

**CITY OF MAPLE VALLEY, WASHINGTON  
ORDINANCE NO. O-23-811**

**AN ORDINANCE OF THE CITY OF MAPLE VALLEY,  
WASHINGTON, AMENDING SECTION 4.70.010 OF THE  
MAPLE VALLEY MUNICIPAL CODE ENTITLED  
“ASSESSMENT SCHEDULE” RELATED TO CODE  
ENFORCEMENT PENALTIES; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE  
DATE.**

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**WHEREAS**, Section 4.70.010 of the Maple Valley Municipal Code (hereafter “MVMC”) entitled “Assessment Schedule” refers to the currently adopted Development Fee Schedule for civil code enforcement penalties; and

**WHEREAS**, Subsection 4.70.010(A)(1)(c) sets forth additional penalties that can be assessed for certain code violations; and

**WHEREAS**, staff have revised the Development Fee Schedule to include evaluation criteria so that each civil code violation that refers to MVMC 4.70 can be assessed pursuant to set defined criteria; and

**WHEREAS**, applying the new criteria, penalties assessed for civil code violations that refer to MVMC 4.70 can range from \$250 to \$5,000; and

**WHEREAS**, additional amendments are proposed to Subsection 4.70.010(B) ensuring that City staff first inspect code enforcement violations for compliance to avoid assessing daily penalties without re-assessment; and

**WHEREAS**, to eliminate any confusion when assessing civil code enforcement penalties, City Council wishes to amend Section 4.70.010 of the Maple Valley Municipal Code entitled “Assessment Schedule”;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MAPLE VALLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. Adoption.** Section 4.70.010 of the Maple Valley Municipal Code entitled “Assessment Schedule” is hereby amended as follows (new text in underline; deleted text in ~~strike through~~):

A. 1. Civil fines and civil penalties for civil code violations shall be imposed for remedial purposes and shall be assessed for each violation identified in a citation, notice and order, voluntary compliance agreement or stop work order pursuant to the ~~following schedule.~~

The currently adopted Maple Valley development fee schedule. shall apply to the following fees and penalties:

~~a. Citations:~~

~~i. With no previous similar code violations~~

~~ii. With one or more previous similar code violations~~

~~iii. With two or more previous violations~~

~~b. Notice and orders and stop work orders:~~

~~i. Stop work order basic penalty~~

~~ii. Voluntary compliance agreement and notice and order basic penalty~~

~~c. Additional initial penalties may be added in the following amounts for violations where there is:~~

~~i. Public health risk~~

~~ii. Environmental damage risk~~

~~iii. Damage to property risk~~

~~iv. One previous similar code violation~~

~~v. Two previous similar code violations~~

~~vi. Three or more previous similar code violations~~

~~vii. Economic benefit to person responsible for violation~~

~~d. Cleanup restitution payment – as specified in MVMC [4.20.110](#).~~

~~e. Reinspection following the issuance of a notice and order, if the violation has not been abated in accordance with the notice and order:~~

~~i. First reinspection, which shall occur no sooner than the day following the date compliance is required by the notice and order~~

~~ii. Second reinspection, which shall occur no sooner than 14 days following the first reinspection~~

iii. Third reinspection, which shall occur no sooner than 14 days following the second reinspection

iv. Reinspection after the third reinspection, which shall only be conducted immediately preceding an administrative or court ordered abatement or at the direction of the City Attorney for the purpose of presenting evidence in the course of litigation or administrative hearing against the person responsible for code compliance

2. For the purposes of this section, previous similar code violations that can serve as a basis for a higher level of civil penalties include violations of the same chapter of City code. Any citation, stop work order or notice and order previously issued by the Director shall not constitute a previous code violation for the purposes of this section if that stop work order or notice and order was appealed and subsequently reversed.

B. ~~The penalties assessed pursuant to this section for any failure to comply with a notice and order or voluntary compliance agreement shall be assessed daily, according to the schedule in subsection (A) of this section, for the first 30 days following the date the notice and order or voluntary compliance agreement required the code violations to have been cured. If after 30 days the person responsible for code compliance has failed to satisfy the notice and order or voluntary compliance agreement, penalties shall be assessed daily at a rate of double the rate for the first 30 days. Penalties may be assessed daily until the person responsible for code compliance has fully complied with the notice and order.~~ If a person responsible for code compliance has failed to comply with a notice and order or voluntary compliance agreement, re-inspection of any violation shall be made prior to issuing any subsequent penalty associated with a newly issued notice and order.

C. Penalties based on violation of a stop work order shall be assessed, ~~according to the schedule in subsection (A) of this section,~~ for each day the Director determines that work or activity continues ~~was done~~ in violation of the stop work order.

D. Citations and cleanup restitution payments shall only be subject to a one-time civil penalty.

E. The Director may suspend the imposition of additional civil penalties if the person responsible for code compliance has entered into a voluntary compliance agreement. If the person responsible for code compliance enters into a voluntary compliance agreement and cures the code violations, the Director may also waive all or part of the accrued civil penalties. Penalties shall begin to accrue again pursuant to the terms of the voluntary compliance agreement if any necessary permits applied for are denied,

canceled or not pursued, or if corrective action identified in the voluntary compliance agreement is not completed as specified.

F. The civil penalties in this section are in addition to, and not in lieu of, any penalties, sanctions, restitution or fines provided for in any other provisions of law.

**Section 2. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 3. Effective Date.** A summary of this ordinance shall be published in the official newspaper of the City, and the ordinance shall take effect and be in full force January 1, 2024.

**Section 4. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules or regulations; or ordinance numbering and section/subsection numbering.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 11TH DAY OF DECEMBER 2023.

CITY OF MAPLE VALLEY

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Sean P. Kelly, Mayor

ATTEST/AUTHENTICATED:

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Andrew Dacuag, City Clerk

APPROVED AS TO FORM:

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Patricia Taraday, City Attorney

DATE OF PUBLICATION: December 15, 2023  
EFFECTIVE DATE: January 1, 2024