

Council Agenda Bill

AB Number

AB25-026

Agenda Bill Information

Title*

Code Enforcement and Nuisance Abatement Cost
Recoupment and Process Clarifications

Action*

Motion

Council Agenda Section

Ordinance

Council Meeting Date*

02/10/2025

Staff Member

Dena Burke

Department*

Legal

Committee

Community Development

Committee Date

02/03/2025

Exhibits

Packet Attachments - if any

x1 Ordinance Cost Recovery for Code Enforcement and Appeals.docx

42.15KB

x2 Code Amendments - Cost Recovery for Code Enforcement and Appeals.docx

25.97KB

Summary

Introduction*

The amendments to Titles 8, 13, 15, and 17 would give the City greater opportunities to recoup costs incurred in pursuing code enforcement actions and better align the process of issuing and appealing code violations and abatement notices, as well as clarifying the penalties and enforcement mechanisms that apply to water, sewer, storm water, and zoning code violations.

Currently, the Snoqualmie Municipal Code contains inconsistent, and sometime ambiguous, provisions for recovering attorney fees and hearing examiner costs associated with seeking code compliance and remedying code violations. Additionally, the code currently provides disparate appeal processes that require some appeal issues be decided by the hearing examiner and other issues to be decided by the City Council, even when they arise from the same underlying circumstances. The proposed amendments would increase efficiency and consistency in decision-making by empowering the hearing examiner to hear all such appeals and removing the City Council from direct involvement in these quasi-judicial appeal processes.

Proposed Motion

Ordinance amending the Snoqualmie Municipal Code (SMC) Titles 8, 13, 15, and 17 to Enable Recoupment of City Costs for Code Enforcement and Nuisance Abatements related to Water, Sewer, Storm Water, and Zoning Regulations; and Harmonize and Clarify the Appeal Processes and Penalties for Code Enforcement and Nuisance Abatement Actions.

Background/Overview*

What was done (legislative history, previous actions, ability to hyperlink)

The City has adopted extensive and well-considered regulations to promote the health, safety, and general welfare of residents of the City, encourage visually attractive, compatible, and sustainable development of residential and commercial land and the built environment; and protect the water supply and the natural environment from harmful pollutants and ecological damage. Examples of these regulations can be found in various parts of the Snoqualmie Municipal Code, including Title 8 (Health and Safety), Title 13 (Water, Sewers and Public Services), Title 15 (Buildings and Construction), and Title 17 (Zoning).

Code enforcement is an important function of the Community Development Department. In short, code enforcement is a process that promotes the health, safety, welfare, and aesthetic beauty of the City by pursuing significant violations of the SMC, securing voluntary compliance where possible, and, when necessary, taking administrative and judicial measures to obtain corrective actions and abate harmful public nuisances. But pursuing code enforcement and nuisance abatement actions can be time-consuming for City staff and can cause the City to incur large costs from outside consultants and attorneys, particularly in cases with numerous related code violations involving technical interpretations of zoning and utility codes. Code cases and nuisance abatements may also generate substantial hearing examiner fees and/or court costs.

Analysis*

The City Administration wishes to increase the City's ability to recoup costs associated with code enforcement and nuisance abatements, so that, to the extent possible, the costs of such actions do not fall unfairly on innocent citizens and taxpayers. When the City successfully pursues responsible parties to remedy issues that impact the health, safety, and welfare of the general public, the City's costs should be borne by the person(s) responsible for the code violation or public nuisance, not taxpayers at large. Additionally, the Snoqualmie Municipal Code currently provides inconsistent routes for appealing nuisance abatement and code enforcement cases. The SMC currently requires appeals of nuisance abatement matters and sewer system violations to be heard by the City Council, whereas appeals of other types of code violation cases must be appealed to the Hearing Examiner, even if both matters arise out of similar or related factual circumstances. This split of decision-making authority creates the likelihood of piecemeal, inconsistent, unduly burdensome, and expensive adjudication processes that could be avoided by requiring both types of appeals to be heard by the Hearing Examiner. Empowering the Hearing Examiner to hear all such appeals would also remove the City Council from direct involvement in quasi-judicial appeal processes, which is often considered a best practice to avoid the appearance of politicized code enforcement and appeal decisions.

Further, certain code enforcement provisions in the Snoqualmie Municipal Code are silent or ambiguous as to the applicable enforcement mechanisms, monetary penalties, and timelines for issuing code violations and pursuing appeals, and thus are in need of clarification to ensure that members of the public are well-informed of their rights and obligations.

To address the foregoing concerns, the City Administration recommends amending Chapters 8.16 (Nuisance Abatement), 13.04 (Sewer Regulation), 13.12 (Water Service Regulations and Rates), 15.18 (Surface Water and Storm Water Management), and 17.05 (General Provisions [Zoning]) to provide additional mechanisms for recouping costs incurred by the City in connection with code enforcement and

nuisance abatement actions related to water, sanitary sewer, storm sewer, and zoning regulations; clarify and harmonize processes and procedures for issuing and appealing notices of violation and notices to abate nuisances; and clarify the penalties and enforcement mechanisms that apply to violations of these code chapters.

Adopting these code amendments will increase the opportunity for costs to be recovered by the City when pursuing code enforcement and nuisance abatement cases, including hearing examiner and legal fees, which are not consistently reflected in the current code as reimbursable expenses.

Budgetary Status*

This action has no budgetary implications.