

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON**

ORDINANCE NO. 2016-010

An Ordinance of Kittitas County, Washington relating to the Kittitas County Shoreline Master Program; amending the Kittitas County Ordinance 2016 -006 provisions in Kittitas County Code Sections 18.01.010, 18.02.030, 18.07.010, 18.07.020, 18.07.030, 18.07.040, 18.07.050.

WHEREAS, Kittitas County Board of County Commissioners passed Ordinance Number 2016-006 adopting all the necessary updates to Kittitas County Comprehensive Plan and Kittitas County Code to be consistent with the Washington State Department of Ecology approved Shoreline Master Program; and

WHEREAS, Exhibit B of Kittitas County Ordinance 2016-006 included an outdated version of Kittitas County Code Title 18 which did not include amendments made as authorized by Kittitas County Ordinance 2013-012; and

WHEREAS, This Ordinance includes a revised version of Title 18 as an amendment to Ordinance 2016-006, Exhibit A of this Ordinance includes the most current version of Kittitas County Code Title 18 with the necessary amendments needed to be consistent with updated Shoreline Master Program.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY ORDERED, that Kittitas County adopts the necessary amendments to the Kittitas County Code as shown in Attachment A to this Ordinance.

BE IT FURTHER ORDAINED that the Kittitas County Information Technology Department is to make the above described amendments and enactments to the county code on the Kittitas County website.

BE IT FURTHER ORDAINED that the Prosecuting Attorney's Office is charged with correcting any scrivener's errors it notices and determines arose out of the amendment and enactment process. No further authorization will be required from the Board of County Commissioners for the Prosecuting Attorney's Office to effect correction of scrivener's errors relating to this Ordinance and the Prosecutor's Office shall direct Information Technology to make such needed corrections.

ADOPTED this 17th day of May, 2016.

**BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON**



Obie O'Brien, Chairman



Paul Jewell, Vice-Chairman



Laura Osiadacz, Commissioner

APPROVED AS TO FORM:

Neil Caulkins,
Deputy Prosecuting Attorney





Julie A. Kjorsvik

CLERK OF THE BOARD

EXHIBIT A

Kittitas County Shoreline Master Program Enforcement

Board of County Commissioners

Description: Ordinance Adopting Amendments to Kittitas County Code Title 18 Code Enforcement

Kittitas County Code Amendments to Title 18 are adopted as follows:

Title 18 | CODE ENFORCEMENT

Chapters

- 18.01 General Provisions
- 18.02 Infraction Corrective Orders
- 18.04 Infraction Hearings
- 18.05 Penalties
- 18.06 Legal Provisions
- 18.07 Special Provision for Enforcement of Title 17B Shorelines

Chapter 18.01

GENERAL PROVISIONS

Sections

- 18.01.010 Applicability.
- 18.01.020 Enforcement.
- 18.01.040 Infractions designated.
- 18.01.050 Crimes designated.
- 18.01.060 Inspection.

18.01.010 Applicability.

1. This Title shall apply to the enforcement of Kittitas County ordinances and codes, related to building, zoning, fire, and environmental health and safety, the violation of which either injures or endangers the comfort, repose, health, or safety of others are hereby declared a public nuisance:
 - a. Title 5 Kittitas County Code (KCC), Business Licenses And Regulations;
 - b. Title 8 KCC, Health, Welfare, and Sanitation;
 - c. Title 12 KCC, Roads and Bridges;
 - d. Title 13 KCC, Water and Sewers;
 - e. Title 14 KCC, Buildings and Construction;
 - f. Title 15 KCC, Environmental Policy;
 - g. Title 16 KCC, Subdivisions;
 - h. Title 17 KCC, Zoning; ~~and WAC 173-19-270, Kittitas County Shoreline Master Program;~~
 - i. Title 17A KCC, Critical Areas;
 - j. Title 17B KCC, Shorelines;
 - j,k. Title 20 KCC, Fire and Life Safety; and
 - k,l. All Kittitas County Health Ordinances and Codes, including but not limited to, Solid Waste Ordinance(s).
2. This Title shall also apply to the following additional public nuisances:
 - a. Any public nuisance as defined by Washington State Statute or set forth in Washington case law;
 - b. Any attractive nuisance whether in a building, on the premises of a building, or on an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and junk vehicles, as defined in this chapter; or any structurally

- unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard;
- c. The existence of any dead, diseased, infested, or dying trees which may constitute a danger to property or persons;
 - d. The existence of any tree, shrub or foliage, unless by consent of the county, which is apt to destroy, impair, interfere or restrict:
 - i. Roads, sidewalks, sewers, utilities or other public improvements, or
 - ii. Visibility, or free use of, or access to such improvements.
 - e. The existence of any vines or climbing plants growing into or over any road, public hydrant, pole or street light, or the existing of any shrub, vine or plant growing on, around, or in front of any hydrant, stand pipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof, or impair the access thereto;
 - f. The existence of a sidewalk or portion of a sidewalk adjacent to any premises which sidewalk is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience and the use of such sidewalk;
 - g. The existence of any obstruction (including snow or ice that has been plowed into or across a road, alley, crossing or sidewalk) to a road, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which having been made by lawful permission, is kept and maintained after the purpose therefore has been accomplished, and for an unreasonable length of time;
 - h. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any road, alley, sidewalk, park, parkway, or other public or private place in the county, any one or more of the following: disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions, or objects;
 - i. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal, tires, articles, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash, or abandoned material, unless it is kept in approved covered bins or receptacles;
 - j. Any trash, litter, rags, accumulations, or empty barrels, boxes, crates, packing cases, mattresses, bedding, straw or other packing materials, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply, or which may be a fire hazard;
 - k. The depositing or burning or causing to be deposited or burned in any road, alley, sidewalk, park, parkway, or other public place which is open to travel, any hay, straw, paper, wood, boards, boxes, leaves, manure, or other rubbish or materials;
 - l. The existence of any pits, potholes, or holes which would endanger safety;
 - m. The existence of any conditions that would produce dust or noxious odors; provided, that nothing herein shall be prohibited when done in conjunction with a construction project for which a building permit has been issued and is being prosecuted diligently to completion, and the contractor or owner shall be responsible for dust control throughout the development area;
 - n. The existence of any fence or other structure or thing on private property abutting or fronting upon any public road, sidewalk, or place which is in a sagging, leaning, falling, decaying, or other dilapidated or unsafe condition;

- o. Unlawful disposal sites. It is unlawful for anyone to deliver and/or deposit any garbage or rubbish generated within the county or without the county at any disposal site other than a refuse disposal, processing, transfer or recovery site provided and/or designated by the director or public works pursuant to chapter 13.12 KCC;
 - p. Buildings found substandard pursuant to chapter 14.04 KCC;
 - q. Vehicles, boats and trailers, on property for sale. The placing or parking along street and road rights-of-way or in direct and plain view thereof any vehicle, licensed or unlicensed, boat, trailer, motor-home, mobilized equipment or machinery, recreational vehicle and equipment placed or parked on property that is owned by someone that is other than the owner of the vehicle, trailer, motor-home, etc. for the purpose of selling the same. The placing or parking of any vehicle, etc. on property owned by another includes business and commercial property so long as the business is not regularly engaged and licensed pursuant to chapter 46.70 RCW, in selling the particular vehicle, equipment, etc.
 - r. Any "Junk Vehicle." The definition of "junk vehicle" is a vehicle intended to be self-propelled and used for the transport of people, goods, and/or services.
 - i. In addition to the above definition, a vehicle must meet at least three of the following to be a "junk vehicle" under 18.01.010(r) KCC
 - 1. Is three years old or older;
 - 2. Is extensively damaged, such damage including, but not limited to, any of the following:
 - a. A broken window or windshield;
 - b. Missing wheels or tires; or
 - c. Missing motor, or transmission;
 - 3. Is without a valid, current license plate or certificate of registration;
 - 4. Is apparently inoperable;
 - 5. Has an approximate fair market value equal only to the approximate value of the scrap in it.
 - ii. This definition of a "junk vehicle" shall not apply to:
 - 1. A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the road or other public or private property; or
 - 2. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130; or
 - 3. A vehicle which is actively being restored, repaired, or reconditioned. A property shall only have one vehicle under this exception. If the project is not completed within two years, the vehicle must be removed as provided herein.
 - s. Any existing excavation or embankment or fill that has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel;
 - t. All "litter" and "potentially dangerous litter" as defined in Section 70.93.030 RCW. The definition of "Potentially dangerous litter" is amended to include any litter which is disposed of in such a way as to create a fire hazard, such as any material which is still burning at the time of disposal.
3. It is unlawful and a violation of this chapter for any person, firm, or corporation found guilty of having created, or suffering to exist on premises either owned or leased by them, any nuisance

defined herein. Owners remain liable for violations of duties imposed by this chapter jointly and severally of any obligation imposed on the occupants of the premises; it is irrelevant to this chapter that an owner, by agreement, imposed on the occupant the duty of complying with this chapter,

4. Successive property owners are liable for abatement of nuisances created by their predecessors in interest. No right can be acquired to continue a nuisance by virtue of its longtime existence. It shall not be necessary to show that the owner participated in, or was even aware of, the code violation in order to hold him/her liable.
5. Violations of the applicable codes shall be corrected under the provisions of this Title, in coordination with existing ordinance and code provisions. (Ord. 2013-012, 2013; Ord. 2009-22, 2009; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994)

Chapter 18.02

INFRACTION CORRECTIVE ORDERS

Sections

- 18.02.010 Violations - Enforcement.
- 18.02.020 Order to correct violation.
- 18.02.030 Notice of violation and abatement.
- 18.02.040 Notice of infraction.
- 18.02.050 Failure to comply.

18.02.030 Notice of Violation and Abatement.

1. Whenever, upon a reasonable belief, a public nuisance exists in violation of this Title, an authorized official may issue a Notice of Violation and Abatement to the landowner(s), containing the following:
 - a. The street address, parcel number(s), or description of the building, structure, premises, or land in terms reasonably sufficient to identify its location;
 - b. A description of the violation(s) including the day or days of the offenses;
 - c. A reference to the Title, Chapter, and Section of the KCC or Kittitas County Health Department regulation or written order which has been violated, if applicable;
 - d. The amount of the fine imposed and to whom and by when it must be paid;
 - e. A description of the action required to abate the public nuisance which may include corrections, repairs, demolition, removal, or any other appropriate action, and a date by which voluntary abatement must be completed;
 - f. A statement that the person to whom a Notice of Violation and Abatement is directed may request an administrative hearing to be conducted by the Hearing Examiner. Such request (Notice of Appeal) must be in writing, accompanied by the appeals fee and must be received by the Public Official within 10 working days after the Notice of Violation and Abatement has been served.
 - g. A statement that the landowner must correct the violation and pay the civil penalty; or may appeal the Notice; and
 - h. A statement that the costs and expenses of abatement incurred by the County may be assessed against the person(s) named in the Notice of Violation and Abatement and

- further that failure to pay said costs may result in a lien for the costs of abatement being assessed against the property.
2. Service of the Notice of Violation and Abatement
 - a. The Notice of Violation and Abatement shall be served by any one or combination of the following methods:
 - i. By both first-class and certified mail with a 5-day return receipt requested to the last known address of the landowner of the property; or
 - ii. By posting the Notice of Violation and Abatement in a prominent location on the premises in a conspicuous manner which is reasonably likely to be discovered; or
 - iii. By personal service upon the landowner.
 - b. The failure of the landowner to receive such Notice of Violation and Abatement shall not affect the validity of any proceedings taken under this Chapter. Service by certified mail in the manner provided in this section shall be effective on the third day after the date of postmark, excluding Saturdays, Sundays and holidays.
 3. Notice of Appeal.
 - a. Within 10 working days of service of a Notice of Violation and Abatement, the landowner may submit a written Notice of Appeal to the Authorized official, to appeal the Notice of Violation and Abatement.
 - b. The notice of appeal shall contain a written, concise statement identifying:
 - i. The decision being appealed;
 - ii. The name and address of the appellant and his interest(s) in the matter;
 - iii. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong; and
 - iv. The desired outcome or changes to the decision.
 4. Notice of Hearing.
 - a. The authorized official shall issue and serve a Notice of Hearing to the appellants within fifteen working days after the receipt of one or more timely Notices of Appeal. Requests from multiple parties concerning the same nuisance may be consolidated.
 - b. The Notice of Hearing shall be served by the same means as the Notice of Violation and Abatement.
 - c. The Notice of Hearing shall contain the date, time, and location of the hearing.
 5. Hearing.
 - a. The appeal of a Notice of Violation and Abatement shall be heard by the Hearing Examiner.
 - b. Unless otherwise provided herein, the provisions of Chapter 2.11 KCC shall govern the hearing process.
 - c. Burden of proof.
 - i. Except as otherwise required by law, in all cases where a license or permit is required but has not been issued, the burden shall be on the applicant to establish that the application meets all applicable criteria or that a license or permit is not required. In all other cases, the burden is on the county to prove the alleged factual basis set forth in the initiating document.
 - ii. Except as otherwise required by law, the burden in all cases is a preponderance of the evidence.
 - iii. The observation of a violation on different dates shall be prima facie evidence that the violation continued to exist on intervening dates.

- d. The Hearing Examiner shall determine if the property at issue constitutes a public nuisance as defined in this Chapter. The Hearing Examiner shall also determine if the appellant is the property owner and is therefore personally liable for the costs of abating the nuisance.
6. Order of the Hearing Examiner.
 - a. Unless mutually agreed to by the appellant and the Hearing Examiner, the Hearing Examiner or the Hearing's Examiner's clerk shall serve upon both the county and the appellant, either personally or by mailing a copy of the order to the parties at his/her last known address as determined by the designated authorized official.
 - b. The Hearing Examiner, in affirming the authorized official's Notice of Violation and Abatement, shall impose the fine consistent with the penalty provision of this Title and may assess administrative costs and/or costs related to the abatement of the nuisance.
 - c. The Hearing Examiner may order the County to pay the appellant costs, and/or attorney fees only upon a finding that both the violation did not occur and intentional misconduct on the part of the authorized official.
 - d. The appellant may file a request for reconsideration of the Hearing Examiner's decision within ten days of service of the Hearing Examiner's written decision, based on any of the following grounds materially affecting the substantial rights of said party or person:
 - i. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration;
 - ii. Irregularity in the proceedings before the Hearing Examiner by which such party was prevented from having a fair hearing; or
 - iii. Clerical mistakes in the official file or record transmitted to the Examiner, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Board's decision on the matter.
 - e. Upon receipt of a request for reconsideration, the Hearing Examiner shall review said request in light of the record and take such further action as is deemed proper; including, but not limited to, denying the request, granting the request, with or without oral argument, and may render a revised decision. The decision of the Hearing Examiner shall be subject to reconsideration only one time, even if the Hearing Examiner reverses or modifies the original decision.
 - f. If no written request for reconsideration has been received by the authorized official within ten days of the service of the order of the Hearing Examiner, the order shall be considered final unless appealed to the Kittitas County Superior Court. All such appeals shall be governed by Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ).
e.g. Any order related to a violation of the Shoreline Master Program shall be considered final unless appealed to the Shoreline Hearings Board.
7. Cooperative Abatement Agreements.

The authorized official and the landowner may enter into a cooperative abatement agreement which includes a right of entry agreement and an agreement regarding the recovery of costs of the abatement.
8. Cost Recovery.
 - a. In addition to the other remedies available under this chapter, an authorized official may charge the costs of abatement to the landowner(s) who received the Notice of Violation and Abatement or to the landowner(s) who were found personally liable for the costs of abating the nuisance by an order issued by the Hearing Examiner if an appeal was filed. The costs are due and payable 30 days from mailing of the invoice and if not paid by that

date shall bear interest at the rate of 12 percent per annum. The costs shall be paid to the Department to which the authorized official is assigned. In the case of persons designated by the Kittitas County fire marshal to enforce [Chapter 15.08, 20 KCC](#) costs shall be paid to the Office of the Fire Marshal.

- b. If more than one landowner has been issued a Notice of Violation and Abatement or more than one appellant was found personally liable for the costs of abating the nuisance by an order issued by the Hearing Examiner, each party shall be jointly and severally liable for the costs of the abatement.
 - c. For purposes of this Section, "costs" shall include but are not limited to:
 - i. Personnel costs, both direct and indirect, including all attorney's fees and costs incurred in the investigation, documentation, and abatement of the nuisance;
 - ii. Repair, demolition, hauling, clean up, storage, disposal, and environmental mitigation expenses;
 - iii. Actual expenses and costs of the County in preparing notices, specifications, and contracts, and the costs of any required printing or mailing;
 - iv. Actual expenses and costs of the County in accomplishing, contracting, or inspecting the abatement work;
 - v. Penalties under to [Chapter 18.05 KCC](#).
 - d. Any salvage value proceeds resulting from the abatement of the property shall first be applied to the costs of abatement. Any remaining such monies shall be paid to the landowner as shown on the last equalized assessment roll.
 - e. The County may impose a special assessment for the costs of any abatement proceedings under this chapter and all other related costs against the real property on which the nuisance was found or any of the work of abatement was performed.
9. Special Assessment.
Pursuant to [RCW 36.32.120\(10\)](#), all costs incurred by Kittitas County for the abatement of any nuisance defined by any statute or ordinance shall be a special assessment upon land or premises on which the nuisance is situated and this assessment and/or any penalties under this Title shall constitute a lien against the property which shall be of equal rank with state, county, and municipal taxes. An authorized official shall cause a claim of lien to be filed for record in the Auditor's Office within ninety (90) days from a final finding. ([Ord. 2013-012, 2013](#); [Ord. 2009-19, 2009](#))

Chapter 18.05

PENALTIES

Sections

[18.05.010](#) Infraction Penalties.

[18.05.020](#) Criminal Penalties.

[18.05.030](#) Abatement.

[18.05.010](#) Infraction Penalties.

1. A person found to have committed a civil infraction shall be assessed a monetary penalty. Except as otherwise required by law, the maximum penalty and default amount is \$500 for each day of violation under this Title, not including statutory assessments, and the minimum penalty

- shall be \$250 for each day of violation under this chapter, not including statutory assessments. The court may not reduce, waive, or suspend the monetary penalty below the stated minimum.
2. A person having been issued a Notice of Violation and Abatement shall be subject to a monetary penalty. The authorized official shall determine the penalty amount. Except as otherwise required by law, the maximum penalty and default amount shall be \$500 for each day of violation under this Title, not including statutory assessments, and the minimum penalty shall be \$100 for each day of violation under this chapter, not including statutory assessments. The Hearings Examiner may not reduce, waive, or suspend the monetary penalty below the amount assessed by the authorized official.
 3. Each and every day of violation is a separate civil infraction subject to the above per-day penalty.
 4. A person found to have committed a civil infraction shall be ordered to correct the violation. Failure to do so may result in an abatement action.
 5. Whenever a monetary penalty is imposed by a court under this Title, it is immediately payable to the court. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the county prosecuting attorney of the failure to pay. The court shall also notify the respective county department of the failure to pay the penalty, and the respective county department shall not issue the person any future permits for any activities and/or work until the monetary penalty has been paid in full.
 - ~~6.~~ The court may also order restitution be paid to a damaged party by the person found to have committed the infraction.
 - ~~6.7.~~ Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purpose of the civil penalty.
 - ~~7.8.~~ Whenever a Notice of Violation and Abatement has been issued by an authorized official and the applicable appeals period has expired, the monetary penalty shall be immediately payable to the Department to which the authorized official is assigned. Any such penalty not paid within 30 days of the issuance of the notice or order affirming such notice shall bear interest at the rate of 12 percent per annum and may be referred to a collection agency. Nothing in this Title limits the right of the County to pursue other lawful remedies to fees, fines and costs imposed by this Title.

(Ord. 2013-012, 2013; Ord. 2009-19, 2009; Ord. 2006-37, 2006; Ord. 2005-29, 2005; Ord. 94-25 (part), 1994)

Chapter 18.07

SPECIAL PROVISIONS FOR ENFORCEMENT OF TITLE 17B SHORELINES

Sections

[18.07.010 Authority and Purpose.](#)

[18.07.020 Definitions.](#)

[18.07.030 Collaborative Enforcement with the Department of Ecology.](#)

[18.07.040 Appeals to the Shorelines Hearings Board.](#)

[18.07.050 Special Provisions for Shoreline Master Program Infractions.](#)

18.07.010 Authority and Purpose

The Shoreline Management Act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit recession. The provisions of WAC 173-27 adopted under RCW 90.58.200 and 90.58.210 implement the enforcement responsibilities of the Department of Ecology and local government under the Shoreline Management Act. This Chapter implements specific provisions of WAC 173-27 that should be used in enforcement of the Shoreline Master Program and should be used in addition to other provisions of KCC Title 18 to enforce Title 17B Shorelines.

18.07.020 Definitions.

The definitions in WAC 173-27-030 shall apply in KCC 18.07, except that the following definitions shall apply when used in this part of the regulations:

1. "Permit" means any form of permission required under the Shoreline Management Act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and
2. "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

18.07.030 Collaborative Enforcement with the Department of Ecology

1. A person who fails to conform to the terms of a shoreline permit issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with an infraction corrective order issued for violation of the Shoreline Master Program under this Title may be subject to a civil penalty pursuant to KCC 18.05.
2. The Department of Ecology may impose a penalty jointly with the County, or alone only upon an additional finding that a person:
 - a. Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or
 - b. Has been given previous notice of the same or similar type of violation of the same statute or rule; or
 - c. The violation has a probability of placing a person in danger of death or bodily harm;
or
 - d. Has a probability of causing more than minor environmental harm; or
 - e. Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.
3. In the alternative, a penalty may be issued to a person by the Department of Ecology alone, or jointly with the County for violations which do not meet the criteria of subsection 1.a through e of this chapter, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:
 - a. A description of the condition that is not in compliance and a specific citation to the applicable law or rule;
 - b. A statement of what is required to achieve compliance;
 - c. The date by which compliance is required to be achieved;
 - d. Notice of the means to contact any technical assistance services provided by the agency or others; and
 - e. Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the Department of Ecology. Furthermore, no penalty shall be issued by the Department of Ecology until the individual or business has been given a reasonable time to correct the violation and has not done so.

18.07.040 Appeals to the Shorelines Hearings Board

Persons incurring a penalty imposed by the Department of Ecology or imposed jointly by the Department of Ecology and the County may appeal the same to the shorelines hearings board, pursuant to WAC 173-27-290. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by the County may follow appeal/contesting procedures of KCC 18.02 and KCC 18.04.

18.07.050 Damages and Attorney's Fees

Private persons shall have the right to bring suit for damages under RCW 90.58.230 on their own behalf and on the behalf of all persons similarly situated. If liability has been established through abatement proceedings according to KCC 18.05.030, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to prevailing party.