

SPONSORED BY: Consent
PROPOSED BY: Council Clerk
INTRODUCTION DATE: 8/5/08

ORDINANCE NO. 2008-037

**AMENDING WHATCOM COUNTY CODE 15.04, BUILDING CODES,
REGARDING FEE FOR APPEALS TO COUNTY COUNCIL**

WHEREAS, Whatcom County Code (WCC) 15.04.050(F)(1) states that any person, firm or corporation violating any of the provisions of chapter 15.04 or the codes adopted by reference by that chapter shall be deemed guilty of a civil offense; and

WHEREAS, the penalty provided by WCC 15.04.050(F)(1) shall be imposed by a notice in writing from the building official or the fire code official or the director of planning and development services, by certified service, to either the person, firm or corporation incurring the penalty; and

WHEREAS, the notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity in ordering the act(s) constituting the violation(s) to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time; and

WHEREAS, WCC 15.04.050(F)(2) states that within 30 days after the notice is received, the person incurring the penalty may apply in writing to the building official for remission or mitigation of such penalty; and

WHEREAS, upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department deems proper; and


WHEREAS, WCC 15.040.050(F)(2) establishes a process to appeal final decisions of the building official, fire code official, or the director of planning and development services, on mitigation or revision of the penalty to the county council; and


WHEREAS, the Whatcom County Council wishes to establish a fee for this appeal in the Unified Fee Schedule.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 15.04 is hereby amended as shown in **Exhibit A** to this ordinance.

NOW, THEREFORE, BE IT FURTHER ORDAINED, this ordinance will take effect on January 1, 2009.

ADOPTED this 9th day of September, 2008.

ATTEST:


Dana Brown-Davis, Clerk of the Council
APPROVED AS TO FORM:


Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON



Carl Weimer, Council Chair

Approved Denied



Pete Kremen, County Executive

Date: 9-10-08

EXHIBIT A

CHAPTER 15.04 BUILDING CODES

15.04.060 Fee

A fee, as established in the Unified Fee Schedule, shall be paid to the county council office upon filing of an appeal authorized by Whatcom County Code 15.04.050(F)(2). This fee shall not apply to appeals initiated by a county department.