

Ordinance 816

An ordinance amending Clallam County Code Chapter 29.47, Enforcement, in conjunction with the adoption of a new Clallam County Code Compliance Title

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section .100, Penalties, is amended to read as follows:

.100 Enforcement.

(1) ~~Whenever~~ The provisions of this chapter are subject to the enforcement and penalty provisions contained in CCC Title <>, Code Compliance, except to the extent superseded by Chapter 58.17 RCW, and except to the extent preempted by any contrary enforcement and penalty provisions contained in this title. Conviction of a violation or payment of a penalty does not relieve a violator from compliance with this title.

(2) Pursuant to the provisions of RCW 58.17.200, as now enacted or hereafter amended, whenever any land is divided in violation of this title and sold, leased or transferred, without having a final plat for record pursuant to this title, the Prosecuting Attorney shall commence an action to restrain and enjoin further violations and compel compliance with all provisions of this title. The costs of such action shall be taxed by the Prosecuting Attorney against the person committing the violation.

~~—(2) Any~~ (3) Pursuant to the provisions of RCW 58.17.220, as now enacted or hereafter amended, any person who violates any court order or injunction issued pursuant to this title shall be subject to a fine of not more than \$5,000 or imprisonment for not more than ninety (90) days or both, pursuant to RCW 58.17.227.

(3) ~~If~~ Pursuant to the provisions of RCW 58.17.205, as now enacted or hereafter amended, if performance of an offer or agreement to sell, lease, or otherwise transfer a lot following preliminary land division approval is expressly conditioned upon the recording of the final subdivision or short subdivision containing the lot under this title, the offer or agreement is not subject to RCW 58.17.200 or 58.17.300 and does not violate any provision of this title. All other offers or agreements are prohibited prior to final land division approval. All payments on account of an offer or agreement conditioned as provided in this title shall be deposited in an escrow or other regulated trust account and no disbursement to sellers shall be permitted until the final plat is recorded.

~~(4) In~~ (5) Pursuant to the provisions of RCW 58.17.230, as now enacted or hereafter amended, in the enforcement of this title, the Prosecuting Attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this title from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of Clallam County. A violation of such assurance shall constitute prima facie proof of a violation of this title. Acceptance of the assurance of discontinuance does not relieve the violator from compliance with this title.

~~—(5) Any~~ (6) Pursuant to the provisions of RCW 58.17.300, as now enacted or hereafter amended, any person who sells, leases, or transfers any lot divided in violation of this title shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each lot in violation of any provision of this title shall be deemed a separate and distinct offense provided that this provision does not apply to land transfer agreements consistent with subsection (3) of this section.

(7) Pursuant to the provisions of RCW 58.17.320, as now enacted or hereafter amended, whenever land within a subdivision granted final approval is used in a manner or for a purpose

which violates any provision of this title or any term or condition of plat approval prescribed for the plat, then the Prosecuting Attorney may commence an action to restrain and enjoin such use and compel compliance with the provisions of this title, or with such terms or conditions. The costs of such action may be taxed against the person committing the violation.

ADOPTED this third day of April 2007



BOARD OF CLALLAM COUNTY COMMISSIONERS

Stephen P. Tharinger
Stephen P. Tharinger, Chair

Michael C. Chapman
Michael C. Chapman

ATTEST:

Trish Holden
Trish Holden, CMC, Clerk of the Board

Howard V. Doherty, Jr.
Howard V. Doherty, Jr.