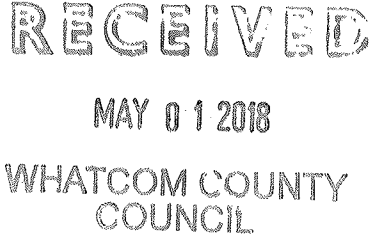


<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	Engels	4/20/2018		5/8/18	Introduction
Division Head:				5/22/18	Hearing
Dept. Head:	<i>WBO</i>	<i>4.24.18</i>			
Prosecutor:	<i>KNF</i>	<i>4/24/18</i>			
Purchasing/Budget:					
Executive:	<i>Tes</i>	<i>4/30/18</i>			

**TITLE OF DOCUMENT:**  
 Ord amend WCC 15.04 Building Codes, regarding fee for appeals to Council

**ATTACHMENTS:**

SEPA review required?    (    ) Yes    (    ) NO SEPA review completed?    (    ) Yes    (    ) NO	Should Clerk schedule a hearing?    ( <input checked="" type="checkbox"/> ) Yes    (    ) NO Requested Date:
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** *(If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)*

This ordinance amends WCC to add section 15.04.060 to authorize an appeal fee for appeals of 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.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b>
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**Please Note:** *Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.  
COUNTY COURTHOUSE  
311 Grand Avenue, Suite #105  
Bellingham, WA 98225-4038  
(360) 778-5010



COUNCILMEMBERS

Timothy Ballew II  
Barbara Brenner  
Rud Browne  
Barry Buchanan  
Tyler Byrd  
Todd Donovan  
Satpal Sidhu

WHATCOM COUNTY COUNCIL

**April 25, 2018**

**TO: Jack Louws, County Executive**

**FROM: Marina Engels, Deputy Clerk of the Council** *Marina*

**SUBJECT: Ordinance amending WCC 15.04**

Recently an appeal was filed of a decision regarding the partial remission of a fine imposed by Planning and Development Services for violation of the Uniform Building Code. During the processing of the appeal to the County Council we became aware that the fee established by Ordinance 2008-037, adopted September 9, 2008, had somehow been removed from the Whatcom County Code. The fee is still authorized in the Unified Fee Schedule (#1220). We wish to re-authorize the appeal fee.

The only difference from this ordinance and the 2008 version is that language regarding refunding the fee if the appellant prevails in the appeal has been added.

We would like to introduce the ordinance at the May 8, 2018, meeting and schedule a public hearing on May 22.

Thank you.

SPONSORED BY: Consent  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**  
**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 Unified Fee Schedule authorizes a fee for appeals to the county council.

**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.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Clerk of the Council

\_\_\_\_\_  
Rud Browne, Council Chair

APPROVED AS TO FORM:

Approved       Denied

  
\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

# **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.

If an appellant prevails in an appeal of 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, the appellant's appeal fees shall be refunded.