

Chapter 14.44

ENFORCEMENT/PENALTIES

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14.44.010 Violations.

- (1) All violations of SCC Titles 14 and 15, and land use statutes and regulations are hereby declared to be detrimental to the public health, safety, and welfare and are hereby declared to be public nuisances. All conditions which are determined by the Administrative Official to be in violation of SCC Titles 14 and/or 15, and land use statutes or regulations shall be subject to the provisions of this Chapter and shall be abated by any reasonable and lawful means as provided herein.
- (2) Whenever the Administrative Official has reason to believe that a use or condition exists in violation of SCC Titles 14 and/or 15, and/or land use statutes or regulations, the Administrative Official shall initiate enforcement action as herein provided and, at the option of the Administrative Official, may commence an administrative notice and order process to cause the enforcement and correction of each violation. Upon request, the complainant shall be notified of all official actions taken by the Administrative Official.
- (3) Whenever a person believes a violation of SCC Titles 14 or 15 and/or a land use statute or regulation has occurred, he or she may file a written Request for Investigation (RFI). The RFI shall state fully the causes and basis for the complaint and shall be filed with the Administrative Official. The Administrative Official shall record such complaint, investigate in a timely manner and take action thereon as provided by this Code.
- (4) Each day a violation continues shall be considered a separate civil violation, as adopted in SCC 14.44.030. (Ord. O20030020 (part); Ord. 17938 Attch. F (part), 2000)

14.44.020 Misdemeanor.

Notwithstanding any other judicial or administrative remedy provided herein and unless otherwise specified, any person who knowingly or intentionally violates SCC Titles 14 and/or 15, and/or any land use statute, regulation, or any order issued pursuant to this Code, or by any act of commission or omission procures, aids or abets such violation, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not to exceed \$250.00 and/or imprisonment in the County jail for a term not to exceed 90 days. The defendant shall also be required to pay restitution. (Ord. 17938 Attch. F (part), 2000)

14.44.030 Civil infractions and penalties.

- (1) Civil Infractions. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates SCC Titles 14 and/or 15, statute or regulation, or any order issued pursuant to SCC Titles 14 and/or 15, or by any act of commission or omission procures, aids or abets such violation, shall be subject to a class 1 civil infraction in accordance with Chapter 7.80 RCW. The maximum penalty and the default amount for a class 1 civil infraction shall be \$250.00, not including statutory assessments.
- (2) Civil Penalty. In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, any person who violates SCC Titles 14 and/or 15, any land use statute or regulation, or any order issued pursuant to SCC Titles 14 and/or 15, or by any act of commission or omission procures, aids or abets such violation shall be subject to a civil penalty in an amount of \$100.00 per day for each continuous violation. The Administrative Official shall assess such civil penalty through the notice and order provisions of this Chapter until such violation is corrected. All civil penalties assessed will be enforced and collected in accordance with SCC 14.44.160, or as otherwise authorized by law.
- (3) Any person found to be in violation of a new and separate violation under the provisions of SCC Titles 14 and/or 15 within a period of 1 year after the resolution of a prior violation of SCC Titles 14 and/or 15 shall be subject to double the civil penalties normally imposed for such violation.
- (4) For the purposes of this Subsection, a person will have been found to be in violation when:
 - (a) A notice and order alleging a violation is issued and not timely appealed in accordance with SCC 14.44.120; or
 - (b) A determination is made by the Hearing Examiner that a person has committed a violation and that determination is timely appealed to Superior Court and is not subsequently reversed or otherwise stayed.
 - (c) A determination is made by the Hearing Examiner that a person has committed a violation and that determination is not timely appealed to Superior Court. (Ord. 17938 Attch. F (part), 2000)

14.44.040 Settlement of suits for collection of civil penalties.

The Administrative Official may enter into negotiations with parties named in a lawsuit under this Chapter and/or their legal representatives, for the purposes of negotiating a settlement to such lawsuit. This negotiation shall be in the best interests of the County and may include a compromise regarding the collection of civil penalties. This negotiation shall consider the interests of the general public. (Ord. 17938 Attch. F (part), 2000)

14.44.050 Investigation.

Whenever necessary to make an inspection to enforce the provisions of SCC Titles 14 and/or 15, land use statutes, or regulations, or whenever the Administrative Official has reasonable cause to believe that any building, structure, property or portion thereof is being used in violation of SCC Titles 14 and/or 15, or a land use statute or regulation, the Administrative Official may, upon presentation of proper credentials and consent of the property owner or other person having charge or control of the building, structure or property, enter such building, structure, property or portion thereof at all reasonable times to inspect the same. If such building, structure, property or portion thereof is unoccupied, the Administrative Official shall 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 entry is refused, the Administrative Official may ask the Prosecuting Attorney's office to assist in obtaining a warrant. (Ord. 17938 Attch. F (part), 2000)

14.44.060 Land division.

- (1) Injunctive Remedy. Whenever any parcel of land is divided in violation of Chapter 14.18 SCC, and any person, firm or corporation, or any agent of any of them sells or transfers, or offers or advertises for sale or transfer any such lot, tract or parcel in violation of Chapter 14.18 SCC, the Prosecuting Attorney shall commence an action to restrain and enjoin further subdivision or sales or transfers or offers of sale or transfer of the illegally subdivided property and compel compliance with all provisions of Chapter 14.18 SCC. The costs of such action shall be assessed against the person, firm, corporation, and/or agent selling or transferring the property. When property is in compliance with RCW 58.17.205, this Section shall not apply.
 - (a) In enforcement of Chapter 14.18 SCC, the Prosecuting Attorney may accept an assurance of discontinuance of any act or practice deemed in violation of Chapter 14.18 SCC, from any person engaging in or who has engaged in such act or practice. Any such assurance shall be in writing and shall be filed with and subject to the approval of the Superior Court of Skagit County. The violation of such assurance shall constitute prima facie proof of a violation of Chapter 14.18 SCC.

- (b) Any person who violates any court order or injunction issued pursuant to this Section shall be subject to a civil penalty not more than \$5,000.
- (2) Criminal Penalty. Any person, firm, corporation, or association or any agent of any person, firm, corporation, or association who violates any provision of Chapter 14.18 SCC and/or Chapter 58.17 RCW relating to the sale, offer for sale, lease or transfer of any lot, tract or parcel of land within a subdivision, short subdivision, binding site plan, or condominium shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation shall be deemed a separate offense. If an offer to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is expressly conditioned on the recording of a final plat containing the lot, tract, or parcel under this Chapter, the offer or agreement is not subject to penalty and does not violate any provision of this Chapter. All payments on account of an offer or agreement conditioned as provided by this Section shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the final plat is recorded. (Ord. 17938 Attch. F (part), 2000)

14.44.070 Flood damage prevention enforcement.

- (1) All violations of Chapter 14.34 SCC and Chapter 173-158 WAC shall be referred to the Washington State Attorney General and/or the Skagit County Prosecuting Attorney for injunctive or declaratory relief, and/or other actions deemed necessary to pursue compliance.
- (2) Any person who fails to comply with Chapter 14.34 SCC and Chapter 173-158 WAC shall be subject to a civil penalty not to exceed \$1,000 for each violation. Each violation or each day of noncompliance shall constitute a separate civil violation.
- (3) The penalty provided for in this Section shall be imposed by a notice in writing by Department of Ecology or the County and shall be sent to the property owner or violator either by certified mail with return receipt requested or by personal service. The notice shall describe the violation and order the act or acts constituting the violation or violations to cease and desist and/or require necessary corrective action to be taken within a specific and reasonable time period.
- (4) Any penalty imposed pursuant to this Section by the Department of Ecology shall be subject to review by the Pollution Control Hearings Board. Any penalty imposed pursuant to this Chapter by the County shall be subject to review by the Skagit County Hearing Examiner in accordance with Chapter 14.06 SCC. Any penalty jointly imposed by the Department of Ecology and the County shall be appealed to the Pollution Control Hearings Board. (Ord. 17938 Attch. F (part), 2000)

14.44.075 Special use permit annual self-certification.

As certain uses in the Agricultural—Natural Resource Lands zone are allowed only in conjunction with or accessory to an agricultural use/operation, specific documentation may be required to evidence an existing agricultural use/operation.

- (1) Whenever the Administrative Official has reason to believe, or an RFI is filed alleging, that there is a violation of a special use permit on a parcel in the Agricultural—Natural Resource Lands zone with no obvious indication of an agricultural use/operation the following documentation shall may be required as evidence of compliance. It is the intent of the Department to review and verify the following documentation when required, but not to copy or retain either item for permanent record.
- (a) Temporary Manufactured Home—Accessory to Farm Dwelling Unit. If requested by the Department, the farm owner/operator shall submit an IRS Form 943, filed in the current or previous year, indicating that at least 1 farm worker was employed in farm work.
- (b) Special Uses Allowed as Accessory to an Agricultural Use/Operation. If requested by the Department, the farm owner/operator shall submit an IRS Form 1040 Schedule F, filed in the current or previous year, indicating income from agricultural activities.

If documentation meeting the above stated requirements is requested but not submitted, the activity shall be deemed a violation. (Ord. O20070009 (part))

14.44.080 Enforcement provisions for critical areas.

- (1) The provisions contained in this Section are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law.

- (2) In all cases, the property owner shall be named as a party to the notice and order. In addition to any other person who may be liable for violations, the property owner shall be jointly and severally liable for the restoration of a site and payment of any civil penalties imposed.
- (3) Violation of Chapter 14.24 SCC, Critical Areas Ordinance, or of the rules promulgated thereunder, or of any permit or approval or stop work notice or any other order issued pursuant to SCC Titles 14 and/or 15, or of any of the terms or conditions of any critical area buffer or setback, easement or other plat restriction or binding assurance, or of any mitigation plan, or contract or agreement concluded pursuant to Chapter 14.24 SCC or of the “do not harm” standard of SCC 14.24.120(3) shall constitute a violation of this Section.
- (4) Civil Penalties. Any person in violation of Chapter 14.24 SCC shall be subject to civil penalties assessed as follows:
 - (a) An amount which shall be equal to twice the economic benefit that the violator derived from the violation as determined by the Administrative Official as measured by the greater of:
 - (i) The resulting increase in the market value of the property or the value received by the violator; or
 - (ii) The savings of construction costs realized by the violator derived from the act that constituted the violation.
 - (b) An amount, not to exceed \$25,000, that is reasonable based upon the nature and extent of the violation and the costs to the County of enforcing this Chapter against the violator.
 Any civil penalties recovered under this Section may be deposited in the critical areas mitigation fund for use by Skagit County in protecting or restoring critical areas.
- (5) Revocation or Refusal to Accept Permit Application.
 - (a) In addition to the suspension or revocation of permits as set forth in SCC 14.44.150, a permit or approval that is subject to critical areas review may be suspended or revoked upon an applicant’s failure to disclose a change of circumstances on the development proposal site if those circumstances render the critical area study inaccurate, or which materially affects his or her ability to meet the permit or approval conditions.
 - (b) In addition to any other enforcement method and to further the remedial purposes of this Section, Skagit County Planning and Development Services shall refuse to accept any development application for permit or approval for a development proposal involving a property at which a violation of this Chapter has occurred. Such refusal shall continue until the violation is cured by:
 - (i) Complete restoration of the property as determined by the Administrative Official; and/or
 - (ii) Submission of a mitigation plan and posting of a performance bond both of which have been approved by the Administrative Official; and/or
 - (iii) Payment of any civil penalty imposed for the violation.
 - (c) Provided that, applications for permits or approvals shall be accepted to the extent necessary to accomplish any required cure. (Ord. O20070009 (part); Ord. O20030020 (part); Ord. 17938 Atch. F (part), 2000)

14.44.085 Critical areas and ongoing agriculture.

- (1) Supplemental Requirements and Coordination with Existing State Agency Enforcement. Violations of the requirements of SCC 14.24.120 relating to ongoing agriculture shall be subject to the additional provisions of this Section, in addition to all other provisions of this Chapter. The provisions contained in this Section are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law. The County shall be responsible for enforcing compliance with the requirements of SCC 14.24.120, including the “no harm or degradation” standard of SCC 14.24.120(3) and the required watercourse protections measures for ongoing agriculture of SCC 14.24.120(4). The County’s responsibility may be carried out through coordination and/or consultation with the Skagit Conservation District (SCD), the Natural Resource Conservation Service (NRCS), the Washington Department of Ecology (ECY), the Washington Department of Fish and Wildlife (WDFW), and/or other State or Federal agencies with jurisdiction or technical expertise. Enforcement shall be consistent with the provisions of Skagit County Resolution No. 16149 and a Compliance Memorandum of Agreement between the Department of Ecology, the Skagit Conservation District and the Washington State Conservation Commission dated May 16, 1989. County enforcement under this Subsection may consist of referral to the ECY for alleged violations of the Water Pollution Control Act, Chapter 90.48 RCW. For alleged violations of the hydraulics code, Chapter 77.55 RCW, County enforcement may consist of referral to the WDFW. The County shall not assume responsibility or jurisdiction to enforce ECY or WDFW obligations under these RCW provisions. However, the County may determine, as part of its enforcement obligations under this Section to pursue additional County enforcement remedies deemed necessary

and appropriate to ensure compliance with all of the requirements of this Section, regardless of the outcome of any ECY or WDFW enforcement action.

- (2) Request for Investigation. The County shall refer to ECY all RFIs that are based on water quality data and an allegation of a violation of State water quality standards (a water quality standards violation). If the RFI alleges a violation of 1 or more of the watercourse protection measures for ongoing agriculture identified in SCC 14.24.120(4) (a watercourse protection measure violation), then the County may refer the RFI to ECY, but shall also proceed with its investigation pursuant to SCC 14.44.050 and proceed with the provisions of Subsections (3) through (5) of this Section.
- (3) County Investigation. Subject to the referral of water quality standards violations to ECY pursuant to Chapter 90.48 RCW as described in Subsection (2) of this Section and subject to the procedures applicable to existing farm plans in Subsection (4) of this Section, the County shall investigate all credible RFIs that allege watercourse protection measure violations pursuant to the procedures described in SCC 14.44.050.
 - (a) If determined appropriate to investigate the allegations in the RFI or observations made during the site investigation, the County's investigation may include water quality sampling.
 - (b) If water quality sampling is conducted by the County under Subsection (3)(a) of this Section, and if that sampling indicates a potential water quality violation then the County shall notify ECY of the potential violation and the results of the County investigation and shall cooperate with ECY on any further ECY enforcement action pursuant to Chapter 90.48 RCW. The affected owner and operator will be copied on all correspondence sent by the County to ECY regarding this matter.
- (4) Existing Farm Plans and BMPs.
 - (a) For all credible RFIs submitted, the County will first ask the owner or operator if they have, since May 13, 1996, implemented a dairy nutrient management plan (DNMP) pursuant to Chapter 90.64 RCW and/or a resource management system farm plan (RMS plan) [including, but not limited to the conservation reserve enhancement program (CREP)], with appropriate best management practices (BMPs) consistent with the requirements of SCC 14.24.120(5).
 - (b) If an implemented DNMP or RMS plan is confirmed, the County will send a letter instructing the owner or operator to work with SCD, NRCS, an NRCS technical service provider or other qualified expert to assess whether the BMPs from those plans have been correctly implemented and if resources are being protected according to NRCS practice standards. The owner or operator shall report back to the County within 1 month from the date of receipt of the letter from the County. The report shall be in writing and include documentation signed by SCD, NRCS, an NRCS technical service provider or other qualified expert as to whether or not the BMPs have been correctly implemented and are sufficient according to NRCS practice standards to protect the resources.
 - (c) If the BMPs are not being correctly implemented, the County shall identify a reasonable period of time for proper implementation of the BMPs and any monitoring necessary to ensure proper implementation of the BMPs.
 - (d) If the BMPs were correctly implemented, but determined to be not sufficient to meet the requirements of SCC 14.24.120(3) and (4), the County will give these owners or operators 5 additional months to develop appropriate BMPs consistent with NRCS practice standards for fixing the problem, and a maximum of another 12 months to fully implement those BMPs.
 - (e) If the landowner does not provide evidence of an approved DNMP or RMS plan or does not provide a report back to the County with confirmation of contact with SCD, NRCS, an NRCS technical service provider or other qualified expert within 1 month from the date of receipt of the letter from the County, then the County shall proceed to the investigation procedures and the Notice of Violation procedures of SCC 14.44.110.
- (5) County Notice of Watercourse Protection Measure Violation.
 - (a) If, after County investigation, the County determines that there is credible evidence to support a determination that the required watercourse protection measures of SCC 14.24.120(4) are not being followed and/or the owner or operator is conducting agricultural operations on site in a manner that is causing harm or degradation to a fish and wildlife habitat conservation area in or adjacent to a watercourse, then the County shall proceed with the notice and order provisions of SCC 14.44.110.
 - (b) For those watercourse protection measure violations for which the County can readily determine the corrective measure necessary, the Notice of Violation shall specify the corrective action required to comply and a time frame for compliance pursuant to SCC 14.44.110(1).

- (c) For those watercourse protection measure violations for which the County cannot readily determine a corrective measure necessary, the Notice of Violation shall require the owner or operator to consult with SCD, NRCS, an NRCS technical service provider, or other qualified expert within 10 business days from the date on the Notice of Violation. This requirement may be satisfied by written documentation, signed by SCD, NRCS, the technical service provider or other qualified expert that they will be working with the landowner and/or operator to resolve the problem. Within 6 months of the Notice of Violation, the County must receive written documentation signed by SCD, NRCS, an NRCS technical service provider or other qualified expert that BMPs have been identified that will address the impact and that the BMPs either have been implemented or that implementation has commenced to the extent feasible, given weather, season and other factors that may determine time for BMP implementation. If recommended BMPs cannot be effectively implemented within the 6-month time frame due to factors such as the growing season, then the written documentation must include the specific schedule for implementation and justification for implementation beyond the 6-month deadline. The owner or operator must then provide to the County supplemental documentation that the BMPs have been implemented according to the schedule provided. Within 12 months of the date on such letter, the County must receive notice from the same entity that sent the letter that the BMPs have been fully implemented. The County reserves the right to make site visits during this time period to verify that progress is being made on implementation. Failure to contact SCD, NRCS, an NRCS technical service provider or other qualified expert within the required 10 business days or to meet the timelines specified above, shall result in further County enforcement pursuant to SCC 14.44.110 and immediate notification to ECY and/or WDFW, depending on the nature of the violation.
- (d) Depending on the nature of the watercourse protection measure violation, the recommended BMPs may require monitoring to evaluate implementation and to assess compliance with SCC 14.24.120(4). The results of any such monitoring shall be forwarded to appropriate agencies, depending on the nature of the violation. The affected owner and operator will be copied on all correspondence sent by the County to agencies regarding this matter.
- (e) For any harm or degradation that the County determines was willful or intentional, or for any enforcement action where the owner or operator has failed to comply with the requirements of Subsection (5)(c) of this Section, the County shall immediately notify the ECY and/or the WDFW, depending on the nature of the violation and the County shall proceed with all applicable remedies and procedures for enforcement described in this Chapter. At its option, the County may consult with NRCS, SCD, a technical service provider or other qualified expert to determine appropriate remedies to address the violation. The County's enforcement actions pursuant to this Chapter are not dependent on action by ECY or WDFW and shall proceed independent of such other agency enforcement; provided, that the County may determine that a final compliance order or consent decree entered as part of a ECY or WDFW enforcement action is sufficient to address compliance and to protect the functional values of the watercourse and to mitigate impacts created by the violation and does not require additional County penalties or other requirements. For purposes of this Subsection "intentional" shall include harm or degradation that was accidental, but then was not corrected by the owner or operator, after the owner or operator receives notice of the accidental harm or degradation. (Ord. O20030020 (part))

14.44.090 Abatement.

In addition to or as an alternative to any other judicial or administrative remedy provided herein or by law, the Administrative Official may order a land use violation to be abated. The Administrative Official may order any person who creates or maintains a violation of SCC Titles 14 and/or 15, and/or land use statutes or regulations, to commence corrective work and to complete the work within such time as the Administrative Official deems reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Administrative Official may proceed to abate the violation and cause the work to be done. The costs thereof will be charged as a lien against the property and as both a joint and separate personal obligation of any person who is in violation. (Ord. 17938 Attch. F (part), 2000)

14.44.100 Alternative remedies.

Notwithstanding the existence or use of any other remedy, the Administrative Official may seek legal or equitable relief to enjoin any acts or practices or abate any conditions, which constitute a violation of SCC Titles 14 and/or 15 or rules and regulations adopted thereunder. (Ord. 17938 Attch. F (part), 2000)

14.44.110 Written notices and orders.

- (1) Notice of Violation.
 - (a) During an investigation and after a violation is noted, the Administrative Official may issue a Notice of Violation to the property owner, the person having charge or control of the premises, and/or the operator of the source of the violation.
 - (b) The Notice of Violation shall cite the code sections for each violation and describe the violations. The notice shall cite the corrective actions necessary and give a date certain by which correction must occur.
 - (c) The Notice of Violation shall contain a statement that failure to correct the violation as required may result in the issuance of a notice and order which includes the imposition of civil penalties and the violation may also be referred for criminal prosecution.
 - (d) The notice shall contain a signature block to be signed by the owner or person in charge or control of the property as acknowledgement of receipt of the notice.
- (2) Notice and Order to Abate.
 - (a) Whenever the Administrative Official has reason to believe that a violation of SCC Titles 14 and/or 15, and/or a land use statute or regulation should be addressed by a notice and order proceeding, the Administrative Official shall issue a written notice and order directed to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, and/or the person otherwise causing or responsible for the violation. Such notice and order may be issued by the Administrative Official alone or, where other violations of health or life/safety exist, or violations of other statutes or regulations exist, the notice and order may be issued in conjunction with a notice and order issued by a director of another department. The notice and order shall contain the following:
 - (i) The street address when available and a legal description of real property and/or description of personal property sufficient for identification of the location where the violation occurred or is located;
 - (ii) A statement that the Administrative Official has found the person to be in violation of SCC Titles 14 and/or 15, and/or land use statutes or regulations, with a brief and concise description of the basis for the violation;
 - (iii) A statement of the corrective action required to be taken. If the Administrative Official has determined that corrective work is required, the order shall require that all necessary permits be secured and the corrective work physically commence within a reasonable time, as directed by the Administrative Official under the circumstances, and that the work be completed within that time;
 - (iv) A statement specifying the amount of any civil penalty assessed as a result of the violation and, if applicable, the conditions on which assessment of such civil penalty are contingent;
 - (v) Statements advising that:
 - (A) If the corrective action is not commenced or completed within the time specified, the Administrative Official may proceed to abate the violation, cause the corrective work to be done, and charge the costs thereof as a lien against the property and as a joint and separate personal obligation of any person in violation; and
 - (B) If any assessed civil penalty is not paid, the Administrative Official 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;
 - (C) A statement advising that the order shall become final unless, no later than 15 calendar days after the notice and order are served, any person aggrieved by the order files an appeal to the Hearing Examiner pursuant to SCC 14.44.120.
 - (b) Method of Service. Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot reasonably be ascertained, then a copy of the notice and order shall be mailed to such person at the address of the location of the violation and a copy shall be posted in a conspicuous location on the premises. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this Section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- (3) Stop Work Notice. Pending commencement and completion of the notice and order procedure provided for in this Chapter, the Administrative Official may cause a stop work notice to be posted on the subject property or served on persons engaged in any work or activity in violation of SCC Titles 14 and/or 15, and/or any land use statute or

regulation. The stop work notice shall require the immediate cessation of such work or activity until authorized by the Administrative Official posting the order to proceed. A stop work notice may also be served if the Administrative Official has reason to believe that conditions of the violation create an immediate and irreparable land use or health hazard which would threaten the safety or health of the occupants of the property or neighborhood. (Ord. O20030020 (part); Ord. 17938 Attch. F (part), 2000)

14.44.120 Appeal.

Appeal to the Hearing Examiner. Appeals of the notice and order must be made in writing within 14 calendar days of the receipt of the notice and order and shall be in accordance with Chapter 14.06 SCC. (Ord. O20050003 (part); Ord. 17938 Attch. F (part), 2000)

14.44.130 Supplemental notice and order.

The Administrative Official may at any time add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedure applicable to notices and orders contained in this Chapter. (Ord. 17938 Attch. F (part), 2000)

14.44.140 Enforcement of the final order.

- (1) Whenever a notice and order duly issued pursuant to SCC 14.44.110(2) has not been timely appealed pursuant to SCC 14.44.120, it becomes a final order. If the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the Administrative Official may:
 - (a) Refer such person for prosecution under this Code or State law; and/or
 - (b) Institute any appropriate action to collect a civil penalty assessed under this Code; and/or
 - (c) Abate the land use violation using the procedures of this Code; and/or
 - (d) File in the office of the Skagit County Auditor a certificate describing the property and the violation and stating that the owner has been notified; and/or
 - (e) Pursue any other appropriate remedy at law or equity.
- (2) Enforcement of any notice and order shall be stayed when appealed to the Hearing Examiner pursuant to SCC 14.44.120, except when the Administrative Official determines that the violation will cause immediate and irreparable harm and so states in the notice and order. (Ord. 17938 Attch. F (part), 2000)

14.44.150 Permit suspension or revocation.

- (1) The Director may suspend or permanently revoke any permit issued by the County for:
 - (a) Failure of the holder to comply with the requirements of SCC Titles 14 and/or 15, and/or any land use statute or regulation; or
 - (b) Failure of the holder to comply with any notice and order issued pursuant to this Chapter; or
 - (c) Discovery by the Administrative Official that a permit was issued in error or on the basis of incorrect information supplied to the County.
- (2) Such permit suspension or revocation shall be carried out through the notice and order provisions of this Chapter, and the suspension or revocation shall be effective upon service of the notice and order upon the holder or operator.
- (3) The holder or operator may appeal such revocation, as provided by this Chapter, however, the permit may be suspended pending the revocation hearing relative thereto.
- (4) Notwithstanding any other provision of this Code, whenever the Administrative Official finds that a violation of any land use or public health ordinance, statute or regulation has created or is creating an unsanitary, dangerous or other condition which, in his judgment, constitutes an immediate and irreparable hazard, he may, without service of a written notice and order, suspend and terminate operations under the permit immediately. (Ord. 17938 Attch. F (part), 2000)

14.44.160 Liens.

- (1) Lien Authorized. Skagit County shall have a lien for any civil penalty imposed or for the cost of any work of abatement done pursuant to this Chapter, or both, against the real property on which the civil penalty was imposed or any of the work was performed.

- (2) Liens and Personal Obligation Authorized. The civil penalty and the cost of abatement are also joint and separate personal obligations of any person in violation. The Prosecuting Attorney on behalf of Skagit County may collect the civil penalty and the abatement work costs by use of all appropriate legal remedies.
- (3) Notice Lien May Be Claimed. The notice and order of the Administrative Official pursuant to this Chapter shall give notice to the owner that a lien for the civil penalty or the cost of abatement, or both, may be claimed by Skagit County.
- (4) Priority. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for State and County taxes with which it shall be on a parity.
- (5) Claim of Lien — General. The Administrative Official shall cause a claim for lien to be recorded in the office of the Skagit County Auditor within 90 days from the date the civil penalty is due or within 90 days from the date of completion of the work or abatement performed pursuant to this Chapter.
 - (a) Contents. The claim of lien shall contain the following:
 - (i) The authority for imposing a civil penalty or proceeding to abate the violation, or both;
 - (ii) 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 was commenced and completed and the name of the persons or organizations performing the work;
 - (iii) A description of the property to be charged with the lien;
 - (iv) The name of the known owner or reputed owner, and if not known, a statement that the owner is unknown; and
 - (v) The amount, including lawful and reasonable costs, for which the lien is claimed.
 - (b) Verification. The Administrative Official or his authorized representative shall sign and verify the claim by oath to the effect that the affiant believes the claim is just.
 - (c) Amendment. The claim of lien may be amended in case of action brought to foreclose same, by order of the court, insofar as the interest of third parties shall be detrimentally affected by amendment.
 - (d) Recording. The Skagit County Auditor shall record and index the claims and notices described in this Chapter.
 - (e) Duration of Lien — Limitation of Action. No lien created by this Chapter binds the property subject to the lien for a period longer than 3 years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.
 - (f) Foreclosure — Parties.
 - (i) Foreclosure. The lien provided by this Chapter may be foreclosed and enforced by a civil action in the Superior Court of the State of Washington for Skagit County.
 - (ii) Joinder. 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.
- (6) Actions Saved. Dismissal of an action to foreclose a lien at the instance of a plaintiff shall not prejudice another party to the suit who claims a lien. (Ord. 17938 Attch. F (part), 2000)