

Title 1

GENERAL PROVISIONS

Chapters:

- 1.03 Codification Guidelines
- 1.05 Applicability and Definitions
- 1.10 Administration (RESERVED)
- 1.15 Conduct of Hearings
- 1.20 Right of Appeals
- 1.25 Public Records
- 1.30 Official Newspaper of Record

Commented [A1]: Note: The header and footer of each page are being removed. The header and footer are something the Code Publishing Company generates. Footers reference when the code was last updated. That does not apply here since this is the first adoption of the Snohomish County BHC.

Commented [A2]: REASON FOR PROPOSED CHANGE: This entire chapter is being deleted for now until the Board drafts its own administrative chapter.

Commented [A3]: REASON FOR PROPOSED CHANGE: This entire chapter is no longer needed as we now use Snohomish County's Hearing Examiner's Office for Step 2 appeal proceedings. Prior to this, the Health District had to obtain its own hearing examiner and this Chapter was used to cover these procedures.

Commented [A4]: REASON FOR PROPOSED CHANGE: There is no need to have a Chapter on public records since Chapter 2.51 of the Snohomish County Code (SCC) applies to the entire county.

Chapter 1.03

CODIFICATION GUIDELINES

Sections:

- 1.03.010 Editorial revisions in the code.
- 1.03.020 Official ~~department~~ district code.
- 1.03.030 Liberal construction.
- 1.03.040 Copies as proof of ordinances ~~or resolutions.~~
- 1.03.050 Adoption of new material.
- 1.03.060 Title and citation of code.
- 1.03.070 Purpose of catchlines.
- 1.03.080 Continuation of ordinances ~~or resolutions.~~
- 1.03.090 Reference applies to amendments.

1.03.010 Editorial revisions in the code.

~~Consistent with RCW 35.21.500, while~~ While under contract with the Snohomish ~~Health District~~ County Health Department, Code Publishing Company is hereby authorized to make the

Commented [A5]: REASON FOR PROPOSED CHANGE: Title 35 Revised Code of Washington (RCW) applies to cities and towns only.

1 following changes while codifying, recodifying, and republishing current and future code
2 adoptions by the Board of Health:

3 A. Editing ordinances ~~and/or resolutions~~ to the extent deemed necessary or desirable, for the
4 purpose of modernizing and clarifying the language of such ordinances ~~_or resolutions,~~ but
5 without changing the meaning of any such ordinance ~~_or resolution.~~

Commented [A6]: REASON FOR PROPOSED CHANGE: All references to resolutions have been removed. Ordinances are the legislative tool for adopting code that is intended to be codified.

6 B. Substituting for the terms “this ordinance” ~~or “this resolution,”~~ where necessary, and the
7 terms “section,” “part,” “code,” “chapter,” “title,” or reference to specific section or chapter
8 numbers, as the case may require.

9 C. Correcting manifest errors in reference to other ordinances, ~~resolutions,~~ laws, and statutes,
10 and manifest spelling, clerical, or typographical errors, additions, or omissions.

11 D. Dividing long sections into two or more sections and rearranging the order of sections to
12 ensure a logical arrangement of subject matter.

13 E. Changing the wording of section captions, if any, and providing captions to new chapters
14 and sections.

15 F. Striking provisions manifestly obsolete and eliminating conflicts and inconsistencies so as to
16 give effect to the legislative intent. ~~{Ord. 18-01 § 1},~~

Commented [A7]: REASON FOR PROPOSED CHANGE: All references to old ordinances or resolutions are now deleted. This new code is the Snohomish County Board of Health Code, so references to Health District ordinances or resolutions are no longer applicable.

17 1.03.020 Official ~~district-department~~ code.

18 The codification of the ordinances ~~and resolutions~~ of the Snohomish County Board of Health
19 ~~District~~ of a general, public, or permanent nature as contained and set forth in a printed copy
20 thereof on file in the office of the Department District Administrator or Executive Assistant,
21 Administration, entitled “Snohomish ~~Health District-County Board of Health~~ Code,” is adopted
22 as the official code of the Department District consistent with RCW 35.21.500 through
23 35.21.570 consistent with RCW 70.05.060. ~~{Ord. 18-01 § 2}.~~

Commented [A8]: REASON FOR PROPOSED CHANGE: Revised to reflect the ordinances are adopted by the BOH not the Department.

1 1.03.030 Liberal construction.
2 All ~~regulations, regulatory legislation~~ contained in the Snohomish ~~Health District~~ County Board of
3 Health Code ~~is-are~~ enacted as an exercise of the authority vested by law in the Board of Health
4 to provide for, promote, protect, and preserve the public peace, health, safety, and welfare,
5 and such ~~legislation-regulations~~ shall be liberally construed for the accomplishment of said
6 purposes. It is expressly the purpose of such ~~legislation-regulations~~ to provide for and protect
7 the general public health and welfare and not to create or otherwise establish or designate any
8 particular class or group of persons who will, or should, be especially protected or benefited by
9 the terms of such ~~legislation-regulations~~. No provision of, nor term used in, these rules and
10 regulations is intended to impose any duty upon Snohomish County.

Commented [A9]: REASON FOR PROPOSED CHANGE:
This is not new code. This was relocated from Ch.4.25.010
so it can apply to the entire Code.

11 Nothing contained in any ~~regulatory legislation~~ regulations contained in the Snohomish County
12 Board of Health Code of the District Department ~~is-are~~ intended to be, nor shall be, construed to
13 create or form the basis for any liability on the part of ~~the Snohomish County, Snohomish~~
14 County Board of Health, or Snohomish County Health Department, or its officers, employees, or
15 agents for any injury or damage resulting from the failure of any member of the public to
16 comply with applicable regulations, or from the failure of any facility, program, or policy ~~of the~~
17 District Department to comply with applicable code requirements, or by reason, or in
18 consequence, of any plan check, inspection, notice, order, certificate, or approval issued in
19 connection with the implementation or enforcement of ~~regulatory legislation~~ its regulations, or
20 by reason of any action, or inaction, on the part of the County, Board, Department, or its
21 officers, employees, or agents, in connection with the implementation, or enforcement, of
22 ~~regulatory legislation~~ its regulations. {Ord. 18-01 § 3}.

23

24 1.03.040 Copies as proof of ordinances ~~or resolutions~~.
25 Consistent with RCW [35.21.550](#), copies of such code in published form shall be received
26 without further proof as the ordinances or resolutions of permanent and general effect of the
27 Snohomish County Board of Health ~~District Department~~ by all courts and administrative
28 tribunals of the state. {Ord. 18-01 § 4}.

1 1.03.050 Adoption of new material.

2 New material shall be adopted by the Board of Health as separate ordinances ~~or resolutions~~
3 prior to the inclusion thereof in such codification; provided, that any ordinance ~~or resolution~~
4 amending the codification shall set forth in full the section or sections of the codification being
5 amended, and this shall constitute a sufficient compliance with any statutory requirement that
6 no ordinance ~~or resolution~~ nor any section thereof shall be revised or amended unless the new
7 ordinance ~~or resolution~~ sets forth the revised ordinance ~~or resolution~~ or amended section in
8 full. ~~[Ord. 18-01 § 5].~~

Commented [A10]: REASON FOR PROPOSED CHANGE:
All references to resolutions have been removed.
Ordinances are the legislative tool for adopting code that is intended to be codified.

9 1.03.060 Title and citation of code.

10 The codification hereby adopted shall be known as the “Snohomish ~~Health District County~~
11 ~~Board of Health Code” or “Health Code”~~ and may be cited as such. ~~The titles, chapters, and~~
12 ~~sections as set forth in the codification hereby adopted shall be, and they are, declared to be~~
13 ~~the titles, chapters, and sections by which the provisions of the Snohomish Health District~~
14 ~~County Board of Health Code may be designated and cited. [Ord. 18-01 § 6].~~

Commented [A11]: REASON FOR PROPOSED CHANGE:
Added “Health Code” so full reference is not required every time to reference the code. The last sentence is not necessary and does not add any value.

15 1.03.070 Purpose of catchlines.

16 The catchlines appearing in connection with the titles, chapters and sections of the Snohomish
17 ~~Health District County Board of Health~~ Code are inserted as a matter of convenience, and they
18 shall be wholly disregarded by any person, officer, court, or other tribunal in construing the
19 terms and provisions of the Snohomish ~~Health District County Board of Health~~ Code. ~~[Ord. 18-~~
20 ~~01 § 7].~~

21 1.03.080 Continuation of ordinances or resolutions.

22 ~~The Newly enacted~~ provisions of the Snohomish ~~Health District County Board of Health~~ Code,
23 ~~insofar so far~~ as they are substantially the same as ~~existing provisions ordinances and~~
24 ~~resolutions heretofore adopted by the Board of Health of the Snohomish County Board of~~

Commented [A12]: REASON FOR PROPOSED CHANGE:
Revised this section because it was circular and did not accomplish the intent expressed in RCW 1.12.020, which it is based on.

1 Health Code, shall be construed as continuations thereof ~~and not as new enactments. {Ord. 18-~~
2 ~~01 § 8}~~.

3 1.03.090 Reference applies to amendments.

4 Whenever a reference is made to any portion of the Snohomish ~~Health District County Board of~~
5 ~~Health~~ Code, or to any ordinances or resolutions of the ~~Board of Health District Department,~~
6 such reference shall apply to all amendments and additions now or hereafter made. ~~{Ord. 18-01~~
7 ~~§ 9}~~.

8 Chapter 1.05

9 ~~APPLICABILITY AND DEFINITIONS~~ GENERAL PROVISIONS

Commented [A13]: The proposed name for this Chapter is still undergoing review.

10 Sections:

- 11 1.05.010 Authority, purpose, title and applicability.
- 12 ~~1.05.015 Public nuisance.~~
- 13 1.05.020 Definitions.
- 14 1.05.030 Enforcement.
- 15 1.05.040 Permits.
- 16 1.05.050 ~~Fee schedules.~~
- 17 1.05.060 Serving of notices.
- 18 1.05.065 Interference with notices.
- 19 1.05.070 ~~Special provisions~~ Supplemental to other regulations.
- 20 1.05.080 Inspections and right of entry.
- 21 1.05.090 Jurisdiction

22 1.05.010 Authority, purpose, ~~title~~ and applicability.
23 Under the authority of Chapter 70.05 RCW, the rules and regulations contained herein shall be
24 known as the Snohomish County Board of Health Code or Health Code. The purpose of the

Commented [A14]: REASON FOR PROPOSED CHANGE: Updating language so it is clear chapter 1.05 applies to all titles of the SCBHC. The previous Code did not address applicability.

1 ~~Snohomish County Board of Health Code is in order to preserve, promote and improve the~~
2 ~~public health and provide for enforcement as authorized under, and as set forth in RCW~~
3 ~~70.05.060, the rules and regulations contained herein shall be known as the Sanitary Code of~~
4 ~~the Snohomish Health District Board of Health. The provisions of Title 1, General Provisions, are~~
5 ~~applicable to the entire Snohomish County Board of Health Code. [Res. 93-32, Eff. 11/09/93.~~
6 ~~Prior code § 1.1].~~

7 1.05.015 Public nuisance.

8 All violations of Health Code are determined to be detrimental to the public health, safety, and
9 welfare and are hereby declared to be public nuisances. All conditions which are determined
10 by the Health Officer to be in violation of any rules and regulations shall be subject to the
11 provisions of the Health Code and shall be corrected by any reasonable and lawful means.

12 Public nuisances shall include, but are not limited to the following:

13 A. Polluting of the groundwater, any water supply, or any body of water with sewage, or any
14 solid or liquid waste harmful to humans.

15 B. Sale or distribution of any food which is decayed, contaminated, adulterated, or found to be
16 otherwise unsafe for human consumption.

17 C. Accumulation or disposal of solid waste, toxic waste, garbage, or animal manure in any
18 manner not in accordance with the Snohomish County Board of Health Code.

19 D. Disposal of human sewage or sewage effluent in any manner not in accordance with the
20 Snohomish County Board of Health Code; or the use of human sewage for fertilizing purposes
21 for crops, gardens, or lawns.

22 E. Harboring animals in such a manner as to pose a threat of transmitting infectious disease to
23 the public or to otherwise present a danger to the public health.

24 F. Maintaining for common use any drinking cup, utensils, dishware, containers, towels, cloths,
25 clothing or bedding which is not cleaned and sanitized between individual usage.

Commented [A15]: REASON FOR PROPOSED CHANGE:
Public Nuisance language relocated from Title 2. This will allow public nuisances to apply to the entire Code and not specific titles or chapters.

1 G. The presence of smoke, fumes, chemicals, dusts or other like substances in an enclosed
2 public place in a manner which endangers the public health or is in violation of any specific
3 requirements of the Sanitary Board of Health Code.

4 H. Activities which result in the gathering or infestation of disease carrying vectors to such an
5 extent as to pose a threat to the public health.

7 **1.05.020 Definitions.**

8 “Aggrieved Person” means a person whose interests are, or will likely be, specifically and
9 perceptibly harmed by a requirement, permit, order, or decision made by the health officer or
10 representative, and where a decision in favor of that person would substantially eliminate the
11 harm caused, or likely to be caused, by the requirement, permit, order, or decision.

12 “Board of Health” means the Snohomish County Board of Health as defined in
13 RCW 70.05.035. Board of Health of the Snohomish Health District as defined in RCW 70.05.010.

14 “Board of Health Code” or “Code” or “Snohomish County Board of Health Code (SCBHC)” or
15 “Health Code” shall mean and comprise the rules and regulations now formulated,
16 promulgated, adopted, and subsequently amended by the Snohomish County Board of Health.

17 “Director” means the director of the Snohomish County Health Department or representative.

18 “Health Department” or “Department” means the Snohomish County Health Department
19 (SCHD).

20 “Health Officer” means the Health Officer of the Snohomish County Health Department, as
21 defined in RCW 70.05.010, or representative. means the Health Officer of the Snohomish
22 Health District, as defined in RCW 70.05.010, appointed by the Board of Health in accordance
23 with RCW 70.05.050.

Commented [A16]: REASON FOR PROPOSED CHANGE:
New definitions are common and important terms that appear throughout the entire Code.

Commented [A17]: REASON FOR PROPOSED CHANGE:
Consistent with due process, if a person qualifies as an “aggrieved person,” they should have a right to contest an adverse government action and seek redress in a court of law.

Commented [A18]: This definition is now consistent with the definition in [SCC 2.300.020](#)

1 "Hearing Examiner or "Examiner" means the hearing examiner or a deputy hearing examiner or
2 pro tem hearing examiner appointed in accordance with chapter 2.02 of the Snohomish County
3 Code (SCC).

Commented [A19]: Definition taken from Snohomish County Code ([SCC 30.91H.100](#))

4 "Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission
5 either annoys, injures or endangers the comfort, repose, health or safety of others, offends
6 decency, or unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for
7 passage, any lake or navigable river, bay, stream, canal or basin, or any public park, square,
8 street or highway; or in any way renders other persons insecure in life, or in the use of
9 property.

Commented [A20]: REASON FOR PROPOSED CHANGE: Definition is consistent with [RCW 7.48.120](#). NOTE: This is also the definition that is used by [King County](#), [Whatcom](#), and [Pierce](#).

10 "Permit" means a specific written authorization issued by the Health Officer for the
11 performance, operation, use or repair of a function regulated by this Code.

12 "Person" means an individual, partnership, corporation, association, organization, cooperative,
13 public or municipal corporation, or agency of the state or local governmental unit, or an agent
14 or representative thereof.~~firm, corporation or association.~~

Commented [A21]: Definition is now consistent with [Snohomish County Code](#).

15 "Public Nuisance" means that which is set up, maintained or continued so as to be injurious to
16 the health, or an obstruction to the use of property by interfering with the health, safety, or life
17 of any considerable number of persons.

Commented [A22]: New definition added (relocated from Ch. 2.05.020). This definition comes from [WAC 246-203](#), General Sanitation

18 "Snohomish County Code" or "SCC" means the official code of Snohomish County as adopted
19 and amended by the Snohomish County Council.

20 "Snohomish Health District" means all the territory encompassed within Snohomish County,
21 including all of the cities and towns, as defined in [RCW 70.05.010](#). ~~[Res. 93-32, Eff. 11/09/93.~~
22 ~~Prior code § 1.2].~~

23 **1.05.030 Enforcement.**

Commented [A23]: REASON FOR PROPOSED CHANGE: Removed the consultant and attorney's fees language as we are now represented by the Prosecuting Attorney's office.

24 This ~~Sanitary Board of Health~~ Code shall be enforced by the Health Officer or authorized
25 representative throughout the Snohomish ~~County Health District~~ in accordance with the
26 provisions of [RCW 70.05.070](#). When enforcement of this code necessitates the issuance of a
27 Health Officer's order, all costs incurred for enforcement of that Health Officer's order shall be

The Snohomish County Board of Health District Code is current through Resolution 22-34, passed December 29, 2022.

1 assessed against the person ~~or entity~~ who remains in noncompliance with the Health Officer's
2 order. Costs shall include the cost of additional inspection to determine compliance or
3 noncompliance with the Health Officer's order, ~~consultant fees incurred relative to that Health~~
4 ~~Officer's order, and attorney fees and costs associated with the enforcement of that Health~~
5 ~~Officer's order. [Res. 93-32, Eff. 11/09/93. Prior code § 1.3].~~

6 **1.05.040 Permits.**

7 A. All applications for permits or written approval ~~herein required~~ shall be made upon forms
8 prescribed and furnished by the ~~Health Department District~~, and shall be signed by the applicant
9 or authorized agent of the person responsible for compliance with the conditions of the permit.
10 ~~Such The~~ application shall contain ~~such the~~ data, ~~and~~ information, ~~and be accompanied by such~~
11 ~~plans as may be required~~ for review of the application by the Department.

12 B. A permit or written approval issued to a particular person or for a designated place,
13 purpose, or vehicle shall not be valid for use by any other person or for any other place,
14 purpose, or vehicle than that designated therein. ~~Such P~~ermits ~~or and~~ written approvals may
15 contain general and specific conditions and every person who ~~shall have has~~ obtained a permit
16 or written approval ~~as herein required~~ shall conform to the conditions prescribed in said permit
17 or written approval and to the provisions of the Sanitary Board of Health Code. ~~Every such~~
18 ~~P~~ermits ~~and written approvals~~ shall expire ~~as stated on the permit according to their written~~
19 ~~terms and are subject to renewal, suspension for cause, or revocation by the Health Officer and~~
20 ~~may be renewed by the Health Officer, suspended for cause by the Health Officer, or revoked~~
21 ~~by the Health Officer after due notice and process.~~

22 C. The ~~Snohomish Health District County Health Department~~ may deny an application for
23 permit, permit renewal or written approval if the applicant has outstanding monies owed to the
24 Snohomish County Health Department Health District for permit fees, reinspection fees, late
25 fees, checks returned by the bank, civil penalties, or other miscellaneous fees. ~~[Res. 10-05. Res.~~
26 ~~93-32, Eff. 11/09/93. Prior code § 1.4].~~

Commented [A24]: REASON FOR PROPOSED CHANGE:
Cleaned up existing language.

1 **1.05.050 Fees_schedules.**

2 ~~Fees for permits and other services provided for through the enactment of the provisions of~~
3 ~~this Sanitary Code shall be as set forth by the Board of Health in the fee schedule. Such fees~~
4 ~~shall be set initially by the Board, and shall be subject to revision commensurate with the cost~~
5 ~~of delivering the service, and the changing nature and complexity of the subject regulation. All~~
6 ~~fees collected under the provisions of this Sanitary Code shall be payable to the Snohomish~~
7 ~~Health District. [Res. 93-32, Eff. 11/09/93. Prior code § 1.5].~~

8 (1) The board shall, in accordance with RCW 70.05.060, establish fee schedules for issuing or
9 renewing licenses or permits or for such other services as are authorized by the law and the
10 rules of the state board of health. The fee schedules shall not exceed the actual cost of
11 providing any such services, which may include the cost of building fund reserves in accordance
12 with any applicable county fund reserve policies.

13 (2) The director of the Snohomish County health department shall annually review whether the
14 fee schedules need to be adjusted to reflect the projected subsequent year costs of providing
15 services, taking into account the budget adopted by the county council.

16 (3) The director shall post the fee schedules for the subsequent year for inspection copying by
17 the public, including posting the fee schedules on the Internet, by no later than December 31.

18 1.05.060 **Serving_Service of notices.**

19 Any notice, decision, determination, or order required to be served on a person, owner, agent
20 or occupant of a premises shall be deemed to have been served under any of the following
21 conditions:

22 A. Such notice, decision, determination, or order is delivered to such person by hand of any
23 authorized agent of the Health Officer or any officer of the law.

24 B. Such notice, decision, determination, or order is mailed by registered or certified mail to the
25 owner, or representative of the owner, or the last known occupant of the premises. Service by

Commented [A25]: REASON FOR PROPOSED CHANGES:
Provided clarity that fees can only be established by the BOH. **Note:** Subsections A-F are reserved for fee schedules that will be inserted upon approval by the BOH via separate ordinance.

Commented [A26R25]: Added new sections.

Commented [A27]: REASON FOR PROPOSED CHANGE:
Addresses when service is deemed effective when issued via mail. This is now consistent with other county agencies.

1 mail shall be presumed effective upon the third business day following the day upon which
2 notice, decision, determination, or order was placed in the mail.

3 C. Such notice, decision, determination, or order, properly signed, is posted by an authorized
4 agent of the Health Officer or any officer of the law, upon any portion of such premises visible
5 from a public place, whenever the owner or agent of the property's whereabouts is unknown.
6 ~~[Res. 93-32, Eff. 11/09/93. Prior code § 1.6].~~

7 1.05.065 Interference with notices.

8 No person shall remove, mutilate, or conceal any notice, decision, determination, order, or
9 placard of the Health ~~District~~ Department posted in or on any premises or public place except
10 by permission of the Health Officer or authorized representative. ~~[Res. 93-32, Eff. 11/09/93.~~
11 ~~Prior code § 1.6.1].~~

12 1.05.070 ~~Special provisions~~ Supplemental to other regulations.

13 The regulations of this code shall be supplemental to the regulations, rules and orders of the
14 State Board of Health, ~~Public Health Law, Penal Law,~~ and other Washington State laws relating
15 to public health and shall, as to matters to which it refers, and within the jurisdiction heretofore
16 prescribed, supersede all prior rules and regulations of the Board of Health and all local
17 ordinances heretofore or hereafter enacted inconsistent herewith. In the event of a conflict
18 between this Code and any other local or state regulations, the more stringent shall apply.
19 ~~[Res. 93-32, Eff. 11/09/93. Prior code § 1.7].~~

20 1.05.080 Inspections and right of entry.

21 A. Inspections. All premises ~~covered by this~~ subject to the Board of Health Code shall be
22 subject to the inspection of the Health Officer or authorized representative and, if any violation
23 of the ~~Sanitary Board of Health~~ Code exists on the premises, any permit or approval granted by

Commented [A28]: REASON FOR PROPOSED CHANGE:
Cleaned up all conflicts with constitutional constraints regarding unlawful search. Clearly laid out health department employees' conduct during inspections.

1 the Health Officer may be suspended and/or revoked ~~forthwith unless otherwise prescribed in~~
2 ~~this code.~~

3 B. Right of Entry. The Health Officer or ~~his/her~~ duly authorized representative may enter any
4 land, building, structure, or premises at reasonable times provided such entry is consistent with
5 the constitutions and laws of the United States and State of Washington:

6 1. To make an inspection to enforce or determine compliance with this Code; and/or

7 2. When there is reasonable cause to believe that a violation of this Code has been or is
8 being committed.

9 C. Conduct of Inspections. The ~~H~~health Officer or authorized representative may approach any
10 land, building, structure, or premises, by a recognizable access route leading to said building or
11 structure. If such land, building, structure, or premises, is occupied, the ~~H~~health Officer or
12 authorized representative shall present identification credentials, state the reason for the
13 inspection, and request entry. If such building, structure, or premises is unoccupied, the
14 ~~inspector~~Health Officer or authorized representative shall first make a reasonable effort to
15 locate the owner or other persons having charge or control of the building, structure, or
16 premises and demand request entry. If entry is refused, the Health Office or authorized
17 representative has recourse to every remedy provided by law to secure entry.

18
19 ~~D.~~ B. Refusal of Inspections. No person shall refuse to allow the Health Officer or authorized
20 representative to fully inspect any and all premises entered in the performance of duty, and no
21 person shall molest, impact, or resist the Health Officer or authorized representative in the
22 discharge of their duties. ~~If entry is refused, the Health Officer shall have recourse to the every~~
23 remedies provided by law to secure entry, including, but not limited to, search warrants [Res-
24 93-32, Eff. 11/09/93. Prior code § 1.8].

25 1.05.090 Jurisdiction.

26 As provided in RCW 70.050.035(1)(h), The provisions of this Code shall be in force within the
27 boundaries of Snohomish County including all cities and towns therein the jurisdiction of the
28 Snohomish County Board of Health is coextensive with the boundaries of Snohomish County

Commented [A29]: REASON FOR PROPOSED CHANGE:
To make it clear that we have regulatory authority within the 20 cities/towns of Snohomish County. Before, when we were a health district, the definition of [health district](#) made that clear.

1 and the Board of Health Code applies to all territory within Snohomish County, including all
2 cities and towns therein.

4 Chapter 1.10

5 ~~(RESERVED) ADMINISTRATION~~

Commented [A30]: REASON FOR PROPOSED CHANGE:
This entire chapter is being deleted for now until the Board drafts its own administrative chapter.

6 Sections:

7 ~~1.10.005 Board of hHealth monthly meeting time.~~

8 ~~1.10.010 Advisory cCouncil.~~

9 Code reviser's note: ~~Articles II, III and IV of the Snohomish Health District Charter are adopted~~
10 ~~into this chapter by reference.~~

11 ~~1.10.005 Board of hHealth monthly meeting time.~~

12 ~~The Board of Health establishes the third Tuesday in January as its first regular meeting of the~~
13 ~~year, to be held at 3:00 p.m. at the Snohomish Health District located at 3020 Rucker Avenue,~~
14 ~~Everett, Washington.~~

15 ~~The board will meet the second Tuesday of each month from February through December of~~
16 ~~every year at the Snohomish Health District.~~

17 ~~[Res. 19-27, Res. 17-02] HBH~~

18 ~~1.10.010 Advisory Council.~~

19 ~~A. The Board of Health authorizes the Health District to create a Public Health Advisory~~
20 ~~Council, to be appointed by the Chair of the Board of Health and approved by vote of the full~~
21 ~~Board of Health.~~

~~B. The Board of Health authorizes the Health District to restructure the Public Health Advisory Council membership to 18 members in compliance with RCW 70.46.140(3).~~

~~C. Members of such Advisory Council shall serve at the pleasure of the Board of Health for staggered three-year terms, may be reappointed, shall serve without compensation, and shall be selected to represent the following:~~

- ~~1. Business.~~
- ~~2. Community health centers.~~
- ~~3. Community Health Improvement Plan (CHIP).~~
- ~~4. Early childhood development.~~
- ~~5. Education.~~
- ~~6. Emergency management services.~~
- ~~7. Emergency medical services.~~
- ~~8. Environmental advocacy.~~
- ~~9. Food industry.~~
- ~~10. Higher education.~~
- ~~11. Hospitals.~~
- ~~12. Human services organization.~~
- ~~13. Labor.~~
- ~~14. Law enforcement.~~
- ~~15. Medical professionals.~~
- ~~16. Parks and recreation.~~
- ~~17. Philanthropy/funders.~~
- ~~18. Planning.~~

- 1 ~~19. Senior services.~~
- 2 ~~20. Septic system specialists.~~
- 3 ~~21. Transportation.~~
- 4 ~~22. Tribes.~~
- 5 ~~23. Underrepresented community sectors.~~
- 6 ~~24. United Way.~~
- 7 ~~25. Water utilities.~~
- 8 ~~26. Youth.~~

9 ~~D. The Advisory Council shall meet regularly to consider public health issues, shall consider the~~
 10 ~~current strategic plan in its deliberations, and shall make recommendations regularly to the~~
 11 ~~Board of Health relevant to improving the health of the citizens of Snohomish County.~~

12 ~~E. Bylaws. The Snohomish County Board of Health approves the revised PHAC bylaws dated~~
 13 ~~November 2021 in compliance with RCW 70.46.140. [Res. 21-23, Eff. 12/14/21. Res. 19-04. Res.~~
 14 ~~12-16. Res. 09-20].~~

15 Chapter 1.15

16 CONDUCT OF HEARINGS

17 Sections:

- 18 ~~1.15.010 View trip.~~
- 19 ~~1.15.020 Format.~~
- 20 ~~1.15.030 Clerk.~~
- 21 ~~1.15.040 Parties of record.~~
- 22 ~~1.15.050 Rights of parties.~~
- 23 ~~1.15.060 Evidence.~~
- 24 ~~1.15.070 Further hearing.~~
- 25 ~~1.15.080 Termination of jurisdiction.~~

Commented [A31]:
REASON FOR PROPOSED CHANGE:
 This entire chapter is no longer needed as we now use Snohomish County's Hearing Examiner's Office for Step 2 appeal proceedings. Prior to this, the Health District had to obtain its own hearing examiner and this Chapter was used to cover these procedures.

1 ~~1.15.090 — Case record.~~

2 ~~1.15.100 — Examiner decision — Distribution.~~

3 ~~1.15.110 — Maintenance of order during hearings.~~

4 ~~1.15.120 — Disqualification of Examiner.~~

5 ~~1.15.010 — View trip.~~

6 ~~A. — When necessary to a full understanding of the case, the Hearing Examiner may inspect the~~
7 ~~site prior to or subsequent to the hearing. Failure to inspect the site will not render the~~
8 ~~Examiner's decision void.~~

9 ~~B. — When a view trip has been taken, the Examiner will so state both at the hearing and in the~~
10 ~~written decision.~~

11 ~~C. — The view trip will be taken out of the presence of any interested party whenever feasible.~~
12 ~~When accompaniment by an interested party is necessary to fully view the property, no~~
13 ~~substantive discussion will occur during the view trip. [Res. 93-32, Eff. 11/09/93. Res. 85-44.~~
14 ~~Prior code § 1.10.1].~~

15 ~~1.15.020 — Format.~~

16 ~~A. — The format for a public hearing will be of an informal nature yet designed in such a way that~~
17 ~~the evidence and facts relevant to a particular proceeding will become the most readily and~~
18 ~~efficiently available to the Examiner. A public hearing will normally include, but need not be~~
19 ~~limited to, the following elements: a brief prefatory statement and introduction of exhibits by~~
20 ~~the Examiner; a presentation by the appellant which shall include an explanation of the appeal~~
21 ~~based solely on the existing records including the basis of the appeal as submitted in writing by~~
22 ~~the appellant; testimony of Snohomish Health District personnel; and opportunities for~~
23 ~~rebuttal.~~

24 ~~B. — The Examiner may ask questions of any witness, including Health District staff, at any time~~
25 ~~during testimony to seek clarification or elaboration of testimony being given. Further, the~~

1 ~~Examiner may request submittal of additional information to better enable the Examiner to~~
2 ~~make a complete and accurate evaluation of the issues.~~

3 ~~C. The Examiner may indicate, at the outset of the hearing, that the Examiner has studied the~~
4 ~~materials relating to the case and has made a preliminary determination that there seem to be~~
5 ~~certain central issues which need to be addressed. The Examiner may request that these issues~~
6 ~~be addressed in testimony to be offered.~~

7 ~~D. The Examiner reserves the right to abbreviate the normal sequence of events at a hearing~~
8 ~~when it appears: that no one's rights would be infringed upon by such abbreviation; that~~
9 ~~detailed exposition of the case is not necessary to the Examiner's understanding of the case;~~
10 ~~and that no one present objects to such abbreviation.~~

11 ~~E. Each public hearing will be electronically recorded on magnetic tape to provide a~~
12 ~~permanent, verbatim record of the proceedings. Therefore, all parties wishing to offer verbal~~
13 ~~testimony will be required to speak into a microphone provided for that purpose, prefacing~~
14 ~~their remarks with their full name and area of residence. [Res. 93-32, Eff. 11/09/93. Res. 85-44.~~
15 ~~Prior code § 1.10.2].~~

16 ~~1.15.030 — Clerk.~~

17 ~~The Health District shall provide for a clerk to be present during hearings. The clerk shall be~~
18 ~~responsible for maintaining the register of parties of record, for marking exhibits, and keeping a~~
19 ~~list of exhibits and witnesses and to perform such other ministerial duties as may be assigned~~
20 ~~by the Examiner. [Res. 93-32, Eff. 11/09/93. Res. 85-44. Prior code § 1.10.3].~~

21 ~~1.15.040 — Parties of record.~~

22 ~~A. Any interested person may become a party of record for a particular case by signing a~~
23 ~~register provided by the Examiner for that purpose. The register will include full name and~~
24 ~~complete mailing address. The Examiner is not responsible for illegible or incomplete entries on~~
25 ~~the register nor is the Examiner obligated to send materials to any illegible or incomplete~~
26 ~~address.~~

1 ~~B. The register for each case will be available for signing at the hearing and in the office of the~~
2 ~~Examiner on the next working day following the hearing.~~

3 ~~C. Persons must sign the register in person. Waiver of this requirement may be made by the~~
4 ~~Examiner in unusual hardship circumstances. [Res. 93-32, Eff. 11/09/93. Res. 85-44. Prior code~~
5 ~~§ 1.10.4].~~

6 ~~1.15.050 — Rights of parties.~~

7 ~~A. General. Every party shall have the right of due notice, presentation of evidence, motion,~~
8 ~~argument, and all other rights essential to a fair hearing. The Examiner may impose reasonable~~
9 ~~limitations on the number of witnesses heard, and on the nature and length of their testimony.~~

10 ~~B. Cross Examination. Generally speaking, in hearings before the Examiner, cross examination~~
11 ~~of persons expressing their views would not be appropriate or contribute anything of value to~~
12 ~~the fact-finding process. However, where the hearing assumes distinctly adversary proportions,~~
13 ~~the proponents and opponents are represented by counsel, expert witnesses are called, and~~
14 ~~complex, technical and disputed factors are involved, cross examination may be beneficial.~~
15 ~~Within the above guidelines, the allowance and scope of cross examination is within the~~
16 ~~discretion of the Examiner. [Res. 93-32, Eff. 11/09/93. Res. 85-44. Prior code § 1.10.5].~~

17 ~~1.15.060 — Evidence.~~

18 ~~A. Burden of Proof. The appellant shall have the burden of proof as to material factual issues~~
19 ~~unless applicable Health District rules and regulations or state law or regulations provide~~
20 ~~otherwise.~~

21 ~~B. Admissibility. The hearing generally will not be conducted according to technical rules~~
22 ~~relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type~~
23 ~~which possesses probative value commonly accepted by reasonably prudent people in the~~
24 ~~conduct of their affairs. Irrelevant, immaterial, unreliable, or unduly repetitious evidence may~~
25 ~~be excluded. The rules of privilege shall be effective to the extent recognized by law.~~

1 ~~C.—Receipt and Retention. All documentary or other physical evidence submitted shall be~~
2 ~~sequentially numbered as an exhibit and retained by the Health District as a part of the official~~
3 ~~case record except laws, regulations, and other readily available public documents. Materials~~
4 ~~which the offering party is not willing to have become Health District property will not be~~
5 ~~accepted as evidence except, at the discretion of the Examiner, in unusual circumstances.~~

6 ~~D.—Copies. Documentary evidence may be received in the form of copies or excerpts. Upon~~
7 ~~request, parties shall be given an opportunity to compare the copy with the original.~~

8 ~~E.—Official Notice. The Examiner may take official notice of judicially cognizable facts and in~~
9 ~~addition may take notice of general, technical, or scientific facts within the Examiner's~~
10 ~~specialized knowledge. When any decision of the Examiner rests, in whole or in part, upon the~~
11 ~~taking of official notice of a material fact not appearing in evidence of record, the Examiner~~
12 ~~shall so state in the decision.~~

13 ~~F.—Evidence Received Subsequent to the Hearing. No documentary material submitted after the~~
14 ~~close of the public hearing will be considered by the Examiner unless, at such hearing, the~~
15 ~~Examiner granted additional time to submit such material. [Res. 93-32, Eff. 11/09/93. Res. 85-~~
16 ~~44. Prior code § 1.10.6].~~

17 ~~1.15.070 — Further hearing.~~

18 ~~A.—Continuation or Postponement. The Examiner may continue or postpone proceedings for~~
19 ~~any good cause the Examiner deems reasonable and appropriate within the time limits imposed~~
20 ~~by relevant ordinances. If the Examiner determines at a hearing that there is good cause to~~
21 ~~continue such proceeding and specifies the date, time and place, no further notice will be~~
22 ~~required.~~

23 ~~B.—Reopening of Hearing. When determination for further hearing is made by the Examiner~~
24 ~~and approved by the appellant following a hearing on a given appeal, notice of such further~~
25 ~~hearing shall be given in writing by the Examiner's office at least 10 days before the date for~~
26 ~~rehearing to all parties notified of the original hearing; provided, that all parties of record from~~
27 ~~the initial hearing shall be notified whether or not they received initial notice. [Res. 93-32, Eff.~~
28 ~~11/09/93. Res. 85-44. Prior code § 1.10.7].~~

1 ~~1.15.080 — Termination of jurisdiction.~~

2 ~~Except for the correction of clerical errors, the jurisdiction of the Examiner is terminated upon~~
3 ~~the issuance of the decision. [Res. 93-32, Eff. 11/09/93. Res. 85-44. Prior code § 1.10.8].~~

4 ~~1.15.090 — Case record.~~

5 ~~A. — Content. The official case record of a hearing conducted by the Examiner shall consist of:~~

6 ~~1. — A written case record including all documentary written materials and other exhibits~~
7 ~~submitted for consideration by the Examiner and the Examiner's decision, together with~~
8 ~~the register of parties of record and the list of exhibits and witnesses maintained by the~~
9 ~~clerk.~~

10 ~~2. — An electronic recording on magnetic tape of the public hearing.~~

11 ~~B. — Disposition. All materials which have become a part of the case record shall be maintained~~
12 ~~by the Health District as part of the Health District's official records. [Res. 93-32, Eff. 11/09/93-~~
13 ~~Res. 85-44. Prior code § 1.10.9].~~

14 ~~1.15.100 — Examiner decision — Distribution.~~

15 ~~A. — One copy of the Examiner's decision in each case shall be transmitted or mailed to: the~~
16 ~~appellant, all parties of record who have requested a copy when signing the register and whose~~
17 ~~names and addresses are legible, the Health District, and any public agency or department~~
18 ~~deemed by the Examiner to be particularly affected by or interested in the instant case.~~

19 ~~B. — The names of all recipients shall be listed in the Examiner's decision. [Res. 93-32, Eff.~~
20 ~~11/09/93. Res. 85-44. Prior code § 1.10.10].~~

1 ~~1.15.110 — Maintenance of order during hearings.~~

2 ~~A. — The Examiner shall have the power to maintain order and decorum during the conduct of all~~
3 ~~hearings before the Examiner.~~

4 ~~B. — In the event that any person or persons interrupts any hearings before the Examiner such~~
5 ~~that it becomes not feasible to conduct an orderly hearing, and order cannot be restored by~~
6 ~~removal of the individual(s) interrupting the hearing, the following steps may be taken:~~

7 ~~1. — The Examiner may order the hearing room cleared and continue in session; or~~

8 ~~2. — The Examiner may adjourn the hearing and reconvene the hearing at another location.~~

9 ~~C. — Whenever the Examiner deems it necessary to reconvene a hearing in a new location~~
10 ~~because of interruptions preventing an orderly hearing at the regular hearing room location:~~

11 ~~1. — Final disposition may be taken only on matters appearing on the agenda at the time the~~
12 ~~disturbance arose leading to an adjustment.~~

13 ~~2. — The Examiner may establish a procedure for readmitting any persons not responsible~~
14 ~~for the disturbance of the orderly conduct of the hearing.~~

15 ~~D. — If necessary, law enforcement personnel may be summoned by the Examiner to carry out~~
16 ~~any of the provisions of this rule. [Res. 93-32, Eff. 11/09/93. Res. 85-44. Prior code § 1.10.11].~~

17 ~~1.15.120 — Disqualification of Examiner.~~

18 ~~A. — When the Examiner deems himself/herself disqualified to preside in a particular~~
19 ~~proceeding, the Examiner shall withdraw by notice on the record.~~

20 ~~B. — Any person may raise an issue of the partiality of the Examiner at any time. If, after~~
21 ~~considering the merits of the issue, the Examiner determines not to disqualify himself/herself,~~
22 ~~the raising of such issue shall in no way be considered by the Examiner in rendering a decision~~
23 ~~on the substantive case at hand. [Res. 93-32, Eff. 11/09/93. Res. 85-44. Prior code § 1.10.12].~~

Chapter 1.20
RIGHT OF APPEALS

Sections:

- 1.20.010 Purpose.
- 1.20.020 What may be appealed.
- 1.20.030 Who may appeal.
- 1.20.040 Pre-appeal conference recommended.
- 1.20.050 Appeal procedure – General information.
- 1.20.060 Appeal procedure – Step one.
- 1.20.070 Appeal procedure – Step two.
- ~~1.20.080 Appeal from Examiner’s decision.~~

1.20.010 Purpose.

The purpose of this ~~chapter appeals procedure~~ is to establish appeal procedures a system which will aid in resolving conflicts arising from the administration of the Snohomish ~~Health District Sanitary County Board of Health Code and enforcement of Chapter 70.160 RCW, Smoking in Public Places, where not otherwise specified~~ and to ensure procedural due process and fairness in such administration. ~~; however, this procedure shall not apply where a specific appeals procedure is written or is incorporated into any enforcement procedure in other chapters of this code. [Res. 11-35, Eff. 12/13/11. Res. 97-02, Eff. 01/14/97. Res. 96-27, Eff. 12/17/96. Res. 95-16, Eff. 05/09/95. Res. 93-32, Eff. 11/09/93. Prior code § 1.9.1].~~

Commented [A32]: REASON FOR PROPOSED CHANGE:
Updated language for clarity.

1.20.020 Applicability - wWhat may be appealed.

A. Any decision, determination, or order of the Health ~~District Department~~ with respect to applications made to the Health ~~District Department~~; or the revocation, ~~or~~ suspension, ~~or~~ modification of a license, certificate, or permit issued by the Health ~~Department District may be~~ appealed are subject to the appeal procedures in this chapter. ~~For purposes of this chapter, The the appealable actions listed in this section are referred to as a “decision.” same may be referred to in this chapter as the “order” or the “decision under dispute.” [Res. 11-35, Eff.~~

Commented [A33]: REASON FOR PROPOSED CHANGE:
Updated what actions can be appealed.

~~12/13/11. Res. 97-02, Eff. 01/14/97. Res. 96-27, Eff. 12/17/96. Res. 95-16, Eff. 05/09/95. Res. 93-32, Eff. 11/09/93. Prior code § 1.9.2].~~

1.20.030 Who may appeal.

~~Any aggrieved person may appeal applicant or one with a proprietary interest in the subject property feeling aggrieved by a decision or order of the Health District Department made pursuant to these rules and regulations listed in SCBHC 1.20.020. and Chapter 70.160 RCW, entitled, "Presumptively Reasonable Distance," may appeal. [Res. 11-35, Eff. 12/13/11. Res. 97-02, Eff. 01/14/97. Res. 96-27, Eff. 12/17/96. Res. 95-16, Eff. 05/09/95. Res. 93-32, Eff. 11/09/93. Prior code § 1.9.3].~~

Commented [A34]: REASON FOR PROPOSED CHANGE:
Changed verbiage on who can appealed to "aggrieved person". This is a common term used in most appeal procedures. Due process would require that an aggrieved person has a right to appeal.

1.20.040 Pre-appeal conference recommended.

~~Although not required for the purpose of initiating the appeal procedure process, any applicant or one with a proprietary interest in the subject property feeling aggrieved person by the from the decision under dispute is encouraged to avail himself/herself of the opportunity to request an office conference with the Health District Department Official who made the decision. Such conference will permit a free exchange of viewpoints. The Health District Department Official will be expected to discuss and clarify the reason(s) for the decision and identify the applicable regulations which are applicable. The individual aggrieved person dissatisfied with the decision may present his/her/their position and submit provide any information he/she feels has not been adequately considered in making the relevant to the decision. A Health District Manager Department Director or his/her designee may attend such conference. If the individual aggrieved person presents information not previously available or raises issues not previously addressed, the Health Department may undertake an additional review of the matter following the conference. A request for a pre-appeal conference does not stay the 21-day deadline required for an appellant to file a step one appeal. [Res. 11-35, Eff. 12/13/11. Res. 97-~~

Commented [A35]: REASON FOR PROPOSED CHANGE:
Cleaned up existing language. Added clarity that the 21 day appeal deadline of the decision under dispute is still in effect, regardless if the pre-appeal conference is requested or not.

1 ~~02, Eff. 01/14/97. Res. 96-27, Eff. 12/17/96. Res. 95-16, Eff. 05/09/95. Res. 93-32, Eff. 11/09/93.~~
2 ~~Prior code § 1.9.4].~~

3 1.20.050 Appeal procedure – General information.

4 A. The appeal ~~procedure~~ process shall consist of a step one appeal and a step two appeal.

5 B. ~~A Step~~ step one appeal shall be an administrative review conducted by the responsible
6 Health ~~District~~ Department Division of a decision, determination, or order listed in SCBHC
7 1.20.020(A).

8 C. ~~A Step~~ step two appeal shall be a review of a step one appeal decision issued by the
9 Department under SCBHC 1.20.060 and shall be conducted by the ~~a~~ Hearing Examiner under
10 the procedures in chapter 2.02 SCC.

11 D. ~~An appeal of a decision or order under this chapter does not stay the effectiveness of the~~
12 ~~decision or order while the appeal is pending. The appeal procedure shall be initiated by the~~
13 ~~appellant within 21 days of the date of the decision under dispute. [Res. 11-35, Eff. 12/13/11.~~
14 ~~Res. 97-02, Eff. 01/14/97. Res. 96-27, Eff. 12/17/96. Res. 95-16, Eff. 05/09/95. Res. 93-32, Eff.~~
15 ~~11/09/93. Prior code § 1.9.5].~~

Commented [A36]: REASON FOR PROPOSED CHANGE:
Addresses the effect of an appeal and will allow the decision under dispute to be effective until the appeal has resolved.

Commented [A37]: REASON FOR PROPOSED CHANGE:
Appellant timelines were relocated to 1.20.060(B). They should not be parked in "general" procedure as they only apply to step one appeals.

16 1.20.060 Appeal procedure – Step one appeal.

17 A. *General.* ~~A Step~~ step one appeal shall be an internal administrative review of a decision,
18 determination, or order listed in SCBHC 1.20.020(A) conducted by ~~supervisory staff~~ the Director
19 or his/her designee of the responsible Health ~~District~~ Department Division with the step one
20 appeal decision to be rendered by the Division Director. ~~Depending upon the circumstances of~~
21 ~~the individual case under appeal, T~~ the Health Officer may be consulted during the internal
22 administrative review process for a ~~the~~ step one ~~procedure~~ appeal.

Commented [A38]: REASON FOR PROPOSED CHANGE:
New subsections clearly explain to the appellant how, where, and when to file a step one appeal.

23

1 B. Time And Place to Appeal. Step one appeals shall be filed in writing with the responsible
 2 Snohomish County Health Department Division Office (Attention: Division Director) within 21
 3 calendar days of the decision being appealed. Failure to file a timely and complete appeal shall
 4 constitute a waiver of all rights to an administrative appeal under the Snohomish County Board
 5 of Health Code.

Commented [A39]: REASON FOR PROPOSED CHANGE:
 The appellant deadline for filing a step one appeal is now in the step one procedures. Also clarifies what happens when a deadline has been exceeded.

6 C. Form Of Appeal. A person filing a step one appeal must file a written statement setting
 7 forth: the decision under appeal; facts demonstrating that the person is aggrieved by the
 8 decision; a concise statement identifying each alleged error and the manner in which the
 9 decision fails to satisfy the applicable regulation; the specific relief requested; whether the
 10 appellant wants to exercise the right to meet with the Health Department or waive the right to
 11 a meeting; and any other information reasonably necessary to make a decision on the appeal.

Commented [A40]: REASON FOR PROPOSED CHANGE:
 To prevent last minute requests that may further delay the review process. This would require the request to come at the time of filing the appeal.

12
 13 ~~B. Initiation of Step One.~~ The person feeling aggrieved person (hereinafter referred to as
 14 appellant) shall initiate the appeal procedure in writing on forms supplied and prescribed by the
 15 Health Officer. Appellant must provide the Health District Department with a copy of the
 16 written notice of the appeal either by hand delivery to the responsible Snohomish County
 17 Health District Department Division Office (Attention: Division Director) or sent by certified mail
 18 within the time periods set forth in SHDC SCBHC 1.20.050(D). The appellant shall state the
 19 decision being appealed, the reason(s) for the appeal, and cite the regulation(s) which the
 20 appellant feels have not been followed or correctly interpreted by the Health
 21 District Department.

22 D.C. Step One Appeal Review Procedure. The Division Director or his/her designee shall
 23 perform an administrative review within 30 days of filing the request for an appeal. Such review
 24 shall consist of a review of information relevant to the matter under appeal which will including
 25 include, but not be limited to: (1) review of Health District Department records; (2) review of
 26 information submitted by the appellant; (3) determination of what review of applicable
 27 regulations/laws are applicable; (4) on-site inspection of the property in question, if deemed
 28 necessary by the Division Director or designee appropriate; (5) meeting with the appellant if
 29 such meeting has been requested in the appellant's request for step one appeal procedure. ~~if~~

1 ~~the Director feels that additional studies are indicated, the step one review period may be~~
2 ~~extended by 10 days if necessary in order to have such studies performed.~~

3
4 E. D. Step One Appeal Decision. The Division Director or designee shall issue a written step one
5 appeal decision to the appellant within 30 calendar days of the filing of the appeal. inform the
6 appellant in writing of the decision to the step one appeal procedure. ~~The director may affirm,~~
7 ~~may reverse in whole or in part, or may modify the decision under dispute. Such decision will~~
8 ~~indicate whether the original decision is upheld, overruled, or whether the Health District is~~
9 ~~willing to consider other alternatives.~~ The step one appeal decision shall include findings of fact
10 based on the record and conclusions of law which support the decision. A copy of the step one
11 appeal decision shall be filed with the Health Officer. [Res. 11-35, Eff. 12/13/11. Res. 97-02, Eff.
12 01/14/97. Res. 96-27, Eff. 12/17/96. Res. 95-16, Eff. 05/09/95. Res. 93-32, Eff. 11/09/93. Prior
13 code § 1.9.6].

Commented [A41]: REASON FOR PROPOSED CHANGE:
Previous Code only specified when the administrative review would be conducted by and did not specify when a step one decision would be issued by the Department. This new language clearly lays out the deadline expectations of the Health Dept.

14 1.20.070 Appeal procedure – Step two appeal.

15 A. General. A Step two appeal shall be a review of a step one appeal decision issued by
16 the Department under SCBHC 1.20.070 and hearing shall be conducted by a the Hearing
17 Examiner under the. Step two shall follow step one of this appeal procedure if the appellant is
18 dissatisfied with the step one decision. the provisions of Chapter 2.02 SCC.

Commented [A42]: REASON FOR PROPOSED CHANGE:
Revised to rely on Chapter 2.02 of the SCC, which address hearing examiner procedures. Ch.2.02 covers everything for step two with the exception of appeal fees and burden of proof. This language was added to address these gaps. **Note:** 2.02 SCC also covers procedures for appealing the Hearing Examiner’s decision.

19 B. Appeal Fee. A step two appeal must include the appeal fee as established by the Board of
20 Health in the fee schedules set forth in SCBHC 1.05.050.

21 C. Burden of Proof. The appellant has the burden of proof by preponderance of the evidence
22 for appeals related to a decision, determination, or order of the Health Department with
23 respect to an application. The Department has the burden of proof by preponderance of the
24 evidence for appeals related to the revocation, suspension, or modification of a license,
25 certificate, or permit.

26 ~~B. Initiation of Step Two.~~

~~The appellant shall initiate the step two appeal procedure by submitting a fully completed request for appeal on forms supplied and prescribed by the Health Officer. Such request may be delivered to the responsible Snohomish Health District Office (Attention: Division Director) or sent by registered mail within 21 days after the date the step one decision was rendered.~~

~~C. Fee Required. The request for the step two appeal procedure shall be accompanied by payment of a fee as established by the Board of Health in the fee schedule.~~

~~D. Hearing Examiner.~~

~~1. Selection. The Health Officer shall appoint a Hearing Examiner from one of the following: (a) any Hearing Examiner employed or retained by Snohomish County; (b) any Hearing Examiner employed or retained by any city or town within Snohomish County; (c) any attorney who has served as a judge pro tem; (d) any other individual who possesses qualifications to serve as Hearing Examiner and who has been approved by the Board of Health.~~

~~2. Qualifications. Examiners shall be appointed solely with regard to their qualifications for the duties required and will have such experience and training as to qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge such other functions conferred upon them. Hearing Examiners will not be current or past employees or consultants for Snohomish Health District.~~

~~3. Discontinuation of Services. The service of any Examiner employed or retained by the Health District may be discontinued by action of the Board of Health.~~

~~4. Freedom from Improper Influence. No person, including Health District employees and/or members of the Board of Health, shall attempt to influence a Hearing Examiner in any matter pending before the Examiner, except at a public hearing duly called for such purpose, or to interfere with an Examiner in the performance of his/her duties in any way; provided, that this section shall not prohibit the Health District's attorneys from rendering legal service to the Examiner nor shall it prohibit Snohomish Health District staff from providing support services to the Examiner upon request.~~

Commented [A43]: Covered under SCC [2.02.060](#)

1 ~~5. **Conflict of Interest.** No Examiner shall conduct or participate in any hearing, decision or~~
2 ~~recommendation in which the Examiner has a direct or indirect substantial financial or~~
3 ~~familial interest or concerning which the Examiner has had substantial pre-hearing contacts~~
4 ~~with proponents or opponents. Nor, on appeal from an Examiner decision, shall any~~
5 ~~member of the Board of Health who has such an interest or has had such contact~~
6 ~~participate in consideration thereof.~~

Commented [A44]: Covered under SCC [2.02.070](#)

7 ~~6. **Hearing Rules – Procedures.** The Board of Health shall adopt rules for the conduct of~~
8 ~~hearings and other procedural matters related to the duties of Hearing Examiners. In~~
9 ~~adopting such rules and procedures, the Board shall take into consideration~~
10 ~~recommendations of persons serving as Hearing Examiners.~~

Commented [A45]: Covered under SCC [2.02.090](#)

11 ~~7. **Powers and Duties.** The Hearing Examiner shall receive and examine available~~
12 ~~information, conduct hearings, prepare records thereof, and enter decisions on step two~~
13 ~~appeal procedures. The Hearing Examiner shall have no authority to authorize the issuance~~
14 ~~of a permit contrary to the laws of the state of Washington, Washington Administrative~~
15 ~~Code (WAC), the Sanitary Code of Snohomish Health District, Chapter ~~70.160~~ RCW, or~~
16 ~~applicable local rules and regulations of the Board of Health of the Snohomish Health~~
17 ~~District.~~

Commented [A46]: Covered under SCC [2.02.100](#)

18 ~~E. **Step Two Hearing.**~~

19 ~~1. **Scheduling.** The Health Officer shall, upon receiving a request from an appellant for a~~
20 ~~step two hearing, appoint a Hearing Examiner and schedule such hearing within a~~
21 ~~reasonable time after receipt of their request for appeal. Appellant shall receive written~~
22 ~~notice of the time and place of the hearing not fewer than 21 days prior to the date of the~~
23 ~~hearing.~~

24 ~~2. **Notice.** Notice of the time and place of the public hearing will be sent by certified mail~~
25 ~~to the appellant by the Health Officer.~~

26 ~~3. **Information for Hearing Examiner.** Health District staff shall coordinate and assemble a~~
27 ~~factual statement with attached relevant documentation, along with the position~~
28 ~~statement of the Health District staff relative to said appeal, all to be delivered or mailed by~~
29 ~~certified mail to the Hearing Examiner and the appellant not fewer than 14 days prior to~~
30 ~~the scheduled hearing.~~

1 ~~4. Information – Documentation – Admission by Appellant.~~ Appellant shall assemble and
2 submit any factual statement and copies of all documents or exhibits which appellant
3 intends to submit at said hearing, together with appellant’s position statement to the
4 Hearing Examiner and to the Snohomish Health District not fewer than seven days prior to
5 the scheduled hearing. To the extent that the factual statement and/or documentation
6 would be repetitious with the submission of the Health District staff, appellant shall not
7 resubmit such factual statements or documentation unless necessary for the continuity of
8 appellant’s position statement. Furthermore, the statement from appellant shall:

9 a. ~~Identify those factual statements made by the Health District which are accepted~~
10 ~~by appellant as facts.~~

11 b. ~~Identify and attach all documents or exhibits appellant intends to submit and/or~~
12 ~~reference at such hearing.~~

13 c. ~~Identify all errors asserted by appellant to have been made by the Health District.~~

14 d. ~~Identify all witnesses intended to be called and a summary of the fact or opinions~~
15 ~~each is expected to testify to at such hearing. The failure to disclose such witnesses~~
16 ~~and/or a summary of expected testimony shall be a basis to bar such witness~~
17 ~~testimony at the hearing.~~

18
19 ~~5. Burden of Proof.~~ Except in the case of the revocation or suspension of a license or permit,
20 the appellant shall have the burden of proof.

21 ~~6. Conduct of Public Hearing.~~ The Examiner shall conduct the public hearing following the
22 general rules and procedures which have been adopted by the Board of Health as per
23 subsection ~~(D)(6)~~ of this section.

24 ~~7. Examiner’s Decision.~~ Unless a longer period is agreed to in writing or verbally on the
25 record at the public hearing by the appellant, within 15 days of the conclusion of a hearing
26 the Examiner shall render a written decision which shall include at least the following:

Commented [A47]: Covered under [SCC 2.02.140](#)

Commented [A48]: Covered under SCC [2.02.155](#)

1 ~~a. Findings based upon the record and conclusions therefrom which support the~~
2 ~~decision. Such findings and conclusions shall also set forth the manner by which the~~
3 ~~decision would conform to the applicable regulations.~~

4 ~~b. A decision on the appeal which may be to grant, grant in part, return to the~~
5 ~~appellant for modification, deny or grant with such conditions, modifications,~~
6 ~~restrictions as the Examiner finds necessary to comply with the applicable regulations.~~

7 ~~c. A statement which indicates the procedure for appealing the Examiner's decision.~~
8 ~~The Examiner's decision shall be mailed to the appellant, the Health Officer, and any~~
9 ~~other person who specifically requested notice of the decision by signing a register~~
10 ~~provided for such purpose at the hearing. [Res. 11-35, Eff. 12/13/11. Res. 97-02, Eff.~~
11 ~~01/14/97. Res. 96-27, Eff. 12/17/96. Res. 95-16, Eff. 05/09/95. Res. 93-32, Eff.~~
12 ~~11/09/93. Prior code § 1.9.7].~~

13 ~~1.20.080 — Appeal from Examiner's decision.~~

14 ~~A. General. The decision of the Examiner shall be final and conclusive unless appealed by the~~
15 ~~appellant or Health Officer to the Board of Health.~~

16 ~~B. Initiation of Appeal to Board of Health — Appellant. Any appellant wishing to appeal the~~
17 ~~decision of the Hearing Examiner to the Board of Health must file in writing a statement with~~
18 ~~the Health Officer within 15 days of the date of the decision of the Hearing Examiner. Such~~
19 ~~notice may be delivered personally to the Administration Office of Snohomish Health District~~
20 ~~(Attention: Health Officer) or sent by certified mail. The appellant shall submit specific~~
21 ~~statements in writing of the reason why error is assigned to the decision of the Examiner, and a~~
22 ~~copy of the Hearing Examiner decision which shall be accompanied by a fee as established by~~
23 ~~the Board of Health in the fee schedule.~~

24 ~~C. Initiation of Appeal to Board of Health — Health Officer. The Health Officer may appeal the~~
25 ~~decision of the Hearing Examiner to the Board of Health if the Health Officer believes that the~~
26 ~~Examiner's decision may jeopardize the public health or is contrary to the applicable~~
27 ~~regulations. The notice of appeal by the Health Officer shall be filed with the Chair (or Vice~~
28 ~~Chair in absence of the Chair) of the Board of Health in writing within 15 days of the date of the~~

Commented [A49]: REASON FOR PROPOSED CHANGE:
Appealing the Hearing Examiner's decision is already
addressed in SCC 2.02. This section is no longer needed.

1 ~~decision of the Hearing Examiner. Such notice shall contain a statement of the reason why the~~
2 ~~Health Officer believes that the Examiner made an error in issuing the decision and provide a~~
3 ~~copy of the Hearing Examiner decision. The Health Officer shall send a copy of the notice of~~
4 ~~appeal to the appellant by certified mail.~~

5 ~~D.—Stay of Examiner’s Decision. When an appeal of the Examiner’s decision is made to the~~
6 ~~Board of Health, the filing of such appeal shall stay the effective date of the Examiner’s decision~~
7 ~~until such time as the appeal is adjudicated or withdrawn.~~

8 ~~E.—Board of Health Consideration—~~

9 ~~1.—An Examiner’s decision which has been timely appealed shall be reviewed by the Board~~
10 ~~of Health at a regularly scheduled meeting within 45 days of the receipt of the appeal~~
11 ~~notice. Both parties shall be notified of the date of review by the Board of Health. Both~~
12 ~~parties may submit additional written information, if desired, for review by Board~~
13 ~~members. Such information must be received by the Health Officer not fewer than 10 days~~
14 ~~prior to the hearing to permit copying and mailing to Board members. By this process, it is~~
15 ~~not intended nor shall it be the obligation of the Board to receive or review the entire or~~
16 ~~extensive record from the Hearing Examiner proceeding in order to take action.~~

17 ~~2.—At the Board of Health Meeting referenced in subsection (E)(1) of this section, the~~
18 ~~Board of Health shall take one of the following actions:~~

19 ~~a.—Concur with the findings and conclusions of the Examiner and decline to hear an~~
20 ~~appeal.~~

21 ~~b.—Determine to hear the appeal at a public hearing to be established at a later date.~~

22 ~~c.—Remand a decision to the Hearing Examiner for further hearing and specifically~~
23 ~~identify for the Examiner the grounds for the remand.~~

24 ~~At such meeting, staff shall provide an oral summary of the decision, and respond to any~~
25 ~~questions of the Board. Except as requested by the Chair, no additional comments or~~
26 ~~testimony from the appellant, public, or witnesses shall be taken on the subject matter for~~
27 ~~purposes of the decision to be made by the Board at said meeting.~~

~~3.— In those instances in which the Board of Health determines to conduct a public hearing, such hearing shall be scheduled within 45 days of the Board of Health meeting referenced in subsection (E)(1) of this section, and all parties given notice of the date of the scheduled hearing. Procedures for the conduct of public hearings will be pursuant to the format identified in Snohomish Health District Environmental Health Hearing Rules of Procedure, and the Chair of the Board of Health, or such Board member selected by the Chair, shall coordinate the presentation of evidence and the decision. The issue before the Board will be limited to a determination of whether the Hearing Examiner erred under the clearly erroneous standard in making his/her decision. Under the clearly erroneous standard, the Board may only overturn the decision of the Examiner if, after reviewing the entire record, the Board is left with the definite and firm conviction that an error has been made. If the Board determines that an error did occur, it may issue a new decision or modify the decision rendered by the Examiner. The decision of the Board of Health shall be supported by findings and conclusions.~~

~~4.— Staff shall provide appellant with written notice of the action taken by the Board hereunder.~~

~~F.— *Effect of Board of Health’s Decision.* The Board’s decision not to hear an appeal or the Board’s decision after public hearing on an appeal shall be final and conclusive unless an application is made to a court of competent jurisdiction by writ of certiorari, writ of prohibition or writ of mandamus within 30 days of final Health District action or such time period as authorized by law. [Res. 11-35, Eff. 12/13/11. Res. 97-02, Eff. 01/14/97. Res. 96-27, Eff. 12/17/96. Res. 95-16, Eff. 05/09/95. Res. 93-32, Eff. 11/09/93. Prior code § 1.9.8].~~

Chapter 1.25

PUBLIC RECORDS

Sections:

~~1.25.010 — Intent.~~

Commented [A50]: REASON FOR PROPOSED CHANGE:
There is no need to have a separate section on public records since Chapter 2.51 of the SCC applies to the entire county.

1 ~~1.25.010~~ — Intent.

2 ~~A. — Due to the burdensome nature and impact of maintaining a comprehensive public record~~
3 ~~index, the Snohomish Health District and its respective divisions and programs shall not~~
4 ~~maintain a comprehensive public records index. In the event a division or an individual program~~
5 ~~within a division does maintain such an index, it shall be made available for public inspection~~
6 ~~unless otherwise exempt from disclosure or made confidential by law.~~

7 ~~B. — For purposes of Chapter 42.56 RCW, the Health Information Manager is designated as the~~
8 ~~Public Records Officer of the Snohomish Health District to whom members of the public may~~
9 ~~direct requests for disclosure of public records and to generally provide daily oversight of public~~
10 ~~records requests. However:~~

11 ~~1. — The Public Records Officer may designate others to assist him/her in carrying out the~~
12 ~~day-to-day affairs of the Public Records Officer. Contact information calculated to provide~~
13 ~~notice to the public shall be posted and/or published by the Snohomish Health District.~~

14 ~~2. — Specific requests for records that are division or program related may be submitted~~
15 ~~directly to that division or program and/or to the Public Records Officer.~~

16 ~~3. — Anyone who makes a public records request may be required to fill out a written~~
17 ~~request form provided by the Snohomish Health District.~~

18 ~~4. — Requests for public records which, on their face, appear not to involve potential~~
19 ~~unreasonable invasion of privacy or consideration of specific exemptions provided by~~
20 ~~public disclosure laws or otherwise do not appear to be in conflict with potential~~
21 ~~confidentiality requirements and further, which do not otherwise appear to unduly burden~~
22 ~~the Snohomish Health District may be addressed in an informal manner at a division or~~
23 ~~program level as the circumstances merit.~~

24 ~~5. — A nonexclusive listing of potential laws exempting or prohibiting disclosure of public~~
25 ~~records is maintained by the Public Records Officer.~~

26 ~~C. — No fee shall be charged for inspection of public records or locating a public record. A~~
27 ~~reasonable charge may be imposed for providing copies of public records or for the use by any~~
28 ~~person of district equipment to copy public records, which charges shall not exceed the amount~~
29 ~~necessary to reimburse the Snohomish Health District for its actual costs directly incident to~~

~~such copying. In determining the actual cost for providing photocopies of public records, the Snohomish Health District may include all costs directly incident to copying including the actual costs of the paper, and the cost for use of copying equipment, all costs directly incident to shipping such public records including postage, delivery charges, and the cost of any container or envelope used. Further, staff time to copy and mail the requested public records may be included in its costs. A deposit may be required where not prohibited by law. It is recognized that a particular division or program may have varying costs associated with public disclosure requests due to the unique nature of their records.~~

~~D. Snohomish Health District may establish and publish a more comprehensive public records policy not inconsistent with the resolution codified in this section and not inconsistent with applicable statutory laws, rules and regulations. [Res. 10-12].~~

Chapter 1.30

OFFICIAL NEWSPAPER OF RECORD

Sections:

1.30.010 Designated.

1.30.010 Designated.

The Board of Health designates the *Everett Herald* as its official newspaper of record. ~~[Res. 10-12].~~

~~The Snohomish Health District Code is current through Resolution 22-34, passed December 29, 2022.~~

~~Disclaimer: The District has the official version of the Snohomish Health District Code. Users should contact the District for enactments passed subsequent to the enactment cited above.~~

District Website: www.snohd.org

1 **District Telephone: (425) 339-5210**

2 Code Publishing Company

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