



KITSAP COUNTY BOARD OF COMMISSIONERS

Efficient, accessible and effective county services

Countywide:	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No			
Policy Name:	Department of Community Development procedures for entry onto private property for code investigation or enforcement.					
Section #:	2.116	Section Title:	Civil Enforcement			
Approval Authority:	Board of Commissioners	Original Adoption:	March 25, 2019	Supersedes	CC1604POL	
Responsible Executive:	Director	Revised:	N/A			
Responsible Office:	Department of Community Development	Contact:	Building and Fire Division			

- 1.0 **Background:** The Department of Community Development (Department) is charged with enforcing a wide array of codes and ordinances relating to land use, fire protection and building construction. Many of these enforcement actions occur on private property. While the various codes and ordinances authorize county officials to access private property for investigating and enforcing code violations, such entry must occur in strict conformance with the constitutions and laws of the United States and the State of Washington.
- 2.0 **Purpose:** To set forth clear guidelines for code enforcement staff to use when securing the right of entry to private/personal property for enforcement purposes.
- 3.0 **Authority:** Kitsap County Code Chapters 2, 14, 21 and 17.
- 4.0 **Policy:** It is the intention of the Department that any entry made onto private property for inspection or enforcement of code violations be accomplished in strict conformity with constitutional and statutory constraints and the holdings of relevant court cases regarding entry and be performed in compliance with Title 2.116.
 1. Prior to commencing any on-site investigation, inspection or enforcement action on private property, Department staff will attempt to notify and obtain permission from the property owner, occupant or other party authorized to consent to entry onto the property. Such notification and request may occur:

- i. In person;
 - ii. Via telephone;
 - iii. Via electronic, regular or certified mail (receipt required for certified mail)
2. When making such notification and request staff will identify themselves and that they are investigating a code violation or initiating an enforcement action and ask for permission to enter upon the private property. When making such request staff should:
 - i. Provide the specific reason for the requested entry to include a description of the violation or enforcement action at issue;
 - ii. Provide the property owner with an informational packet about the code compliance process;
 - iii. Ensure that the request is made without threat or coercion;
 - iv. Make reasonable efforts to ensure that the person answering the request has the authority to grant the request;
 - v. Advise that consent is voluntary and may be withheld or revoked at any time.
3. If consent is denied or cannot be obtained from an authorized party, Department staff will only enter or remain on private property to the extent permitted by federal, state and local law. Without limitation, and depending on the particular circumstances presented, the non-consensual entry or continued presence of Department staff may be lawful in situations where they are:
 - i. Servicing permits;
 - ii. Posting notices as may be required by law;
 - iii. Acting under the authority of a court of competent jurisdiction; or
 - iv. Responding to emergency conditions that may pose a threat to life, health or property.

5.0 Responsibility for Implementation and Compliance:

1. Department Staff shall:
 - i. Retain familiarity with this policy
 - ii. Receive annual refresher training on this policy;
 - iii. Use the provisions of this policy to gain access to private property for enforcement actions.
2. Managers and Supervisors shall:
 - iv. Ensure employees are trained in application of this policy;
 - v. Ensure that enforcement staff is annually trained in application of this policy as well as changes or trends in constitutional, state or case law regarding access to private property for enforcement actions;

- vi. Ensure consistent application of this policy;
- vii. Support employees in executing the policy;
- viii. Monitor and propose changes to the policy as necessary to maintain compliance with applicable statutes or to improve effectiveness and efficiency.

6.0 Internal Policy: This internal policy document does not, and is not intended to, create any substantive or procedural rights enforceable by any party in any matter. The guidelines set forth in this document are not jurisdictional, and the failure to meet them in any particular case shall not affect the county's authority to enforce county code provisions with regard to that case.