

Ordinance No. 03-02

An ordinance establishing civil infractions for violations of the Mason County construction code.

Be it ordained by the Board of County Commissioners of Mason County, Washington, As follows:

Whereas various provisions of Title 14 make it a misdemeanor to violate Title 14,

Whereas the Mason County General Penalty, MCC 1.04.010 makes it a misdemeanor to violate Title 14,

Whereas Mason County Code 15.13.020 makes it a misdemeanor to violate Title 14,

Whereas certain minor violations of Title 14 could be charged as a crime but are more appropriately charged as a civil infraction,

Whereas the civil infraction process is less cumbersome for both county government and violators in that it is cheaper and faster to administrate and does not result in a criminal charge on a violator's criminal history and does not result in jail time for the violator,


Now, therefore be it resolved by the Board of County Commissioners of Mason County as follows:


Effective immediately, Mason County Code 14.12 shall be amended by inserting a new section Mason County Code 14.12.035 which states the following:

“The code enforcement officer for Mason County Department of Community Development, Building Division, is hereby authorized to issue civil infractions for violations of any provision of Title 14. The enforcement officer may issue a civil infraction ticket of up to \$200 for the first violation and up to \$400 for the second violation and subsequent violations. Second and subsequent violations refers to any additional violation of any provision of Title 14 within two years. A violator is: 1) one owns the property and knows the violation is occurring and fails to take action to abate it, 2) one who causes the violation to occur or solicits, commissions, encourages, requests or aids the violation, 3) one who has a virtual exclusive right to possess the land, as in a tenant, equitable title owner, or trust beneficiary, and who aids, abets, commissions, solicits, requests, encourages or knowingly allows a violation to occur on the land, or 4) to the maximum extent allowed under Washington law, any company whose employee or employees violate any provision of Title 14. Proof in district court shall be by a preponderance of the evidence. To the extent that there is no conflict with this regulation, all such civil infractions under this regulation shall be governed by the standards and procedures set forth in Revised Code of Washington 7.80 (Civil Infractions). Each day of violation shall be considered a separate offense.”

Adopted and passed this 8<sup>th</sup> day of January, 2002.

  
Herb Baze, Commissioner

  
Wesley Johnson, Commissioner

  
Robert Holter, Commissioner

Approved as to form:

  
Mason County Deputy Prosecuting Attorney