

**City of Mill Creek Community Development Director
Administrative Determination No. 2012-02**

Authority:

MCMC 14.13.010 designates responsibility for enforcement of the Development Code (MCMC Titles 14 through 18) to the Community Development Director, or designee, as appropriate.

MCMC 14.13.040 authorizes the City to issue a Regulatory Order upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the Development Code.

MCMC 14.13.040.E authorizes the Community Development Director to assess civil fines as part of a regulatory order for a violation of the Development Code in accordance with MCMC 14.13.050.

Background:

Enforcement of the Development Code is an important component of protecting the rights of the citizens and business owners of the City of Mill Creek. The City strives to achieve compliance to the provisions of the Development Code voluntarily through education of those that violate the Code. However, a Civil Fine is appropriate when compliance cannot be voluntarily achieved through education efforts.

As stated in MCMC 14.123.040.E, the amount of the civil fine shall be based on the Director's assessment of the duration, intent, and severity of the violation, including continuation of the violation after notice has been given to stop or remedy the violation. Certain violations of the Development Code are observed regularly and constitute the vast majority of the code enforcement activities undertaken by the City. To avoid any perception of arbitrary decision making in determining the amount of a Civil Fine, it is in the best interest of the City to establish a Civil Fine Schedule for the most common violations to be assessed when compliance is not achieved voluntarily.

Administrative Order:

In light of the foregoing background, I hereby establish the following Civil Fine Schedule for violations of the provisions of the MCMC as contained below:

MCMC #	Topic	Civil Fine (First Offense)	Civil Fine (Subsequent Offenses)
17.22.050	Accessory buildings	\$100	\$250
17.22.070	Outdoor storage, sales, and displays	\$100	\$250
17.22.080	Vehicle parking	\$100	\$250
17.24.030	Property maintenance	\$100	\$250
17.26.040	Temporary off-premises construction signs	\$100	\$250

MCMC #	Topic	Civil Fine (First Offense)	Civil Fine (Subsequent Offenses)
17.26.050	Temporary off-premises real estate directional signs	\$100	\$250
17.26.060	Temporary on-premises real estate construction signs	\$100	\$250
17.26.080	Temporary banners and signs	\$100	\$250

This fine schedule is not intended to limit any other enforcement mechanisms available to the City. Notwithstanding this order, the Community Development Department retains authority to issue fines up to \$1,000 per violation based upon the criteria in MCMC 14.13.040.E. The basis for any deviation from the adopted civil fine schedule must be documented at the time the fine is issued.

This Order is made on this 4th day of September 2012.

Tom Rogers, Community Development Director