

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON**

**IN THE MATTER OF:**

RESOLUTION NO. 25-116

NOTICE OF PUBLIC HEARING TO CONSIDER  
ORDINANCE 1363 TO AMEND CHAPTER 1.20,  
GENERAL PENALTY AND FINES, CIVIL PENALTY  
AND NOTICES OF VIOLATION, OF THE LEWIS  
COUNTY CODE

**WHEREAS**, pursuant to RCW 36.32.120(7), Washington State has empowered counties to make and enforce by resolutions and ordinances all such police and sanitary regulations necessary for the general health, safety and welfare, and as are not in conflict with state law; and

**WHEREAS**, Chapter 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code was adopted by Ordinance 1157 on February 17, 1998; and

**WHEREAS**, publication of notice and a hearing before the Lewis County Board of County Commissioners is required in order to receive public testimony and take formal action on amendments Chapter 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code.

**NOW THEREFORE BE IT RESOLVED** that a hearing before the BOCC is hereby scheduled at or after 10 a.m. on May 13, 2025, to receive testimony on Ordinance 1363, which would amend Chapters 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Clerk of the BOCC is hereby instructed to proceed with all appropriate and necessary notifications, posting and publication for the changes as required by law.

DONE IN OPEN SESSION this 22nd day of April, 2025.

APPROVED AS TO FORM:  
Jonathan Meyer, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON

James Goodman  
By: James Goodman,  
Deputy Prosecuting Attorney

Scott J. Brummer  
Scott J. Brummer, Chair

ATTEST:



Lindsey R. Pollock, DVM  
Lindsey R. Pollock, DVM, Vice Chair

Rieva Lester, CMC  
Rieva Lester, CMC,  
Clerk of the Lewis County Board of  
County Commissioners

Sean D. Swope  
Sean D. Swope, Commissioner



**NOTICE OF PUBLIC HEARING BEFORE THE  
LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS  
AND INTENT TO ADOPT**

**NOTICE IS HEREBY GIVEN** that the **LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS** will hold a public hearing on **April 23, 2025** to receive public testimony on Ordinance 1363 amendments to Chapters 1.20, General Provisions, 17.10, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code.

The hearing will take place at or after 10 a.m. in the Commissioners' Hearing Room on the second floor of the Historic Courthouse in Chehalis, Washington. Interested parties are encouraged to check the Commissioners' Business Meeting agenda for the Zoom log-in details. The agenda will be posted at least 24 hours in advance of the meeting on the [Lewis County Agendas & Calendar webpage](#).

The public hearing will consider amendments to the Lewis County Code to amend the process for code enforcement. Details about the proposal will be available online at the agenda link provided above. Please select the agenda for April 22 (Notice) or May 13 (Hearing) to see the draft ordinance. The draft is subject to change before or at the hearing. If you wish to receive a paper copy of the proposals, contact Mindy Brooks at [mindy.brooks@lewiscountywa.gov](mailto:mindy.brooks@lewiscountywa.gov) or 360-740-2610 and a copy will be mailed to you.

During the hearing, individuals will be invited to speak and/or provide written statements regarding the proposed changes. All individuals wishing to speak are encouraged to attend. Written comments may be submitted beginning on April 23, 2025 through 4:00pm on May 12, 2025 by emailing Mindy Brooks, Senior Long Range Planner, at [mindy.brooks@lewiscountywa.gov](mailto:mindy.brooks@lewiscountywa.gov) or postal mail to Community Development, c/o Mindy Brooks, 351 NW North Street, Chehalis, WA 98532.

To sign up for Community Development email announcements, please visit:  
<http://lewiscountywa.gov/communitydevelopment/receive-email-announcements>

*The meeting site is barrier free. People needing special assistance or accommodations should contact Rieva Lester at 360.740.1419 at the Community Development Department 72 hours in advance of the meeting.*

## Commentary

### ATTACHMENT A – LEWIS COUNTY CODE 1.20 AMENDMENTS

The intent of the code amendments is to clarify how code enforcement is carried out in Lewis County.

#### 1.20.010

The purpose has been consolidated from other sections of this Chapter for clarity.

#### 1.20.020

The Authority statement has been split and moved to the appropriate subsections. None of the information has been lost.



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## Chapter 1.20 TITLE

### ~~GENERAL PENALTY AND FINES, CIVIL PENALTY AND NOTICES OF VIOLATION~~ CODE ENFORCEMENT

#### Sections:

- 1.20.010 Purpose.
- 1.20.0120 Authority.
- 1.20.030 Definitions.
- 1.20.040 Guidelines regarding response to potential violations.
- 1.20.0450 Notices and Orders. Civil enforcement.
- 1.20.060 Contesting a notice of violation.
- 1.20.0270 Violations—Penaltyies and fines.
- ~~1.20.030 Failure to pay fines, costs.~~
- 1.20.080 Lien.
- 1.20.090 Severability.

#### **1.20.010 Purpose.**

The purpose of this title is to identify processes and methods to achieve compliance with laws and regulations adopted by the board of county commissioners to protect the health, safety and environment of the public. It is the policy of Lewis County to emphasize code compliance by education and prevention as a first step, followed by voluntary compliance. Should voluntary compliance not occur in a timely manner, then enforcement through civil and criminal remedies shall be used as needed to assure code compliance. Abatement shall be pursued only when appropriate and feasible and shall be pursuant to Chapter 1.22, Abatement of Public Nuisance.

#### **1.20.0120 Authority.**

~~The board shall have the authority to make and enforce, by appropriate resolutions or ordinances, all such police and sanitary laws and regulations as are not in conflict with state law, and authorizing the board of county commissioners to declare any violation of such resolutions or ordinances to be a misdemeanor under RCW 36.32.120(7), and declaring every crime punishable by a fine of not more than \$250.00, or by imprisonment in a county jail for not more than 90 days, a misdemeanor, under RCW 9.92.030.~~

- (1) Applicability. This title shall apply to the enforcement of Lewis County ordinances and codes, including those related to building, land use, development regulations, environmental health and safety, and quality of life, which specifically references this chapter.
- (2) Authorized official. 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:

## **Commentary**

### **1.20.020(3)**

Enforcement was not explicitly included in the code. This addition summarizes the role of the authorized official.

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- (a) The Lewis County sheriff and their authorized representatives.
  - (b) The Lewis County health officer, the administrative officer of the board of health, and their authorized representatives.
  - (c) The director of the Lewis County department of community development and their authorized representatives.
  - (d) The director of the Lewis County department of public health and social services and their authorized representatives.
  - (e) The Lewis County prosecuting attorney may, in addition to any enforcement provisions hereunder, have authority to institute any legal proceedings necessary to enforce this title.
  - (f) The Lewis County board of county commissioners and the Lewis County board of health may designate other persons to administer the provisions of this title.
- (3) Enforcement. If the authorized official establishes that a code violation exists pursuant to this title and other applicable titles of the Lewis County Code, they may:
- (a) Enter into voluntary compliance agreements with Responsible Parties as authorized in this title. If the Responsible Party fails to successfully comply with the terms of the Voluntary Compliance Agreement, a citation for the Violation, along with the Voluntary Compliance Agreement, shall be issued and filed with the court. If the Responsible Party complies with the terms of the Voluntary Compliance Agreement, the county will not issue a citation and may waive any penalties or fines associated with the Violation;.
  - (b) Issue citations and assess civil penalties ("penalties") or fines as authorized by this title;
  - (c) Issue notice and orders and order remediation or mitigation of the civil code violation, assess penalties and costs of code compliance ("costs"), and/or suspend or revoke any permit previously issued by Lewis County, as authorized by this title; and/or
  - (d) Issue stop work orders to order work stopped at a site, as authorized by this title.
- (4) Violations. Violations of the applicable code shall be corrected under the provisions of this title, in coordination with existing ordinance and code provisions. The authorized official may declare any violation of such resolutions or ordinances to be a misdemeanor under RCW 36.32.120(7), and declaring every crime punishable by a fine of not more than \$250.00 for every day the violation occurs, or by imprisonment in a county jail for not more than 90 days, a misdemeanor, under RCW 9.92.030.



## **Commentary**

### **1.20.020(6)**

Added to clarify that the duty to comply with the Lewis County Code is the responsibility of the property owner.

### **1.20.030**

Previously there were no definitions specific to Title 1.20. Definitions provide clarity to the code. Any word that is not defined here will be based on state statutes or the Webster Dictionary definition.

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- (5) Declaration of a public nuisance, misdemeanor.
- (a) All civil code violations 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.
- (c) 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 Lewis County Code.
- (d) Nothing in this title shall be interpreted to mean that civil and criminal remedies for the same violations may not be brought simultaneously.
- (6) Duty. While this title authorizes Lewis County to take action to enforce laws and regulations, it shall not be construed as placing responsibility for code compliance or enforcement upon Lewis County in any particular case, or as creating any duty on the part of Lewis County to any particular person.

### **1.20.030 Definitions**

- (1) "Abate" means to take whatever steps are deemed necessary by Lewis County to remove, stop, rehabilitate, demolish, or repair a condition which constitutes a public nuisance.
- (2) "Appellant" means the party appealing a citation, notice and order, order to stop work, or Director's decision on a request for certificate of correction.
- (3) "Department" means:
- (a) The Lewis County Department of Community Development;
- (b) The Lewis County Department of Public Health and Social Services;
- (c) The Lewis County Sherriff's Office; or
- (d) Such other department as the Lewis County board of county commissioners by ordinance authorizes to utilize this title.
- (4) "Hearing Examiner" means the Lewis County Hearing Examiner, as provided in Chapter 2.25 LCC, Hearing Examiner.
- (5) "Mitigate" means to take measures, subject to Lewis County approval, to minimize the harmful effects of the violation where remediation is either impossible or unreasonably burdensome.

## Commentary



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- (6) "Permit" means any form of written certificate, approval, registration, license, or any other written permission issued by Lewis County.
- (7) "Permit conditions" means the conditions of permit approval including but not limited to:
- (a) The provisions of any mitigation plans, critical area plan, habitat management plans, and other special reports submitted and approved as part of the permit approval process;
  - (b) The easement and use limitations shown on the face of an approved final plat map which are intended to serve or protect the general public.
- (8) "Person" means any individual, association, partnership, corporation, or legal entity, public or private, and the agents and assigns of the individual, association, partnership, corporation, or legal entity.
- (9) "Remediate" means to restore a site to a condition that complies with regulatory requirements as they existed when the violation occurred; or, for sites that have been degraded under prior ownerships, restore to a condition that does not pose a threat to public health, safety, or environment.
- (10) "Responsible Party" means either the person who caused the violation, if that can be determined, or the owner, lessor, lessee, tenant, or other person entitled to control, use or occupy, or any combination of control, use or occupy, of the subject property, or both.
- (11) "Subject property" means the real property where the civil code violation has occurred or is occurring.
- (12) "Violation" means a civil infraction and includes one or more of the following:
- (a) An act or omission contrary to an ordinance of Lewis County that regulates or protects the public health, safety, environment, or use and development of land or water, whether or not the ordinance is codified; and
  - (b) An act or omission contrary to the conditions of any permit issued pursuant to any such ordinance, or a notice and order or stop work order issued pursuant to this title.

## **Commentary**

### **1.20.040**

It is the policy of the County to pursue only those violations which are a threat to public health and safety or the environment, or those property owners who are repeat offenders. Any other violation is not a priority and may not be pursued depending on staffing resources.

### **1.20.050**

The previous section 'Civil enforcement' was moved up to occur before penalty and fine and failure to pay. This section describes the enforcement process, and should the person respond accordingly, then no penalties or fines should be assessed.

### **1.20.050**

Applicability was moved up to Authority.

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- (13) "Voluntary Compliance Agreement" means a stipulated agreement between Lewis County and the Responsible Party where Lewis County agrees to refrain from issuing a citation, and filing it with the court, for existing violations on a Responsible Party's property in exchange for the Responsible Party stipulating to the Violation's existence and agreeing that they will Remediate the Violation in an agreed upon time frame.

**1.20.040 Guidelines regarding responses to potential violations.**

- (1) It is the County's policy to investigate and to attempt to resolve all potential code violations. However, at times when not all potential violations can be investigated due to lack of resources, the County shall prioritize investigation and enforcement of violations that:
- (a) Present an imminent threat to public health and safety;
  - (b) Impact critical areas;
  - (c) Consist of ongoing non-permitted construction or ongoing failure to obtain permits for construction; or
  - (d) Do not comply with stated conditions of approval when such noncompliance presents a threat to public health and safety or affects critical areas.
- (2) Violations that do not fit within the previous categories, and have minor public impacts, shall be investigated only when the County has sufficient resources to conduct enforcement and in the order received.

**1.20.0450 Civil enforcement Notices and Orders.**

- (1) This chapter provides the procedure for enforcing and investigating suspected violations of county ordinances. The procedure created by this chapter is civil in nature and subject to the Infraction Rules for Limited Jurisdiction Courts.
- (2) ~~Applicability.~~
- (a) ~~This title shall apply to the enforcement of Lewis County ordinances and codes, including those related to building, zoning, environmental health and safety, and quality of life, which specifically reference this chapter.~~
  - (b) ~~Violations of the applicable code shall be corrected under the provisions of this title, in coordination with existing ordinance and code provisions.~~



## Commentary

### 1.20.050

Enforcement was moved up.

### 1.20.050(2)(a)(i)

A letter of inquiry may be used as a first step before a notice of violation; however, this standard process was not provided for in the code and therefore is being added.

### 1.20.050(2)(a)(iii)

This is to be clear that staff may take pictures or video from the public right-of-way or from a water of the state, both of which are not private property. In addition, adjacent property owners may supply photos or video.

### 1.20.050(2)(b)

A new section clarifying when and how staff may enter private property is added.

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- (3) ~~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 Lewis County sheriff and his or her authorized representatives;~~
  - ~~(b) The Lewis County health officer, the administrative officer of the board of health, and their authorized representatives;~~
  - ~~(c) The director of the Lewis County department of community development and his or her authorized representatives;~~
  - ~~(d) The Lewis 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 Lewis County board of commissioners and the Lewis County board of health may designate other persons to administer the provisions of this title.~~
- (42) ~~Violations—Investigations – and E~~evidence.
- (a) ~~An authorized official may investigate alleged or apparent violations of the ordinances and codes referenced above in subsection (2)(a) of this section in section 1.20.020. In the performance of that investigation, an authorized official may enter upon any land and make examinations and surveys; provided, that such entries, examinations and surveys do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof.~~
    - (i) The authorized official shall provide, in writing, letter of inquiry to the Responsible Party stating the exact nature of the potential violation, applicable code references, steps to investigate the potential violation and potential penalties or fines. If there are timelines associated with compliance, those shall be stated in the letter of inquiry.
    - (ii) The authorized official may use any publicly available information as evidence.
    - (iii) The authorized official may obtain photographs, digital images, video images or audio recordings from the location of a public rights-of-way or water of the state, or from adjacent properties with permission of the property owner.
  - (b) Any entry made to private property for the purpose of inspection for code violations shall be accomplished in strict conformity with Constitutional and statutory constraints on entry.

## Commentary



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- (i) The authorized official may enter upon property or premises to determine whether Lewis County codes are being obeyed, and to make any examinations, surveys, and studies as may be necessary in the performance of his or her duties. These may include but are not limited to the taking of photographs, digital images, videotapes, video images, audio recordings, samples, or other physical evidence.
  - (ii) All inspections, entries, examinations, studies, and surveys shall be done in a reasonable manner. If the property is occupied, the authorized official shall ask permission of the occupants before entering the property. If an owner, occupant, or agent refuses permission to enter or inspect, the authorized official may seek an administrative or criminal search warrant.
  - (ii) The Prosecuting Attorney may request that a District Court or Superior Court of competent jurisdiction issue an administrative search warrant and when executed a copy of the search warrant shall be left on the property or the premises searched.
  - (b) Upon request of the authorized official, the ~~person~~ Responsible Party alleged or apparently in violation of this chapter shall provide information identifying themselves.
  - (c) Willful refusal to provide information identifying a ~~person~~ responsible party as required by this section is a misdemeanor.
- (52) Notice of Infraction Violation – Service.
- (a) Whenever an authorized official determines that a violation has occurred, or is occurring, ~~he/she/they~~ may pursue reasonable attempts to secure voluntary corrections, failing which ~~he/she/they~~ may issue a notice of infraction.
  - (b) An authorized official may issue a notice of ~~infraction violation~~ if either the provisions of the codes referenced in ~~subsection (2)~~ section 1.20.020 of this ~~section~~ Title have been violated in the ~~officer's~~ presence, or if the official has probable cause to believe, and does believe, that a referenced code provision has been violated. A notice of ~~infraction violation~~ may be served to the responsible party either by:
    - (a) The authorized official serving the notice of ~~infraction violation~~ on to the person named Responsible Party in the notice of ~~infraction violation~~ at the time of issuance either personally or by certified mail; or
    - (b) The authorized official filing the notice of ~~infraction violation~~ with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of ~~infraction violation~~ at his/her their address.

## Commentary

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- (6c) ~~Notice of Infraction – Forum – Contents.~~ The notice of ~~infraction~~ violation shall contain the following ~~statements~~:
- (a) The authorized official has determined that the ~~infraction~~ violation has been committed by the ~~person named in the notice~~ responsible party and that the determination is final unless contested, as provided in this chapter;
  - (b) The ~~infraction~~ violation is a noncriminal offense, not punishable by imprisonment;
  - (c) The specific violation which the ~~person~~ responsible party is alleged to have committed and the accompanying statutory citation, the date and place of the ~~infraction-violation~~, the date the notice was issued, and the authorized official;
  - (d) The monetary penalties established for each ~~infraction~~ violation;
  - (v) The necessary remedies or mitigation to rectify the violation;
  - (e) The options and corresponding procedures provided in this chapter for responding to the notice;
  - (vii) That the responsible party has the right to contest or mitigate the violation and details to request a hearing or appeal;
  - (fA) That at any hearing or appeal to contest the determination that a violation has occurred, ~~that~~ the county has the burden of proving, by a preponderance of the evidence, that the ~~infraction~~ violation was committed; and that the ~~person~~ responsible party may subpoena witnesses, including the authorized official who issued and served the notice of ~~infraction~~ violation;
  - (gB) That at a hearing for mitigating the infraction to contest-mitigate the violation, the ~~person~~ Responsible Party will only have the opportunity to explain the circumstances of the ~~infraction~~ violation and may not contest that the ~~person~~ committed an infraction but may not contest the violation;
  - (hviii) A promise requiring the ~~person's~~ Responsible Party's signature that the ~~person~~ Responsible Party will respond to the notice of ~~infraction~~ violation in one of the ways provided in this chapter and within the time required. ~~(i)-That refusal to sign and respond to the infraction notice of violation is a misdemeanor and may be punished by a fine and/or imprisonment in jail.~~



## **Commentary**

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- (jix) That each day the violation continues may be considered a separate violation;  
and
  - (kx) The failure to mail a response, within 15 days of the date of the notice, or 18 days from the date mailed if service is by mail, forfeits the person's responsible party's right to contest the ~~infraction~~ violation at a hearing; ~~and~~
  - (l) ~~The name, address, and telephone number of the district court clerk.~~
- (7) ~~Notice of Infraction – Filing – Hearing in District Court. The authorized official shall file a notice of infraction in district court within 48 hours of issuance, excluding Saturdays, Sundays, and holidays. Lewis County district court shall have jurisdiction to hear and determine these matters.~~
- (83) ~~Notice of Infraction – Determination Infraction~~ Violation Committed. Unless contested in accordance with this chapter, the notice of ~~infraction~~ violation represents a determination that the ~~person~~ responsible party to whom the notice was issued committed the ~~infraction~~ violation. A notice shall not be insufficient for failure to give a definite statement of the essential facts of an ~~infraction~~ violation or any other defects that do not prejudice the substantial rights of the defendant.
- (4) ~~Stop work order. An authorized official may issue a stop work order, as a standalone notice or in conjunction with a notice of inquiry or notice of violation, if they have determined such an order is necessary to protect public health and safety or the environment.~~
- (95) ~~Notice of Infraction – Response by the Responsible Party – Requesting a Hearing – Failure to Respond or Appear – Order to Set Aside.~~
- (a) ~~A person who receives a notice of infraction~~ The Responsible Party shall respond to the notice, either by mail or in person, within 15 days of the date the notice was served, or 18 days from date mailed if service is by mail. ~~Mailed responses must be postmarked on or before midnight of the fifteenth day.~~
  - (b) ~~The person named in the notice of infraction~~ responsible party may respond to the ~~infraction by~~ Acceptable responses are limited to:

## **Commentary**

Items (i)-(ii) are restructured and move to specific section on contesting the notice of violation.



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- (i) Initiating the process to complete any remedies as stated in the notice of violation; or  
~~Paying the appropriate monetary penalty, appropriate portion of the notice of~~  
~~infraction violation and submitting it to the court specified on the notice. A check or~~  
~~money order in the amount of the penalty prescribed for the infraction must be~~  
~~submitted with the response. When such a response is received, the court shall enter~~  
~~and record a judgment that the person committed the infraction. A record of the~~  
~~response order shall be furnished to the appropriate department(s).~~
  - (ii) ~~Completing the portion of the notice of civil infraction requesting a mitigation~~  
~~hearing and submitting it to the district court. Within 14 days, the court shall notify~~  
~~the person in writing of the time, place, and date of the hearing. That date shall not~~  
~~be earlier than 14 days nor more than 120 days from the date of the notice of the~~  
~~hearing, except by agreement.~~
  - (iii) ~~Completing the portion of the notice of infraction~~ Requesting a hearing or appeal to  
contest the infraction violation pursuant to section 1.20.050 and 1.20.060 and  
submitting it to the district court. Within 14 days, the court shall notify the person in  
writing of the time, place, and date of the hearing. That date shall not be earlier than  
14 days nor more than 120 days from the date of the notice of the hearing, except by  
agreement. A notice issued by the district court shall also advise the person  
requesting a hearing of the person's right to subpoena witnesses and that failure to  
either appear at a hearing or pay the penalty may be a crime for which the person  
may be arrested and may prevent the person from obtaining any county permits.
- (b) If a person Responsible Person served with an infraction a notice of violation: (i) ~~Fails to~~  
~~respond to the notice of civil infraction violation as provided in subsection (9)(a) (5) of~~  
~~this section; or the authorized official shall charge a penalty of not more than \$250.00 for~~  
~~every day during any portion of which the violation occurs. The authorized official (ii) Fails~~  
~~to appear at a hearing requested pursuant to either subsection (9)(a)(ii) or (iii) of this~~  
~~section; then the court shall enter a default judgment assessing the monetary penalty~~  
~~prescribed for the civil infraction, and may notify the prosecuting attorney of the failure~~  
~~to respond to the notice of civil infraction or to appear at a requested hearing and may~~  
seek additional enforcement options as allowed by local, state or federal law.
- (106) ~~Notice of Failure to Sign, Appear, or Satisfy Penalty.~~
- (a) Any person responsible party who fails to sign a notice of civil infraction violation or fails  
to pay a monetary penalty is guilty of a misdemeanor.
  - (b) Any person responsible party willfully violating his/her/their written and signed  
promise to respond to a notice of civil infraction violation is guilty of a  
misdemeanor, regardless of the disposition of the notice of civil infraction  
violation; however, appearance of counsel shall satisfy the person's obligation to  
respond.

## Commentary

### 1.20.060

A new section is added to clarify how someone may contest a notice of violation.

Unfit structures are those that pose a threat to public health and safety. A structure that is placed without a building permit, is assumed to be unfit until a building permit, and if necessary, an inspection, has verified that all applicable building codes are met. A structure that is placed in a critical area, such as a floodplain, without the appropriate critical area review, is also assumed to be unfit until a critical area or shoreline review verifies that all requirements are met. Unfit structures have been separated from other violations, such as solid waste or hulk vehicles.

Unfit structure notices of violation may be appeal to the Hearing Examiner, instead of district court. This change is for two reasons: first, to ensure that the deciding body, in this case the Hearing Examiner, has applicable knowledge of building codes in Lewis County, and second, to reduce the workload before the courts thus expediting the process. The decision of the Hearing Examiner may be appealed to the state supreme court.

(2) was moved from early in the title.



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(c) ~~A person who willfully fails to pay a monetary penalty as required by a court under this chapter may be found in civil contempt of court after notice and hearing.~~

(117) Representation by Attorney.

- (a) Any person responsible party subject to proceedings under this chapter may appear or be represented by counsel.
- (b) The prosecuting attorney representing the county may, but need not, appear in any proceedings under this chapter, notwithstanding any statute or court rule to the contrary.

**1.20.060 Contesting a notice of violation.**

(1) Unfit structures.

- (a) A responsible party may contest a notice of violation related to an unfit structure by appealing the notice of violation, which is an administrative decision, to the Lewis County Hearing Examiner pursuant to 2.25.130 and 2.25.140 LCC.
- (b) Unfit structures are those that pose an imminent threat to public health or safety, including an un-permitted structure that otherwise would require a building permit and has not been inspected to confirm that such a structure meets the requirements of the Uniform Building Code of Washington.
- (c) An un-permitted structure may also be determined to be unfit if located within a Shoreline jurisdiction, pursuant to Chapter 17.25 LCC, or Critical Area, pursuant to Chapter 17.30 LCC.

(12) Other violations ~~Infraction Hearing Procedure – Burden of Proof – Order Appeal.~~

- (a) The responsible party may request a hearing in district court to contest the notice of violation. Within 14 days of requesting a hearing, the court shall notify the person in writing of the time, place, and date of the hearing. That date shall not be earlier than 14 days nor more than 120 days from the date of the notice of the hearing, except by agreement. A notice issued by the district court shall also advise the person requesting a hearing of the person's right to subpoena witnesses and that failure to either appear at a hearing or pay the penalty may be a crime for which the person may be arrested and may prevent the person from obtaining any county permits.
- (ab) A hearing held to contest the determination that an ~~infraction~~ violation has been committed shall be without a jury.



## Commentary

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- (b)i) The court may consider the notice of ~~infraction~~ violation and any sworn statements submitted by the authorized representative who issued and served the notice in lieu of his/her personal appearance at the hearing. The ~~person responsible~~ party named in the notice may subpoena witnesses, including the authorized official who ~~has~~ issued and served the notice, and has the right to present evidence and examine witnesses present in court. Upon demand, the county shall provide the ~~person responsible~~ party with a list of witnesses and the authorized official's sworn statement. Subpoenas and discovery demands shall conform to Rule 3.1(a) and (b) of the Infraction Rules of Courts of Limited Jurisdiction, as hereafter amended.
- (e)ii) The burden of proof is on the county to establish the commission of the ~~infraction~~ violation by a preponderance of evidence.
- (d)iii) After consideration of the evidence and argument, the court shall determine whether the ~~infraction~~ violation was committed. If it has not been established that the ~~infraction~~ violation was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that a ~~civil infraction~~ violation has been committed, an appropriate order shall be entered in the court's records.
- (iv) The monetary penalty stated in subsection 1.20.070 shall be paid immediately upon determination that a violation has occurred. If the Responsible Party is unable to pay at the time, the court may grant an extension of the period of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall notify the appropriate county department(s) of the failure to pay the penalty, and the department(s) shall not issue the person any future permits for any work until the monetary penalty has been paid. The court may waive, reduce, or suspend the monetary penalty prescribed for the violation.
- (v) The court may also impose attorney fees and/or order a responsible party found to have committed a violation to make restitution, including the county's enforcement costs. If restitution is ordered, the court shall set a minimum monthly payment that the responsible party is required to make towards restitution. The court should take into consideration the total amount of the restitution owed, the offender's future ability to pay, as well as any assets that the offender may have.

## Commentary



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(evi) An appeal from the court's determination to order shall be to the superior court in the manner provided by the Rules for Appeal of Decisions of Court of Limited Jurisdiction.

(vii) If the responsible party fails to appear at a hearing requested pursuant to either subsection (9)(a)(ii) or (iii) of this section then the court shall enter a default judgment assessing the monetary penalty prescribed for the violation.

(13) Explanation of Mitigating Circumstances.

- (a) A hearing for the purpose of allowing a ~~person~~ responsible party to explain mitigating circumstances surrounding the commission of an ~~infraction~~ violation shall be an informal proceeding. The ~~person~~ responsible party may present witness's, but may not subpoena witnesses. The determination that a ~~civil infraction~~ violation has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances. A ~~person~~ responsible party may be represented by a lawyer at a mitigation hearing.
- (b) After the court has heard the explanation of the circumstances surrounding the commission of the ~~civil infraction~~ violation, an appropriate order shall be entered in the court's record.
- (c) There shall be no appeal from the court's determination or order under this section.

(14) —Monetary Penalties - Restitution.

- (a) —A person found to have committed a civil infraction shall be assessed a monetary penalty. All violations of this title shall be denominated Class 2 civil infractions under Chapter 7.80 RCW, unless otherwise specified in the particular Lewis County Code chapter violated. The maximum penalty and default amount for a Class 2 civil infraction shall be \$125.00, not including statutory assessments.
- (b) —A court shall assess a Class 1 monetary penalty under Chapter 7.80 RCW for the second and each succeeding violation of the same ordinance that a person commits within 12 months. The maximum penalty and default amount for a Class 1 civil infraction shall be \$250.00, not including statutory assessments.
- (c) —~~Whenever a court imposes a monetary penalty under this section it is immediately payable. If the person is unable to pay at the time, the court may grant an extension of the period of time in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall notify the appropriate county department(s) of the failure to pay the penalty, and the department(s) shall not issue the person any future permits for any work until the monetary penalty has been paid.~~

## Commentary

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(d) ~~The court may also impose attorney fees and/or order a person found to have committed a civil infraction to make restitution, including the county's enforcement costs. If restitution is ordered, the court shall set a minimum monthly payment that the person is required to make towards restitution. The court should take into consideration the total amount of the restitution owed, the offender's future ability to pay, as well as any assets that the offender may have.~~

(15) ~~Court Order Is Civil – Modification of Penalty.~~

(a) ~~An order entered pursuant to this section is civil in nature.~~

(b) ~~The court may waive, reduce, or suspend the monetary penalty prescribed for the civil infraction.~~

(164) Costs and Attorney's Fees. Each party in a ~~civil infraction~~ violation case is responsible for court costs incurred by that party, but the court may assess witness fees against a nonprevailing respondent. Attorney fees may be awarded to either party in a ~~civil infraction~~ violation infraction case.

(175) Interpretation. This civil enforcement section shall be interpreted consistently with the Infraction Rules for Courts of Limited Jurisdiction and Chapter 7.80 RCW. The Infraction Rules for Courts of Limited Jurisdiction shall control all procedural matters not covered by this chapter. All other matters shall be controlled by Chapter 7.80 RCW.

(18) ~~Lewis County officials, employees, agents and representatives investigating suspected violations of or enforcing other ordinances and codes pursuant to this civil enforcement section shall be exempt from the provisions of Chapter 1.25 LCC.~~

#### **1.20.0270 Violations – Penalty and fine.**

(1) Unless otherwise specifically provided for, any ~~person~~ responsible party violating any provision or failing to comply with any mandatory requirement of the laws, resolutions or ordinances of Lewis County shall be guilty of a misdemeanor.

(2) Any ~~person~~ responsible party convicted of a misdemeanor under the laws, resolutions or ordinances of Lewis County shall be punished by a fine of not more than \$250.00 per day and/or be incarcerated for a period not to exceed 90 days. Each ~~person~~ responsible party shall be guilty of a separate offense for each and every day during any portion of which any violation of the provision of the laws, resolutions or ordinances of Lewis County is committed, continued or permitted by any such person and shall be punished accordingly.



## Commentary

### 1.20.080

This is current SOP by Lewis County; however, it was not stated in the code. If a \$250 per day fine is assessed for 90 days, then the lien may recorded and the amount of the lien would be \$22,500. A lien is not a requirement, it is an option that may be used to encourage compliance.



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(3) ~~1.20.030~~ Failure to pay fines, costs.

(1a) ~~Upon the rendition of judgment against any defendant for violation of laws, resolutions or ordinances of Lewis County, an order shall be made and entered that if the defendant responsible party shall neglects or refuses to satisfy judgment and costs of suit, he they shall be confined in the county jail or other place of confinement provided for that purpose until the fine and costs adjudged against him them are paid. During such confinement he they may be required to do work for the county under the supervision and direction of the Lewis County sheriff. The amount of fines and costs owing by a confined defendant shall be reduced in accordance with subsection (2) of this section. Execution shall be issued immediately upon the rendition of judgment.~~

(2b) The amount of fine and costs owing by any ~~person~~ responsible party ordered into custody in the county jail until the fine and costs adjudged against ~~him~~ them are paid shall be reduced by \$40.00 for every day that ~~defendant~~ responsible party performs labor as provided in RCW 10.82.040 and \$30.00 for every day the ~~defendant~~ Responsible Party does not perform such labor while imprisoned.

**1.20.080 Lien.**

The authorized official may record a lien against the subject property after assessed penalties or fines have remained unpaid for 90 calendar days after they became due.

- (1) The lien shall run with the land and shall accrue interest at six (6) percent per annum from the date of recording the lien until paid in full.
- (2) The lien shall contain a reference to the notice and order, a description of the property to be charged with the lien, the owner of record, and the total amount of the lien.
- (4) No lien for penalties and/or costs shall be recorded against the subject property if the landowner of the subject property has affirmatively demonstrated that the action which resulted in the violation was taken without the landowner's knowledge.
- (5) Within 30 days of full payment of all penalties and/or costs, the authorized official shall record a satisfaction of lien with the Lewis County Auditor's Office; the satisfaction shall include a legal description of the subject property.

## **Commentary**

### **1.20.090**

This clarifies that if any section of this Title is found to be incorrect interpretation of a Revised Code of Washington, that doesn't impact any of the other sections of the Chapter.

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**1.20.090 Severability.**

Should any section, subsection, paragraph, sentence, clause, or phrase of this title be declared unconstitutional, 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.



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LEWIS COUNTY, WASHINGTON**

<b>Adopt Ordinance 1363 to amend Chapter 1.20, General Penalty</b>	)	
<b>and Fines, Civil Penalty and Notices of Violation, of the Lewis</b>	)	
<b>County Code</b>	)	<b>ORDINANCE 1363</b>
	)	

**WHEREAS**, the Washington State Legislature, under R.C.W. 36.32.120(7), has empowered the Board of County Commissioners to make and enforce by appropriate resolutions or ordinances, all such police and sanitary regulations necessary for the general health, safety and welfare, and as are not in conflict with state law; and

**WHEREAS**, Chapter 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code was adopted by Ordinance 1157 on February 17, 1998; and

**WHEREAS**, on April 22, 2025, the Lewis County Board of County Commissioners (BOCC) passed Resolution 25-XXX to hold a public hearing on Ordinance 1363 and directed the Clerk of the Board to provide notice of the hearing; and

**WHEREAS**, the BOCC held duly noticed public hearing on the proposed amendments to Chapter 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code, as presented in Exhibit A, on May 13, 2025.

**NOW THEREFORE BE IT RESOLVED** the BOCC finds the proposed amendments to Chapter 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code, as presented in Exhibit A, meet the intent and requirements of the Revised Code of Washington and are in accordance with the public interest; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the BOCC hereby adopts the amendments to Chapter 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code, as presented in Exhibit A.

*ADD SIGNATURE BLOCK*

# BOCC AGENDA ITEM SUMMARY

**Resolution:**

**BOCC Meeting Date:** April 22, 2025

**Suggested Wording for Agenda Item:**

**Agenda Type:** Legal Notice

Notice of Public Hearing to consider Ordinance 1363 to amend Chapter 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code

**Contact:** Mindy Brooks

**Phone:** 3607402610

**Department:** CD - Community Development

## Description:

Notice of Public Hearing to consider Ordinance 1363 to amend Chapter 1.20, General Penalty and Fines, Civil Penalty and Notices of Violation, of the Lewis County Code

## Approvals:

User	Status
PA's Office	Pending

## Publication Requirements:

### Publications:

East County Journal

## Additional Copies:

Meja Handlen, Kirsten Wecker, Doyle Sanford

## Cover Letter To: