

Summary of Proposed Ordinance relating to King County Code Enforcement Updates 2024

This summary fulfills Washington State Growth Management Act and King County Code (K.C.C.) 20.18.100 requirements for a “plain language summary.”

In 2015, the executive transmitted a Code Enforcement and Abatement Process Evaluation report (2015-RPT0150). 2015-RPT0150 evaluated the county's existing code enforcement process and made recommendations for process improvements and code changes to improve processes and shorten the time from initial complaint to resolution. In November 2022, the King County council adopted Ordinance 19546, which included a proviso requiring a report reviewing the ways the code enforcement process has changed from what is described in 2015-RPT0150 and to make recommendations for ways the county's existing code enforcement process could be revised to shorten the time from initial complaint to resolution. The proviso also requires a proposed ordinance that implements the recommendations of the report.

Ordinance Section	King County Code Section	Current Code	Proposed Change	Intent/Rationale
Throughout	Throughout	Describes nonresidential uses as "commercial".	Replaces "commercial" with "nonresidential".	Nonresidential reflects a flexible approach as not all nonresidential uses are commercial. Rather than referring to all nonresidential uses as commercial, it is more appropriate to utilize "residential" and "nonresidential" to describe broad categories of use types.
1	9.12.080	Provisions for corrective action, compliance, civil penalties, and liability for any violation of K.C.C. chapter 9.12.	Updates language from "responsible parties" to "any person responsible for code compliance". Adds the alternative to civil penalties through K.C.C. chapter 9.12 and cross-references the code enforcement provisions of K.C.C. chapter 23.20 and 23.32.	A definition for "person responsible for code compliance" is needed for specificity with regard to the persons to whom the enforcement authority will refer. K.C.C. Title 23 governs code compliance and has policies and procedures for to address a variety of code violations. This addition provides flexibility to utilize the civil penalties within K.C.C. chapter 9.12, or to utilize K.C.C. Title 23.
2	9.12.015	Defines the following terms: <ul style="list-style-type: none"> • AKART; • Best management practice or BMP; • Cease discharge order; • Chapter; • Clean Water Act; • Conveyance system; • Director; • Discharge; 	Adds a definition for "person responsible for code compliance".	This definition is necessary for consistency across Titles 9 and 23 and for specificity with regard to the persons to whom the enforcement authority will refer.

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		<ul style="list-style-type: none"> • Drainage facility; • Farm management plan; • Forest practices; • Groundwater; • Illicit connection; • National Pollutant Discharge Elimination System; • National Pollutant Discharge Elimination System permit; • Normal single family residential activities; • Person; • Prohibited discharge; • Responsible party; • Source control BMP; • State Waste Discharge Permit; • Stormwater; • Stormwater Pollution Prevention Manual; • Surface water; • Treatment BMP. 		
3	17.11.060	A violation of K.C.C. chapter 17.11, which governs fireworks, is a misdemeanor and is punishable by law. Violations are subject to a maximum civil penalty of \$250 per violation.	<p>Proposal doubles the penalty for nonresidential violations of K.C.C. 17.11.040.B.</p> <p>Removes subsection D which addresses Ordinance 19276.</p>	<p>Reflects the approach throughout the update of code enforcement regulations to increase penalties for nonresidential violations, and to utilize "nonresidential" in place of "commercial" or other designations.</p> <p>Ordinance 19276 is now in effect, and subsection D is irrelevant.</p>
4	20.22.040	Lists the types of issues that are within the hearing examiner's purview.	Removes the authority of the hearing examiner to make decisions on the appeals of decisions not to issue a citation or a notice and order under K.C.C. 23.36.010.	Simplifies the appeals process to lessen the burden on county resources.
5	23.01.010	Establishes the purpose of K.C.C. Title 23 for code compliance.	Adds language recognizing the limits on enforcement.	An approach throughout the update of the code enforcement regulations is to provide flexibility for code enforcement staff to prioritize resources. This change recognizes that there are limits to available code enforcement resources.
6	23.02.010	Defines the following terms: <ul style="list-style-type: none"> • Abate; • Civil code violation; • Contested hearing; 	Adds "voluntary compliance agreement" and "citation" to the list of document types which can be violated and result in a civil code violation.	Adds voluntary compliance agreement and citation to the list of documents in the definition of "civil code violation" that would constitute a civil code violation if the

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		<ul style="list-style-type: none"> • Director; • Found in violation; • Hearing examiner; • Mitigate; • Mitigation hearing; • Permit; • Person; • Person responsible for code compliance; • Public rule; • Remediate; • Resolution. 	<p>Adds definitions for "nonresidential violation" and "residential violation"</p>	<p>conditions of these documents were not followed.</p> <p>Adding the proposed definitions reflects an approach throughout the update of the code enforcement regulations to utilize "nonresidential" in place of "commercial" or other designations.</p>
7	23.02.040	<p>Establishes the authority to conduct code enforcement investigations and issue civil code violations.</p>	<p>Updates section to use consistent language ("low", "moderate", and "high") to indicate code violation risk types.</p> <p>Clarifies that the department might not take enforcement action for low-risk violations depending upon enforcement resources available.</p> <p>Clarifies that certain violations may be reported and determined to be low-risk, and therefore no further investigation or enforcement action will be taken.</p>	<p>An approach throughout the update of the code enforcement regulations is to provide flexibility for code enforcement staff to prioritize resources. This change recognizes that there are limits to available code enforcement resources and clarifies which types of violation will be higher priority.</p>
8	23.02.050	<p>Provides guidelines to respond to complaints based on the severity of the alleged code violation.</p>	<p>Clarifies and better defines the distinctions between low-risk, moderate-risk, and high risk code violations.</p>	<p>Provides clarity and flexibility for inspectors to investigate alleged low-risk and moderate-risk code violations as time permits, prioritizing alleged high-risk violations which pose serious threats to human life, health, or property.</p>
9	23.02.060	<p>Provides guidelines for implementing K.C.C. Title 23.</p>	<p>Adds email as an authorized notification method. Simplifies procedural requirements to notify the owner or occupant.</p>	<p>Using email is a commonplace method of contact and allows the department to conduct business effectively and with less resources.</p>
10	23.02.070	<p>Provides guidelines and process to identify and investigate code compliance complaints, warn, notify, cite, and seek compliance from owners or occupants.</p>	<p>Adds additional sources of information and evidence to include methods now commonly used including updated map databases and aerial and satellite photos.</p> <p>Stipulates that if a reported violation cannot be verified through reasonable attempts at investigation within 180 days of the complaint, the enforcement case will be closed.</p>	<p>There are a number of digital databases that allow for remote research and verification of code compliance complaints and allow inspectors to be more effective with less resources.</p> <p>Provides inspectors with the flexibility to prioritize cases by giving 180 days to investigate a case and close it if it cannot be verified within the time frame.</p>

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			<p>Removes a requirement for a warning in cases involving emergencies that pose an imminent threat to environmental health or public safety.</p> <p>Adds an allowance for any department to issue a citation where it is authorized elsewhere in the K.C.C.</p>	<p>Simplifies procedural requirements and clarifies the connecting use of citations authorized in other K.C.C. titles or chapters.</p>
11	23.20.010	<p>Describes the authority of the director within the code compliance process. Whenever a director has determined that a civil code violation has occurred, they may issue a citation within 60 days of a complaint.</p>	<p>Simplifies the process for citing a person for a code violation by giving the director 60 days from determining a violation exists to issue a citation.</p>	<p>This change moves the timeframe for issuing a citation from 60 days of receiving a complaint alleging a violation to the time of confirming the violation, providing flexibility for the time it takes to conduct a thorough investigation.</p>
12	23.20.020	<p>Describes the effect of the issuance of a citation. A person to whom a citation has been issued is responsible for code compliance, unless contested as provided in K.C.C. Title 23, which includes:</p> <ul style="list-style-type: none"> • Payment of civil fines; • Illegal dumping cleanup restitution payments; • Responding to the citation within seventeen days of service; • Failure to respond to the citation within seventeen days renders the citation final and the person cited liable for code compliance; • The prosecuting attorney may collect civil fines on behalf of King County by appropriate legal means; • Issuing a citation does not limit a director's authority to issue a notice and stop work order to the same person; • Payment of a civil fine assessed under a citation does not relieve a person cited of the duty to correct the violation and pay civil penalties accrued under a notice and stop work order. 	<p>Clarifies that the timeframe to respond to a code violation is <u>seventeen days from the date of service</u> of the citation.</p>	<p>Provides clarity for King County staff and people who have been cited for a code violation.</p>
13	23.32.010	<p>Provides a table that outlines civil fines and civil penalties for code violations.</p>	<p>Adds that civil penalties and civil fines for code violations shall be assessed on the basis of whether the civil code violation is a residential or nonresidential violation.</p>	<p>Distinguishes between residential and nonresidential penalties and increases nonresidential penalties. The changes to the assessment schedule simplify the</p>

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			Replaces "commercial" with "nonresidential". Increases civil penalties and civil fines for nonresidential violations.	assessment of penalties by eliminating penalties tied to criteria like economic benefit, public health risk, or environmental risk, which are difficult and time-consuming to verify.
14	23.32.040	<p>Provides additional requirements for violations involving critical areas. Requires any person responsible for code compliance to restore damaged critical areas and pay a civil penalty for the redress of ecological, recreation, and economic value lost or damaged.</p> <p>Code compliance costs incurred by the county are not to exceed \$25,000.00.</p>	Increases code compliance costs incurred by the county to \$50,000.00 for residential violations and \$100,000.00 for nonresidential violations.	The current amount of \$25,000.00 was set several years ago and applies to residential and nonresidential violations. The amount of \$100,000.00 for costs of enforcement for commercial violators reflects both cost inflation and removing the incentive to violate critical area requirements as a cost of doing business.
15	23.36.010	Identifies those people who may appeal a notice and order or stop work order. Directs to the K.C.C. chapters and sections that are relevant for appealing and responding to a notice and order or stop work order.	Eliminates the provision that would allow a complainant, rather than just the person named in the notice and order or stop work order, to appeal a citation, notice and order, stop work order, or a determination not to issue a citation or order.	Complainants have used this provision to continually appeal department decisions and extend the appeals process, which takes up considerable staff and hearing examiner resources. While rare, prior cases have demonstrated the potential for this provision to be used as a tool for harassment by complainants.
16	27.02.040	Provides a process by which a director may waive all or the portion of the fees administered by the department and required by K.C.C. Title 27.	Technical correction.	n/a