstruct or tend to obstruct, any lake or navigable river, bay, stream, canal or basin, or any public park, square, street or highway; (d) in any way render other persons insecure in life, or (e) in the use of property are inconsistent with public health and safety.

(39) "Public nuisance" has the same meaning as in RCW 7.48.130.

(40) "Public right of way nuisance" means personal property or solid waste belonging to an evicted tenant which has been placed onto the public right of way pursuant to a court-ordered eviction per RCW Title 59, and not removed within twenty-four hours, is a nuisance.

(41) "Public rule" means any rule adopted by the county pursuant to JCC 8.90.040.

(42) "RCW" means the Revised Code of Washington, as it now exists or is later amended.

(43) "Registered tow truck operator" has the same meaning as in RCW 46.55.030(7).

(44) "Remediation" means to restore a site to a condition that complies with critical areas or other regulatory requirements as they existed when the nuisance occurred; or, for sites that have been degraded under prior ownerships, restore to a condition that does not pose an immediate adverse impact to the public health and safety.

(45) "Repeat nuisance" means a nuisance of the same regulation by the same person for which voluntary compliance previously has been sought, a notice of violation has been issued, or a notice and order of abatement has been issued, within the immediately preceding 24 consecutive month period.

(46) "Salvage nuisance" means the outside accumulation of solid waste or materials that have an adverse impact on public health and safety.

(47) "Solid waste" has the same meaning as in RCW 70.95.030(22).

(48) "Scrap" means any manufactured metal or secondhand vehicle parts useful only as material for reprocessing.

(49) "Scrap processor" has the same meaning as in RCW 46.79.010(2).
(50) "Screened" means not visible from any portion or elevation of any neighboring or adjacent public or private property, easement, or right-of-way.

(51) "Secondhand vehicle part" means any secondhand vehicle part, including but not limited to a "core" as defined in RCW 46.69.010(1), or "major component part" as defined in RCW 46.69.010(4);

(52) "Vehicle" means every device capable of being moved upon a highway and in, upon, or by which any person or property is or may be transported or drawn upon a highway. "Vehicle" shall include but shall not be limited to automobiles, motorcycles, trucks, buses, motorized recreational vehicles, campers, travel trailers, and boat trailers. "Vehicle" does not include devices moved by human or animal power, or used exclusively upon stationary rails or tracks.

(53) "Vehicle dealer" has the same meaning as in RCW 46.70.011(17).

(54) "Vehicle nuisance" means a vehicle nuisance as described in JCC 8.90.120.

(55) "Vehicle wrecker" has the same meaning as in RCW 46.69.010(6).

(56) "Violation" means a violation of this chapter.

(57) "WAC" means the Washington Administrative Code, as it now exists or is later amended.

(58) "Work" means an act or omission resulting in development or a land disturbing activity.

(59) "Wrecked vehicle" has the same meaning as in RCW 46.69.010(6). [Ord. 7-19 § 1 (Appx. A)]

8.90.060 Enforcement authority and administration.

(1) Determination of nuisance. In order to discourage public nuisances, make efficient use of public resources, and otherwise promote compliance with applicable code provisions, a director may, in response to field observations or reliable complaints, determine that nuisance under this chapter exists.

(2) Authority. As a result of a determination that nuisance under this chapter exists, a director may:

(a) Issue notices of voluntary compliance as authorized by JCC 8.90.080(1)(a).

(b) Enter into voluntary compliance agreements with persons responsible for the nuisance and issue notices of noncompliance if the persons responsible fail to comply with the terms of the voluntary compliance agreement as authorized by JCC 8.90.080(1)(b).

(c) Order work stopped at a site by means of a stop-work order, as authorized by JCC 8.90.100.

(d) Issue notice of violations, assess monetary penalties and fines as authorized by JCC 8.90.190, and recover costs as authorized by JCC 8.90.200.

(e) Order abatement by means of a notice of violation and order of abatement; if not completed in a timely manner by the person responsible, undertake the abatement and charge the reasonable costs of such work as authorized by JCC 8.90.110, 8.90.190, and 8.90.200;
(f) Suspend, revoke, or modify any permit previously issued by the director or deny a permit application as authorized by the department when other efforts to achieve compliance have failed; and

(g) For de minimis violations, decide not to take enforcement action.

(3) All penalties and costs shall constitute a lien against the affected property. The director shall have the ability to enforce the liens under JCC 8.90.200.

(4) Lead Agency. Should nuisances occur involving multiple county departments, a lead agency shall be designated by the county administrator to coordinate the county’s response. Unless otherwise determined by the county administrator within seven days, the central services department shall serve as the lead agency.

(5) The provisions of this chapter are not exclusive and may be used in addition to other enforcement provisions authorized by the RCW, WAC, or JCC.

(6) The provisions of this chapter shall not in any manner limit or restrict the county from remedying civil code violations or abating nuisances in any other manner authorized by law.

(7) This chapter shall not be construed to limit the authority of the county board of health in enforcement of the county health code or regulations.

(8) In addition to or alternative to using the procedures in this chapter, a director may seek legal or equitable relief to abate any nuisance or enjoin any acts or practices which constitute a nuisance.

(9) The provisions of this chapter shall in no way adversely affect the rights of the owner, lessee, or occupant of any property to recover all costs and expenses incurred and required by this chapter from any person causing a nuisance. [Ord. 7-19 § 1 (Appx. A)]

8.90.070 Service of notices of voluntary compliance, notices of noncompliance, notices of violation, stop work orders, and notices of violation and orders of abatement issued under this chapter.

(1) Service of a notice of voluntary compliance, notice of noncompliance, notice of violation, stop work order, and notice of violation and order of abatement shall be made on a person responsible by one or more of the following methods:

(a) Personal service may be made on the person identified by the department as being responsible for the nuisance or by leaving a copy of notice at that person’s house of usual abode with a person of suitable age and discretion who resides there.

(b) Service directed to either the landowner or occupant of the property, or both, may be made by posting in a conspicuous place on the property where the nuisance occurred and concurrently mailing notice as provided for below, if a mailing address is available.

(c) Service by mail may be made by mailing two copies, postage prepaid, one by ordinary first class mail and the other by certified mail, to the person responsible at the person’s last known address, at the address of the nuisance, or at the address of the person’s place of business. The taxpayer’s address as shown on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the landowner of the property where the nuisance occurred. However, a notice of voluntary-
compliance may be sent solely by ordinary first-class mail to the person responsible at the person’s last-known address, at the address of the nuisance, or at the address of the person’s place of business.

(d) When the address of the person responsible cannot reasonably be determined, service may be made by publication once in a local newspaper with general circulation.

(e) 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.

(f) Service of a stop work order on a person responsible may be made by posting the stop work order in a conspicuous place on the property where the nuisance occurred or by serving the stop work order in any other manner permitted by this section.

(g) If the person responsible is a tenant, a copy of the notice of violation and order of abatement shall also be mailed to the landlord or owner of the property where the alleged nuisance is occurring.

(h) If the alleged nuisance involves a vehicle nuisance, notice shall be provided in accordance with §CC. 8.90.120(7).

(2) The failure of the director to make or attempt service on any person named in the notice of voluntary compliance, notice of noncompliance, notice of violation, stop work order, or notice of violation and order of abatement shall not invalidate any proceedings as to any other person duly served. [Ord. 7-19 § 1-1 (Appx. A)]

8.90.080 Complying voluntarily.

(1) Whenever the director has a reasonable belief that a nuisance, as defined in JCC 8.90.050(32), has occurred or is occurring, the director shall make reasonable efforts to investigate the alleged nuisance, and secure voluntary compliance from the person responsible.

(a) Notice of Voluntary Compliance.

(i) The notice of voluntary compliance shall state the following:

(A) The name and address of the person responsible;

(B) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged nuisance has occurred or is occurring;

(C) A description of the alleged nuisance and a reference to the regulation(s) which has been violated;

(D) A reasonable time and date by which the corrective action is to be completed to resolved the alleged nuisance; however, in no event shall the time given for voluntary correction be greater than 30 calendar days, unless authorized under subsection (1)(a)(iii) of this section; and

(E) That continued or subsequent found violations may result in civil violations and penalties, stop work orders, and a notice of violation and order of abatement, including cost recovery as a lien against property or as a personal obligation.

(ii) Following a notice of voluntary compliance, the director and person responsible may meet to develop-
a voluntary correction agreement as authorized under subsection (1)(b) of this section.

(iii) Upon written request received prior to the correction date, the director may, for good cause shown, grant an extension of the date set for voluntary compliance for an amount of time as deemed reasonable by the director. The director may only consider as good cause: (A) substantial completion of necessary correction; (B) unforeseeable circumstances not caused by the person so as to make completion impossible by the date established; or (C) procedural requirements for obtaining a permit to carry out the corrective action.

(b) Voluntary Correction Agreement:

(i) The person responsible may enter into a voluntary correction agreement with the county, acting through the director. A voluntary correction agreement is a contract between the county and the person responsible under which the person responsible agrees to do any combination of abating the nuisance, remediating the site, or mitigating the impacts of the nuisance, within a specified time and according to specified conditions.

(ii) A voluntary correction agreement may be entered into at any time after issuance of a notice of voluntary compliance, a notice of violation, or a stop work order. However, the voluntary correction agreement must be entered into prior to a hearing decided pursuant to JCC 8.90.110(8), prior to an administrative appeal decided pursuant to JCC 8.90.140(4), or prior to a county abatement action under JCC 8.90.110(1).

(iii) Content. The voluntary correction agreement shall include the following:

(A) The name and address of the person responsible;

(B) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged nuisance has occurred or is occurring;

(C) A description of the alleged nuisance and a reference to the regulation which has been violated;

(D) The necessary corrective action to be taken, and a date or time by which correction must be completed;

(E) An acknowledgement by the person responsible that: (I) the county may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary correction agreement; (II) the person waives the right to administratively appeal the existence of the conditions and the fact that they constituted a nuisance; and (III) if a notice of noncompliance is issued and not successfully appealed, the person is subject to and liable for any remedy authorized by this chapter, which includes the assessment of the monetary penalties identified in the voluntary correction agreement, abatement of the nuisance, assessment of the costs incurred by the county to pursue compliance with this chapter (such as, legal, administrative, hearing, removal, and incidental costs), and the suspension, revocation or limitation of a development permit.

(c) Right to a Hearing or Administrative Appeal Waived. By entering into a voluntary correction agreement, the person responsible voluntarily and knowingly waives the right to a hearing or administrative appeal before the hearing examiner, under this chapter or otherwise, regarding the matter of the nuisance or the required corrective action. However, a notice of noncompliance with the voluntary correction agreement may be administratively appealed to the hearing examiner under JCC 8.90.140.
(d) Effect of Voluntary Correction Agreement. Upon entering into a voluntary correction agreement, a person responsible admits that the conditions described in the voluntary correction agreement existed and constituted a nuisance; and agrees that if the director issues a notice of noncompliance, and if the notice of noncompliance is not successfully challenged through administrative appeal, that person is liable for the monetary penalty available under JCC 8.90.190. The person identified in the voluntary correction agreement is liable for the costs incurred by the county to pursue compliance with this chapter and to abate the nuisance, including legal and incidental expenses as provided for in JCC 8.90.200 and is subject to all other remedies provided for in this chapter.

(e) Extension and Modification. The director may grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible has shown due diligence or substantial progress in correcting the nuisance, but unforeseen circumstances have made full and timely correction under the original conditions unattainable.

(2) Failure to Meet Terms of Voluntary Correction Agreement:

(a) Notice of Noncompliance. If the department determines that terms of the voluntary correction agreement are not completely met, the director may issue a notice of noncompliance. A notice of noncompliance shall include a description of all incomplete or untimely corrective or abatement actions required under the voluntary correction agreement. The notice of noncompliance shall also include the monetary penalty to be imposed based upon the failure to comply with the voluntary correction agreement.

(b) Appeal. Any person responsible may appeal the facts and conclusions described in the notice of noncompliance as provided by JCC 8.90.140.

(c) Abatement, Costs, and Penalties for Noncompliance. If the director issues a notice of noncompliance and the notice of noncompliance is not successfully challenged through appeal as provided by JCC 8.90.140, then:

(i) The department may abate the nuisance in accordance with this chapter without the person responsible being issued a notice of violation, stop-work order, or notice of violation and order of abatement;

(ii) The person responsible shall be assessed a monetary penalty commencing on the date set for correction in the notice of noncompliance and thereafter, in accordance with JCC 8.90.190 or the penalty provisions of the voluntary correction agreement, plus all costs incurred by the county to pursue compliance with this chapter and to abate the nuisance in accordance with JCC 8.90.200;

(iii) The person responsible may be subject to other remedies authorized by this chapter. [Ord. 7-19 § 1 (Appx. A)]

8.90.090-Notice of violation-

(1) Issuance.

(a) When the director determines that a nuisance, as defined in JCC 8.90.050(32), has occurred or is occurring and is unable to secure voluntary correction pursuant to JCC 8.90.080, the director may issue a notice of violation to the person responsible.
(b) Under the following circumstances the director may issue a notice of violation without having attempted to secure voluntary correction as provided in JCC 8.90.080:

(i) When an emergency exists;

(ii) When a repeat violation occurs;

(iii) When the nuisance creates a situation or condition which cannot be corrected;

(iv) When the person responsible knew or reasonably should have known that the action was a civil code violation or

(v) When the person responsible cannot be contacted, when reasonable attempts to contact the person have failed, or the person refuses to communicate or cooperate with the county in correcting the nuisance.

(2) Content. The notice of violation shall include the following:

(a) The name and address of the person responsible;

(b) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the nuisance has occurred or is occurring;

(c) A description of the nuisance and a reference to the provision(s) of the county regulation(s) which has been allegedly violated;

(d) A statement that a monetary penalty in an amount per day for each nuisance as specified in JCC 8.90.190 may be assessed against the person to whom the notice of violation is directed and a statement that all costs associated with the nuisance may be recovered as specified in JCC 8.90.200; and

(e) A statement that administrative appeal rights may be available under JCC 8.90.140. [Ord. 7-19 §1 (Appx. A)]

8.90.100 Stop work order.

(1) Stop Work Order. Whenever the director determines that work creates a nuisance, as defined in JCC 8.90.050(32), the director may issue a stop work order when:

(a) Work is not authorized by a valid permit;

(b) A valid permit has been issued but the work is not in compliance with the permit or approved plans;

(c) The work creates an imminent threat to the public health, safety or welfare, or the environment. [Ord. 7-19 §1 (Appx. A)]

8.90.110 Notice of violation and order of abatement.
Issuance and Abatement,

(a) When the director determines that a nuisance, as defined in JCC 8.90.050(32), has occurred or is occurring and is unable to secure compliance after an attempt for voluntary compliance and/or a notice of violation under JCC 8.90.090, the director may issue a notice of violation and order of abatement to the person responsible. The notice and order permits Jefferson County to abate the nuisance, usually by removing or rectifying of the nuisance.

(b) Under the following circumstances the director may issue a notice of violation and order of abatement without having attempted to secure voluntary correction or compliance after a notice of violation, as provided in JCC 8.90.080 and 8.90.090:

(i) When an emergency exists;

(ii) When a repeat violation occurs;

(iii) When the nuisance creates a situation or condition which cannot be corrected;

(iv) When the person responsible know or reasonably should have known that the action was a civil code violation; or

(v) When the person responsible cannot be contacted when reasonable attempts to contact the person have failed or the person refuses to communicate or cooperate with the county in correcting the nuisance.

(c) Content. The notice of abatement shall include the following:

(i) The name and address of the person responsible;

(ii) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the nuisance has occurred or is occurring;

(iii) A description of the nuisance and a reference to the provision(s) of the county regulation(s) which has been allegedly violated;

(iv) The required corrective action and a date and time by which the correction must be completed and, after which, the county may abate the nuisance in accordance with JCC 8.90.110;

(v) A statement that the costs and expenses of abatement incurred by the county pursuant to JCC 8.90.200, and a monetary penalty in an amount per day for each nuisance as specified in JCC 8.90.190, may be assessed against the person to whom the notice of abatement is directed; and

(vi) A statement that administrative appeal rights may be available under JCC 8.90.140.

(d) Extensions. Extensions of the time specified in the notice and order of abatement may be granted at the discretion of the director upon a showing of good cause. The director may only consider as good cause: (i) substantial completion of necessary correction; (ii) unforeseeable circumstances not caused by the person so as to make completion impossible by the date established; or (iii) procedural requirements for obtaining a permit to carry out the corrective action.
(2) Summary Abatement.

(a) When the director determines that a nuisance, as defined in JCC 8.90.050(32), has occurred or is occurring and constitutes an emergency, the director 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 as soon as reasonably possible after the abatement, consistent with JCC 8.90.070.

(i) The responsible person shall bear the costs and expenses of abatement incurred by the county pursuant to JCC 8.90.200 after service upon the person responsible of the notice of violation and order of abatement. A monetary penalty in an amount per day for each nuisance as specified in JCC 8.90.190 may be assessed against the person to whom the notice of violation and order of abatement is directed.

(b) No right of action shall lie against the county or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate adverse impacts to the public health and safety, but neither shall the county be entitled to recover any costs incurred for summary abatement until service upon the person responsible of the notice of violation and order of abatement. [Ord. 7-19 §1 (Appx. A)]

8.90.120 Vehicle nuisance.

(1) Placement of any inoperative, junk or wrecked vehicles, or secondhand vehicle parts on private property, Jefferson County right-of-way, or other property controlled by Jefferson County is a nuisance, as defined under JCC 8.90.050(32), except where storing an inoperative, junk or wrecked vehicle, or secondhand vehicle parts is a permitted use under JCC Title 18 and exempt under JCC 8.90.120(2).

(2) Exception for Inoperative, Junk or Wrecked Vehicles, or Secondhand Vehicle Parts Enclosed within a Permitted Building or a Compliant Fence. Inoperative, junk or wrecked vehicles, or secondhand vehicle parts shall be exempt from subsection (1) of this section when the property owner cleans up and properly disposes of any visible contamination resulting from the storage of inoperative, junk or wrecked vehicles, or secondhand vehicle parts, and the inoperative, junk or wrecked vehicles, or secondhand vehicle parts are:

(a) Completely enclosed within a permitted building or a compliant fence and not visible from the street or from other public or private property where:

(i) Any fence or wall is painted or stained a neutral shade that blends in with the surrounding premises and is kept in good repair, or

(ii) Any living hedge is of sufficient density to prevent view of the confined area and any dead or dying portion is replaced; or

(b) Parked or stored by an automobile repair business, a licensed hulk hauler, a licensed scrap processor, a licensed vehicle dealer, or a licensed vehicle wrecker, and are enclosed by a fence, living hedge or wall of such height as to obscure the nature of the business carried on, where:

(i) Any fence or wall is painted or stained a neutral shade that blends in with the surrounding premises and is kept in good repair, or

(ii) Any living hedge is of sufficient density to prevent view of the confined area and any dead or dying portion is replaced.
(3) Certification. The director may inspect and certify that a vehicle is an inoperative vehicle, junk vehicle, or wrecked vehicle. The certification shall be made in writing. The person making the certification shall record the make and vehicle identification number or license number of the vehicle if available or legible and shall also document in detail the damage or missing equipment to verify whether the approximate value of the vehicle is equivalent to the approximate value of the scrap in it (only if that is one of the definitional criteria that was alleged in the notice of abatement issued by the county). If abated, the vehicle shall be photographed by the person making the certification, removed from the property by the county, and disposed of by a licensed hulk hauler, scrap processor, or vehicle wrecker with notice to the Washington State Patrol and the Washington State Department of Licensing that the vehicle has been wrecked. The county shall maintain a photographic record of all abated inoperative, junk, or wrecked vehicles for a period of two years following abatement.

(4) A vehicle certified as an inoperative, junk, or wrecked vehicle shall only be disposed of as scrap.

(5) When the director determines that a vehicle nuisance has occurred or is occurring and is unable to secure compliance after an attempt for voluntary compliance and a notice of violation under JCC 8.90.080 and 8.90.090, the director may issue a notice of violation and order of abatement to the person responsible. The notice and order directs Jefferson County to abate the nuisance, usually by removing or rectifying the vehicle nuisance.

(a) Under the following circumstances the director may issue a notice of abatement without having attempted to secure voluntary correction or compliance after a notice of violation, as provided in JCC 8.90.080 and 8.90.090:

(i) When an emergency exists;

(ii) When a repeat violation occurs;

(iii) When the nuisance creates a situation or condition which cannot be corrected;

(iv) When the person responsible knew or reasonably should have known that the action was a civil code violation; or

(v) When the person responsible cannot be contacted when reasonable attempts to contact the person have failed or the person refuses to communicate or cooperate with the county in correcting the nuisance.

(6) Notice of violations and order of abatements authorized under JCC 8.90.110 for vehicle nuisances under this section must comply with subsections (7) and (8) of this section for notice, determination of responsibility, and requests for hearing.

(7) Notice Required and Request for Hearing.

(a) Whenever a vehicle is certified to be an inoperative, junk, or wrecked vehicle the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a public hearing may be requested before the hearing examiner.

(b) If no hearing is requested within 15 days from the certified date of receipt of the notice, the vehicle shall be removed by the county.
(c) If a request for hearing is received within 15 days, a notice giving the time, location and date of the hearing on the question of abatement and removal of the inoperative, junk, or wrecked vehicle shall be mailed by certified mail, with five-day return receipt requested, to the land owner as shown on the last equalized assessment roll and to the last registered and legal owner of record of each such vehicle unless the vehicle identification numbers are not available to determine ownership.

(8) Determination of Responsibility.

(a) The owner of the property on which the inoperative, junk or wrecked vehicle, or secondhand vehicle part is located may appear in person at the hearing or present a written sworn statement in time for consideration at the hearing. The owner may deny responsibility for the presence of the inoperative, junk or wrecked vehicles, or secondhand vehicle parts on the land stating the reason for such denial. If the owner of the property submits written testimony or documents for the hearing examiner's decision, it must be received in time for the scheduled hearing and must clearly and unequivocally indicate that they are for the hearing. If the owner of the property does not appear at the hearing and does not properly submit a written sworn statement, the hearing examiner may enter a default. If it is determined by the hearing examiner that the inoperative, junk or wrecked vehicles, or secondhand vehicle parts were placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in their presence, then costs of administration or removal of the inoperative, junk or wrecked vehicles or secondhand vehicle parts shall not be assessed against the property upon which the inoperative, junk or wrecked vehicles or secondhand vehicle parts are located nor otherwise be collected from the land owner. However, if the junk vehicles were placed on the land with the consent of the land owner or the land owner acquiesced in their presence, penalties and costs shall be assigned to the land owner in accordance with JCC 8.90.190 and 8.90.290.

(b) Nothing in this chapter shall relieve the landowner of any monetary penalties which may accrue from any civil code violation related to the improper placement, parking or storage of inoperative, junk or wrecked vehicles, or secondhand vehicle parts to which the landowner has consented or acquiesced.

(c) In addition to determination of responsibility as provided for in JCC 8.90.120(8)(a), the hearing examiner shall receive and examine evidence on other relevant matters, including whether a nuisance as defined in this chapter exists. The decision of the hearing examiner shall be a final agency action.

(d) The hearing examiner shall use the process and factors in JCC 8.90.140(4)(a) through (f) when assessing penalties and costs pursuant to JCC 8.90.190 and 8.90.290.

(9) Abatement and Removal Authorized. The county may remove any inoperative, junk or wrecked vehicle, or secondhand vehicle part after complying with JCC 8.90.120(7) and (8). The proceeds of any such disposition shall be used to defray the costs of abatement and removal of any such inoperative, junk or wrecked vehicles, or secondhand vehicle parts, including costs of administration and enforcement.

[Ord. 7-19 § 1 (Appx. A)]

8.90.130 Public right-of-way nuisance.

(1) Personal property or solid waste belonging to an evicted tenant which has been placed onto public right-of-way pursuant to a court ordered eviction per RCW Title 59, and not removed within 24 hours, is a nuisance, as defined under JCC 8.90.050(32).
(2) When the director determines that a nuisance, as defined in JCC 8.90.050(32), has occurred or is occurring, notice of such removal after 24 hours shall be given to the evicted tenant or owner of the personal property or solid waste or their designee. Notice shall be placed in a conspicuous place on or near the personal property.

(3) If, after 24 hours after the notice was placed, the evicted tenant or owner or their designee has not removed the personal property or solid waste from the public right of way, the property shall be deemed a nuisance and the property owner or their designee shall remove the personal property or solid waste for proper disposal or the county shall seek to abate the nuisance and bill costs to the property owner or their designee. If abated, this shall be a final decision, as defined under JCC 8.90.050(22), without administrative appeal rights under JCC 8.90.140. [Ord. 7-19 § 1 (Appx. A)]

8.90.140 Administrative appeals.

(1) A person responsible or aggrieved person may appeal a notice of noncompliance with a voluntary compliance agreement, notice of violation, stop work order, or a notice of violation and order of abatement to the hearing examiner within 15 days of mailing the decision. However, a notice of violation and order of abatement for vehicle nuisances under JCC 8.90.120 shall not be appealed under this section.

(2) Procedure. The hearing examiner shall conduct a hearing pursuant to the Hearing Examiner Code and Rules of Procedure, as adopted by the board of county commissioners.

(3) Prior Correction. The hearing will be canceled and no monetary penalty will be assessed if the director approves the completed required corrective action prior to the scheduled hearing.

(4) Final Agency Decision.

(a) At the conclusion of the hearing, the hearing examiner shall either: (i) affirm the director’s notice or stop work order if the nuisance exists substantially as stated in the notice or stop work order; (ii) dismiss the notice or stop work order and grant the appeal if the hearing examiner determines that the nuisance does not exist substantially as stated in the notice or stop work order; or (iii) modify the notice or stop work order depending on the specifics of the nuisance.

(b) A copy of the hearing examiner’s ruling shall be mailed to the person responsible, the county, and if the person responsible is a tenant to the owner of the property where the nuisance is occurring.

(e) Monetary Penalties. The hearing examiner may assess monetary penalties in accordance with JCC 8.90.190.

(i) The hearing examiner has the following options in assessing monetary penalties:

(A) Assess monetary penalties beginning on the date the notice was issued;

(B) Assess monetary penalties beginning on the correction date set by the director or an alternate correction date set by the hearing examiner;

(C) Assess less than the established monetary penalty set forth in JCC 8.90.190, based on the criteria of subsection (4)(d) of this section; or

(D) Assess no monetary penalties;
(d) In determining the monetary penalty assessment, the hearing examiner shall consider the following factors:

(i) Whether the person responsible responded to notices and cooperated to correct the nuisance;

(ii) Whether the person responsible failed to appear at the hearing;

(iii) Whether the nuisance was a repeat violation;

(iv) Whether the person responsible showed due diligence or substantial progress in correcting the nuisance; and

(v) Any other relevant factors.

(e) The hearing examiner may double the monetary penalty schedule if the nuisance was a repeat violation. In determining the amount of the monetary penalty for repeat violations, the hearing examiner shall consider the factors set forth in subsection (4)(d) of this section.

(f) The hearing examiner will award cost recovery for all related nuisance and/or abatement expenses, including attorney fees, the costs of the hearing, and all other costs pursuant to JCC 8.90.200, unless the hearing examiner dismisses the director’s notice or stop work order.

(g) If a notice of noncompliance with a voluntary compliance agreement, notice of violation, stop work order, or a notice of violation and order of abatement is not timely appealed within 15 days of mailing the decision, then this shall be a final decision.

(5) Failure to Appear. If the person responsible fails to appear at the scheduled hearing or present a written statement in time for consideration at the hearing, the hearing examiner will enter an order of default with findings and assess the appropriate monetary penalty pursuant to JCC 8.90.190. The county may enforce the hearing examiner’s order and recover all related expenses, including attorney fees, plus the costs of the hearing and any monetary penalty from the person responsible pursuant to JCC 8.90.200. A copy of the order of default shall be mailed to the person responsible and against whom the default order was entered, to the county, and, if the person responsible is a tenant, to the landlord or owner of the property where the nuisance is occurring.

(6) Time Period for Correction. If a notice is affirmed by the hearing examiner, the person responsible shall have 30 days to abate the nuisance and bring the nuisance into compliance with the terms of this chapter or the county may perform the abatement required and shall bill the costs in the manner provided in JCC 8.90.110, 8.90.190, and 8.90.200. Correcting the nuisance(s) within this time period does not excuse payment of any penalties or costs under this section.

(7) Judicial Review. A final decision by the hearing examiner shall be final and conclusive, unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law. A final decision by the hearing examiner affirming or reinstating a notice or stop work order renders the notice or stop work order a final agency order. [Ord. 7-19 §1 (Appx.-A)]

8.90.150 Crimes designated.
(1) Any person, company, firm, corporation, or other legal entity who creates, maintains, or permits a nuisance, as defined under JCC 8.90.050(32), shall be guilty of a misdemeanor, punishable by up to 90 days in jail and a fine of up to $1,000.

(2) Any person who knowingly hinders, delays, or obstructs any county employee acting on direction of the director in the discharge of the county employee’s official powers or duties in abating a nuisance under this chapter, shall be guilty of a gross misdemeanor punishable by up to 365 days in jail and a fine of $5,000. [Ord. 7-19 § 1 (Appx. A)]

8.90.160 Right of entry.

(1) It is the intention of this chapter that any entry made to private property for the purpose of inspection for nuisances be accomplished in strict conformity with constitutional and statutory constraints on entry and the holdings of relevant court cases regarding entry. The right of entry granted by this chapter shall not supersede those legal constraints.

(2) The director is authorized to enter upon any property for the purpose of administering this chapter, only if entry is consistent with the constitutions and laws of the United States and the state of Washington.

(3) If required by the constitutions and laws of the United States or the state of Washington, the director shall apply to a court of competent jurisdiction for a search warrant authorizing access to property for the purpose of administering this chapter. The court may upon such application issue the search warrant for the purpose requested. [Ord. 7-19 § 1 (Appx. A)]

8.90.170 Conflicts.

In the event of a conflict between this chapter and any other provision of the JCC or other county ordinance providing for a monetary penalty, only the monetary penalty and recovery of costs in this chapter shall apply. [Ord. 7-19 § 1 (Appx. A)]

8.90.180 Representation by attorney.

(1) A person subject to proceedings under this chapter may appear on their own behalf or be represented by counsel.

(2) The prosecuting attorney represents the county and may, but need not, appear in any proceedings under this chapter. [Ord. 7-19 § 1 (Appx. A)]

8.90.190 Monetary penalties.

(1) Any person, company, firm, corporation, or other legal entity who creates, maintains, or permits a nuisance, as defined under JCC 8.90.030(32), shall be subject to a monetary penalty. Each violation shall constitute a separate civil violation for each and every day or portion thereof during which such violation is committed, continued, or permit. The daily monetary penalties that may be assessed under this chapter are as follows:
<table>
<thead>
<tr>
<th>Nuisance</th>
<th>First Violation</th>
<th>Second Violation</th>
<th>Subsequent Violation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abandoned-Vessel/Derelict-Vessel</td>
<td>$250</td>
<td>$500</td>
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</tr>
<tr>
<td>Building-Nuisance</td>
<td>$100</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Burning-Nuisance</td>
<td>$100</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Civil Code-Violation</td>
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<td>$1,000</td>
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<tr>
<td>Public Right-of-Way-Nuisance</td>
<td>$100</td>
<td>$250</td>
<td>$500</td>
</tr>
<tr>
<td>Salvage-Nuisance</td>
<td>$250</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Vehicle-Nuisance</td>
<td>$250</td>
<td>$500</td>
<td>$1,000</td>
</tr>
<tr>
<td>Violation of Stop-Work-Order</td>
<td>$500</td>
<td>$1,000</td>
<td>$1,000</td>
</tr>
<tr>
<td>All Other Violations</td>
<td>$250</td>
<td>$500</td>
<td>$1,000</td>
</tr>
</tbody>
</table>

[Ord. 7-19 § 1 (Appx. A)]

8.90.290 Recovery of costs.
(1) All penalties, fees, and costs incurred under a notice of noncompliance with a voluntary compliance-agreement, notice of violation, notice of violation and order of abatement, or any other decision shall be billed to the person responsible or the owner, lessor, tenant, or any other person entitled to control the property where the nuisance has occurred and shall become due and payable to the county within 15 days of the date of mailing the billing.

(2) The costs that may be recovered include, but are not limited to, personnel costs, both direct and indirect and including attorney's fees; costs incurred in documenting the nuisance; disposal, towing, hauling, or removal expenses; actual expenses and costs of the county in preparing notices, specifications and contracts associated with the nuisance, and in accomplishing or contracting and inspecting the work; hearing examiner costs; and the costs of any required printing and mailing.

(3) Lien—Authorized. All penalties and costs shall constitute a lien against the affected property, as set-forth in ICC 8.90.060(3). The county shall have a lien for any monetary penalty imposed, the cost of any proceedings under this chapter, and all other related costs against the real property on which the monetary penalty was imposed or any of the work of abatement was performed. The lien shall run with the land but shall be subordinate to all previously existing special assessment liens imposed on the same property and shall be superior to all other liens, except for state and county taxes, with which it shall be on a parity.
(a) The director shall cause a claim for lien to be filed for record within 90 days from the later of the date that the monetary penalty is due, the work is completed, or the nuisance abated.

(b) The claim of lien shall contain sufficient information regarding the notice, as determined by the director, a description of the property to be charged with the lien and the owner of record, and the total amount of the lien.

(e) Any such claim of lien shall be verified by the director and may be amended to reflect changed conditions.

(4) The prosecuting attorney is authorized to take appropriate action to collect the monetary penalty.

(5) A director may use the services of a collection agency in order to collect any amounts owing under this chapter. [Ord. 7-19 § 1 (Appx. A)]

8.90.210 Settlement of monetary penalties and costs.

(1) The director is authorized to settle claims for monetary penalties incurred under JCC 8.90.190 and costs incurred under JCC 8.90.200 when such settlement is in the best interest of the county. In addition to the best interest of the county, the director shall consider the following factors:
   (a) Whether the person responsible responded to notices and cooperated to correct the nuisance;
   (b) Whether the person responsible failed to appear at the hearing;
   (c) Whether the nuisance was a repeat violation;
   (d) Whether the person responsible showed due diligence or substantial progress in correcting the nuisance; and
   (e) Any other relevant factors.

(2) The director shall make a report to the board of county commissioners regarding all settlements under this section. [Ord. 7-19 § 1 (Appx. A)]

8.90.220 Enforcement fund—Authorized.

All monies collected from the assessment of civil penalties, abatement costs, or other costs recovered for the work relating to nuisance enforcement shall be allocated to support expenditures for enforcement and abatement and shall be accounted for through the creation of an account in the fund for enforcement and abatement costs or other appropriate accounting mechanisms. [Ord. 7-19 § 1 (Appx. A)]
15.05.090 Violations – Penalties.

(1) The enforcement provisions codified in Title 19 JCC, Code Compliance, as currently enacted or as hereafter amended, shall apply to any alleged or found violation of this chapter.

Unless otherwise more specifically provided, any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. Upon conviction of any such violation, such person, firm or corporation shall be punished by a fine of not more than $1,000 or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

15.05.100 Nuisance declaration.

Unless otherwise more specifically provided, any building or structure hereafter set up, erected, built, moved, or maintained, or any use of property now or hereafter contrary to the provisions of the Jefferson County building code ordinance, shall be declared unlawful and a public nuisance. Compliance with this chapter may be enforced by: (1) Title 19, Code Compliance; a mandatory injunction brought by the owner or owners of land in proximity to the land with the prescribed condition; or (2) an action or proceeding, brought by the Jefferson County prosecuting attorney in a court of competent jurisdiction, to abate, remove, and enjoin such nuisance.
TITLE 17 – PROPOSED UPDATES
Chapter 17.05
GENERAL PROVISIONS

17.05.140 Enforcement.
The enforcement provisions codified in Chapter 18-50 Title 19 JCC, Code Compliance, as currently enacted or as hereafter amended, shall apply to any alleged violation of this division, more commonly known as the “Port Ludlow MPR code.”
18.05.240 Enforcement.

This title, its chapters, and articles, as well as permits or decisions issued under them may be enforced through the provisions of Title 19 JCC, Code Compliance. Enforcement through Title 19 JCC is not exclusive and additional enforcement mechanisms may exist, such as actions in courts of competent jurisdiction or other local, state, or federal government agencies with enforcement authority. Enforcement of this title is within the discretion of the administrator and does not create a duty on the part of the county or the administrator.

18.18.130 Development standards in this title.

In addition to this chapter, development and standards in the UGA shall also comply, where applicable, with the following chapters in the Unified Development Code:

18.05 Introductory Provisions
18.10 Definitions
18.15 Land Use Districts
18.19 Transitional Rural Development Standards of the Irondale/Port Hadlock Urban Growth Area
18.20 Performance and Use-Specific Standards
18.22 Critical Areas
18.25 Shoreline Master Program
18.30 Development Standards
18.35 Land Divisions
18.40 Permit Application and Review Procedures/SEPA Implementation
18.45 Comprehensive Plan and GMA Implementing Regulations Amendment Process
18.50 Enforcement

18.19.130 Rural development standards.

For rural development allowed in this chapter, development shall be consistent with the following Uniform Development Code chapters:

18.05 Introductory Provisions
18.10 Definitions
18.15 Land Use Districts (except as specified in JCC 18.19.140)
18.20 Performance and Use-Specific Standards
18.22 Critical Areas
18.25 Shoreline Master Program
18.30 Development Standards
18.35 Land Divisions
18.40 Permit Application and Review Procedures/SEPA Implementation
18.45 Comprehensive Plan and GMA Implementing
18.20.160 Conversions of land to nonforestry use – Forest practices – Conversion option harvest plans (COHP).
(1) Forest Practices – General Regulations for Forest Management.

(a) Forest practices (those practices pertaining to protecting, producing, and harvesting timber for economic use) shall be subject to Chapter 76.09 RCW, the Washington State Forest Practices Act, its implementing regulations at WAC Title 222, applicable provisions of the Jefferson County Shoreline Master Program, and this code as established in this section.

(b) Emergency Conditions. No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, windstorm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice the operator shall submit an application or notification to the WDNR with an explanation why emergency action was necessary so that the WDNR may evaluate the appropriateness of the "emergency" and of the actions taken. Such emergency forest practices are subject to Chapter 76.09 RCW, WAC Title 222, and county authorities derived from them (including the requirements of this code); provided, that the operator:

(i) May take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event; and

(ii) Shall comply with any requirements of a notice to comply or stop work order as if the operations were conducted pursuant to an approved application (RCW 76.09.060(7); WAC 222-20-070).

(c) Harvesting without a Permit. When harvesting takes place without a permit (except as provided in subsection (1)(b) of this section), the county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the unpermitted harvesting was discovered by the WDNR or the county. If the land is converted to nonforestry use, this also constitutes an illegal conversion that is subject to the enforcement provisions of sections 6(a)(ii) and 6(a)(iii) of this section (RCW 76.09.060(3)(b)(i)(C) and (iii)).

(d) Logging roads shall be subject to provisions of this section and the Jefferson County Shoreline Master Program, when applicable.

(2) Regulations by Designation. General regulations in this section shall apply to all land use districts.

(3) Class IV General Forest Practices and Jurisdictions.

(a) Purpose.

(i) Class IV general forest practices involve the conversion of forested lands to nonforestry uses, or forest operations being conducted on lands with a high likelihood for conversion to nonforestry use, such as in a designated urban growth area.

(ii) Recognizing the potential for higher impacts related to a conversion, Class IV general applications are subject to approval conditions pursuant to environmental, critical areas, and stormwater review.

(b) Applicability. Applications involving any of the following circumstances are Class IV general:

(i) Lands that have been or are being converted to nonforestry use;

(ii) Forest practices (other than those in Class I) on lands platted after January 1, 1960;

(iii) Lands with a likelihood of future conversion to urban development within the next 10 years;
(iv) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of the likelihood of future conversion to urban development (WAC 222-16-060 and 222-34-050); and

(v) All Class I, Class II (including timber harvest and road construction) and Class III forest practice applications in any designated unincorporated urban growth area.

(c) Exceptions to the Requirement for a Class IV General Permit. Exceptions to the requirement for a Class IV general forest practices application are determined by WDNR through application of the pertinent WAC under the Forest Practices Act. Proposals that do not require a Class IV general from WDNR may still require a stormwater management permit or other review by Jefferson County.

(d) Jurisdiction for Class IV General Permit Review and Approval. Until such time as the local government entity assumes sole jurisdiction over Class IV general forest practices through procedures outlined in the Forest Practices Act, WDNR maintains permit authority over Class IV general applications. However, activities proposed in conjunction with a Class IV general forest practices application require a companion stormwater management review by Jefferson County. In accordance with WAC 222-20-010(8), a local government clearing and/or grading permit is necessary information for a complete Class IV general forest practices application to the WDNR. The equivalent approval in Jefferson County is a stormwater management permit, which shall be obtained prior to conducting land disturbing activity (ICC 18.30.070).

(4) Regulations Governing Class IV General Forest Practice Permits, and Conversion of Forested Land to Nonforestry Use.

(a) SEPA Review Required. Class IV general forest practices are reviewed under SEPA, and the preparation of a checklist (see Chapter 18.40 JCC) is required. (However, Class I forest practices in urban growth areas when processed as Class IV general forest practices are not subject to environmental review under SEPA.)

(b) Procedures for Conversion to Nonforestry Use. If a forest practice permit application indicates the intention by the property owner to convert to a nonforestry use, or if forest practices are proposed to occur on land platted after January 1, 1960:

(i) The county is lead agency for environmental review of Class IV general forest practices under the State Environmental Policy Act. This review shall be conducted in conjunction with a stormwater management permit application submitted to the county for the proposed activities that also require a Class IV general forest practices application with WDNR.

(ii) Any proposal which encompasses a conversion from forestry to nonforestry use shall require a stormwater management permit from Jefferson County and be reviewed by the county for compliance with the requirements and standards of this code, including such as shorelines, critical areas, road design, stormwater management, and grading and excavation), and other applicable codes and regulations.

(5) Regulations Governing Continuance of Forestry Use.

(a) Landowner’s Intention Not to Convert.

(i) If the landowner submits a signed statement to the WDNR, as part of a forest practices application, that the land will be retained in forestry use and will not be converted to uses other than commercial forest product operations within 10 years after approval of the application, then a Class IV general permit and accompanying county stormwater management permit will not be required, and a mandatory development moratorium shall be applied (see subsection (5)(b) of this section).

(b) Mandatory Six-Year Development Moratorium. For six years after the date of the application the county shall deny any and all applications for permits or approvals, including building permits and subdivision approvals, relating to or for nonforestry uses of land subject to the application (RCW 76.09.060(3)(b)(i), (ii), and (iii)).

(c) Release of Moratorium.
(i) A property owner can wait until the required time period expires or apply to have the development moratorium released or apply to the county for a “release” from the moratorium for the construction of a single-family residence on the subject parcel or for a “full release” from the moratorium for the full extent of the area covered by the moratorium.

(ii) The administrator may “release” the development moratorium for the construction of one single-family residence and related accessory buildings on a legal lot and building site through a Type II approval process.

(iii) A “full release” from a moratorium shall be subject to a Type III quasi-judicial process.

(iv) A release of development moratorium is subject to the following findings:

(A) The person requesting the release did not attempt to avoid the county review or restrictions of a conversion forest practices application, as evidenced by a transfer of property;

(B) Critical areas and their buffers, and shoreline area as set forth in this code and the Shoreline Master Program were not damaged in the forest practice operation, or that any such damage is repairable with restoration; and

(C) Corrective action can be undertaken to provide for compliance with applicable conversion standards established by this section.

(v) At least 10 days prior to taking action on a request for release, and following a Type II or III procedure, the administrator shall solicit comments from the following:

(A) Property owners of record within 300 feet of the subject property within an urban growth area, or within 500 feet of the subject property if outside of an urban growth area;

(B) Appropriate state departments such as Ecology, Natural Resources and Fish and Wildlife;

(C) Appropriate tribal governments; and

(D) Other interested parties requesting such permit information.

(vi) The administrator or hearings examiner may authorize, conditionally authorize, or deny a release application.

(vii) Upon request of the property owner, the moratorium may be rescinded by the administrator if an approved forest practices application has been either withdrawn or expired, and no harvest in reliance upon such approval has taken place.

(d) Continuing Forestry in Urban Growth Areas. Forest practices within a designated UGA require a Class IV general permit, unless:

(i) The landowner submits a signed statement of intent not to convert for 10 years, as per subsection (5)(a) of this section, with an application, accompanied by either a written forest management plan acceptable to the WDNR or documentation that the land is enrolled under the provisions of Chapter 84.33 RCW (i.e., proof of forest tax class status). A mandatory development moratorium shall be applied (see subsection (5)(b) of this section); or

(ii) A COHP is submitted to the WDNR as part of an application.

(6) Illegal Conversions and Enforcement.

(a) Conversion without a Class IV General Permit or COHP.
(i) If land is converted to a use other than commercial forest product operations within six years after approval of a forest practices permit application that was not a Class IV general or did not have a COHP attached, the conversion constitutes a violation of each of the local and regional authorities to which the forest practice operations would have been subject if the application had stated that conversion was intended (RCW 76.09.060(3)(b)(iii)).

(ii) The county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the unpermitted conversion was discovered by the WDNR or the county (RCW 76.09.060(3)(b)(i)(C)).

(iii) Violations may be subject to civil or criminal penalties, as per Chapter 222-46 WAC. The county may also enforce its regulations as provided in subsection (6)(a)(i) of this section, using the procedures in Chapter 18.50 JCC Title 19 JCC.

(b) Failure to Comply with Reforestation Requirements. This constitutes a removal of forest tax designation and a change of use, and shall subject the lands to the payments and/or penalties resulting from such removals or changes (RCW 76.09.060(3)(b)(ii)).

(7) Conversion Option Harvest Plan (COHP) -- General Regulations.

(a) A COHP is a voluntary plan developed by the landowner and approved by the county that indicates the limits and types of harvest areas, road locations, and open space. This approved plan is submitted to the WDNR as part of a Class II, Class III, or Class IV special forest practice application, and is attached to and becomes part of the conditions of the permit approved by the WDNR.

If the requirements of the COHP are continuously met by the landowner, the COHP maintains the landowner's option to convert to a use other than commercial forest product production; that is, it releases the landowner from the six-year moratorium on future development (see subsection (5)(b) of this section) without having to file a Class IV general application (WAC 222-20-050(2)).

Failure to meet the requirements of the COHP requires the imposition of the six-year moratorium, and conversions under such circumstances are illegal conversions; see subsection (7)(f) of this section.

(b) All applications for a COHP shall be submitted to the administrator in a form to be determined by the administrator. COHP will be processed and reviewed in the same manner as a Type II permit review process for compliance with development and performance standards of this code. The application shall include:

(i) The application checklist, including a legal description of the property;

(ii) The COHP agreement form;

(iii) The application fee;

(iv) Maps and drawings of the property detailing the following:

(A) Location of existing and proposed roads, yarding areas, and access points;

(B) Location and types of vegetation, old growth trees (all trees over 125 years old), and snags;

(C) Location and type of soils;

(D) Location and type of water bodies, drainage ways, or wetlands;

(E) Location and type of critical habitat areas and other critical areas (see Chapter 18.22 JCC);

(F) Comprehensive Plan designation for the property;

(G) Intended use(s), if known;
(H) Approximate limits of conversion option harvest area;

(I) Specific plans to modify or conduct forest practice activity for future conversion options;

(J) Location and approximate dimensions of all clearcut areas; and

(K) Parcel boundaries and dimensions;

(v) Maps sufficient to describe any and all off-site improvements or access roads, together with evidence that all property owners of record, and all easement holders, for the off-site areas and access roads have signed an agreement to the use of the off-site area(s) and access roads;

(vi) An erosion control plan consistent with the requirements of JCC 18.30.070.

(c) All COHPs meeting the following minimum standards stipulated below will be subject to the Type II review process. Proposals meeting the COHP criteria will not be subject to review under the State Environmental Policy Act.

(i) No more than 40 percent of the number of standing merchantable trees and trees 12 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP. All stumps and understory shall remain undisturbed as much as possible. No brush raking is permitted. Additional harvesting within six years from the date the COHP harvest is completed will require submittal of a State Environmental Policy Act (SEPA) checklist and SEPA review by the county (see Chapter 18.40 JCC).

(ii) A COHP shall preserve a 50-foot-wide buffer along the perimeter of the site. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.

(iii) A COHP shall preserve a 50-foot-wide buffer along all public and private road rights-of-way adjoining or abutting the subject property. A 15-foot-wide buffer shall be preserved along roads within the subject property. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.

(iv) All roads in a COHP shall be designed to accommodate the potential for future development and subdivision of the property. Roads and skid trails shall minimize total road length. All roads in a COHP shall meet the design and construction standards specified in Chapter 18.30 JCC. All roads which propose to cross a stream shall be required to obtain an hydraulic project approval (HPA) permit, as determined by the Washington Department of Fish and Wildlife, prior to submittal of the COHP.

(v) A COHP shall minimize the number and size of clearcut areas. No individual clearcut areas may exceed 10 percent of the total acreage, up to a maximum of two acres.

(vi) A COHP shall contain written authorization from the property owner agreeing to Jefferson County enforcement of nonforestry-related conditions of the COHP permit issued by the WDNR.

(vii) All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the WDNR.

(viii) Where evidence of unstable soils (as defined by the WDNR) exists, no trees or other vegetation will be removed on slopes exceeding 30 percent. On slopes of 15 percent to 30 percent, no undergrowth shall be removed and tree removal shall not exceed 25 percent of the total number of trees.

(ix) Where soils are documented as stable, tree removal shall not exceed 30 percent of the total number of trees on slopes between 20 percent and 40 percent. Tree removal and removal of vegetative cover is not permitted on slopes exceeding 40 percent.
(x) All trees over 125 years old shall be retained where practical. Snags shall be retained where they do not pose a safety hazard.

(xi) Trees remaining on the site after the harvest will represent all species and size classes existing on the site before harvest.

(xii) Trees remaining on the site will be of sufficient quality (good crown cover, deep root system, and healthy condition) to survive after the harvest is complete.

(xiii) All required buffers shall be flagged and approved prior to harvesting.

(d) Any COHP which exceeds the minimum requirements of subsection (7)(c) of this section, or exceeds thresholds listed below, shall be submitted in the same manner described above but will also require (i) a site inspection by the county to evaluate the potential impacts of the COHP; and (ii) the preparation of a SEPA checklist. Note: the standard for the preparation of a checklist for forest practices is the “potential for substantial impact on the environment.” If the site inspection and checklist indicate that there will be probable significant impacts, a determination of significance shall be issued unless the impacts can be sufficiently mitigated for an MDNS (see Chapter 18.40 JCC).

The thresholds for review are:

(i) The total property included in the COHP is greater than 20 acres, or any portion is classified as designated forest land or is located within a forest resource land use district;

(ii) The COHP includes harvest on slopes exceeding 40 percent;

(iii) The COHP includes any clearcut areas exceeding two acres;

(iv) The COHP has potential for substantial adverse impacts on wildlife, as determined by the Washington Department of Fish and Wildlife;

(v) The COHP has potential for substantial adverse impacts on archaeological resources, as determined by the Washington Office of Archaeology and Historic Preservation or a qualified professional;

(vi) The COHP has potential for substantial adverse impacts on Class 1 or Class 2 regulated wetlands, includes fill in wetlands, or is located where no natural wetland buffering vegetation is present.

(e) The WDNR shall review and take action on all permit applications that have approved COHPs attached within 30 days from the date of a complete application. Failure of the WDNR to take action within 30 days shall result in the COHP plan being approved as submitted.

(f) Failure to Comply with the Terms of a COHP.

(i) An approved COHP may not be altered or revoked by the permittee without written agreement by the administrator, or by the county without agreement by the permittee, and in either case must be approved by the WDNR.

(ii) If a landowner fails to comply with the requirements of the conversion option harvest plan, the county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the application for the permit was given final approval by the WDNR or by the county (if approval jurisdiction had been transferred to the county) (RCW 76.09.060(3)(b)(i)(F)).

(iii) If a landowner fails to comply with the requirements of the conversion option harvest plan, any conversion that occurs constitutes an illegal conversion that is subject to the enforcement provisions of subsections (6)(a)(ii) and (6)(a)(iii) of this section.
(g) Improvements Subject to This Code. If any off-site or on-site improvements are subject to development or performance standards or permit requirements of this code, such requirements shall be met before a COHP approval is granted by the county. [Ord. 14-18 § 4 (Exh. B); Ord. 8-06 § 1]

18.22.350 Mitigation.
The overall goal of mitigation shall be no net loss of wetland function, value, and acreage.

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing, or compensating for adverse impacts to regulated wetlands or their buffers. When a proposed use or development activity poses potentially significant adverse impacts to a regulated wetland or its buffer, the preferred sequence of mitigation as defined below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

(a) Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated wetland or its buffer;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

(2) Compensatory Mitigation – General Requirements. As a condition of any permit or other approval allowing alteration which results in the loss or degradation of regulated wetlands, or as an enforcement action pursuant to Chapter 18.50 Title 19 ICC, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or any code violator.

(a) Except persons exempt under this article, any person who alters or proposes to alter regulated wetlands shall restore or create areas of wetland equivalent to or larger than those altered in order to compensate for wetland losses. The following table specifies the ratios that apply to creation or restoration that is in-kind, on-site, and is accomplished prior to or concurrently with alteration:

**Table 18.22.350**

<table>
<thead>
<tr>
<th>Category and Type of Wetland Impacts</th>
<th>Re-establishment or Creation</th>
<th>Rehabilitation Only¹</th>
<th>Re-establishment or Creation (R/C) and Rehabilitation (RH)¹</th>
<th>Re-establishment or Creation (R/C) and Enhancement (E)¹</th>
<th>Enhancement Only²</th>
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<tr>
<td>All Category IV</td>
<td>1.5:1</td>
<td>3:1</td>
<td>1:1 R/C and 1:1 RH</td>
<td>1:1 R/C and 2:1 E</td>
<td>6:1</td>
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<tr>
<td>All Category III</td>
<td>2:1</td>
<td>4:1</td>
<td>1:1 R/C and 2:1 RH</td>
<td>1:1 R/C and 4:1 E</td>
<td>8:1</td>
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<td>Category II Estuarine</td>
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<td>4:1</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
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<tr>
<td>Category II Interdunal</td>
<td>2:1 Compensation has to be interdunal wetland</td>
<td>4:1 Compensation has to be interdunal wetland</td>
<td>1:1 R/C and 2:1 RH Compensation has to be interdunal wetland</td>
<td>Not considered an option²</td>
<td>Not considered an option²</td>
</tr>
<tr>
<td>All Other Category II</td>
<td>3:1</td>
<td>6:1</td>
<td>1:1 R/C and 4:1 RH</td>
<td>1:1 R/C and 8:1 E</td>
<td>12:1</td>
</tr>
<tr>
<td>Category and Type of Wetland Impacts</td>
<td>Re-establishment or Creation</td>
<td>Rehabilitation Only¹</td>
<td>Re-establishment or Creation (R/C) and Rehabilitation (RH)²</td>
<td>Re-establishment or Creation (R/C) and Enhancement (E)³</td>
<td>Enhancement Only⁴</td>
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<tr>
<td>Category I Forested</td>
<td>6:1</td>
<td>12:1</td>
<td>1:1 R/C and 10:1 RH</td>
<td>1:1 R/C and 20:1 E</td>
<td>24:1</td>
</tr>
<tr>
<td>Category I Based on Score for Functions</td>
<td>4:1</td>
<td>8:1</td>
<td>1:1 R/C and 6:1 RH</td>
<td>1:1 R/C and 12:1 E</td>
<td>16:1</td>
</tr>
<tr>
<td>Category I Natural Heritage Site</td>
<td>Not considered possible¹</td>
<td>6:1 Rehabilitation of a Natural Heritage site</td>
<td>R/C not considered possible¹</td>
<td>R/C not considered possible³</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Category I Coastal Lagoon</td>
<td>Not considered possible³</td>
<td>6:1 Rehabilitation of a coastal lagoon</td>
<td>R/C not considered possible³</td>
<td>R/C not considered possible³</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Category I Bog</td>
<td>Not considered possible³</td>
<td>6:1 Rehabilitation of a bog</td>
<td>R/C not considered possible³</td>
<td>R/C not considered possible³</td>
<td>Case-by-case</td>
</tr>
<tr>
<td>Category I Estuarine</td>
<td>Case-by-case</td>
<td>6:1 Rehabilitation of an estuarine wetland</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
<td>Case-by-case</td>
</tr>
</tbody>
</table>

¹ These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

² Due to the dynamic nature of intertidal systems, enhancement is not considered an ecologically appropriate action.

³ Natural heritage sites, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

(b) Compensation must be completed prior to wetland destruction, where possible.

(c) Compensatory mitigation must follow an approved compensatory mitigation plan pursuant to this article, with the replacement ratios as specified above.

(d) Compensatory mitigation must be conducted on property that will be protected and managed to avoid further development or degradation. The applicant or code violator must provide for long-term preservation of the compensation area.

(e) The applicant shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources, including bonding, to carry out the project. The applicant must demonstrate the capability for monitoring the site and making corrections if the project fails to meet projected goals.

(f) Compensatory mitigation must monitor the impact and take appropriate corrective measures.

(3) Compensatory Mitigation – Type, Location, and Timing.

(a) Priority will be given to in-kind, on-site compensation if feasible and if the wetland to be lost has a moderate to high functional value.

(b) When the wetland to be impacted is of a limited functional value and is degraded, compensation may be of the wetland community type most likely to succeed with the highest functional value possible.

(c) Out-of-kind compensation may be allowed when out-of-kind replacement will best meet identified goals (for example, replacement of historically diminished wetland types). Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

(d) Off-site compensation can be allowed only if:
(i) On-site compensation is not feasible due to hydrology, soils, waves, or other factors;

(ii) On-site compensation is not practical due to probable adverse impacts from surrounding land uses;

(iii) Potential functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or

(iv) Off-site compensation will be conducted in accordance with subsection (4) of this section (Cooperative Compensation Projects).

(e) Except in the case of cooperative compensation projects, off-site compensation must occur within the same watershed where the wetland loss occurs; provided, that Category IV wetlands may be replaced outside of the watershed if there is no reasonable technical alternative. The stormwater storage function provided by Category IV wetlands must be provided for within the design of the development project.

(f) Except in the case of cooperative compensation projects, in selecting compensation sites applicants must pursue locations in the following order of preference:

(i) Filled, drained, or cleared sites which were formerly wetlands and where appropriate hydrology exists; and

(ii) Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where the appropriate natural hydrology exists.

(g) Construction of compensation projects must be timed to reduce impacts to existing wildlife and flora. Construction must be timed to assure that grading and soil movement occurs during the dry season. Planting of vegetation must be specifically timed to the needs of the target species.

(h) A mitigation plan shall include a monitoring plan. The duration, frequency and methods of monitoring depend on a project's goals, objectives, and performance standards. In general, monitoring is required for at least five years. If a scrub-shrub or forested vegetative community is proposed, monitoring may be required for 10 years or more. Monitoring may be extended if interim performance standards are not met.

(4) Cooperative Compensation Projects. The county may encourage, facilitate, and approve cooperative projects where one or more applicants, or an organization with demonstrated capability, may undertake a compensation project if it is demonstrated that:

(a) Creation of one or several larger wetlands may be preferable to many small wetlands;

(b) The group demonstrates the organizational and fiscal capability to act cooperatively;

(c) The group demonstrates that long-term management of the compensation area can and will be provided; and

(d) There is a clear potential for success of the proposed compensation at the identified compensation site. Conducting compensation as part of a cooperative process does not reduce or eliminate the required replacement ratios outlined in this article. [Ord. 3-08 § 1]

Article VIII. Special Reports

18.22.540 Failure to submit required reports.
Failure to submit a report required under this article shall constitute a failure to comply with the terms of the permit, and shall be processed by the administrator pursuant to Chapter 18.50 Title 19 ICC; Enforcement.

18.35.050 Violations – Penalties.
(1) Criminal Penalties and Liability. Any person, firm, corporation, or association or any agent of any person, firm, corporation or association who sells, offers for sale, leases, or transfers any lot, tract, or parcel of land prior to compliance with this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed $1,000 or by imprisonment in jail for a term not exceeding 90 days, or by both such fine and
imprisonment. Each violation or each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of this chapter is deemed a separate and distinct offense. If performance of an offer of agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary approval of a short plat or long plat, but prior to final plat approval, is expressly conditioned on the recording of the final plat containing the lot, tract or parcel under this chapter, the offer or agreement does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this chapter shall be deposited in an escrow account and no disbursements to sellers are permitted until the final plat is recorded. This prohibition of property transfers prior to compliance with this chapter shall apply equally to transfers prior to completion of short subdivisions, long subdivisions and binding site plans.

(2) Chapter 18.50 Title 19 JCC Applicable. In addition to the penalties provided in this section, all violations of any provision of this chapter or any incorporated standards, or conditions of any permit issued hereunder, are subject to the provisions of Chapter 18.50 Title 19 JCC. The administrator is authorized to enforce the provisions of this chapter in accordance with Chapter 18.50 Title 19 JCC.

(3) Other Enforcement Action. In the event an applicant for a short subdivision, long subdivision, or binding site plan fails and refuses to install required improvements in the time required by any preliminary or final approval, the county may withhold further building or other development permits, make demand against any bonds, collect monies deposited in escrow to secure installation of improvements, initiate a local improvement district, or take such other action as may be necessary to cause the improvements to be made.

18.40.040 Project permit application framework.

<table>
<thead>
<tr>
<th>Type I</th>
<th>Type II</th>
<th>Type III</th>
<th>Type IV</th>
<th>Type V</th>
</tr>
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<tbody>
<tr>
<td>Septic permits</td>
<td>Classification of unnamed and discretionary uses under Article II of Chapter 18.15 JCC</td>
<td>Reasonable economic use variances under JCC 18.22.090</td>
<td>Final plats under Chapter 18.35 JCC</td>
<td>Special use permits, such as for siting essential public facilities under JCC 18.15.110</td>
</tr>
<tr>
<td>Allowed uses not requiring notice of application (e.g., &quot;Yes&quot; uses listed in Table 3-1 in JCC 18.15.040, building permits, etc.)</td>
<td>Release of six-year FPA moratorium for an individual single-family residence under JCC 18.20.160</td>
<td>PRRDs under Article VI-M of Chapter 18.15 JCC and major amendments to PRRDs under JCC 18.15.545(3)</td>
<td>Final PRRDs under Article VI-M of Chapter 18.15 JCC</td>
<td>Jefferson County Comprehensive Plan amendments under Chapter 18.45 JCC</td>
</tr>
<tr>
<td>Minor amendments to planned rural residential developments (PRRDS) under JCC 18.15.545</td>
<td>Cottages industries under JCC 18.20.170</td>
<td>Shoreline substantial development permits, conditional use permits, and variance permits under the Jefferson County Shoreline Master Program (SMP)</td>
<td>Amendments to development regulations</td>
<td></td>
</tr>
<tr>
<td>Home businesses approved under JCC 18.20.200</td>
<td>Short subdivisions under Article III of Chapter 18.35 JCC</td>
<td>Plat alterations and vacations under JCC 18.35.030(3)</td>
<td>Amendments to the Jefferson County SMP</td>
<td></td>
</tr>
<tr>
<td>Temporary outdoor use permits under JCC 18.20.380</td>
<td>Binding site plans under Article V of Chapter 18.35 JCC</td>
<td>Long subdivisions under Article IV of Chapter 18.35 JCC</td>
<td>Subarea and utility plans and amendments thereto</td>
<td></td>
</tr>
<tr>
<td>Stormwater management permits under JCC 18.30.070</td>
<td>Administrative conditional use permits under JCC 18.40.520(1) and listed in Table 3-1 in JCC 18.15.040 as &quot;C(a)&quot;</td>
<td>Discretionary conditional use permits under JCC 18.40.520(2) [i.e., listed in Table 3-1 in JCC 18.15.040 as &quot;C(d)&quot;] where required by administrator</td>
<td>Development agreements and amendments thereto under Article XI of this chapter</td>
<td></td>
</tr>
<tr>
<td>Road access permits under JCC 18.30.080</td>
<td>Discretionary conditional use permits under JCC 18.40.520(2) listed in Table 3-1 in JCC 18.15.040 as &quot;C(d)&quot; unless Type III process</td>
<td>Conditional use permits under JCC 18.40.520(3) [i.e., uses listed in Table 3-1 in JCC 18.15.040 as &quot;C&quot;]</td>
<td>Master plans for master planned resorts</td>
<td></td>
</tr>
<tr>
<td>Type I</td>
<td>Type II</td>
<td>Type III</td>
<td>Type IV</td>
<td>Type V</td>
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<tr>
<td>Sign permits under JCC 18.30.150</td>
<td>Minor variances under JCC 18.40.640(2)</td>
<td>Major variances under JCC 18.40.640(3)</td>
<td>Amendments to the Unified Development Code</td>
<td></td>
</tr>
<tr>
<td>Boundary line adjustments under Article II of Chapter 18.35 JCC</td>
<td>Administrative conditional use permits, under Jefferson County SMP, JCC 18.25.620(3) listed in JCC 18.25.220, Table 18.25.220 as &quot;C(a)&quot;</td>
<td>Wireless telecommunications permits under JCC 18.20.130 and Chapter 18.42 JCC</td>
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<tr>
<td></td>
<td>Discretionary conditional use permits under Jefferson County SMP, JCC 18.25.620(4) listed in JCC 18.25.220, Table 18.25.220 as &quot;C(d),&quot; unless Type III process required by administrator</td>
<td></td>
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</tr>
<tr>
<td>Minor adjustments to approved preliminary short plats under JCC 18.35.150</td>
<td>Wireless telecommunications permits under JCC 18.20.130 and Chapter 18.42 JCC</td>
<td>Major industrial development conditional use approval under Article VIII of Chapter 18.15 JCC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minor amendments to approved preliminary long plats under JCC 18.35.340</td>
<td>Small-scale recreation and tourist (SRT) uses in SRT overlay district under JCC 18.15.572,</td>
<td>Forest practices release of a moratorium under Chapter 18.20 JCC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site plan approval advance determinations under Article VII of this chapter and boundary line agreements under Article VIII of Chapter 18.35 JCC</td>
<td>Plat alterations under JCC 18.35.670,</td>
<td></td>
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</tr>
<tr>
<td>Exemptions under the Jefferson County SMP</td>
<td>Appeals of enforcement actions under Chapter 18.50 JCC</td>
<td></td>
<td></td>
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<tr>
<td>Revisions to permits issued under the Jefferson County SMP</td>
<td></td>
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</tbody>
</table>

1 If not categorically exempt pursuant to SEPA, Type I projects shall be subject to the notice requirements of JCC 18.40.150 through 18.40.220 and Article X of this chapter (the SEPA integration section).

**18.40.810 Appeals.**

(1) Appeal of a Threshold Determination for a Type I Permit Decision. Threshold determinations on Type I permit decisions may not be appealed administratively to the hearing examiner.

(2) Appeal of a Threshold Determination for Type II Permits – Open Record Hearing. The decision of the responsible official on Type II permits making a threshold determination of a DNS or MDNS, approving a proposal subject to conditions, or denying a proposal under SEPA's substantive authority may be appealed to the hearing examiner pursuant to JCC 18.40.280, Chapter 2.30 JCC, and the Hearing Examiner Rules of Procedure for an open record appeal hearing. Any such appeal must be filed within the time limits of JCC 18.40.330(2)(b), and must be consolidated with any appeal on the underlying Type II permit decision.

(3) Appeal of a Threshold Determination for Type III Permits – Open Record Hearing. The decision of the responsible official on Type III permits making a threshold determination of a DNS, approving a proposal subject to conditions, or denying a project under SEPA's substantive authority may be appealed to the hearing examiner pursuant to JCC 18.40.280, Chapter 2.30 JCC, and the Hearing Examiner Rules of Procedure. The open record public hearing on the SEPA appeal shall be before the hearing examiner, who shall consider the appeal together with the decision on the project application in a single, consolidated hearing as further set forth in Article IV of this chapter.
(4) Appeals of Threshold Determinations for Type V Actions. Threshold determinations of the responsible official on Type V decisions (other than a DS) may not be appealed to the hearing examiner.

(5) Limitations on Appeals for All Types of Permits. When a threshold determination results in a DS it shall not be appealable. In addition, issues relating to the adequacy of the EIS and other procedural issues may not be appealed under this article.

(6) Who May Appeal. An applicant or other party of record, as defined in Chapter 18.10 JCC, may file a SEPA appeal as provided in this article.

(7) Time to Appeal Administrative Decisions. A written statement appealing the threshold determination must be filed within 14 calendar days after the notice of decision is issued.

(8) Form of Appeal. A person or group appealing the decision of the responsible official shall submit a written appeal in the form and manner set forth in Chapter 2.30 JCC and the Hearing Examiner Rules of Procedure.

(9) Scope of Review. The hearing examiner shall affirm, modify or reverse the responsible official's decision, and shall enter findings and/or conclusions into the record to support the decision. In making the decision, the hearing examiner shall give deference to and afford substantial weight to the decision of the responsible official. Review shall be on a de novo basis.

(10) Judicial Appeals. Pursuant to RCW 43.21C.075, if there is a time period for appealing the underlying permit decision, appeals under this article shall be commenced within such time period. The county shall give official notice stating the date and place for commencing an appeal.

(a) Optional Limitation Period. If there is no time period for appealing the underlying government action, the county, applicant for or proponent of an action may use a notice of action pursuant to RCW 43.21C.075 and 43.21C.080. The notice shall describe the action and state time limitations for commencing a challenge to that action, in a form substantially similar to that provided in WAC 197-11-990. The notice shall be published by the department, applicant or proponent pursuant to RCW 43.21C.080, and any action to set aside, enjoin, review or otherwise challenge any such governmental action shall be commenced within 21 days from the date of the last newspaper publication of the notice of action, as further set forth in RCW 43.21C.080.

(b) Exemption. This article does not apply to decisions made pursuant to Chapter 90.58 RCW, the Shoreline Management Act. Appeals of SEPA mitigation measures pertaining to projects subject to Chapter 90.58 RCW shall be made to the shoreline hearings board along with the appeal of the county’s shoreline decision, as further set forth in Chapter 90.58 RCW. In addition, as an alternative dispute resolution process, any SEPA appeal, whether involving a shoreline issue or not, may be made to the shoreline hearings board upon the consent of the parties to the action, as further set forth in RCW 43.21C.075(7).

(11) Violations and Penalties. The administrator is authorized to enforce the provisions of this article whenever he or she determines that a condition exists in violation of this article or permit issued hereunder. All violations of any provisions of this article, incorporated standard or permit issued pursuant to this article are made subject to the provisions of Chapter 18.50 JCC Title 19 JCC, which provides for voluntary correction, notice and orders to correct the violation, stop work and emergency orders, and assessment of civil penalties.

(12) Public Nuisance. All violations of this article are determined to be detrimental to the public health, safety and welfare and are public nuisances, and may be corrected by any reasonable and lawful means, as further set forth in Chapter 8.90 JCC Title 19 JCC.

(13) Alternative Remedies. As an alternative to any other judicial or administrative remedy provided in this article or by law or ordinance, any person who willfully or knowingly violates or fails to comply with any stop work order or emergency order issued pursuant to Chapter 18.50 Title 19 JCC is guilty of a misdemeanor and upon conviction shall be punished as set forth in JCC 18.50.110 19.10.020(2). Each day such violation or failure to comply continues shall be considered an additional misdemeanor offense.

18.42.150 Enforcement and penalties.
Enforcement and penalties for violations of this chapter shall be subject to Chapter 18.50 Title 19 JCC, or as hereinafter amended.

Chapter 18.50

ENFORCEMENT

Sections:
18.50.010 Intent.
18.50.020 Violations.
18.50.030 Enforcement and duty to enforce.
18.50.040 Site investigation and right of entry.
18.50.050 Notice of voluntary correction.
18.50.060 Notice and order.
18.50.070 Stop-work order and emergency order.
18.50.080 Appeal to hearing examiner.
18.50.090 Final order—Enforcement.
18.50.100 Suspension and revocation of permits.
18.50.110 Civil and criminal penalties.
18.50.120 Exception to enforcement and penalties—Land divisions.
18.50.130 Recovery of civil penalty and cost of abatement.

18.50.010 — Intent.
(1) The primary intent of all enforcement actions described in this chapter is to educate the public and to encourage the voluntary correction of violations to protect the public health, safety, and welfare. If voluntary compliance fails or is inapplicable in a given case, civil and criminal penalties will be used when necessary to ensure compliance with the provisions of this UDC. Criminal charges will be brought only when civil remedies have failed to ensure compliance and all lesser enforcement tools have proved futile.

(2) Nothing in this chapter shall be construed to prevent the building official, fire marshal, or local fire chief from following the enforcement process and provisions of the International Building Code, the International Fire Code, or any other standardized code adopted by the county. [Ord. 2-06 § 1]

18.50.020 — Violations.
(1) It is a violation of this UDC for any person to initiate or maintain, or to cause to be initiated or maintained, any use, alteration, construction, location, or demolition of any structure, land, or property within Jefferson County without first obtaining permits or authorizations required by this UDC.

(2) It is a violation of this UDC to remove or deface any sign, notice, complaint, or order required by or posted in accordance with this UDC.

(3) It is a violation of this UDC to misrepresent any material fact in any application, plans, or other information submitted to obtain any land use authorization.

(4) It is a violation for any person to fail to comply with provisions of this code, to fail to comply with the terms or conditions of a permit issued pursuant to this UDC, or to fail to comply with any or all notices or orders issued pursuant to this chapter. [Ord. 2-06 § 1]

18.50.030 — Enforcement and duty to enforce.
(1) Provisions of this UDC will be enforced for the benefit of the health, safety, and welfare of the general public and the environment and not for the benefit of any particular person or class of persons.

(2) The administrator is authorized to use the provisions of this chapter to remove, prevent and stop violations of this UDC. The administrator may call upon law enforcement, fire, health, or other appropriate county departments to assist in enforcement.
(2) The owner of any real or personal property subject to enforcement action and/or any person responsible for a violation at a particular site or real property shall be individually and jointly liable for failure to comply with this UDC or to comply with any and all notices or orders issued pursuant to this code.

(4) No provision or term used in this chapter is intended to impose any duty upon the county or any of its officers or employees, which would subject them or the county to damages in a civil action. [Ord. 2-06 § 1]

18.50.040 — Site investigation and right of entry.
(1) Any person submitting an application for any land use permit or any other land use activities shall also be required to give written consent to on-site inspection of their property solely for the purpose of assessing compliance with any or all county development regulations applicable to the land use permit or proposal submitted by that applicant.

(2) The administrator may, with the written consent of the owner, enter any building, structure, property or portion thereof at reasonable times to inspect the same in order to determine whether the applicant and/or owner are in compliance with any and all development regulations applicable to the land use permit or proposal submitted by that applicant.

(3) If written consent of the applicant or owner to enter private property exists and if the administrator should find such building, structure, property or portion thereof to be occupied, then the administrator shall present identification credentials, state the reasons for the inspection, and request entry.

(4) If written consent of the applicant or owner to enter private property exists and if the administrator should find such building, structure, property or portion thereof to be unoccupied, then the administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and request entry. If the administrator is unable to locate the owner or such other persons, and has reason to believe that conditions therein create an immediate and irreparable land use of safety hazard, the administrator may enter to investigate land use violations or safety hazards.

(5) Should the administrator be denied written consent to access such private property in order to carry out the purpose and provisions of this section, then the administrator shall, if entry upon private property is deemed necessary, be required to obtain a lawful search warrant executed by a neutral magistrate or judge based upon sufficient sworn proof of probable cause prior to entry upon private property.

(6) At such time as the county, through its administrator, concludes that the applicant has complied with all development regulations applicable to the applicant’s proposal or application for one or more land use permits, the written consent to enter the premises of the applicant for inspection and observation as permitted by this section shall immediately expire.

(7) Because there will be circumstances, complaints or facts where an investigation of real property will be required that does not arise from an existing application or request for one or more land use permits, the administrator is permitted to take all lawful steps to investigate those circumstances or facts, including, but not limited to, obtaining a lawful search warrant executed by a neutral magistrate or judge based upon sufficient sworn proof of probable cause prior to entry upon private property. [Ord. 2-06 § 1]

18.50.050 — Notice of voluntary correction.
(1) If after investigation, the administrator determines that any provision of the UDC has been violated, a notice of voluntary correction letter shall be the first attempt at obtaining compliance. If voluntary compliance is not obtained, the administrator shall serve a notice and order, as set forth in JCC 18.50.060(6), upon the owner and person(s) responsible for the violation.

(2) The notice of voluntary correction shall state the following:

(a) The street address, when available, and/or a legal description of real property sufficient to identify where the violation occurred or is located;

(b) Description of the activity that is causing a violation;
(e) Each provision violated under county regulations;

(d) The corrective action necessary to comply with said provisions;

(e) A reasonable time and date by which the corrective action is to be completed; however, in no event shall the time given for voluntary correction be greater than 60 calendar days, except as provided in subsection (4) of this section; and

(f) That continued or subsequent violation may result in civil enforcement actions, as provided in JCC 18.50.140, to include monetary civil penalties, and/or abatement proceedings enforceable as a lien against property or as a personal obligation.

(3) Following a notice of voluntary correction, the administrator and person in violation may meet to develop a compliance plan. The compliance plan shall establish a reasonable and specific time frame for compliance. No further action will be taken if the terms of the compliance plan are met. If no compliance plan is established, a notice and order will proceed.

(4) Upon written request received prior to the correction date, an administrator may, for good cause shown, grant an extension of the date set for correction for an amount of time deemed reasonable by the administrator. The administrator may only consider as good cause: (a) substantial completion of necessary correction; (b) unforeseeable circumstances not caused by the person so as to make completion impossible by the date established; or (c) procedural requirements for obtaining a permit to carry out the corrective action.

(5) The voluntary correction process is optional as deemed by the administrator. If the administrator believes that the requirements of this chapter are not being met, the administrator shall, in addition to the notice and order, issue applicable stop-work or emergency orders. [Ord. 2-06 § 1]

18.50.060—Notice and order.
(1) Whenever the voluntary correction process set forth in JCC 18.50.050 is unsuccessful, or the administrator believes that the violation can only be promptly and equitably corrected by an immediate administrative notice and order, the administrator shall issue a written notice and order directed either to the owner or operator of the source of violation, the person in possession of the property where the violation originates or the person otherwise causing or responsible for the violation.

(2) The notice and order shall state the following:

(a) The street address, when available, and/or a legal description of real property sufficient to identify where the violation occurred or is located;

(b) A statement that the administrator has found the person to be in violation of a land use regulation, with a brief and concise description of the conditions found to be in violation and a reference to county regulation(s) which has been violated;

(c) A statement of the corrective action required to be taken. If the administrator has determined that corrective work is required, the notice and order shall require that all required permits be secured, that work physically be commenced and that the work be completed within such times as the administrator determines are reasonable under the circumstances;

(d) A statement specifying the amount of any civil penalty that may be assessed and subsequently perfected and collected at a later date on account of the violation and, if applicable, the conditions on which the assessment of such civil penalty is based;

(e) A statement advising that if any work is not commenced or completed within the times specified, the administrator will proceed to cause abatement of the violation and cause the work to be done and charge costs as a lien against the property;
(f) A statement advising that if any assessed civil penalty is not paid, the administrator will charge the amount of the penalty as a lien against the property and as a joint and separate personal obligation of any person in violation; and

(g) A description of the available appeals process.

(3) The notice and order may be appealed within 14 calendar days from the date of the notice and order to the hearing examiner, pursuant to the provisions of JCC 18.50.080. The appeal shall be accompanied by an appeal fee in an amount set forth by the county.

(4) Any per-day civil penalty shall not accrue during the pendency of such administrative appeal, unless the hearing examiner determines that the appeal is frivolous or intended solely to delay compliance.

(5) A failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under this UDC.

(6) The notice of voluntary correction, notice and order, stop work order, or emergency order shall be served upon the owner and person or persons responsible for the violation by the administrator or his designated representative over the age of 18. The administrator may also mail a certified copy of such notice and orders, mailing such a certified copy of the notice and orders to the fee or record owner of the property at the address where that record owner receives the related tax bills for that real property from the Jefferson County treasurer. If the address of any such person cannot reasonably be ascertained, a copy of the notice and order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter. Service by mail in the manner provided in this chapter shall be effective on the date of postmark. The notice and order may be, but is not required to be, posted on the subject property. [Ord. 2-06 § 1]

18.50.070 — Stop work order and emergency order.

(1) Stop Work Order. Whenever a continuing violation of any regulations within the UDC will: (a) materially impair the administrator's ability to secure compliance with the UDC; or (b) threaten the health or safety of the public; or (c) threaten or harm the environment, then the administrator may issue a stop work order specifying the violation and prohibiting any work or other activity at the site. The order may be posted on the subject property or may be served on persons engaged in any work in violation of this chapter. No further work or activity shall proceed, unless and until authorized by the administrator in writing. In the event the administrator issues a stop work order, the voluntary correction procedures of JCC 18.50.050 and the notice and order provisions of JCC 18.50.060 shall not apply. A failure to comply with a stop work order shall constitute a violation of this chapter.

(2) Emergency Order. Whenever any use or activity in violation of the UDC threatens the health or safety of occupants of the premises or property, any member of the public or the environment, the administrator may issue an emergency order directing that the use or activity be discontinued and the condition causing threat to health and safety or threat and harm to the environment be corrected. The emergency order shall be served on the person(s) responsible pursuant to JCC 18.50.060(6), which shall specify the time for compliance, and should be posted in a conspicuous place on the premises, if posting is physically possible. Failure to comply with an emergency order shall constitute a violation of this code. In the event the administrator issues an emergency order, the voluntary correction procedures of JCC 18.50.050 and the notice and order provisions of JCC 18.50.060 shall not apply. A failure to comply with an emergency order shall constitute a violation of this chapter. [Ord. 2-06 § 1]

18.50.080 — Appeal to hearing examiner.

(1) Appeal. A person to whom a formal notice and order or an abatement order is directed may appeal such order by filing a written notice of appeal with DCD within 14 calendar days from the date of the notice and order to the hearing examiner pursuant to the provisions of Chapter 18.40 JCC.

(2) Fee. The appeal shall be accompanied by an appeal fee in an amount set forth by the county.

(3) Stay. Any per-day civil penalty shall not accrue during the pendency of such administrative appeal unless the hearing examiner determines that the appeal is frivolous or intended solely to cause delay. Enforcement of any formal notice and order or abatement order of the administrator issued pursuant to this chapter shall be stayed during
the pendency of any appeal under this chapter, except when the administrator issues an emergency order and/or stop work order pursuant to JCC-18.50.070.

(4) Waiver. Failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under the UDC.

(5) Administrative Conference. At any time prior to the convening of an appeal hearing of a notice and order issued pursuant to JCC-18.50.060, an informal administrative conference may be conducted by the administrator for the purposes of bringing communications between concerned parties and providing a forum for efficient resolution of any violation. The administrator may call a conference on his or her own initiative or in response to a request from the appellant. Any person attending this informal administrative conference agrees that any settlement offer(s), statements or representations made at that conference by any person or by the administrator shall not be admissible at any subsequent hearing or proceeding. As a result of information developed at the conference, the administrator may affirm, modify or revoke the order. If the order is to be modified, a supplemental notice and order shall be issued which shall be subject to the same procedures applicable to all notices and orders contained in this chapter. The administrative conference is optional with the administrator, and is not a prerequisite to utilization of any of the enforcement provisions described in this chapter.

(6) Notification for appeal hearings shall follow the notification provisions of JCC-18.40.230. [Ord. 2-06 § 1] 

18.50.090 — Final order — Enforcement.

If, after any order duly issued by the administrator has become final, the person to whom such order is directed fails, neglects or refuses to obey such order, including refusal to pay a civil penalty assessed and later perfected pursuant to such an order, pursuant to JCC-18.50.110, the administrator may, with assistance from other county agencies if needed:

(1) Institute any appropriate action needed to collect a civil penalty assessed under this chapter and/or

(2) Abate the land-use violation using the procedures of this chapter and/or

(3) Pursue criminal penalties as set forth in JCC-18.50.110 and/or

(4) Pursue any other appropriate remedy at law or equity under this chapter. [Ord. 2-06 § 1]

18.50.100 — Suspension and revocation of permits.

(1) Suspension — Cause. The administrator may temporarily suspend any permit issued under the UDC for:

(a) Failure of the holder to comply with the requirements of any development regulations, or rules promulgated thereunder; or

(b) Failure of the holder to comply with any order issued pursuant to this chapter; or

(c) Interference with the administrator in the performance of his or her duties; or

(d) Discovery by the administrator that a permit was issued in error or on the basis of incorrect information supplied to the county; or

(e) Failure to comply with the conditions and/or mitigation measures of any land use permit.

(2) Whenever the administrator finds just cause, permit suspension shall be carried out through the notice and order provisions of JCC-18.50.060 and shall be effective upon service of the notice and order.

(3) The holder or operator of the permit may appeal the suspension as provided for by JCC-18.50.080.

(4) Revocation — Cause. The administrator may permanently revoke any permit issued under the UDC for just cause under subsections (1) through (1)c) of this section. [Ord. 2-06 § 1]
18.50.110 — Civil and criminal penalties.

(1) Civil Penalties. Any person who violates any development regulations, or rules or regulations adopted under the UDC, or the conditions and/or mitigation measures of any permit issued pursuant to such ordinance, rule or regulation, or who, by any act or omission, procures, aids or abets such violation shall be subject to civil penalties as provided in this chapter.

(a) Civil penalties may be assessed by the administrator by means of a formal notice and order issued pursuant to this chapter and may be recovered by legal action filed by the prosecuting attorney.

(b) Civil penalties, once perfected through the appropriate legal action, shall be collected in the same manner as judgments in civil actions.

(c) Civil penalties shall be a cumulative penalty in the amount of $100.00 per day for each violation. Penalties for the second separate violation of a like nature by the same person within a period of two years shall be double that rate.

(d) Each and every day or portion thereof during which any violation is committed, continued, permitted or not corrected shall be deemed a violation for purposes of this chapter. Civil penalties for violation of any formal notice and order to correct the violation, stop work order, emergency order or any other order issued by the administrator pursuant to this chapter (except an order to secure voluntary correction) shall begin to accrue on the first day the order is served and shall cease on the day the violation is actually stopped or the correction is completed.

(e) In addition to the penalties set forth in this section, violations causing significant damage as defined by the following nects may also be assessed penalties at an amount reasonably determined by the administrator to be equivalent to the economic benefit that the violator derives from the violation, as measured by the greater of the resulting increase in market value of the property or the value received by the violator, or savings of construction costs realized by the violator:

(i) Grading (filling and/or excavation), clearing of vegetation and trees, and/or draining of riparian corridors, wetlands, and their buffers; or

(ii) Destruction of a historic landmark, or cultural or archaeological artifact as defined by county ordinance.

(2) Payment of a civil penalty initially assessed pursuant to this chapter does not relieve a person of the duty to correct or remediate the violation as ordered by the administrator.

(3) In addition to any other penalty under this chapter, the administrator is authorized to suspend or revoke any permits issued pursuant to the UDC as further set forth in this chapter.

(4) Criminal Penalties. As a final alternative to any other administrative or legal remedies under this chapter, any person who willfully or knowingly violates or fails to comply with any stop work order or emergency order issued by the administrator pursuant to this chapter, is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $1,000 or by imprisonment for not more than 180 days, or by both such fine and imprisonment. Each day such violation or failure to comply continues shall be considered an additional misdemeanor offense.

(5) Additional Relief. Notwithstanding other remedies in this chapter, the administrator may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any land use provision or regulations adopted under the UDC when civil or criminal penalties are inadequate to effect compliance.

(6) Violator’s Liability for Damages. Any person who violates any provisions or any permit issued under the UDC 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 prosecuting attorney may bring suit for damages under this chapter on behalf of the county. If liability has been established for the cost of restoring an area affected by a-
violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. [Ord. 2-06 § 1]

18.50.120 — Exception to enforcement and penalties — Land divisions.
The procedures and penalties of this chapter expressly do not repeal and replace the penalties and enforcement provisions of Chapter 18.25 JCC, Land Divisions, but shall apply only to conditions of final plat approval. All other enforcement and penalty provisions of Chapter 18.35 JCC, as they now exist or are later amended, shall remain in full force and effect. [Ord. 2-06 § 1]

18.50.130 — Recovery of civil penalty and cost of abatement.
(1) Lien — Authorized. Jefferson County shall have an unperfected lien for any civil penalty imposed or for the cost of any abatement work done pursuant to this chapter, or both, against the real property on which the civil penalty was imposed or any of the abatement work performed.

(2) Personal Obligation — Authorized. The civil penalty and the cost of abatement are also joint and separate personal obligations of any person or entity in violation. The prosecuting attorney on behalf of the county may select the civil penalty and abatement work costs by use of all appropriate legal remedies.

(3) Lien — Foreclosure. The administrator shall cause a claim for lien to be filed for record in the Jefferson County auditor’s office within 90 days of the date when the lien was perfected.

(4) The claim of lien shall contain the following:

(a) The authority for imposing a civil penalty or proceeding to abate the violation, or both;

(b) Proof, which may come from the document itself, of the legal perfections of the lien;

(c) A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof, including the time the work is commenced and completed and the name of the persons or organizations performing the work;

(d) A legal description of the property to be charged with the lien;

(e) The name of the known or reputed owner, and, if not known, the fact shall be alleged; and

(f) The amount, including lawful and reasonable costs for which the lien is claimed.

(5) Verification. The administrator shall sign and verify the claim by oath to the effect that the administrator believes the claim is just.

(6) Amendment. The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interests of third parties shall not be detrimentally affected by amendment. Nothing shall prevent the administrator from removing or reducing the civil assessment or lien upon satisfactory evidence that the violation of this development code has been abated, resolved, or removed.

(7) Foreclosure. The lien provided by this chapter, once perfected and recorded as a lien against any real property owned in Washington by the debtor, may be foreclosed and enforced by a civil action in a court having jurisdiction. All persons who have legally filed claims of liens against the same property prior to commencement of the action shall be joined as parties, either plaintiff or defendant. [Ord. 2-06 § 1]
IN THE STATE OF WASHINGTON
FOR JEFFERSON COUNTY
JEFFERSON COUNTY BOARD OF HEALTH

A RESOLUTION OF THE
JEFFERSON COUNTY BOARD OF
HEALTH DECLARING RACISM
A PUBLIC HEALTH CRISIS

PREAMBLE:

“We in this country are like homeowners who inherited a house on a piece of land
that is beautiful on the outside but whose soil is unstable and rock, heaving and
contracting over generations, cracks patched but the deeper ruptures waved away for
decades, centuries even. Many people might rightly say: ‘I had nothing to do with how all
this started. I have nothing to do with the sins of the past. My ancestors never attacked
indigenous people, never owned slaves.’ And yes. Not one of us was here when this house
was built. Our immediate ancestors may have had nothing to do with it, but here we are,
the current occupants of a property with stress cracks and bowed walls and fissures in the
foundation. We are the heirs to whatever is right or wrong with it. We did not erect the
uneven pillars or joists, but they are ours to deal with now.

And any further deterioration is, in fact, on our hands.”

—Isabel Wilkerson, “America’s Enduring Caste System,” N.Y. Times Magazine,
July 5, 2020 (adapted from the book, CASTE: THE ORIGINS OF OUR
DISCONTENTS (2020)).

The Jefferson County Board of Health is adopting this Resolution to declare that racism is a
public health crisis. In doing so, the Board takes express notice of and adopts the following findings,
facts, statements, and good faith beliefs:

1. We acknowledge that in East Jefferson County we live on land usurped from
indigenous peoples and that the ongoing presence of systemic, cultural, and personal racism in this

1
country continues to distribute privilege and access inequitably.

2. Racism has deep and harmful impacts that unfairly disadvantages too many, including Black, Indigenous and People of Color ("BIPOC"), and unfairly advantages others, including people who identify as white.

3. At this moment in time, the term BIPOC is widely used and accepted; however, we recognize that it may not seem or be inclusive enough to all. We also acknowledge that, with passage of time, this term may no longer be fully appropriate or as widely used and accepted. We intend this Resolution to apply to all people who are marginalized due to difference and encourage the changing of the terminology over time to reflect respect and changing concepts of race and ethnicity. Further, we understand and use “POC” or “person of color” to be an umbrella term that broadly refers to all non-white individuals who often face discrimination, including those who have Asian, Middle Eastern, Indian, and Pacific Island heritage, among others.¹

4. Racism harms every person in our society and is a root cause of poverty and economic inequality.

54. The Reverend Dr. Martin Luther King Jr. memorably and truthfully stated that, “Injustice anywhere is a threat to justice everywhere.” More recently, the great civil rights leader, John Lewis, who passed away on July 17, wrote in an essay published on the day of his funeral:

Like so many young people today, I was searching for a way out, or some might say a way in, and then I heard the voice of Dr. Martin Luther King Jr. on an old radio. He was talking about the philosophy and discipline of nonviolence. He said we are all complicit when we tolerate injustice. He said it is not enough to say it will get better by and by. He said each of us has a moral obligation to stand up, speak up and speak out. When you see something that is not right, you must say something. You must do something. Democracy is not a state. It is an act, and each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself.

56. Whether intended or not, racism becomes ingrained in institutional policies and

practices, creating differential access to opportunities and resources, and causes disparate outcomes in all aspects of life affecting health.

76. By maintaining the status quo and existing systems of power and privilege based on our country’s long history of and continued persistence of white supremacy, institutional policies and practices do not need to be explicitly racist in order to have racist impacts on residents.

87. The legacy of racist policies and practices often continue to exist after the policies and practices have been changed.

28. Reversing the legacy of institutional racism calls for an understanding of the intersectional nature of power and oppression that amplify adverse effects on people who experience more than one form of marginalization (such as race, gender and disability) and a commitment to anti-racist policies and practices.

109. Decades of data collected by public health agencies have demonstrated how marginalized communities, including especially BIPOC communities, are affected by more acute impacts, such as gun violence, and chronic impacts such as higher rates of cardiovascular disease and diabetes, maternal and infant mortality, underweight babies and shorter, less-healthy lives overall.

110. Victims of racism or marginalization, including especially BIPOC residents of Jefferson County, are more likely to experience inequities in social determinants of health, including education, access to jobs, earning power, adequate and safe housing, higher rates of policing and involvement in the criminal legal system, and overall quality of life.

124. The disproportionate impact of the COVID-19 on victims of racism or marginalization, including especially our BIPOC communities, is a present-day demonstration of the systemic racism in institutions and systems that have not valued and supported human life equitably.

132. We recognize that historically and currently Jefferson County has been complicit in maintaining and perpetuating structural racism, and that as an institution the Board of Health must
stand in support of dismantling oppressive systems grounded white supremacy.

Jefferson County government and Board of Health have a mandate to serve all, without prejudice, and have expressed a commitment to developing stronger and better resourced partnerships with community organizations and leaders to disrupt and dismantle racism and protect the health and well-being of all residents without exception, including our BIPOC residents, using quantitative data, including data about racial inequities, along with voices and knowledge of community leaders and residents in an effort to heal the wounds of racism and build a welcoming and anti-racist community.

The Board of Health is committed to addressing racial equity and health disparities in all forms and at all levels, which are the individually, institutional and systemic levels, across the county.

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County Board of Health,

A. The Board declares racism an acute and chronic public health crisis;

B. The Board supports Jefferson County Public Health immediately in the work to advance a public health approach in identifying and addressing any institutional and systemic racism;

C. The Board commits to assessing and revising its policies, practices, and culture with a racial justice and equity lens including the Board of Health Code and annual work plan; and

D. The Board members commit to ongoing work around race and equity such as participating in racial equity training, engaging and being responsive to communities and residents impacted by racism as partners in identifying and implementing solutions, establishing an agreed upon understanding of racial equity principles to work towards antiracist policies and practices and to serve as ambassadors of racial equity work, seeking
diversity in board membership, the need to include voices of people of color when addressing issues of racism, and to hold one another accountable to addressing implicit biases of all kinds.

APPROVED this _____ day of October 2020.

_________________________    _________________________
Sheila Westerman, Chair          Greg Brotherton, Member

_________________________    _________________________
Pamela Adams, Vice Chair        Kees Koff, Member

_________________________    _________________________
David Sullivan, Member          Denis Stearns, Member

_________________________
Kate Dean, Member
IV
New Business
Item 3
Proposed Revisions to Basic Sanitation Code:
Basic Sanitation for Non-Permitted Living Conditions

October 15, 2020
Enforcement – Basic Sanitation for Non-Permitted Living Conditions

Effective this date, the following policy and procedure shall be implemented to establish specific enforcement requirements for the conditions described below.

Problem Statement

Jefferson County Public Health is aware of many people living individually or communally in non-permitted housing (including tents, recreational vehicles, converted out buildings, etc.) with a lack of potable water and acceptable means of sewage and solid waste disposal. This is most often due to their inability to find or afford appropriate housing and/or personal health challenges. However, living in substandard housing and discharging sewage to ground, unapproved drain fields, cesspools, pit privies, dry wells, etc. represents a public health risk.
Applicable Regulations

Jefferson County Code 8.15.060 states that Adequate Sewage Disposal is required: (1) every residence, place of business, or other building or place where people congregate, reside or are employed shall be connected to an approved public sewer. If no public sewer is available, the building sewer shall be connected to an on-site sewage system approved by the Health Officer. Said sewage disposal system shall be built or rebuilt, constructed and maintained in such manner as to meet the requirements as prescribed by the Health Officer in accordance with minimum requirements and standards of WAC 246-272A and this code. Such system may include the use of waterless toilet devices in conjunction with an approved gray water drain field system or other proprietary products approved by Washington State Department of Health. (2) Any unit/facility with the potential to generate waste water by virtue of being equipped with a toilet, sink, shower or other plumbing fixture shall be connected to an approved public sewer or shall be connected to an on-site sewage system approved by the Health Officer.

Jefferson County Code 8.10.025 states that the owner, operator, or occupant of any premise, business, establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste generated or accumulated by them on the property. An owner is not relieved of the duties and obligations imposed by this Chapter because the owner has leased the property or premises to another or permitted others to occupy the premises or operate there.

Jefferson County Code 18.10 Definition states that “Recreational Vehicle (RV) Park” means a commercially developed tract of land in which two or more recreational vehicle sites are established as the principal use of the land.

The Jefferson County Board of Health ordered that pit privies (out houses) no longer be permitted in Jefferson County in 1988.

Policy Statement

It is the policy of Jefferson County Public Health (JCPH) and the Board of Health that, if citizens are not trespassing on public or private property, and if there is no suitable or practical housing alternative available to them, JCPH staff will work with the property owner, other occupant(s), City of Port Townsend or Jefferson County Code Compliance Coordinator, or other City or County official, navigator, citizens, etc. to ensure sanitary management of all wastewater and solid waste on the property per local and state codes. The property owner has the ultimate responsibility to ensure the safety of individuals legally residing on their property.

Additionally, our intent is not to criminalize people living in these situations. Rather, our intention is to stabilize people where they are and provide sufficient time for them to improve their living conditions. This policy applies to any property within boundaries of Jefferson County, including within the city limits of Port Townsend. The property owner(s) are ultimately responsible for all costs associated with ensuring effective and ongoing sanitation on the property.
This policy is not intended to change, waive or be inconsistent with state and county code. It is intended to identify our enforcement discretion in the specific circumstances included here.

Policy Summary

JCPH staff are to follow the guidelines in this policy when they identify non-permitted living conditions via building permits, onsite sewage system inspection reports, a complaint, agency referral or sanitary survey, etc. If there is an approved onsite sewage system on the property that has capacity for connection, then it may be used to properly handle sewage generated on the property. If there is no approved onsite sewage system or other approved wastewater system available to connect to then staff may authorize temporary occupancy of the property as prescribed in this policy.

The Environmental Public Health Director may extend compliance dates depending upon progress demonstrated by the property owner not to exceed 12 months. After that has been exhausted, the property owner may appeal to the Health Officer and finally the Board of Health for more time. If the property owner is not able to comply after additional granted time, then JCPH staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code.

Pit privies (out houses) have not been allowed in Jefferson County since 1988. However, this policy does make allowance for pit privies constructed and permitted previous to 1988 if certain conditions are met.

Outdoor plumbing fixtures are discouraged, but this policy does make allowance for them if certain conditions are met.

Structures and vehicles that are not being lived in and that are not connected to water service or discharging wastewater are not subject to this policy.

Pursuant to JCC Chapter 8.10.025 “Owner responsibilities for solid waste”, property owners will be responsible for providing adequate containers and proper and frequent disposal of solid waste generated on the property.

Lack of Congruity with Current Regulations

This policy makes allowance for living conditions that may be at odds with the following sections of Jefferson County Code, found in Appendix A:

- Section 12.25.040 Camping
- Section 18.20.020 Accessory Uses and Structures
- Section 18.10.180 Definition of Recreational Vehicle Park
- Section 18.15.060 Adequate Sewage Disposal

Jefferson County Environmental Public Health shall provide written notification to JC Department of Community Development where two or more RV’s or Park Models are occupied on a property.

Commented [LA2]: Added to clarify legal status

Commented [LA3]: Corrected based on BOH comments 9/17/2020

Commented [LA4]: Remove all references to inconsistency with code. We are not waiving our rights under code provisions. Intended to promote the greater good in the short time for benefit of public health. This policy is not intended to change or waive or be inconsistent with county code. This is how we are going to obtain voluntary compliance with code.

Commented [LA5]: Corrected location after 9/17/2020 BOH
This policy does not preclude other county departments or state agencies from taking enforcement action within their jurisdiction. See Appendix B for a copy of a letter of support from the Director of the Department of Community Development.

**Applying this Policy**

**Table 1** below describes compliance requirements for wastewater management when people are primarily living in travel trailers, recreational vehicles, park models, tiny homes or other structures with plumbing fixtures where an onsite sewage system or public sewer connection is currently installed or is practical to install within six to 24 months.

**Table 2** provides wastewater management requirements for "Homeless Encampments" located on undeveloped properties with no onsite sewage system or public sewer connection, and it's not practical to provide either in the next six to 24 months. A **Homeless Encampment** is any sanctioned or unsanctioned homeless camp operated by the City, County, or a Faith-based or Non-Governmental Organization with a 501(C)(3) status that is a charitable organization.

The term charitable is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.

**Table 3** provides wastewater management requirements for "Homeless Encampments" located on developed properties with an approved onsite sewage system.

**Table 4** describes compliance requirements/actions when a pit privy is installed on the property.

Compliance with this policy will be ensured by completing the following:

1. JCPH staff provide owner/occupants with information on RV parks and other facilities with proper hook ups, as well as a list of certified pumpers.
2. JCPH staff provide owner and occupants with information on social and community services.
3. JCPH staff serve a written Notice and Order to Correct Violation (Order) to the owner/occupants of the property, or execute a signed Voluntary Compliance Agreement (VCA). Owner/occupant is required to submit a plan for management of wastewater and solid waste on the property.
4. Recreational vehicles, park models, tiny homes, yurts, and converted outbuildings being used as a single family residence are all considered to generate 240 gallons per day of wastewater.
5. If the onsite sewage system (OSS) serving the property has no permit on file, the OSS must be evaluated by a state licensed designer or certified maintenance specialist to determine its functional status and capacity.
6. Occupants of tents and other alternative living structures must demonstrate adequate sanitation and waste management consistent with the number of occupants.
7. Staff inspect and approve an adequate connection to an existing onsite sewage system—see attached drawings and photos.
<table>
<thead>
<tr>
<th>Condition Observed on the property</th>
<th>Best Management Practices</th>
<th>Owner Responsibilities</th>
<th>Enforcement Timeline</th>
<th>JCPH Staff Extension</th>
<th>EPH Director Extension</th>
<th>Health Officer Extension</th>
</tr>
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<tbody>
<tr>
<td>No OSS installed, 1 or more living units on the property.</td>
<td>On board holding tank for RV with wastewater management plan (WWMP) or pump contract, or; Contract for port-a-pot to handle both grey and black water.</td>
<td>For an RV, submit WWMP or pumping contract with certified pumpers, or, contract for and place a port a pot on site. Notify staff of any spills. Hire state licensed designer/engineer to apply for a permit and complete installation of new OSS.</td>
<td>1 month for sewage plan or pumping contracts, and; 6 months for installation of new OSS.</td>
<td>Up to 6 additional months for installation of new OSS. Condition: Progress has been made and field inspection reveals that sewage is being handled correctly.</td>
<td>Up to 12 additional months for installation of new OSS. Condition: Progress has been made and field inspection reveals that sewage is being handled correctly.</td>
<td>At Health Officer’s Discretion up to 12 additional months. Owner must appeal to Board of Health (BOH) for more time. If final deadline not met, staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code.</td>
</tr>
</tbody>
</table>

| OSS installed - SINGLE FAMILY RESIDENCE connected – owner desires connection of 1 additional living unit. | 2 months for submittal of permit application | Current O&M conducted by a Certified Operations and Maintenance Specialist or designer/engineer with no deficiencies. If needed, hire state licensed designer or engineer to evaluate unpermitted OSS. If needed, submit sewage disposal permit application. | Up to 3 additional months for submittal of designer/engineer evaluation or submittal of sewage disposal permit application, if needed. | At Health Officer’s Discretion, up to 12 additional months. Owner must appeal to Board of Health (BOH) for more time. If final deadline not met, staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code. |

Commented [LA9]: Limit of extension added.
Table 1: (Continued)

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<th>Condition Observed on the property</th>
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<th>Owner Responsibilities</th>
<th>Enforcement Timeline</th>
<th>JCPH Staff Extension</th>
<th>EH Director Extension</th>
<th>Health Officer Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>OSS installed – SINGLE FAMILY RESIDENCE connected – owner desires temporary connection of 1 additional living unit that exceeds design capacity.</td>
<td>1 additional living unit may be temporarily connected. Staff verify that connection is into the sewer pipe in front of the tank.</td>
<td>Current O&amp;M conducted by a Certified Operations and Maintenance Specialist with no deficiencies. Notify Public Health if OSS stops operating properly.</td>
<td>Up to 2 months for submittal of current O&amp;M with no deficiencies, and; Living unit can be connected to OSS for up to 4 months.</td>
<td>2 months if field inspection reveals that the OSS is working properly</td>
<td>Owner must appeal to Health Officer for additional time.</td>
<td>At Health Officer’s Discretion up to 12 additional months. Owner must appeal the NOCV or Voluntary Compliance Agreement to Board of Health (BOH) for more time. If final deadline not met, staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code.</td>
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</tbody>
</table>

<p>| OSS installed – No SINGLE-FAMILY RESIDENCE connected – connection of up to 2 living units | Up to 2 living units may be connected if design capacity of OSS is not exceeded. If the OSS is not permitted, a state licensed designer or engineer must determine the design capacity before the connection can be made. New or altered OSS must be installed if capacity is inadequate. | Current O&amp;M conducted by a Certified Operations and Maintenance Specialist or designer/engineer with no deficiencies If needed, hire state licensed designer or engineer to evaluate unpermitted OSS If needed, submit sewage disposal permit application | Up to 2 months for submittal of current O&amp;M with no deficiencies, or; Up to 6 months for designer/engineer evaluation and permit submittal, if needed. | Up to 6 additional months for submittal of designer/engineer evaluation or submittal of sewage disposal permit application, if needed. Condition: Progress has been made and field inspection reveals that sewage is being handled correctly Owner must appeal to Health Officer for more time. | Up to 12 additional months for submittal and final approval of sewage disposal permit application Condition: Progress has been made and field inspection reveals that sewage is being handled correctly Owner must appeal to Health Officer for more time. | At Health Officer’s Discretion up to 12 additional months. Owner must appeal to Board of Health (BOH) for more time. If final deadline not met, staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code. |</p>
<table>
<thead>
<tr>
<th>Condition Observed on the property</th>
<th>Best Management Practices</th>
<th>Owner Responsibilities</th>
<th>Enforcement Timeline</th>
<th>JCPH Staff Extension</th>
<th>EH Director Extension</th>
<th>Health Officer Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>OSS installed — No SINGLE-FAMILY RESIDENCE connected — owner desires temporary connection of up to 2 living units.</td>
<td>2 living units may be temporarily connected</td>
<td>Current O&amp;M conducted by a Certified Operations and Maintenance Specialist or designer/engineer with no deficiencies</td>
<td>Living unit can be connected to OSS for up to 4 months.</td>
<td>2 months if field inspection reveals that the OSS is working properly</td>
<td>Owner must appeal to Health Officer for more time.</td>
<td>At Health Officer’s Discretion up to 12 additional months. Owner must appeal to Board of Health (BOH) for more time. If final deadline not met, staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code.</td>
</tr>
</tbody>
</table>
### Table 2: Wastewater Management Alternatives

"Homeless Encampments" located on undeveloped properties

With no access to an approved wastewater treatment and disposal system

<table>
<thead>
<tr>
<th>Condition Observed on the property</th>
<th>Best Management Practices</th>
<th>Owner Responsibilities</th>
<th>Enforcement Timeline</th>
<th>JCPH Staff Extension</th>
<th>EH Director Extension</th>
<th>Health Officer Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless encampment, no OSS or other approved wastewater management system</td>
<td>Sufficient Port-a-Pots for grey and black water, with handwash station, or; Portable restroom trailer with adequate toilets and handwashing Portable kitchen trailer for cooking and handwashing Potable water for handwashing and cooking Camp may have to be moved to accommodate contractor access for maintenance.</td>
<td>Submit and implement a WWMP that includes Contract with a licensed and certified company to provide adequate port – a pots and potable water for handwashing and cooking</td>
<td>1 month to submit and implement WWMP</td>
<td>2 additional weeks to submit and implement WWMP if progress has been verified</td>
<td>1 additional week to submit and implement WWMP if progress has been verified</td>
<td>Camp may remain at a documented location with an implemented WWMP at the Health Officers Discretion up to 12 months. Owner must appeal to Board of Health (BOH) for more time.</td>
</tr>
</tbody>
</table>

Commented [LA10]: Need to put a parameter on how long a camp can be in place. Longer would require review and approval by BOH and DCD or compliance via an application process and possibly a waiver.

Commented [LA11]: Phillips, do we need to state that they need to apply to DCD for more time as well? Or A request for additional time will be forwarded to JC Department of Community Development for review and concurrence with request for extension?
<table>
<thead>
<tr>
<th>Condition Observed on the property</th>
<th>Best Management Practices</th>
<th>Owner Responsibilities</th>
<th>Enforcement Timeline</th>
<th>JCPH Staff Extension</th>
<th>EH Director Extension</th>
<th>Health Officer Extension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homeless tent encampment, approved OSS installed, potable water available.</td>
<td>OSS is determined to treat 60 gallons per person per day if number of persons exceeds OSS capacity:  - Sufficient Port-a-Pots for grey and black water, with handwash stations  - Portable restroom trailer with sufficient toilets and handwashing  - Portable kitchen trailer for cooking and handwashing Camp may have to be moved to accommodate contractor access for maintenance</td>
<td>Submit and implement a WWMP that includes Contract with a licensed and certified company to provide adequate port - a potties and potable water for handwashing and cooking</td>
<td>1 month to implement WWMP</td>
<td>2 additional weeks to submit and implement WWMP if progress has been verified, If final deadline not met or not met for submission of WWMP, staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code.</td>
<td>1 additional week to submit and implement WWMP if progress has been verified, If final deadline not met or not met for submission of WWMP, staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code.</td>
<td>Camp may remain at a documented location with an implemented WWMP at the Health Officers discretion. Up to 12 months Owner must appeal to Board of Health (BOH) for more time. If final deadline not met, staff will evaluate the Enforcement and Penalty options specified in Section 8.15.180 of the On-Site Sewage Code.</td>
</tr>
</tbody>
</table>

Commented [LA12]: See above comment. Need to put a parameter on how long a camp can be in place. Longer would require compliance via a waiver.

Commented [LA13]: Phillip, do we need to state that they need to apply to ODA for more time as well? Or a request for additional time will be forwarded to JC Department of Community Development for review and concurrence with request for extension?
**Outhouses and Pit Privy's** — Construction of new pit privies/outhouses was prohibited by the Jefferson County Board of Health in 1988. Pit privies constructed and permitted before 1988 must meet safety requirements with rodent proofing, self-closing door and latched toilet lid. Additionally, O&M is required at three-year intervals.

### Table 4: Outhouses and Pit Privies

<table>
<thead>
<tr>
<th>Condition Observed</th>
<th>Owner Action</th>
<th>Department Action</th>
</tr>
</thead>
</table>
| Any pit privy located in frequently flooded area or with water in the pit or evidence of perched water table | Decommission | • Require decommission  
• Verify no plumbing in structures                                                  |
| Permitted pit privy that has not been moved from its original location. **No water service** on property. | Current O and M | • Allow until pit is full then require decommission  
• Verify no plumbing in structures                                                  |
| Permitted pit privy that has not been moved from its original location. **Water service present** on property. | Current O and M | • Allow until pit is full then require decommission  
• Verify hose bib only.  
• Verify no plumbing in structures                                                  |
| Permitted pit privy that has been moved from its original location                 |              | • Require decommission                                                             |
| Pit privy with no permit, but owner claims it was constructed before permitting was required and has not been moved. | Current O and M and must submit proof photos with dates and/or construction records with dates | • If proof is adequate, no evidence of water in the pit, or perched water table; and horizontal separation of 100’ from surface water or wells are met, allow until pit is full then require decommission  
• If proof is inadequate, require decommission |
| Pit privy with no permit and owner admission or inspector observations indicate it was constructed after 1988 | Require decommission |
A. Outdoor fixtures (sink or shower, etc. whether plumbed to water or not):

2. Plumbing fixture discharge must be plumbed into the septic system or remove fixture.
3. Exception: Hose bib on property okay.
4. Exception: Fin or Shellfish wash sink ok if it is located near shore and served by hose
5. Exception: Raw vegetable wash sink ok if near vegetable garden and served by hose.

B. Plumbing removal to meet compliance for a building not approved for plumbing:

1. Remove all plumbing fixtures—sinks, showers, tubs, toilets,
2. Cut interior pipes at the wall or floor, fill first few inches of pipe with expanding foam or cement,
3. Water line must be cut and capped 1’ outside the building,
4. Sewer line must be cut outside the building and either removed or filled with cement or expanding foam,
5. Septic tank or cesspool (if present) shall be decommissioned or removed with documentation submitted on approved JCPH form.
6. Exception: Hose bib on property is ok.

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1 Jefferson County Environmental Health has requested the BOH adopt Title 19—Compliance Code moving a majority of enforcement out of Title 8 to Title 19. If adopted, JCPH will replace the Title 8 enforcement procedures and language with the Title 19 enforcement procedures and code language with the exception of the appeals of this policy that would reside with the Board of Health. Note: Title 8 uses the term Notice and Order to Correct a Violation and Title 19 uses Notice of Voluntary Compliance and are effectively the same.
APPENDIX B

LETTER OF SUPPORT FROM JEFFERSON COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

JEFFERSON COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
621 Sheridan Street | Port Townsend, WA 98368 360-379-4450
email: dcd@co.jefferson.wa.us
www.co.jefferson.wa.us/commdev

MEMORANDUM

TO: Stuart Whitford, Director of Environmental Health, Jefferson County Board of Health

FROM: Patty Charnas, DCD Director, Emma Bolin, DCD Planning Supervisor, Austin Watkins DCD Planning Manager

RE: DCD comments re: JCPH policy "Enforcement-Basic Sanitation for Non Permitted Living Conditions."

DATE: October 17, 2018

Thank you for the opportunity to comment on draft and revised draft JCPH procedures "Enforcement - Basic Sanitation for Non-permitted Living Conditions."

The policy supports the Department of Community Development (DCD) mission, namely to promote a healthy environment, a vibrant economy, and sound communities. DCD balances aspects of this mission with codified limitations on certain travel trailer/recreational style vehicles for residential use. As shown in the policy, DCD reserves the right to enforce Jefferson County Code and maintains prosecutorial discretion over regulations within its jurisdiction.

DCD will maintain continuous communications with JCPH staff on evolving code requirements and department policies.

DCD supports the policy's intention and accepts the revised procedures.

Patty Charnas
Dept. of Community Development Director
IV
New Business
Item 4
COVID-19 Pandemic Situation Report: Changes to Allowed Activities in Phase 2 and 3 of the Safe Start WA Plan, School Update, and Preparation for Fall/Winter “Flu Season”

October 15, 2020
Good afternoon,

Today at 2:30 pm [10/6/20], the governor will announce Safe Start modifications for several specific industries. Details on the changes are included in the list below, and the Governor’s Office will publish updated guidance on their website. [https://www.governor.wa.gov/issues/issues/covid-19-resources/covid-19-reopening-guidance-businesses-and-workers]

I REALLY apologize for the short notice and appreciate the hard work you are all doing to implement this guidance. I will continue to share information as it becomes available.

Libraries
- Make consistent with museums – this would allow some indoor activity in Phase 2 at 25% occupancy.

Youth/Adult Sports
- Aligning our school related and non-school related sports guidance.
- Placing the sports into different risk categories and aligning when those differing risk categories can resume.
- Providing specific protocols for transportation, group size, facial coverings, etc.

Movie Theaters
- Allow 25% occupancy in Phase 2; 50% in Phase 3
- 6 feet social distance required between households at all times.
- Facial coverings required when not eating or drinking.

Restaurants
- Move alcohol cutoff to 11 PM for Phase 2 and Phase 3.
- Increase table size to 6 in Phase 2; 8 in Phase 3.
- Eliminate the indoor household member restriction for indoor dining.

Wedding Receptions
- Currently, wedding receptions are limited to 30 attendees in Phase 2 and Phase 3.
- We will increase the total number allowed to 50 in Phase 3.

Retail Events (craft sales shows, etc.)
- These are currently happening because we have not allowed or prohibited them.
- We will expand misc. venues to allow retail event shows in Phase 3 only so they’re capped at 200 ppl., etc. Limited to outdoors and P3 only

Real Estate
- Allow open houses but limited by the counties gathering size limit.

Outdoor recreation (running/bicycling/etc.)
- Providing protocols for Phase 2 and Phase 3 for races, bicycle tours and rides, runs, cross country skiing races, biathlons, canoe and kayak races, marathons, cross country running competitions, triathlons, and multi-sport competitions with more than 12 participants.

Water Recreation Facilities
• Updating our current guidance:
  o Appointment only in Modified Phase 1 and Phase 2.
  o Phase 3 allowed at 50% occupancy.

John Wiesman, DrPH, MPH
Gender Pronouns: He/Him/His
Secretary of Health
Washington State Department of Health
101 Israel Rd SE; MS: 47890
Tumwater, WA 98504-7890
jmwiesman@doh.wa.gov
360-236-4030 | www.doh.wa.gov