



# Skagit County Prosecuting Attorney

## Richard A. Weyrich

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### CRIMINAL DIVISION

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GWEN L. HALLIDAY

## Memorandum

To: Board of County Commissioners  
From: Ryan Walters, Civil Deputy Prosecuting Attorney  
Date: April 4, 2014  
Re: Revisions to SCC Chapter 14.44, Enforcement/Penalties

The Prosecutor's Office has proposed the attached revisions to Skagit County Code Chapter 14.44, Enforcement/Penalties, to revise some sections that are not legally defensible and to clean up other poorly written sections. These revisions will assist with some of our current code enforcement cases.

The proposed ordinance, attached, shows deletions in ~~strike through~~ and additions in underline. In summary, the ordinance would:

- Clarifies that a violation of the land use code, which is already a misdemeanor under both Title 1 and Title 14, is an *ongoing* violation until it is remedied. 14.44.010(1)
- Revises to indicate that the County *may*, but is not *required to*, pursue code enforcement of land use violations. That change is consistent with current practice. See, e.g. 14.44.010(3)
- Clarifies that while misdemeanors are prosecuted in District Court, orders to abate nuisances can only be ordered by Superior Court. 14.44.020
- Clarifies that paying a fine does not exempt the violator from correcting the violation. 14.44.030(5)
- Continues to allow the Planning Director to negotiate code enforcement action, but requires consultation with the Prosecuting Attorney before doing so. 14.44.040
- Clarifies the circumstances under which the Department would need a warrant for investigation. 14.44.050
- Corrects an outlining error. 14.44.065(4)(b)
- Deletes duplicate provisions 14.44.065(4)(d) and (5) and rewrites for clarity (4)(e)
- Corrects section title to match content. 14.44.075
- Requires the Department to consult with the Prosecuting Attorney before attempting to abate a nuisance or pursuing an alternative remedy. 14.44.090 and .100
- Restricts the ability of the Department to revoke a permit to those circumstances where allowed by statute. 14.44.150
- Deletes the code section that would allow liens that are not authorized by statute. 14.44.160

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