

1 SNOHOMISH COUNTY BOARD OF HEALTH
2 Snohomish County, Washington

3
4 ORDINANCE NO. BOH24-04

5
6 RELATING TO ADMINISTRATIVE APPEALS; AMENDING CHAPTER 1.20 OF THE
7 SNOHOMISH COUNTY BOARD OF HEALTH CODE
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10 WHEREAS, the Snohomish County Board of Health has authority under state
11 law and regulations to enact such local rules and regulations as necessary in order to
12 preserve, promote, and improve the public health and provide for the enforcement
13 thereof; and
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15 WHEREAS, revisions to the administrative appeal procedures are necessary to
16 extend administrative appeal rights to additional health department actions, to clarify
17 that state law or regulations govern in the event of a conflict, and to clarify the burden of
18 proof.
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20 NOW, THEREFORE, BE IT ORDAINED:
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22 Section 1. Snohomish County Board of Health Code Section 1.20.020, adopted
23 by Ordinance No. BOH23-01 on October 10, 2023, is amended to read:
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25 **1.20.020 Applicability - what may be appealed.**
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27 Any aggrieved person may appeal ((Any)) an administrative decision, determination, or
28 order ((of the Health Department with respect to applications made to the Health
29 Department; or the revocation, suspension, or modification of a license, certificate, or
30 permit issued by the Health Department are)) made by the Health Officer or a Health
31 Department official in the administration, interpretation, or enforcement of the Health
32 Code subject to the appeal procedures in this chapter. To the extent there is a conflict
33 between the appeal procedures in this chapter and those provided in state law or state
34 regulations, the procedures in state law or state regulations shall govern. For purposes
35 of this chapter, the appealable actions listed in this section are referred to as a
36 “decision.”
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39 Section 2. Snohomish County Board of Health Code Section 1.20.070, adopted
40 by Ordinance No. BOH23-01 on October 10, 2023, is amended to read:
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42 **1.20.070 Appeal procedure – Step two appeal.**
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44 A. *General.* A step two appeal shall be a review of a step one appeal decision issued
45 by the Department under SCBHC 1.20.060(E) and shall be conducted by the Hearing
46 Examiner under the provisions of chapter 2.02 SCC.

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2 B. ~~((Appeal Fee.))~~ Appeal Fee. A step two appeal must include the appeal fee as
3 established by the Board of Health in the fee schedules set forth in chapter 1.40
4 SCBHC.

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6 C. ~~((Burden of Proof.))~~ Burden of Proof. ~~((The appellant has the burden of proof by
7 preponderance of the evidence for appeals related to a decision, determination, or order
8 of the Health Department with respect to an application. The Department has the
9 burden of proof by preponderance of the evidence for appeals related to the revocation,
10 suspension, or modification of a license, certificate, or permit.))~~ The Department has the
11 burden of proof by preponderance of the evidence in establishing a violation of the
12 Health Code in appeals of enforcement actions and in appeals related to the revocation,
13 suspension, or modification of a license, certificate, or permit. The appellant has the
14 burden of proof by preponderance of the evidence for all other appeals.

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16 Section 3. Severability. If any provision of this ordinance or its application to any
17 person or circumstance is held invalid, the remainder of the ordinance or the application
18 of the provision to other persons or circumstances is not affected.

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23 PASSED this ____ day of _____, 2024.

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27 SNOHOMISH COUNTY BOARD OF HEALTH
28 Snohomish County, Washington

29
30
31 _____
32 Chairperson

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34
35 ATTEST:

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38 _____
39 Clerk of the Board

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41 () APPROVED
42 () EMERGENCY
43 () VETOED

44 DATE: _____
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Approved as to from only:

Matthew A. Otten 8/21/24

Deputy Prosecuting Attorney