

ORDINANCE NUMBER 666-14
AN ORDINANCE AMENDING TITLE 13 OF THE
MASON COUNTY CODE TO REVISE CHAPTER 13.28,
"NORTH BAY-CASE INLET SANITARY SEWER UTILITY ADMINISTRATIVE CODE"

AN ORDINANCE amending Title 13 of the Mason County Code under the authority of Chapter 36.70 and 36.70A RCW.

WHEREAS, under separate ordinance, the Mason County Board of Commissioners added Chapter 13.32 (Latecomer Agreements for Utility Facilities) to Title 13 (Utilities) of the Mason County Code; and

WHEREAS, Mason County Code Section 13.32.080 (Eligibility for Appeals) stipulates that administrative decisions under Chapter 13.32 shall be made to the County Hearings Examiner in accordance with Title 15 (Development Code) under Section 15.11.010 (Appeal of Administrative Determinations and Decisions) of the Mason County Code; and

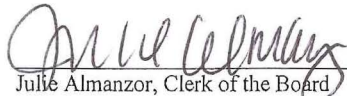
WHEREAS, in order to make sure that wherever appropriate, the appeal process for administrative determinations and decisions by the County is uniform and consistent, it is necessary to revise the administrative appeal process contained in Title 13 (Utilities), Chapter 13.28 (North Bay-Case Inlet Sewer Utility Administrative Code), Section 13.28.460 (Appeal Process) to be consistent with the appeal process contained in Mason County Code Section 13.32.080; and

WHEREAS, the Mason County Planning Advisory Commission conducted a public hearing on June 2, 2014, continued to September 29, 2014, and recommends adoption of the referenced Code amendments by the Commissioners;

NOW THEREFORE, BE IT HEREBY ORDAINED, that the Board of Commissioners of Mason County hereby amends Mason County Code Title 13 (Utilities), Chapter 13.28 (North Bay-Case Inlet Sewer Utility Administrative Code), Section 13.28.460 (Appeal Process) to direct all appeals of administrative determinations and decisions made in conjunction with Section 13.28.460 to the Mason County Hearings Examiner in accordance with Title 15 (Development Code), Section 15.11.010 (Appeal of Administrative Determinations and Decisions) of the Mason County Code. (See Attachment A)

DATED this 18 day of November 2014.

ATTEST:


Julie Almanzor, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON


Terri Jeffreys, Chair


Tim Sheldon, Commissioner

APPROVED AS TO FORM:


Tim Whitehead, Chief DPA


Randy Neatherlin, Commissioner

Attachment A

Title 13 - UTILITIES

Chapter 13.28 - NORTH BAY-CASE INLET SANITARY SEWER UTILITY ADMINISTRATIVE CODE

Article IX. Enforcement

Article IX. Enforcement

13.28.450 Notice of violation.

13.28.460 Appeal process.

13.28.470 Civil liability to county.

13.28.480 Continued violation—Penalty.

13.28.490 Delinquent charges.

13.28.500 Lien for delinquent charges.

13.28.510 Lien attachment.

13.28.520 Lien interest.

13.28.530 Lien foreclosure.

13.28.540 Criminal penalty.

13.28.450 Notice of violation.

Any person or contractors found to be violating any provision of this code shall be served by the county with written notice stating the nature of the violation and providing a time limit for the satisfactory correction thereof. The violator of this code shall, within the period of time stated in such notice, permanently cease all violation and make all necessary corrections.

13.28.460 Appeal process.

~~The person or contractors may file a written notice of appeal of the notice of violation issued by the department may be appealed to the Mason County Hearings Examiner in accordance with Title 15, Development Code, under Section 15.11.010 "Appeal of Administrative Determinations and Decisions" of the Mason County Code. Such appeal must be filed within thirty days after the owner receives notice of the violation. The amount of the filing fee for an appeal shall be the amount shown on the most current version of the Department of Community Development's "Fee Schedule" for appeals to the Hearings Examiner with said amount being is an amount of one hundred dollars payable at the time of filing of the appeal. The violation notice will not be enforced until the Hearings Examiner board of commissioners or its delegated representative meets, hears the appeal, and renders their decision thereon. The hearing shall be held not less than ten days or more than forty five days after the date of the filing of objections. No less than seven days prior to the date set for the hearing, notice of the hearing date will be given to the owner. The decision of the Hearings Examiner board of commissioners or its delegated representative is final and no appeal may be taken therefrom except as provided by law.~~

13.28.470 Civil liability to county.

Any person or commercial entity who shall violate any provision of this code shall be liable to the county for any penalty or fine; plus the expense, loss, damage, cost of inspection or cost of correction incurred by the county by reason of such violation, including any expenses incurred by the county in

Attachment A

Title 13 - UTILITIES

Chapter 13.28 - NORTH BAY-CASE INLET SANITARY SEWER UTILITY ADMINISTRATIVE CODE

Article IX. Enforcement

collecting from such person or commercial entity any penalty, fine, loss, damage, expense, cost of inspection or cost of correction.

13.28.480 Continued violation—Penalty.

Any person or commercial entity who shall continue any violation beyond the time limit provided for in the notice of violation or in the hearing order on appeal, shall in addition to the items of expense provided in this code, become liable to the county for a penalty in the amount of ten percent of such expense items, together with interest thereon at a current rate determined by the county treasurer from the date of the time limit.

13.28.490 Delinquent charges.

When sewer charges are not paid within sixty days after the date of billing or by the date of the next billing, such charges shall be delinquent and shall be assessed a penalty of ten percent of the amount due (including accrued interest).

13.28.500 Lien for delinquent charges.

In the event that any person, or commercial entity fails to pay any fee or charge as set forth in this code within sixty days after the same is billed by the county, the unpaid balance plus interest at eight percent per annum or such higher amount permitted by RCW 36.94.150 or any successor statute shall become and remain a lien against the property in accordance with RCW 36.94.150.

13.28.510 Lien attachment.

The director shall certify periodically the delinquencies to the Mason County assessor/treasurer at which time the lien shall attach.

13.28.520 Lien interest.

The lien shall be for all unpaid balance charges and interest at the current rate to be applied from the date due until paid, and shall attach to the premises to which the services were furnished.

13.28.530 Lien foreclosure.

Upon the expiration of sixty days after the attachment of the lien herein, the county may bring suit in foreclosure by civil action in the Mason County Superior Court. In addition to the costs and disbursements provided by statute, the court may allow the county reasonable costs and attorney fees. The lien shall be foreclosed in the same manner as the foreclosure of real property tax liens (RCW 36.94.150).

Attachment A

Title 13 - UTILITIES

Chapter 13.28 - NORTH BAY-CASE INLET SANITARY SEWER UTILITY ADMINISTRATIVE CODE

Article IX. Enforcement

13.28.540 Criminal penalty.

Any person or commercial entity who willfully violates any of the terms or conditions of this code shall be guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of not more than five hundred dollars or by imprisonment in the Mason County jail not to exceed ninety days or both fine and imprisonment. Each separate day or any portion thereof, during which any violation continues, shall be deemed to constitute a separate offense.