

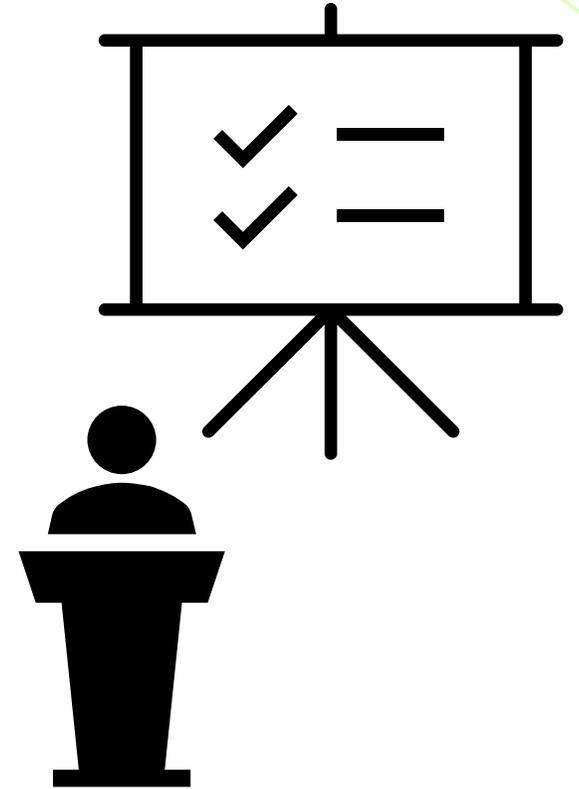


Enforcement & Appeals Revisited



Today's Agenda

- Clarification from June BOH Meeting
- Ordinance Creation Roadmap
- Scope of Work for Upcoming Ordinance
- Enforcement & Appeal Metrics
- Overview of Title 1
- Overview of Enforcement
- Comparisons with Local Health Jurisdictions
- BOH Feedback Clarification
- Questions/Comments



Why We're Back

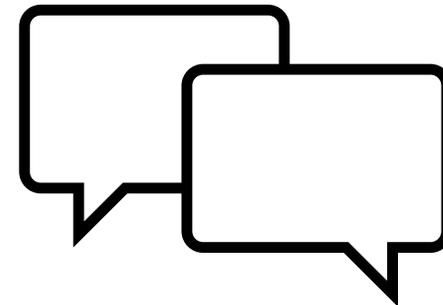
- What we thought we were presenting
 - List of possible concepts
 - Asking for feedback
 - Open to all options

VS

- What you thought we were presenting
 - A package deal
 - A bigger hammer
 - We'll only meet you during business hours

Board of Health Feedback

- Your feedback on these concepts will allow us to better focus our efforts and resources
- Still no pressure



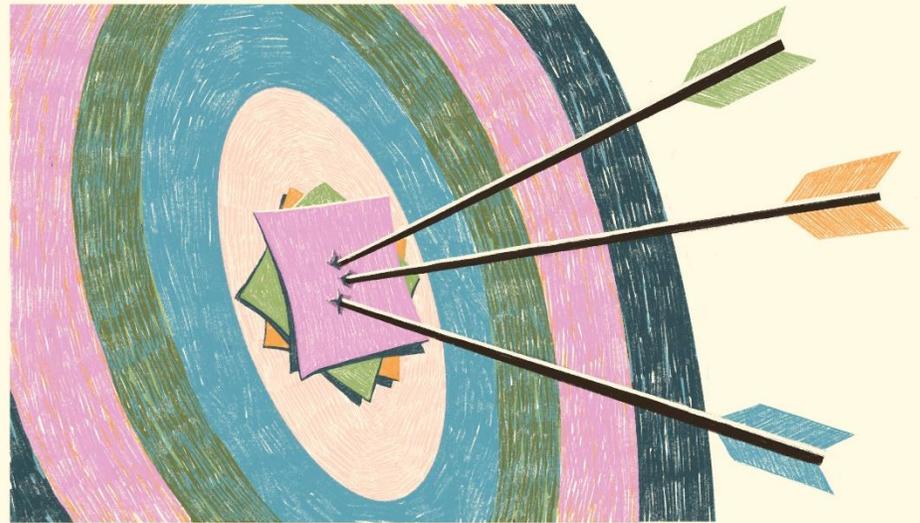
Scope of Work: Enforcement & Appeals

- Add / expand enforcement options
- Revise appeal procedures
- Consistent nomenclature for how Health Department employees are referenced



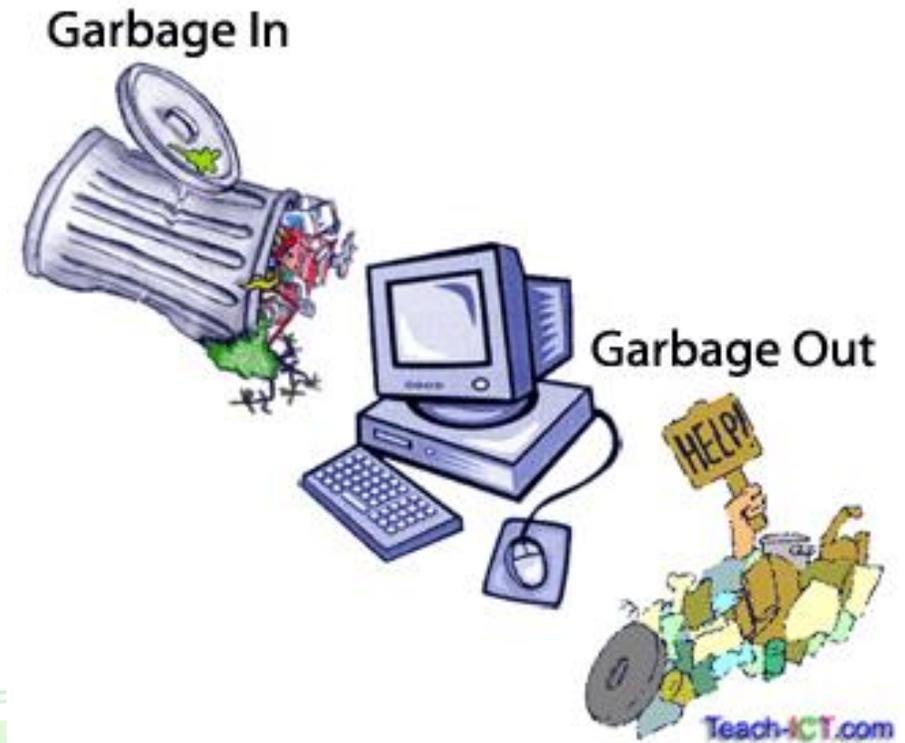
Scope of Work: Enforcement & Appeals

- May have multiple ordinances to break up topics
- Will likely spill into 2025

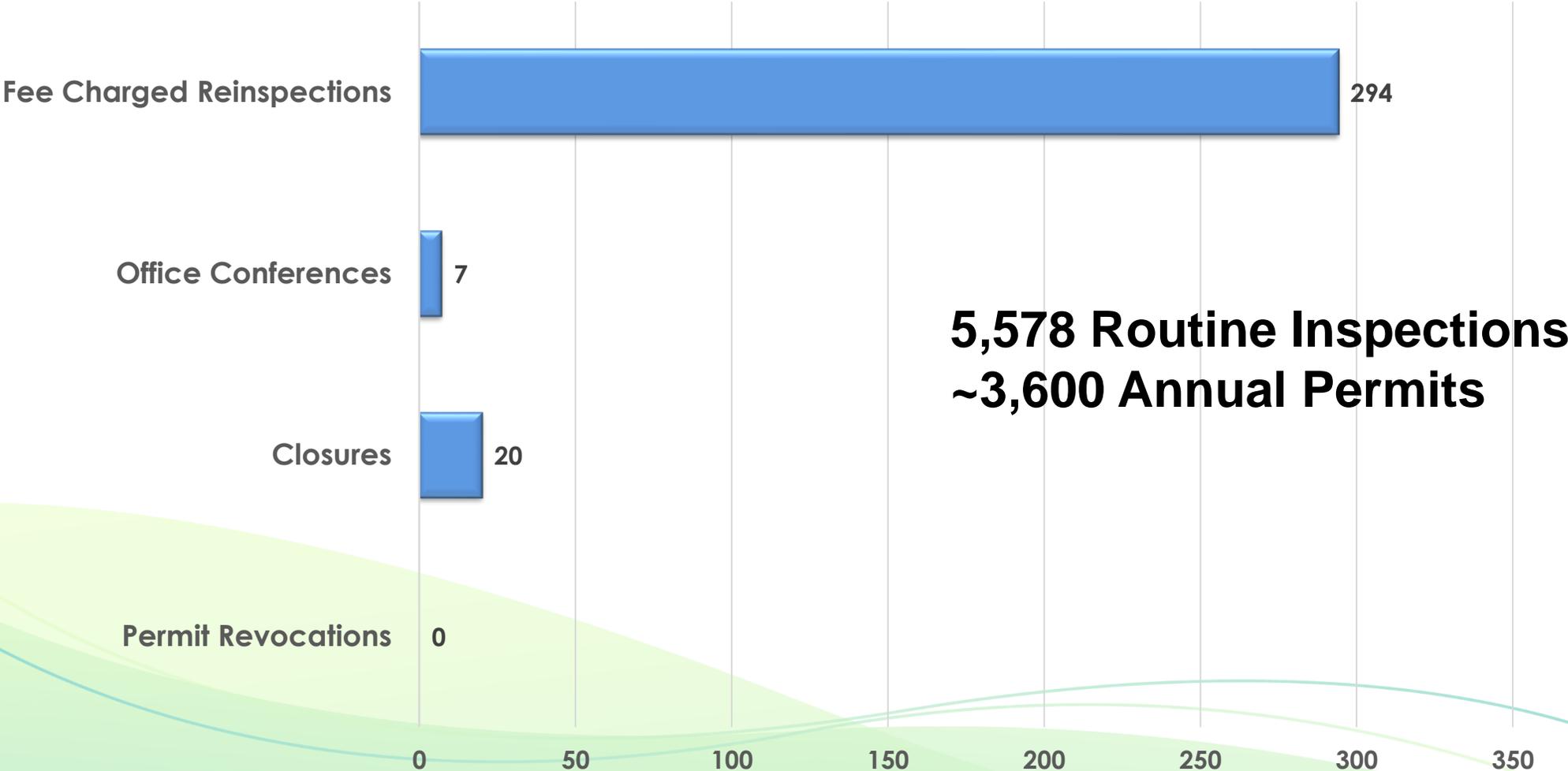


Enforcement & Appeals Metrics

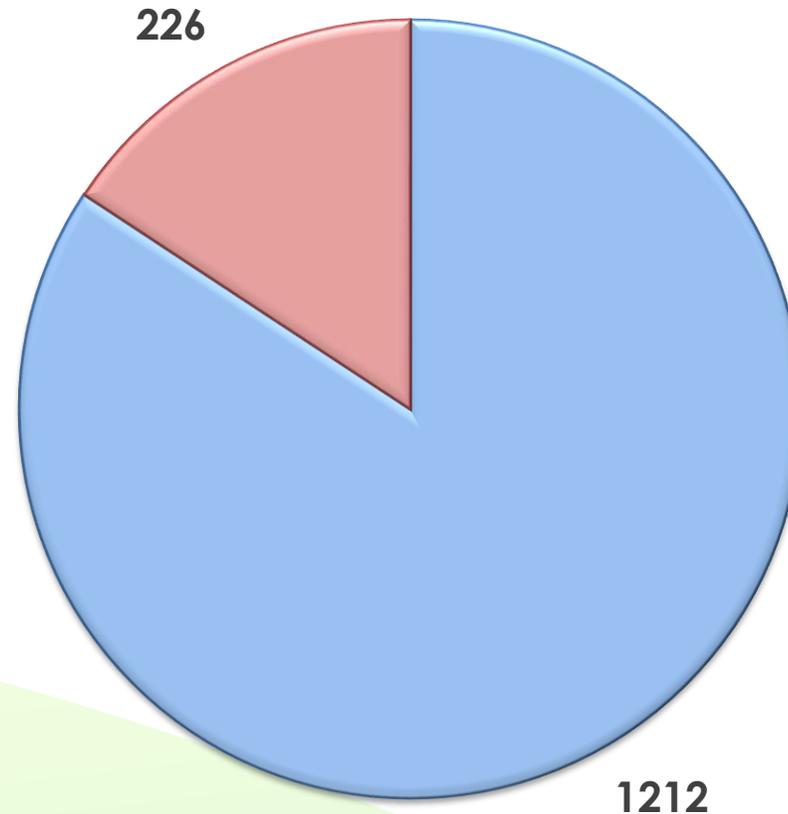
- Data affected by database integrity and limitations



2023 Food Safety Enforcement



2023 Water Recreation Enforcement



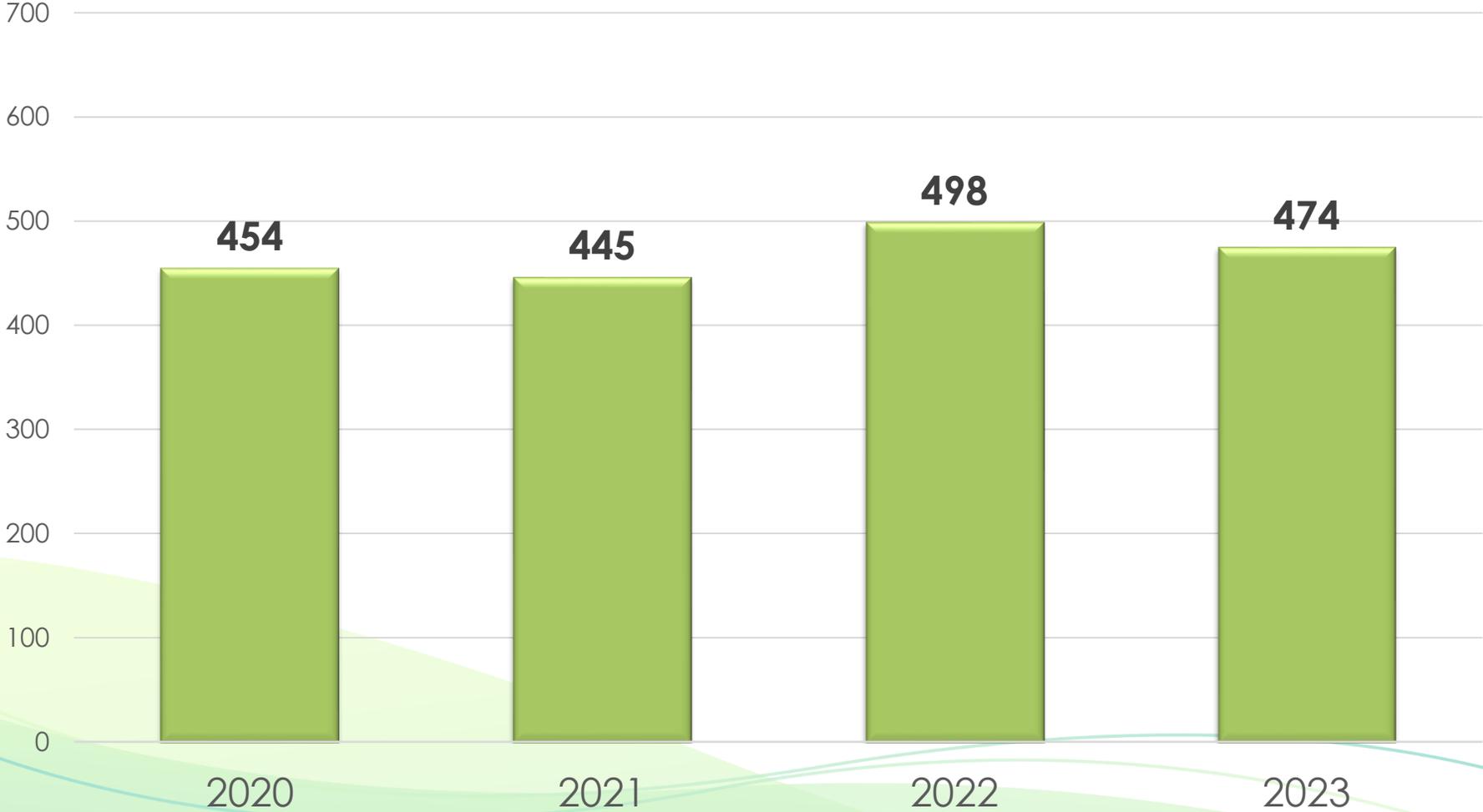
1,438 total routine inspections of pools and spas

Approximately 500 permits covering around 300 facilities

■ Inspections With No Enforcement Action

■ Inspections Leading to Closure

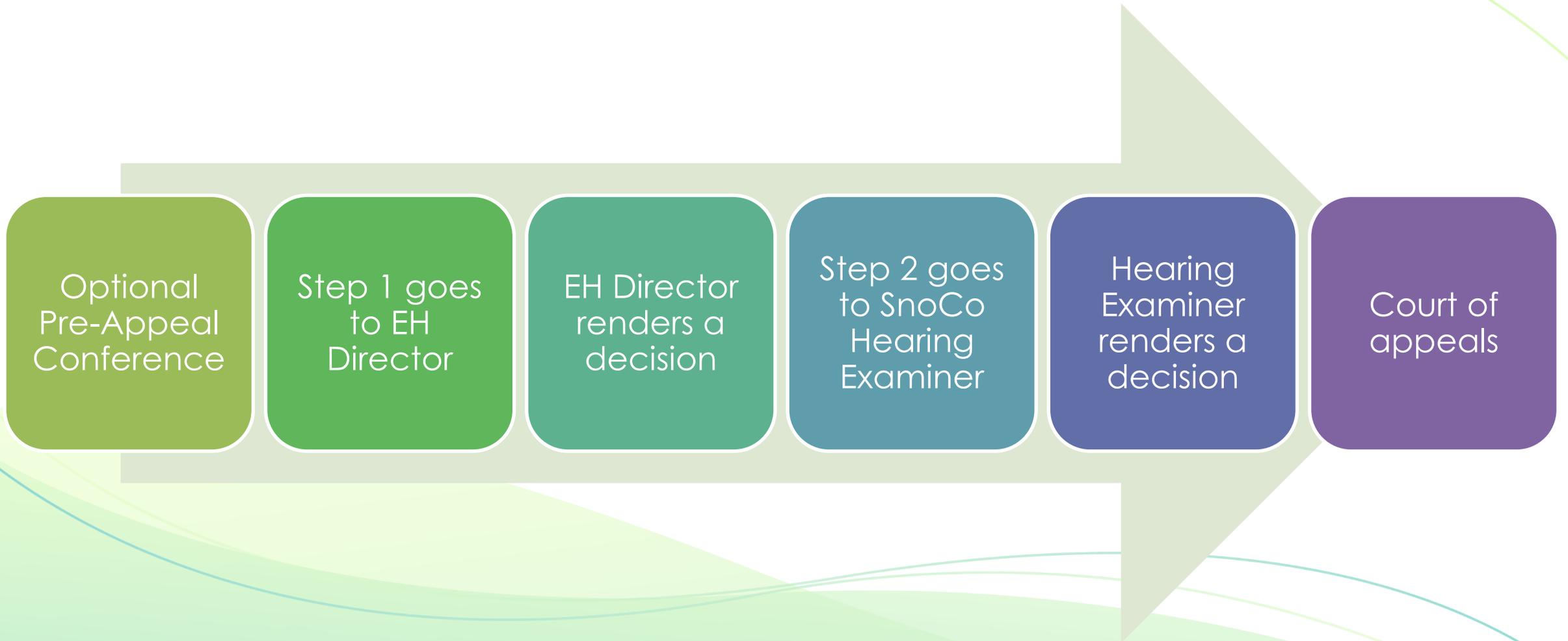
Solid Waste Complaints Received: 2020-2023



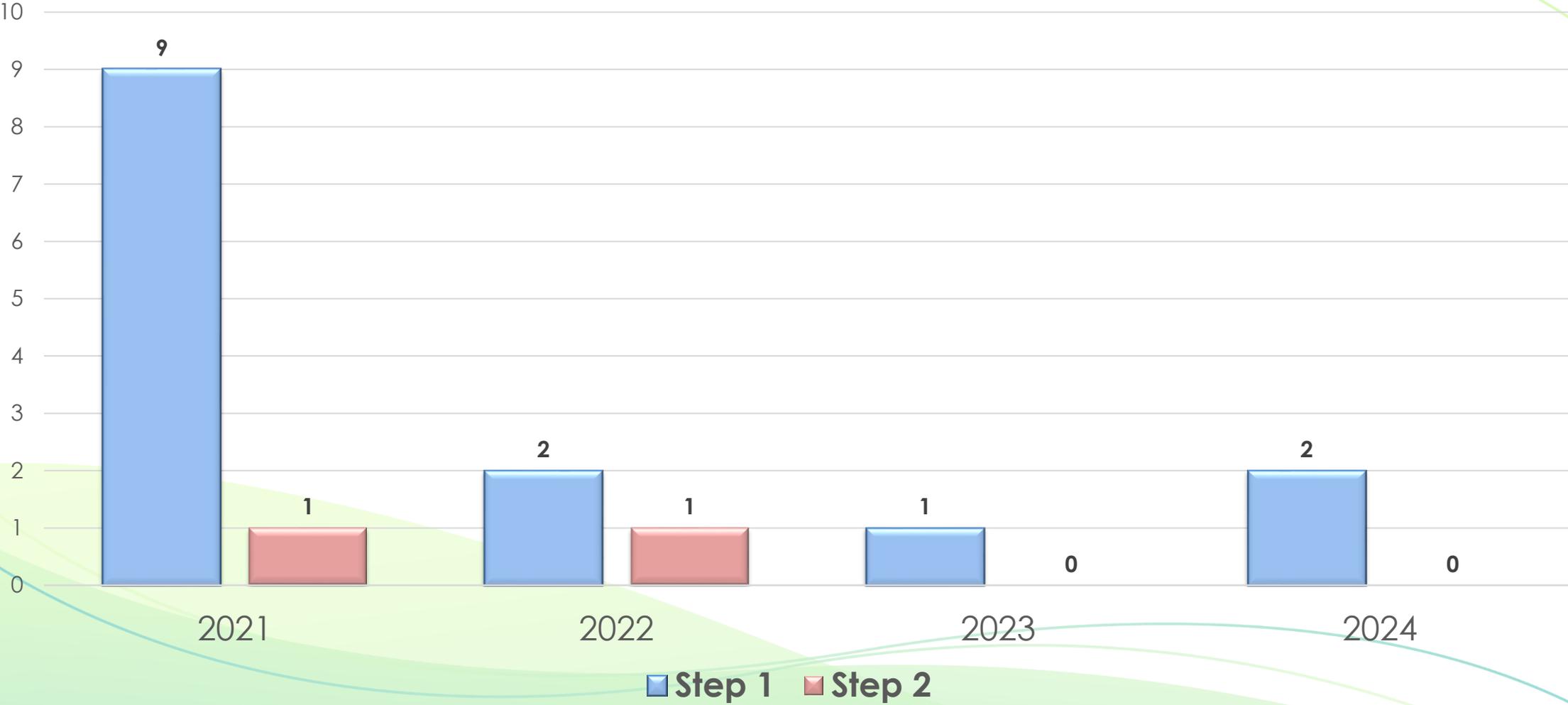
What is Appealable?

- Decisions we make about applications
- The modification, suspension, or revocation of a:
 - Permit
 - License
 - Certification

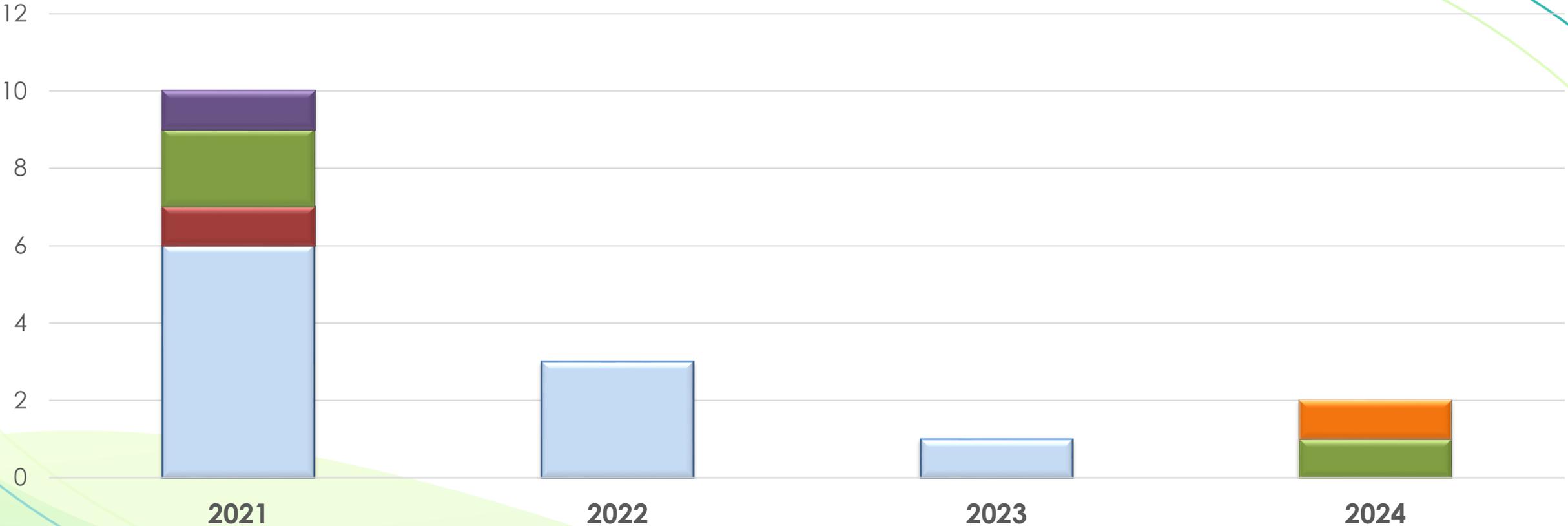
Appeal Process Currently



Appeals 2021-2024



Appeals By Type 2021-2024



- Land Use Permitting
- Land Use Enforcement
- Food Plan Review
- Food Enforcement
- Water Recreation Plan Review

Will Changes Affect Other Programs?

Title 1 →



Overview of Title 1 (General Provisions)

- Title 1 applies to the entire code
- One purpose is to provide a uniform enforcement and appeals framework for the entire code
- Titles 2-12 are program-specific and if needed, address their unique types of enforcement and appeals



Overview of Title 1 (General Provisions)

- The intention is that Title 1 only impacts what is written in code
- The goal during this ordinance is to have a better uniform enforcement code



Overview of Title 1 (General Provisions)

A uniform enforcement code should include clear procedures for:

- Efficient notice of violations and opportunities to correct violations
- Penalties/Consequences for not correcting violations in a timely manner
- Permit Suspensions/Revocations
- Appeals
- Cost Recovery
- Abatement and Remediation



Examples of Uniform Enforcement

Title 1
GENERAL PROVISIONS

UPDATED: November 20, 2013

Chapters:

- 1.01 CODE ADOPTION
- 1.04 GENERAL PROVISIONS (RESERVED)
- 1.08 UNIFORM ENFORCEMENT CODE

Chapter 24.07 ADMINISTRATIVE NOTICE PROCEEDINGS, CIVIL PENALTIES AND ABATEMENT

24.07.010 Purpose.

The purpose of this chapter is to establish a uniform system for administrative notices, civil penalties, abatement, hearings, appeals and enforcement for violations of the Whatcom County health code. (Ord. 2005-055 Exh. B; Ord. 2002-070; Ord. 2002-006; Ord. 90-10 Exh. B (part)).



County Code → Title 30, Unified Development Code →
Subtitle 30.8 →

Chapter 30.85 ENFORCEMENT PROCEDURES



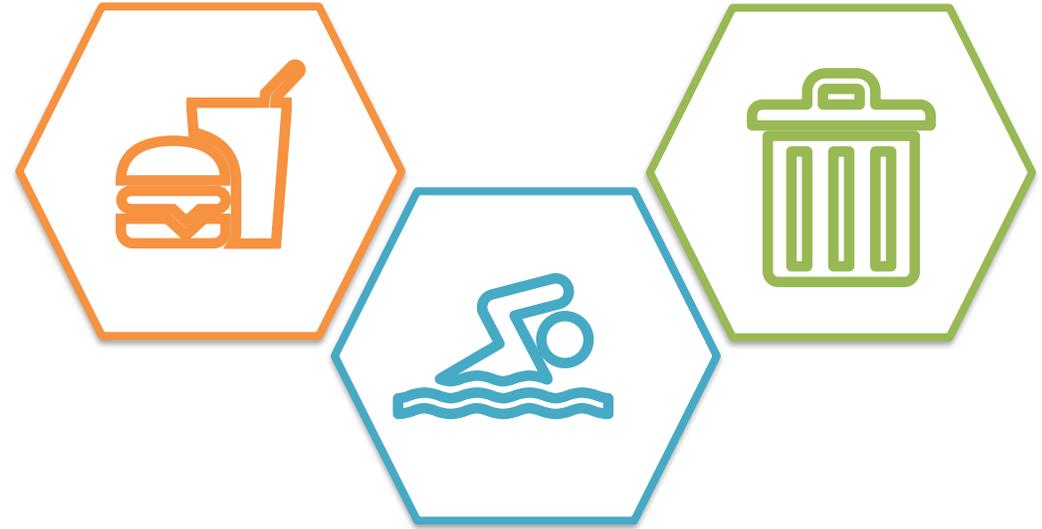
Overview of Title 1 (General Provisions)

- During legal review, we will screen for possible impact to programs outside of Environmental Health (EH)



Who is Impacted by Enforcement?

- Permitted Facilities
 - Retail Food Establishments
 - Solid Waste Facilities
 - Water Recreation Facilities
 - Land Use



Who is Impacted by Enforcement?



- Unpermitted Facilities / Properties
 - Solid/Hazardous Waste Complaints
 - Monitoring & Maintenance of Septic Systems
 - Illicit Sewage Discharge Complaints
 - Illegal Drug Manufacturing & Storage Sites
 - People/Businesses Operating without a Permit/License

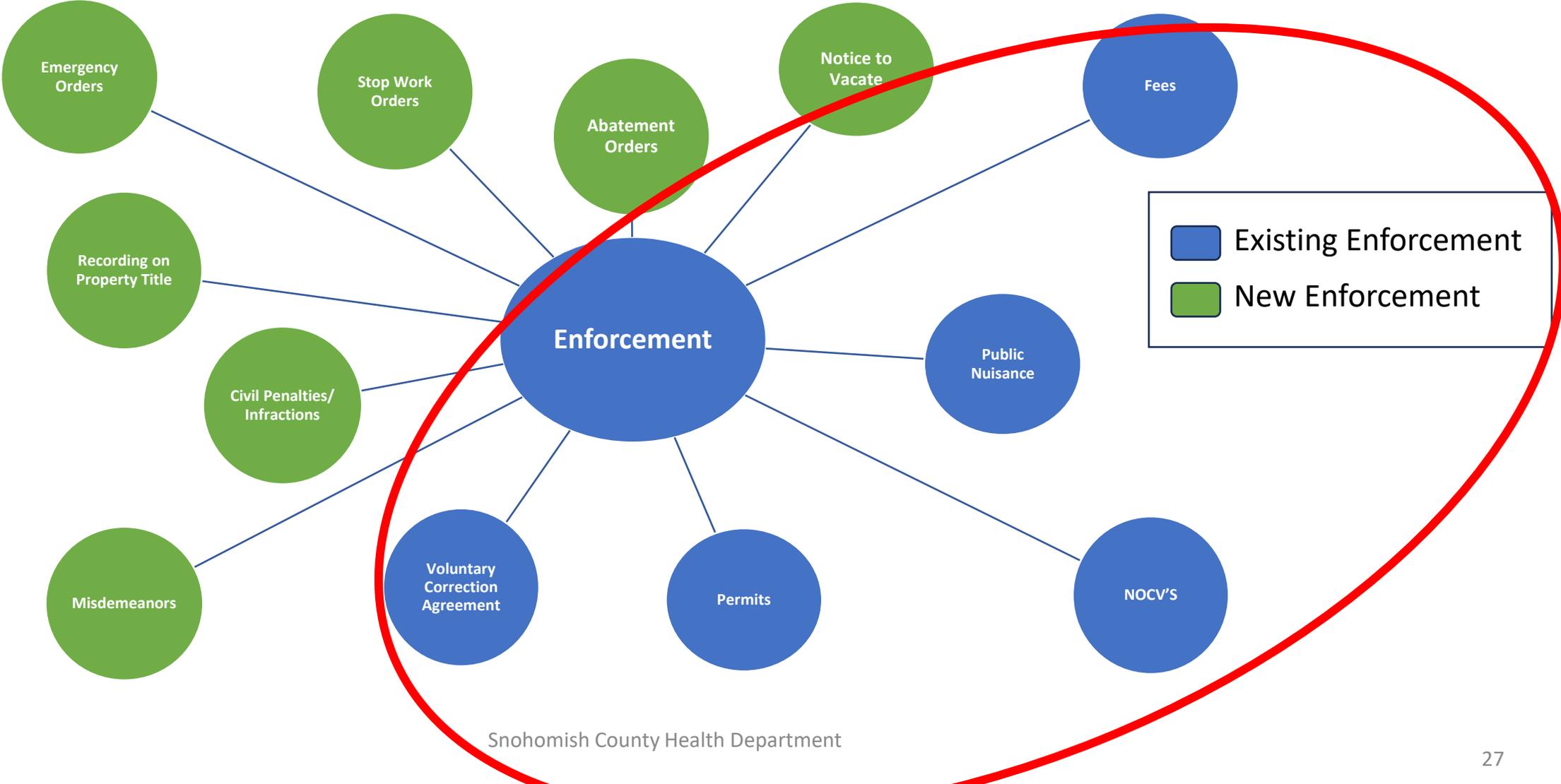
Why do we need enforcement?

- Enforcement provides the following benefits to the community:
 - Protects public health & safety
 - Ensures compliance with regulations
 - Allows the prevention of health hazards
 - Provides clear policy and expectations for all users of the Code
 - Improves community trust and assurance
 - Accountability

Why are Enforcement Changes Needed?

- Lack clarity in some areas
- Inconsistent with other county departments
- Options available are not consistent with neighboring counties

Enforcement Concepts

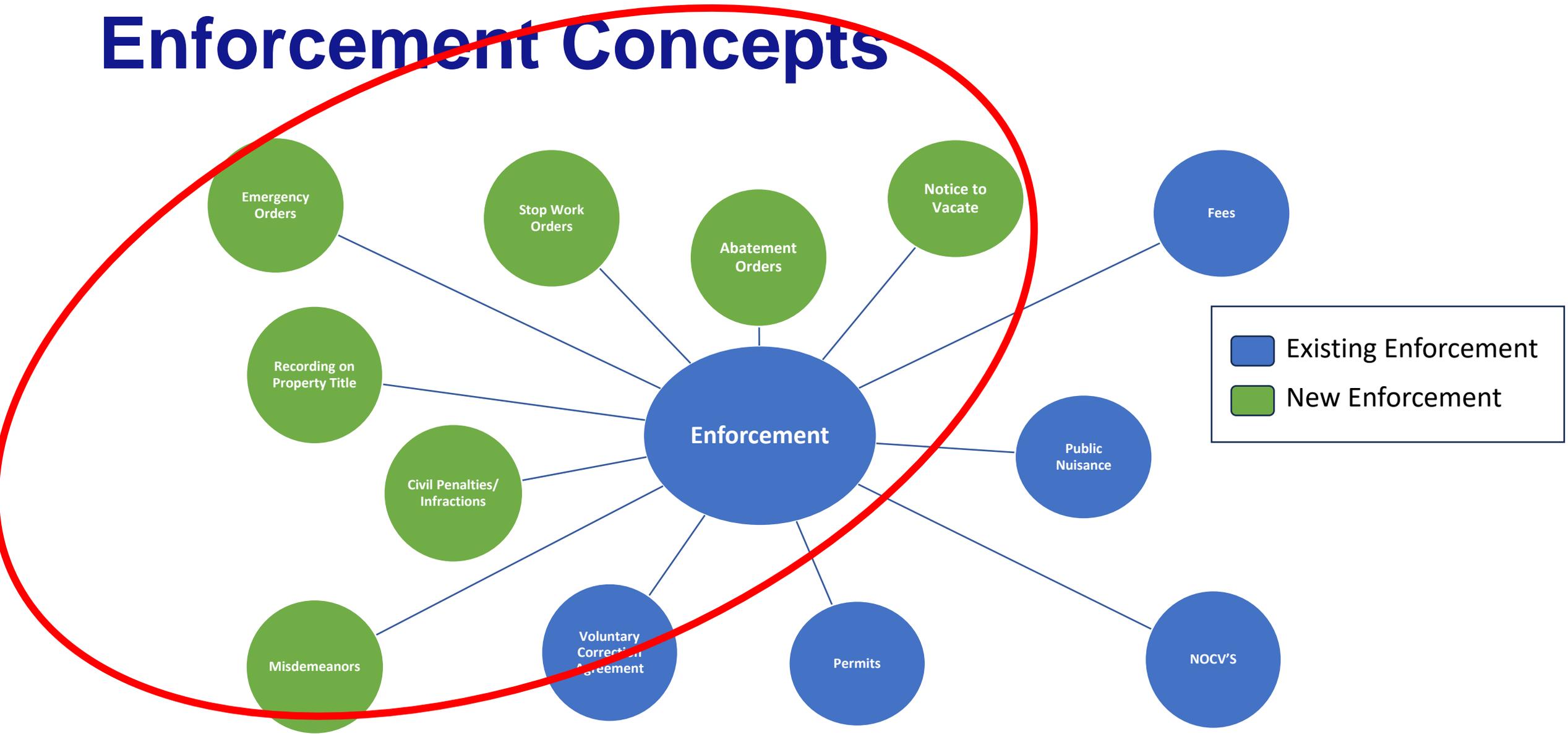


Enforcement Concepts - Current

COUNTY COMPARISONS					
Health Department	Fees	Permits	NOV/NOCV	Public Nuisance	Voluntary Correction agreements
Snohomish HD	✓	✓	✓	✓	✓
Snohomish PDS*	✓	✓	✓	✓	✓
King	✓	✓	✓	✓	✗
Pierce	✓	✓	✓	✓	✓
Clark	✓	✓	✓	✓	✗
Thurston	✓	✓	✓	✓	✗
Whatcom	✓	✓	✓	✓	✗

* Planning & Development Services (not a Health Department)

Enforcement Concepts



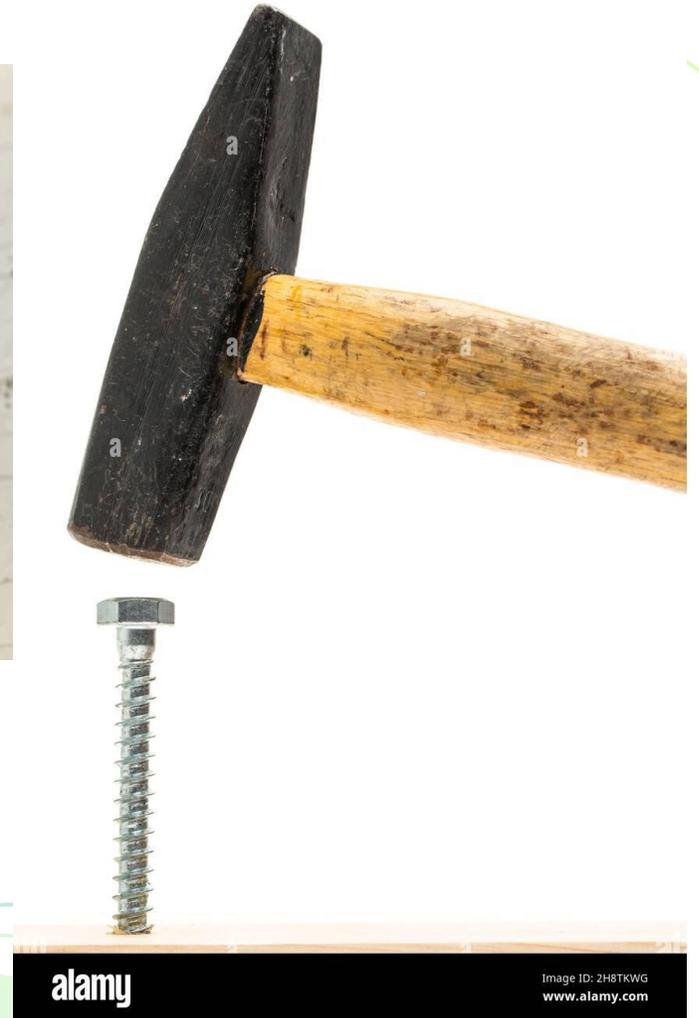
Enforcement Concepts - Potential

COUNTY COMPARISONS						
Health Department	Abatement Orders	Civil Penalties	Recording on Property Title	Misdemeanors	Notice to Vacate	Emergency / Stop Work Orders
Snohomish HD	✗	✓	✗	✗	✗	✓
Snohomish PDS*	✓	✓	✓	✓	✗	✓
King	✓	✓	✓	✓	✗	✗
Pierce	✓	✓	✓	✓	✓	✓
Clark	✓	✓	✓	✓	✗	✗
Thurston	✗	✓	✗	✓	✗	✓
Whatcom	✓	✓	✗	✓	✗	✓

* Planning & Development Services (not a Health Department)

Why are options important?

Need different tools for different situations



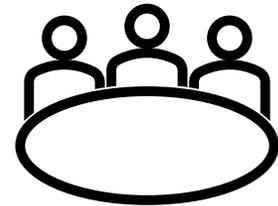
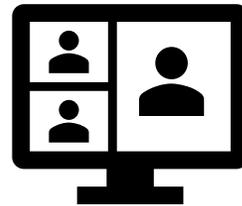
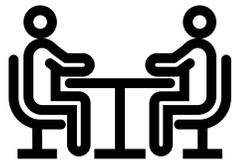
Enforcement Concepts

- Not fully baked
- Not a package proposal
- Can pursue one, some, or none
- May bring multiple ordinances

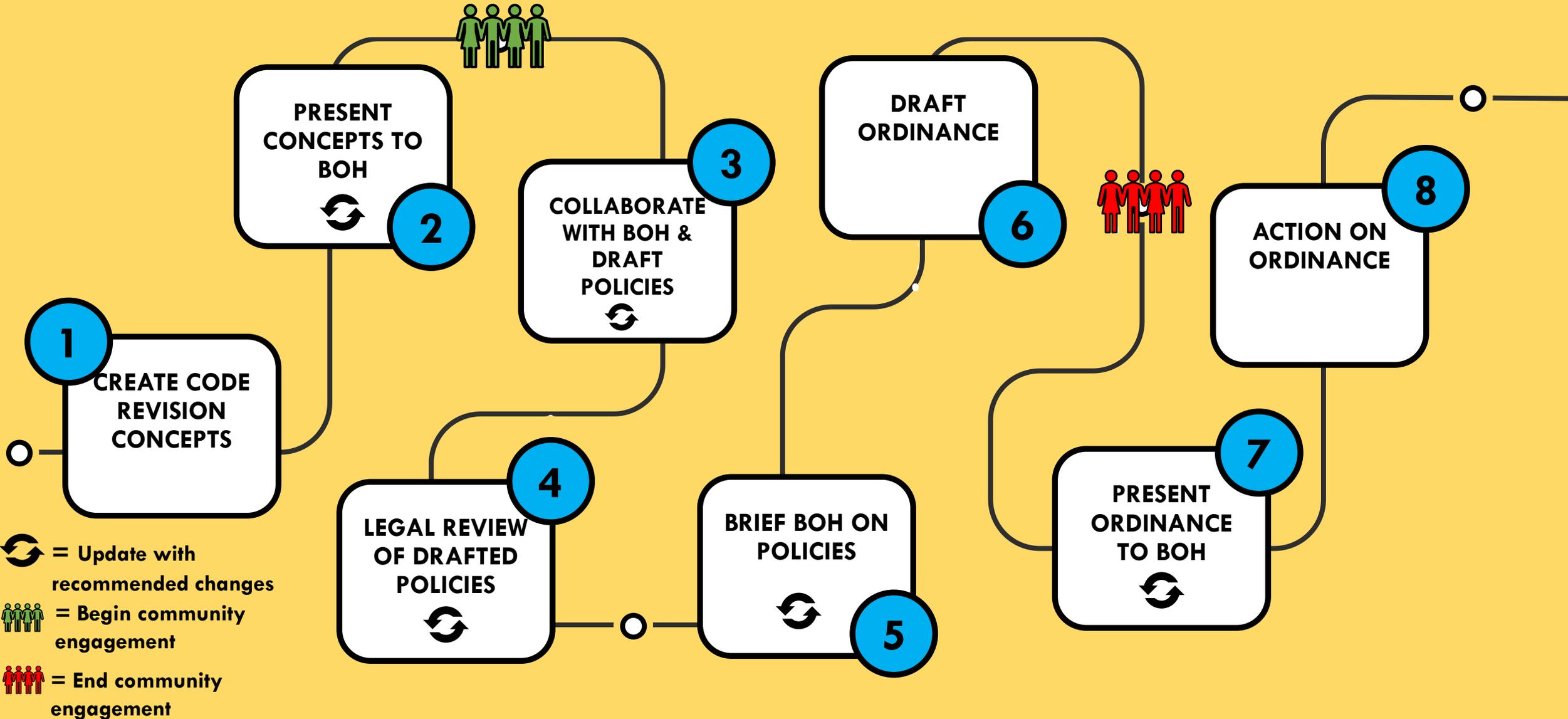


Board of Health Feedback

- Your feedback on these concepts will allow us to better focus our efforts and resources
- Feedback can be provided:
 - One on one meetings
 - Small groups (Ad Hoc Meeting)
 - Email
 - BOH Meetings
- Flexible on:
 - Dates
 - Times
 - Level of Commitment



ORDINANCE CREATION ROADMAP (DRAFT)



Summary

- Current enforcement is out of parity with other county departments and other local health jurisdictions
- The goal is to have a uniform enforcement and appeals code
- We're looking to increase the suite of options available to us to achieve code compliance
- This ordinance project is still in its infant stages
- We want BOH feedback on which ones to put time into investigating
- We can be very flexible with BOH members and their schedules to obtain said feedback



Questions?

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SNOHOMISH COUNTY