

**BOARD OF COUNTY COMMISSIONERS
Grant County, Washington**

ORDINANCE No. 18-⁰⁵⁸-CC

**REPEALING CHAPTER 25.16 OF THE
GRANT COUNTY CODE TITLED
“ENFORCEMENT AND PENALTIES”
AND CREATING AND ADDING
CHAPTER 1.32 TO THE GRANT
COUNTY CODE TITLED
“ENFORCEMENT AND PENALTIES.”**

RECITALS:

WHEREAS, in 2000, the Board of County Commissioners adopted the integration of Titles 22, 23, 24 and 25 of the Grant County Code (GCC) into a single document cited as the Grant County Unified Development Code (UDC) to implement the goals and policies of the Grant County Comprehensive Plan, as mandated by the Washington State Growth Management Act, Shoreline Management Act, Subdivisions Code, and other applicable State and Local laws, last amended in 2017, and,

WHEREAS, the Board of County Commissioners has reviewed the enforcement and penalty provisions of Title 25.16 with the Sheriff and Director of Development Services; and

WHEREAS, the primary enforcement of Code Compliance infractions, violations and penalty actions will be better served by Commissioned Officers of the Grant County Sheriff's Office to increase efficiency instead of civilians of the Development Services Department; and

WHEREAS, the Sheriff has obtained the authority for additional personnel in order to provide Code Enforcement duties; and

WHEREAS, the Board of County Commissioners has found and determined that the responsibilities for Code Enforcement delineated in Chapter 25 should be repealed from the Grant County Code; and

WHEREAS, a new chapter delineating and modifying the duties, responsibilities and procedures of the Grant County Sheriff's Office regarding Code Enforcement should be created.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Board of County Commissioners of Grant County, State of Washington, that Chapter 25.16 GCC (UDC) be repealed; and

NOW, THEREFORE, BE IT HEREBY FURTHER ORDAINED by the Board of County Commissioners of Grant County, State of Washington, that Chapter 1.32 be created and that, pursuant to this ordinance is hereby enacted and shall be added to the Grant County Code, as follows:

Section 1. Chapter 1.32 to read as follows:

Chapter 1.32

ENFORCEMENT AND PENALTIES

| <u>Sections</u> | <u>Page</u> |
|---|-------------|
| 1.32.010 Purpose | 3 |
| 1.32.020 Applicability | 3 |
| 1.32.030 Remedies Not Exclusive | 4 |
| 1.32.040 Public Nuisance | 4 |
| 1.32.050 Initiation of Enforcement Action | 4 |
| 1.32.060 Types of Code Enforcement Action | 4 |
| 1.32.070 Right of Entry | 5 |
| 1.32.080 Warning Notice | 5 |
| 1.32.090 Citation | 6 |
| 1.32.100 Citation Procedure | 6 |
| 1.32.110 Response to Citation | 6 |
| 1.32.120 Contested Citation Hearing | 7 |
| 1.32.130 Failure to Appear for a Contested Citation Hearing | 8 |
| 1.32.140 Fines for Citations | 8 |
| 1.32.150 Mitigation of Fines | 9 |
| 1.32.160 Extension of Compliance Date | 9 |
| 1.32.170 Stop Work Order | 9 |
| 1.32.180 Emergency Order | 10 |
| 1.32.190 Method of Services | 10 |
| 1.32.200 Final Order for Enforcement | 11 |
| 1.32.210 Collection of Fines and Monetary Penalties | 12 |
| 1.32.220 Repeat Violations | 12 |
| 1.32.230 Certificate of Noncompliance | 12 |
| 1.32.240 Suspension of Permits | 13 |
| 1.32.250 Revocation of Permits | 13 |
| 1.32.260 Abatement | 13 |
| 1.32.270 Liens – Generally | 14 |
| 1.32.280 Liens – Filing and Recording | 14 |
| 1.32.290 Liens – Foreclosure | 15 |
| 1.32.300 Duty Not Creating Liability | 15 |
| 1.32.310 Misdemeanor | 15 |

1.32.010 Purpose.

The purpose of the enforcement procedures found in this chapter is to establish an efficient system to enforce the land use and development codes of Grant County for the benefit of the public health, safety and welfare, and the environment. To achieve this purpose, this chapter provides procedures for:

- (1) Efficient notice and opportunities to correct violations;
- (2) Progressive monetary penalties proportionate to the violations;
- (3) Contesting a citation;
- (4) Collecting civil penalties;
- (5) Abatement and remediation of violations; and
- (6) The Grant County Sheriff's Office shall enforce the provisions of this chapter.

1.32.020 Applicability.

This title shall apply to the enforcement of Grant County ordinances and codes, including those related to building, zoning, environmental health and safety, and quality of life. Violations include but are not limited to:

- (1) Failure to obtain required permits or authorizations within the administrative jurisdiction of the applicable department;
- (2) Failure to comply with the terms or conditions of a permit or authorization issued by the applicable department;
- (3) Failure to comply with any county code provision within the administrative jurisdiction of the applicable department;
- (4) Failure to comply with rules or regulations adopted pursuant to the administrative authority of the applicable department;
- (5) Removal without authorization or defacing any sign, notice or order posted pursuant to the administrative authority of the applicable department; and
- (6) Failure to comply with a stop work or emergency order issued under this chapter.

Violations of the applicable code shall be corrected under the provisions of this title, in coordination with existing ordinance and code provisions.

Enforcement. Only an authorized official may enforce the provisions of this title. For purposes of this title, an authorized official is defined as any one of the following:

- (a) The Grant County Sheriff and his or her authorized representatives (primary);
- (b) The Grant County Director of Public Works and his or her authorized representatives;

- (c) The Grant County Director of Development Services and his or her authorized representatives;
- (d) The Grant County Prosecuting Attorney may, in addition to any enforcement provisions hereunder, have authority to institute any legal proceedings necessary to enforce this title; and
- (e) The Grant County Board of Commissioners may designate other persons to administer the provisions of this title.

1.32.030 Remedies Not Exclusive.

The remedies set forth in this chapter are not exclusive, and do not limit or restrict the authority of the county from remedying or abating violations in any manner authorized by law.

1.32.040 Public Nuisance.

(1) Violations of Chapters 10.24, 10.46, 11.24, 11.28, 11.32, 14.04, 22, 23, 24, and 25 of the Grant County Code and all other codes under the administrative authority of the Grant County Sheriff's Office, Department of Development Services (DDS), and the Department of Public Works, are determined to be detrimental to the public health, safety and welfare and are public nuisances.

(2) Whenever the Grant County Sheriff determines that any condition creates a present or imminent hazard, or is likely to create a hazard to the public safety, health or welfare, to the environment, or to public or private property, the Sheriff may declare such condition a public nuisance.

1.32.050 Initiation of Enforcement Action.

(1) Whenever the Grant County Sheriff (or other authorized official) has reason to believe a violation has occurred, the Sheriff may dispatch a Deputy to initiate any of the following enforcement actions against the person(s) responsible for the violation:

- (a) Issuance of a citation;
- (b) Issuance of a stop work order;
- (c) Issuance of an emergency order; and/or,
- (d) Referral of the matter to the prosecuting attorney for enforcement.

(2) In all cases the property owner shall be named as a responsible party in an enforcement action.

1.32.060 Types of Code Enforcement Action.

(1) The following options provide a progressive strategy for achieving code compliance and are designed to protect life, health, safety and the public welfare.

- (a) A warning notice issued under to GCC 1.32.080;

- (b) A citation issued under GCC 1.32.090;
- (c) A stop work order issued under GCC 1.32.230; and
- (d) An emergency order issued under GCC 1.32.240.

~~(2) A violation may be referred to the prosecuting attorney for filing a misdemeanor complaint against the person(s).~~

~~(3) The county may seek legal or equitable relief at any time to enjoin any acts or practices that violate county code, or abate any condition that constitutes a nuisance.~~

1.32.070 Right of Entry.

(1) Any entry made to private property for the purpose of inspection for code violations pursuant to this chapter shall conform to constitutional and statutory constraints of entry, and the holdings of relevant court cases regarding entry. The Deputy is authorized to enter upon any property for the purpose of administering this chapter provided that the Deputy shall make entry only if such entry is consistent with the constitutions and laws of the United States and the state of Washington. If so required by the constitutions and the laws of the United States or the state of Washington, the Deputy shall apply to a court of competent jurisdiction for a search warrant authorizing access to such property for such purpose. The court may upon such application issue the search warrant for the purpose requested.

(2) If the Deputy has probable cause to believe that conditions on the property create an immediate hazard to person or property, the Deputy may enter the property immediately for the purpose of investigating the emergency conditions and initiating corrective action.

1.32.080 Warning Notice.

(1) Before initiating an enforcement action, the Deputy (or other authorized official) may provide a warning notice to the person(s) responsible. The person(s) named in the warning notice may be given the opportunity to correct the violation(s), within the time specified in the warning notice.

(2) A warning notice shall be written in a form determined by the Sheriff and include the following information:

(a) The tax parcel number of the property where the violation(s) occurred or is located and, when available, the street address;

(b) A statement describing the violation(s), with general reference to applicable code section(s);

(c) The date by which the violation(s) must be corrected to avoid initiation of an enforcement action;

(d) A statement of the potential consequences of failure to complete corrective action including the imposition of fines or monetary penalties, if applicable; and

(e) Code enforcement contact information and instructions for the responsible person(s) to respond.

(3) The warning notice may include suggested corrective actions to cure, abate or stop the violation(s).

(4) A decision to not provide a warning notice shall not preclude moving directly to the issuance of a citation.

1.32.090 Citation.

(1) Violations of the applicable chapters listed in GCC1.32.040(1) shall be subject to a citation and/or criminal provisions set forth in this chapter.

(2) Issuance of the citation is a final determination and a fine will be assessed in accordance with GCC 1.32.130.

(3) Payment of a fine assessed under the citation shall not relieve the person(s) named in the citation of any obligation to cure, abate or stop the violation(s).

(4) A citation may be modified or withdrawn by the department at any time it was issued in error.

(5) Each day a person violates or fails to comply with a provision of this section may be considered a separate violation for which a citation may be issued, including the period pending a contested hearing.

1.32.100 Citation Procedure.

(1) Whenever a citation for a violation listed in GCC 1.32.090 is issued, the Deputy (or other authorized official) may issue the citation to the owner(s) of the property and/or other person(s) responsible for the violation.

(2) Issuance of the citation is a final determination and a fine will be assessed in accordance with GCC 1.32.130.

(3) Payment of a fine assessed under the citation shall not relieve the person(s) named in the citation of any obligation to cure, abate or stop the violation(s).

(4) The citation may be modified or withdrawn by the department at any time it was issued in error.

(5) Each day a person violates or fails to comply with a provision of this section may be considered a separate violation for which a citation may be issued, including the period pending a contested hearing.

1.32.110 Response to a Citation.

(1) Person(s) shall respond to a citation within 14 calendar days from the date of service by one of the following means:

(a) Paying the fine specified in the citation, in which case the record shall show a finding that the person cited committed the violation. Payment of the fine(s) does not relieve the person named in the citation of the responsibility for curing, abating or stopping the violation.

(b) Requesting a reduction of fines in writing and explaining the circumstances surrounding the commission of the violation. Conditions for reduction of fines must be in accordance with GCC 1.32.140. A request for reduction of fines shall include an address and contact information for the person cited and making said request.

(c) Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing a mailing address to which notice of such hearing may be sent. The grounds for contesting a citation are set forth in GCC 1.32.120.

(2) Responses to a citation shall include the citation number and shall be delivered by mail or by hand to the office of the Grant County Sheriff, attention Code Enforcement. If mailed, the date of postmark shall serve as the date received for purposes of this chapter.

(3) If a person fails to respond to a citation within 14 days of service, the Deputy shall note that the person cited failed to respond to the citation within the designated appeal period and is deemed to have committed the violation identified in the citation. Notation of the failure to respond shall constitute a final decision under GCC 1.32.260.

1.32.120 Contested Citation Hearing.

(1) When the department receives a written statement contesting a citation, the statement shall be transmitted to the District Court within three business days.

(a) The contested citation statement may be dismissed if the District Court determines it is untimely, incomplete, frivolous, or beyond the District Court's jurisdiction. A summary dismissal order shall be issued within 15 days following receipt of the contested citation by the District Court.

(b) The District Court shall conduct a hearing of the contested citation within 45 days of the date that the District Court received the request for the hearing.

(c) The District Court shall notify the person contesting the citation and the department in writing of the time, place and date of the hearing at least 15 days prior to the date of the hearing.

(2) The applicable citing official has the burden of proof by a preponderance of the evidence to prove:

(a) The person named on the citation is the responsible party for causing the violation or is the property owner; and

(b) The violation listed on the citation occurred.

(3) The public hearing shall be an open record hearing conducted in accordance with RCW 34.05, Administrative Procedure Act, except as modified by this chapter.

(4) Each person participating in an open record hearing shall be allowed to:

(a) Call, examine and cross examine witnesses (subject to reasonable limitation by the examiner in accordance with the examiner's adopted rules of procedure) on any matter relevant to the issues of the hearing;

(b) Introduce documentary and physical evidence;

(c) Rebut evidence; and

(d) Represent him/herself or to be represented by anyone of his choice who is lawfully permitted to do so.

(5) The citation containing the certified statement or declaration authorized by RCW 9A.72.085 submitted by the Deputy (or other authorized citing official) and any attached documentation shall be prima facie evidence that a violation occurred and that the person(s) cited are responsible. The citation containing the certified statement or declaration of the Deputy or city official authorized under RCW 9A.72.085, and any other evidence accompanying the file shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation.

(6) The District Court shall consider the evidence and testimony presented at the hearing and, based on this information, shall reverse or affirm the citation in whole or in part. The decision shall be issued within 15 days with an optional right of reconsideration.

(7) The decision of the District Court shall constitute a final decision and order under GCC 1.32.200.

1.32.130 Failure to Appear for a Contested Citation Hearing.

Failure to appear for a requested hearing will result in a decision being entered finding that the person cited committed the violation stated in the citation and assessing the fines specified in the citation. For good cause shown and upon terms the District Court finds just, the District Court may set aside a decision entered upon a failure to appear.

1.32.140 Fines for Citations.

All non-commercial and commercial violations shall be assessed at \$500 for each occurrence.

1.32.150 Mitigation of fines.

(1) The Deputy (or authorized official) may reduce fines assessed pursuant to GCC 1.32.130 if the violation is corrected within the 14-day period set forth in GCC 1.32.110, and the correction is verified by the department. A reduction shall be in writing and state the date on which the violation was corrected.

(2) For reduction or waiver of fines, the person(s) named shall have the burden of proof that the violation has been corrected and the date of correction, including verification by the department.

(3) Any reduction shall be based on an evaluation of individual circumstances, including, but not limited to the severity of the violation, repeat violations as defined in 1.32.280, the public interest being protected, and the responsiveness of the person(s) responsible to correct, cure, abate or stop the violation.

1.32.160 Extension of Compliance Date.

After the issuance of a final order specifying a compliance deadline, a party may request a revision of the District Court's decision to request additional time beyond the District Court's specified deadline to correct a violation if the following are met:

- (1) The request must be received at least 15 days prior to the compliance date.
- (2) The request for extending the time for correction of the violation shall include
 - (a) Evidence of substantial progress toward compliance; and
 - (b) Evidence that correction of the violation was commenced promptly, but full compliance was prevented by a condition or circumstance beyond the control of the appellant. The Deputy will review the request for additional time and forward it, along with any comments, to the District Court for issuance of a District Court decision granting or denying the request for extension of the deadline to correct the violation.

1.32.170 Stop Work Order.

- (1) Whenever an authorized official finds any work being performed in a manner in violation of the provisions of the code or in a dangerous or unsafe manner, the Deputy may issue a stop work order.
- (2) A stop work order shall be on a form determined by the Deputy and state the reason(s) for the order and the conditions under which the cited work will be permitted to resume.
- (3) A stop work order shall be delivered to the owner of the property involved, or to the owner's agent, or to the person doing the work and/or clearly posted on the property in a conspicuous location.
- (4) Upon issuance of a stop work order, the cited work shall immediately cease.

(5) It shall be unlawful for any person to continue any work after being served with a stop work order. Violation of a stop work order shall be subject to the fines set forth in GCC 1.32.130.

(6) Violation of a stop work order may be subject to criminal prosecution or any other remedies at law.

1.32.180 Emergency Order.

(1) Whenever a Deputy or authorizing official becomes aware of a condition or activity that endangers public or private property, creates an immediate hazard, creates a violation of critical areas provisions or surface water protection, or threatens the health and safety of the occupants of any premises or members of the public, the Sheriff may issue an emergency order including a notice to vacate pursuant to 1.32.320A.

(2) The emergency order shall state the reason for the order and the conditions that must be remedied.

(3) Upon issuance of an emergency order, the cited activity shall cease and any unsafe or dangerous condition shall be immediately remedied.

(4) The person(s) named in the emergency order may request a stay of the order within 10 calendar days from date of issuance of the order in accordance with RCW 34.05.467. A party may seek reconsideration or further review under RCW 34.05.

(5) Violation of an emergency order may be subject to criminal prosecution.

1.32.190 Method of Service.

(1) A warning notice or citation shall be served upon the responsible person(s) by one or both of the following methods:

(a) Personal service on the person(s) named, or by leaving a copy of the warning notice or citation at that person's usual abode with a person of suitable age and discretion who resides there.

(b) Service, by mailing two copies - postage prepaid, one by ordinary first class mail and the other by certified mail, to the person(s) last known address, at the address of the violation, or at the address of the place of business of the person(s) responsible.

(c) Service by mail shall be presumed effective upon the third business day following the day upon which the warning notice or citation was placed in the mail.

(2) In all cases, the property owner may be named as a party to the violation, and notice shall be mailed to the address shown on the tax records of the county. Notice may also be sent to any lien holders or persons having interest in title to the property.

(3) If the whereabouts of the person(s) named is unknown, service shall be made by posting and/or publishing the notice in accordance with the following:

(a) Posted notices shall be conspicuously placed on the property where the violation is occurring; and/or

(b) When publication is utilized, the Sheriff shall publish one notice in the official county newspaper.

(4) A stop work order shall be served by posting in a conspicuous place on the property where the violation is occurring and by personal service or certified mail return receipt requested. The stop work order shall be effective on the date that it is posted.

(5) An emergency order shall be served by posting in a conspicuous place on the property where the violation is occurring and by personal service or certified mail return receipt requested. The emergency order shall be effective on the date that it is posted.

(6) Adequacy of mailed notice:

(a) Any mailed notice required by this chapter shall be deemed adequate where a good-faith effort has been made by the department to identify and mail a notice to each property owner or taxpayer, of record, lien holder or person(s) having interest in title and known site address. The taxpayer's address as show on the tax records of the county shall be deemed to be the proper address for the purpose of mailing such notice to the owner of the property where the violation occurred.

(b) Notices mailed to property owners, taxpayers of record lien holder or person(s) having interest in title and known site addresses shall be deemed received by those persons if named in an affidavit or declaration of mailing executed by the department.

(c) The failure of any person to actually receive the warning notice, citation, or notice shall not invalidate any code enforcement action.

1.32.200 Final Order for Enforcement.

(1) A final order constitutes a final determination that a violation has occurred, the person(s) cited is responsible for the violation, and administrative options to contest the decision are exhausted.

(2) If after any order duly issued by the Deputy or District Court becomes final, and the person, firm, or corporation to whom the order is directed does not obey the order, including refusal to pay fines or monetary penalties assessed under such order, the county may:

(a) Cause such person, firm, or corporation to be prosecuted under the provisions of this chapter;

(b) Institute appropriate action to collect fines or monetary penalties assessed in accordance with provisions of this chapter;

- (c) Abate the violation in accordance with provisions of this chapter and state law;
- (d) File a certificate of noncompliance in the Grant County Auditor's office in accordance with provisions of this chapter; or
- (e) Pursue other reasonable remedies as allowed by law.

1.32.210 Collection of Fines and Monetary Penalties.

- (1) The county may, at its option, assign the collection of fines or monetary penalties to a collection agency or commence a civil action in any court of competent jurisdiction to collect costs and expenses of enforcement, costs of abatement incurred by the county to obtain compliance pursuant to this chapter and/or to collect any fines or penalties that have been assessed.
- (2) The county, pursuant to Chapter 19.16 RCW and at its option, may use a collection agency for the purpose of collecting penalties assessed in accordance with this chapter. The county shall add a reasonable fee to the outstanding debt for the collection agency fee incurred or to be incurred as a result of the use of the collection agency. No debt may be assigned to a collection agency until at least 30 days have elapsed from the time that the county attempts to notify the person responsible for the debt and that the debt may be assigned to a collection agency for collection of an unpaid debt.
- (3) The county may convert the District Court order or final order into a judgment.

1.32.220 Repeat Violations.

Repeat violations or a repeat violator are defined as follows:

- (1) The same or similar violation, as determined by the Deputy, occurring on the same property within a 24 consecutive month time period.
- (2) The same person(s) committing the same violation or similar violation, as determined by the Sheriff, on a different property in Grant County within a 24 consecutive month time period.

1.32.230 Certificate of Noncompliance.

- (1) The certificate of noncompliance is a notice recorded on the title of real property. The purpose of the certificate is to give notice to interested parties of outstanding code violations.
- (2) The Deputy may record a certificate of noncompliance when:
 - (a) A notice of violation has become a final order under GCC 1.32.200.
 - (b) The notice recorded on the title of real property includes a statement of how the certificate of noncompliance can be removed from the title of the property when the violation(s) have been corrected.

1.32.240 Suspension of Permits.

- (1) The Deputy or authorizing official may temporarily suspend any permit for:
 - (a) Failure to comply with the requirements of this title or other applicable provision of the county code related to the permit; or
 - (b) Failure to comply with any notice of violation issued pursuant to this chapter.
- (2) ~~The permit suspension shall be subject to the notice of violation provisions of this chapter, and the suspension shall be effective upon service of the notice of violation. The person(s) named on the notice of violation may appeal the suspension as provided by this chapter.~~
- (3) Notwithstanding any other provision of this chapter, whenever the director finds that a violation of this title or any other applicable provision of the county code has created or is creating a dangerous condition or other condition which constitutes an immediate hazard, the Deputy may, without service of a written notice and order, suspend and terminate activities under the permit immediately.

1.32.250 Revocation of Permits.

- (1) The Deputy or authorizing official may permanently revoke any permit issued pursuant to Grant County Code in which the applicable official is the decision maker for:
 - (a) Failure to comply with the requirements of this title or any other applicable provision of the county code related to the permit;
 - (b) Failure to comply with any notice of violation issued pursuant to this chapter; or
 - (c) Discovery that a permit was issued in error or on the basis of incorrect information supplied to the county.
- (2) The permit revocation shall be carried out through the notice of violation provisions of this chapter and the revocation shall be effective upon service of the notice of violation. The person(s) responsible may appeal such revocation as provided by this chapter.

1.32.260 Abatement.

- (1) In addition to any other judicial or administrative remedy provided by this chapter or by law, the county may seek to abate any condition that constitutes a public nuisance as defined in GCC 1.32.040.
- (2) Each successive owner of property who neglects to abate a continuing nuisance caused by a former owner upon or in the use of that property is liable for abatement procedures in the same manner as the owner at the time the nuisance was created.
- (3) The county shall carry out abatement procedures in accordance with Chapter 7.48 RCW.

(4) The cost of abatement, including administrative costs incurred as a result of the abatement, may be levied as a special assessment on the land or premises on which the nuisance is situated. This assessment shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes, pursuant to RCW 36.32.120(10).

1.32.270 Liens - Generally.

(1) ~~The county shall have a 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 was performed.~~

(2) The civil penalty and the cost of abatement are also joint and several personal obligations of all persons in violation. The applicable Deputy or the prosecuting attorney on behalf of Grant County may collect the civil penalty and the abatement work costs by use of all appropriate civil legal remedies.

(3) Any lien imposed by the county under this chapter 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 parity.

1.32.280 Liens – Filing and Recording.

(1) The applicable Deputy or authorizing official shall cause a claim for lien to be filed for record in the auditor's office within 90 days from the date the civil penalty is due or within 90 days from the date of completion of the abatement work performed pursuant to this chapter.

(2) 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) A brief description of the civil penalty imposed or the abatement work done, or both, including the violations charged and the duration thereof. If abatement work was done, the dates the work was commenced and completed and the name of the persons or organizations who performed the work, shall be included;

(c) A legal description of the property to be charged with the lien;

(d) The name of the known or reputed owner, and, if not known, the fact shall be alleged; and

(e) The amount, including lawful and reasonable costs, for which the lien is claimed.

(3) The applicable Deputy or authorizing official shall sign and verify the claim.

(4) The claim of lien may be amended in case of action brought to foreclose the lien, by order of the court, as long as the interests of third parties are not detrimentally affected by amendment.

(5) The auditor shall record and index the claims described in this chapter.

(6) No lien created by this chapter binds the property subject to the lien for a period longer than three years after the claim has been filed unless an action is commenced in the proper court within that time to enforce the lien.

1.32.290 Liens - Foreclosure.

(1) The lien provided by this chapter may be foreclosed and enforced by a civil action in a court having jurisdiction.

(2) 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.

(3) 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.

1.32.300 Duty Not Creating Liability.

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 to damages in a civil action.

1.32.310 Misdemeanor.

(1) As an alternative, or in addition to any other legal, equitable or administrative remedy provided in this chapter or by law or other regulation, any person who willfully or knowingly violates any provision of the land use codes of Grant County or aids or abets such violation shall be guilty of a misdemeanor. Upon conviction, such person(s) shall be punished in the manner provided for in RCW 9A.20.021, as it now exists or is hereafter amended, for violations of state law.

(2) In addition to incurring civil liability in accordance with the provisions of this chapter, any person found to be in violation of the county shoreline master program is also guilty of a misdemeanor subject to penalties pursuant to RCW 90.58.220.

Section 2. Severability:

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. Effective Date:

This ordinance/resolution shall take effect and be in full force and effect upon enactment.

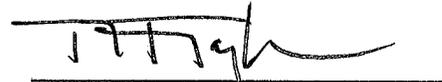
A public hearing was held on the above ordinance at 3 o'clock, on the 11th day of June, 2018.

PASSED AND ADOPTED this 11th day of June, 2018.

**BOARD OF COUNTY COMMISSIONERS
GRANT COUNTY, WASHINGTON**

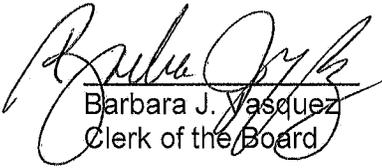
Yea Nay Abstain


Richard Stevens, Chairman

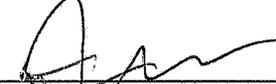

Tom Taylor, Vice Chair

Excused
Cindy Carter, Member

ATTEST:


Barbara J. Vasquez
Clerk of the Board

Approved as to Form:

By 
Jim Mitchell WSBA #31031
Deputy Prosecuting Attorney

Date: 6/11/18