

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 1999 - 366

CLEARANCES		Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.:	County Council	9/21/99	<b>RECEIVED</b>  <b>SEP 21 1999</b>  <b>WHATCOM COUNTY COUNCIL</b>	10-12-99	P4D / Council
Division Head:					
Dept. Head:					
Prosecutor:					
Budget:					
Executive:					

**SUBJECT:**

Ord. amending WCC Title 20 Re: Refunds for Appeals and Code Violations

**ATTACHMENTS**

**SUMMARY STATEMENT:**

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N)	Requested Date:
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Ordinance amending Whatcom County Code Section 20.84.240, appeals, to address refunds for appeals of Administrative Decisions and Code Violations

**RECOMMENDED MOTION (for final action):**

**COUNCIL ACTION TAKEN:**

1999 - 366 9/28/99: Introduced  
 10/12/99: Adopted 7-0, Ord. #99-056

**Related File Numbers:**

**Ordinance or Resolution Number (this item only):**

**ORD. # 99-056**

SPONSORED BY: Consent  
PROPOSED BY: Hoag  
INTRODUCTION DATE: September 28, 1999

ORDINANCE NO. 99-056

AMENDING WHATCOM COUNTY CODE SECTION 20.84.240, APPEALS, TO ADDRESS REFUNDS FOR APPEALS OF ADMINISTRATIVE DECISIONS AND CODE VIOLATIONS

WHEREAS, on August 10, 1999, the Whatcom County Council approved an amendment to the Whatcom County Unified Fee Schedule by adopting Ordinance 99-037; and

WHEREAS, the fees adopted reflect two different categories: "Hearing Examiner: Administrative Appeal - Code Violation to Hearing Examiner" and "Hearing Examiner: Administrative Decision Appeal - Other Administrative Decisions to Hearing Examiner"; and

WHEREAS, the Ordinance adopted states that if the appellant prevails, the fee will be refunded; and

WHEREAS, the Whatcom County Council wishes to distinguish between refunds for administrative approval appeals and refunds for violation appeals; and

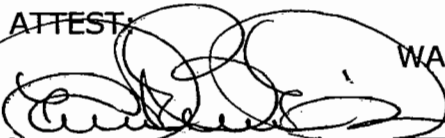
WHEREAS, the Whatcom County Council wishes to further distinguish between appeals where a violation actually occurred and where one did not.

NOW THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Section 20.84.240 is amended as indicated in Exhibit A to this ordinance.

ADOPTED this 12 day of October, 1999.

ATTEST:

WASHINGTON

  
Dana Brown-Davis, Clerk of the Council

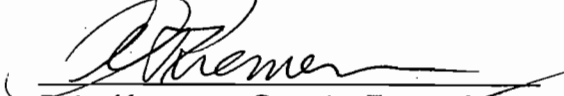
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY,

  
Marlene Dawson, Council Chair

APPROVED AS TO FORM:

Approved ( ) Denied

  
Civil Deputy Prosecutor

  
Pete Kremen, County Executive  
Date: 10-19-99  Approved

## **EXHIBIT A**

### **20.84.240 APPEALS**

The hearing examiner shall have the authority to hear and decide, in conformity with this ordinance, appeals from any order, requirement, permit decision or determination made by an administrative official in the enforcement of this ordinance where more than one interpretation is possible; provided, that such appeal shall be filed in writing within 14 days of the action being appealed. If an appellant prevails in an appeal of an administrative approval decision, the appellant's appeal fees shall be refunded. The appeal fee on a code violation will be refunded if the appellant can prove by clear and convincing evidence that a violation did not occur. (Ord. 96-031 § 2, 1996).