

ORDINANCE NO. \_\_\_\_\_-2017

AN ORDINANCE AMENDING CHAPTER 2.116 OF THE KITSAP COUNTY CODE –  
CIVIL ENFORCEMENT

WHEREAS, Kitsap County enforces many of its code provisions through civil infractions; and

WHEREAS, Chapter 7.80 RCW provides procedures for civil infractions heard and determined by Kitsap County district court; and

WHEREAS, Kitsap County wishes to ensure that the civil infraction procedure remains current with state law; and

WHEREAS, RCW 36.32.120(7) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; now

**BE IT ORDAINED:**

**Section 1.** Kitsap County Code Section 2.116.030, adopted by Ordinance 209-1997, is amended as follows:

2.116.030     ~~Enforcement~~ Authorized Officials.

Only an authorized official may ~~enforce~~ administer the provisions of this chapter. For purposes of this chapter, an authorized official is defined as any one of the following:

(a)   The Kitsap County sheriff and his or her authorized representatives ~~shall have the authority to enforce the provisions of this chapter;~~

(b)   The director of the Kitsap County department of community development and his or her authorized representatives ~~shall have the authority to enforce the provisions of this chapter;~~

(c)   The director of Kitsap County department of public works and his or her authorized representatives;

~~(e)(d)~~   The Kitsap County prosecuting attorney ~~shall have authority to enforce the provisions of this chapter and~~ may institute any legal proceedings necessary to ~~enforce~~ implement the provisions of this chapter; and

~~(d)(e)~~   The Kitsap County board of commissioners may designate other persons to administer the provisions of this chapter.

**Section 2.** Kitsap County Code Section 2.116.040, adopted by Ordinance 209-1997, is amended as follows:

2.116.040 Violations – Investigations – Evidence.

An authorized official may investigate alleged or apparent violations of ~~this chapter~~ Kitsap County Code. In the performance of that investigation, an authorized official may enter upon any land and make examinations and surveys, provided that such entries, examinations and surveys are carried out in accordance with all applicable laws and do not damage or interfere with the use of the land by those persons lawfully entitled to the possession thereof. If entry is refused, the authorized official shall have recourse to the remedies provided by law to secure entry. Upon request of the authorized official, the person allegedly or apparently in violation of this chapter shall provide information identifying themselves in accordance with RCW 7.80.060, as now or hereafter amended.

- (a) Violations – Failure to Provide Information Identifying Person. Willful refusal to provide identifying information ~~information identifying a person~~ as required by this section is a ~~misdemeanor~~ Class I civil infraction. Each day identifying information is willfully withheld constitutes a separate infraction.

NEW SECTION. **Section 3.** A new section is added to Chapter 2.116 Kitsap County Code as follows:

2.116.041 Civil Infractions – Procedure.

Authorized officials shall follow the civil infraction procedures set forth in the provisions of Chapter 7.80 RCW, as now or hereafter amended.

**Section 4.** Kitsap County Code Section 2.116.050, adopted by Ordinance 209-1997, is repealed.

**Section 5.** Kitsap County Code Section 2.116.060, adopted by Ordinance 209-1997, is repealed.

**Section 6.** Kitsap County Code Section 2.116.070, adopted by Ordinance 209-1997, is repealed.

**Section 7.** Kitsap County Code Section 2.116.080, adopted by Ordinance 209-1997, is repealed.

**Section 8.** Kitsap County Code Section 2.116.090, adopted by Ordinance 209-1997, is repealed.

**Section 9.** Kitsap County Code Section 2.116.100, adopted by Ordinance 209-1997, is repealed.

**Section 10.** Kitsap County Code Section 2.116.110, adopted by Ordinance 209-1997, is repealed.

**Section 11.** Kitsap County Code Section 2.116.120, adopted by Ordinance 209-1997, is repealed.

**Section 12.** Kitsap County Code Section 2.116.130, adopted by Ordinance 209-1997, is repealed.

**Section 13.** Kitsap County Code Section 2.116.140, adopted by Ordinance 209-1997, is repealed.

**Section 14.** Kitsap County Code Section 2.116.150, adopted by Ordinance 209-1997, is repealed.

**Section 15.** Kitsap County Code Section 2.116.160, adopted by Ordinance 209-1997, is repealed.

**Section 16. Typographical/Clerical Errors.** Should this Ordinance, upon being enacted by the Kitsap County Board of Commissioners during its deliberations on \_\_\_\_\_, have anything inadvertently left out or in error upon publication, the explicit action of the Board as discussed and passed shall prevail upon subsequent review and verification by the Board.

**Section 17. Severability.** If any provision of this ordinance or its application to any person or circumstance is held to be invalid or unconstitutional, the remainder of the ordinance or its application to other persons or circumstances shall not be affected.

**Section 18. Recitals.** The recitals herein shall be findings of fact and are incorporated herein by reference but shall not be codified.

**Section 19. Effective date.** This ordinance shall become effective immediately.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2017.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Daniels, Clerk of the Board

\_\_\_\_\_  
CHARLOTTE GARRIDO, CHAIR

APPROVED AS TO FORM:

\_\_\_\_\_  
EDWARD E. WOLFE, Commissioner

\_\_\_\_\_  
Deputy Prosecuting Attorney

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ROBERT GELDER, Commissioner

