

**PACIFIC COUNTY BOARD OF HEALTH  
ORDINANCE NO. 8**

**RULES AND REGULATIONS OF THE PACIFIC COUNTY BOARD OF HEALTH  
GOVERNING THE PROVISION OF POTABLE WATER**

WHEREAS, the Washington State Department of Ecology and the Washington State Department of Health have developed guidelines for determining water availability for new buildings as required by the 1990 Growth Management Act; and

WHEREAS, CHAPTER 19.27.097 RCW requires that applicants for building permits needing potable water shall provide evidence of an adequate water supply for the intended use of the buildings; and

WHEREAS, CHAPTER 19.27.097 RCW authorizes local governments to impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency; and

WHEREAS, CHAPTER 75.05.060 RCW directs the Board of Health to enforce public health rules in the incorporated and unincorporated areas of Pacific County; and

WHEREAS, as development in the County has intensified on small, pre-platted lots, the ability to safely place domestic wells and meet minimum setbacks from adjoining on-site sewage disposal systems is becoming increasingly difficult; and

WHEREAS, the County lacks consistent standards and procedures governing the safe and sanitary installation of individual water systems; and

WHEREAS, several water districts have expressed a need for consistent water policy in the County, especially when requiring new development within a water district boundary to obtain water service from the water district rather than drilling an individual domestic well; and

WHEREAS, CHAPTER 173-152 WAC (Water Rights) and CHAPTER 508-12 WAC (Administration of Surface and Ground Water Codes) require review and administration of the water resources of the state; and

WHEREAS, as development pressure increases in areas of Pacific County where the provision of potable water through traditional means, i.e., well, spring, water district, etc., is not guaranteed, new construction is relying on alternative rain water catchment systems to provide potable water; and

WHEREAS, the use of rainwater catchment systems is a relatively new phenomenon in the State of Washington and Pacific County, the Washington State Department of Ecology is in the process of adopting guidelines for the development and use of rainwater catchment systems to provide potable domestic water; and

WHEREAS, the Washington State Department of Ecology issued Policy 1017 regarding the “Collection of Rainwater for Beneficial Use” and determined that an Ecology permit or water rights from the State of Washington are currently not required for the on-site storage and use of rooftop collection of rainwater; and

WHEREAS, the Pacific County Board of Health desires to protect the availability and quality of potable water sources; now, therefore be it ordained by the Pacific County Board of Health as follows:

**IN ACCORDANCE WITH CHAPTER 19.27.097 RCW AND CHAPTER 173-200 WAC, IT IS HEREBY ORDAINED BY THE PACIFIC COUNTY BOARD OF HEALTH THAT BOARD OF HEALTH ORDINANCE NO. 8 IS ADOPTED AS FOLLOWS:**

**SECTION 1 – PURPOSE AND APPLICABILITY**

- 1.1 AUTHORITY. Pursuant to Chapter 19.27.097RCW, these regulations are adopted to promote and protect the health, safety and well-being of the public and ensure adequate potable water is available to service new residential development.
- 1.2 ANTI-DEGRADATION POLICY. The goal of this policy is to ensure the purity of the County's ground waters and to protect the natural environment. The groundwater anti-degradation policy of Pacific County is generally guided by Chapter 90.48 RCW, the Water Pollution Control Act, and Chapter 90.54 RCW, Water Resources Act of 1971 and contains the following goals:
  - 1.2.1 Existing and future beneficial uses shall be maintained and protected while the degradation of ground water quality that would interfere with, or become injurious to, said beneficial uses shall not be allowed.
  - 1.2.2 High quality ground waters that constitute an outstanding County resource, such as waters of exceptional recreational, commercial, or ecology significance, shall not be degraded.
  - 1.2.3 Existing ground water quality shall be protected. Contaminants that may lead to the degradation of the region’s water quality shall not be allowed, except in those instances where it can be demonstrated to the Health

Officer's satisfaction that:

1.2.3.1 An overriding consideration of the public interest will be served;  
and

1.2.3.2 All reasonable methods to prevent, control and treat the known  
contaminant(s) are utilized prior to actual discharge into the  
groundwater.

1.3 APPLICABILITY. Notwithstanding parcels with failed septic systems reviewed  
under Section 6, this Ordinance applies to all new construction requiring the  
provision of potable water under RCW 19.27.097, with the exception of the  
following:

1.3.1 Existing single family residences, including the expansion and/or remodel  
thereof, that have a water availability form on record with the Health  
Officer; or

1.3.2 Existing multi-family dwellings, including the expansion and/or remodel  
thereof, that have a water availability form on record with the Health  
Officer; or

1.3.3 Existing commercial buildings, including the expansion and/or remodel  
thereof, that have a water availability form on record with the Health  
Officer.

## **SECTION 2 - ADMINISTRATION**

2.1 The Administrative Officer for the Board of Health shall be the Administrator of  
this Ordinance and shall be responsible for administering the provisions and  
requirements of this Ordinance.

2.2 The Health Officer shall act under the direction of the Board of Health or the  
Administrative Officer. The Health Officer shall have the power and duties  
enumerated in RCW 70.05.070.

2.3 The Health Officer or his/her designee shall be responsible for administering the  
provisions and requirements of this Ordinance.

2.4 The Administrative Officer is hereby authorized to adopt and implement written  
administrative rules which are consistent with and effectuate the purpose of this  
Ordinance. Any such rules must be approved by resolution of the Board of  
Health. Any activity pertaining to the provision of potable water shall conform to  
any such administrative rules that are formulated by the Administrative Officer  
and approved by the Board of Health.

- 2.5 Unless otherwise noted, the Rules of the Washington State Department of Ecology for water, as set forth in Chapter 173-152 WAC (Water Rights), Chapter 508-12 WAC (Administration of Surface and Groundwater Codes), and Chapter 173-200 WAC (Water Quality Standards) are adopted and incorporated herein by reference.
- 2.6 The Administrative Officer is hereby authorized to develop a fee schedule to cover all of the activities delineated in this Ordinance. Any proposed fees shall not become effective until approved by resolution of the Board of Health. The Health Officer shall not accept for review any material supplied by an applicant, nor issue any license, nor in any manner take any official action, until the appropriate fees are paid.
- 2.7 Where the provisions of any local, State, or Federal regulation shall conflict with this Ordinance, the more restrictive regulation shall apply.

### **SECTION 3 - DEFINITIONS**

The definitions contained in Chapter 173-200 WAC are hereby adopted by reference, with the following exceptions:

- 3.1 Administrative Officer - "Administrative Officer" means the Administrative Officer appointed by the Board of Health under RCW 70.05.040.
- 3.2 Approved Water System - "Approved Water System" means a Group A, Group B, or Municipal water system that has been approved by Washington State Department of Health.
- 3.3 Board of Health - "Board of Health" means the Pacific County Board of Health.
- 3.4 Cistern - "Cistern" means an artificial reservoir for storing liquids; especially an underground tank for storing rainwater.
- 3.5 County - "County" means Pacific County.
- 3.6 Driven well - "Driven well" is a well constructed by joining a "drive point" to a length of pipe, then driving the assembly into the ground with hand tools.
- 3.7 Drilled well - "Drilled well" is a well in which the hole is usually excavated by mechanical means such as rotary, cable tool, or auger drilling equipment.
- 3.8 Dug well - "Dug well" is a well generally excavated with hand tools or by mechanical methods. The side walls may be supported by material other than standard weight steel casing.

- 3.9 Group A Water System - “Group A water system” means a public water system that is constructed to:
- 3.9.1 Serve 15 or more service connections used by year-round residents for 180 or more days within a calendar year regardless of the number of people; or
  - 3.9.2 Regularly serve at least 25 residents on a year-round (non-seasonal) basis; or
  - 3.9.3 Serve 25 or more individuals for 60 or more days per year; or
  - 3.9.4 Serve more than 1,000 individuals for two or more consecutive days.
- 3.10 Group B Water System - "Group B water system" means a public water system that is constructed to:
- 3.10.1 Serve less than fifteen residential services regardless of the number of people; or
  - 3.10.2 Serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or
  - 3.10.3 Serve any number of people for less than sixty days within a calendar year.
- 3.11 Jetted Well - “Jetted Well” is a method of well drilling involving the use of a high velocity stream or jet of water to cut a hole in the ground and transport the loosened material up and out of the hole. A jetted well is also referred to as a sand point well.
- 3.12 Non-Approved Water System - “Non-approved water system” means a Group A, Group B, or municipal water system that has not been approved by the Washington State Department of Health.
- 3.13 Potable Water - “Potable Water” means water of sufficiently high quality that it can be consumed or used without risk of immediate or long term harm.
- 3.14 Public Health Hazard - “Public Health Hazard” means a condition or situation where disease potential exists, and if left unabated, may increase and may result in a public health emergency.
- 3.15 Public Health Officer - “Public Health Officer” means the Health Officer appointed by the Board of Health pursuant to RCW 70.05.050, or a representative authorized by, and under the supervision of, the appointed Health Officer.

- 3.16 Two Party Well - "Two Party Well" means one well source serving two single family residences. Three or more connections to common well source are considered a Group B water system.
- 3.17 Usual or Most Feasible Route of Access – "Usual or Most Feasible Route of Access" means the road, street or driveway used for accessing a property. In terms of this definition used to define when public water is required, the "usual or most feasible route of access" means to measure the 200' distance along the public or private street/road/driveway providing access to the property and not simply relying on a generic standard of 200' as measured from public water line to property line with little or no regard for natural (e.g., river or wetlands) or man-made (e.g., State Highway) obstructions.
- 3.18 Water Availability Form - "Water Availability Form" means a form promulgated by the Health Officer and used to establish minimum evidence of adequate water supply for the intended use of a building as required in RCW 19.27.097.
- 3.19 Water Right - "Water right" means a permit, claim, or other authorization, on record with or accepted by the Washington State Department of Ecology, authorizing the beneficial use of water in accordance with all applicable state laws.

#### **SECTION 4 – GENERAL REQUIREMENTS**

- 4.1 Every residence, place of business, or other building or place where persons congregate, reside, or are employed, shall have access to an approved source of potable water which meets the requirements of this Ordinance.
- 4.2 No person shall construct a well, divert surface water or install a rainwater catchment system for domestic purposes without first obtaining a permit from the Health Officer.
- 4.3 An individual well permit shall not be denied for any parcel containing an existing residence demonstrating present and continuous use prior to the effective date of this Ordinance, and for which no community water system is available.
- 4.4 An individual well permit may be denied where the distance between the proposed well and any existing onsite sewage system is less than one hundred (100) feet or where the proposed well violates any local, State, or Federal regulations.
- 4.5 No parcels shall be permitted to connect to a non-approved water system.

- 4.6 Existing parcels connected to a non-approved water system shall be required to connect to an approved water system or private well before any further development permits will be issued.
- 4.7 An individual well, a rainwater catchment system, including the use of a cistern for water storage, and installed with the sole purpose of providing non-potable irrigation water, are considered exempt from the requirements of this Ordinance. An irrigation well or rainwater catchment system shall not be converted to domestic use without first obtaining a permit from the Health Officer and shall be compliant with this Ordinance and all other local, State and Federal requirements.

## **SECTION 5 – CONNECTION TO PUBLIC WATER**

- 5.1 When public water systems are available within 200 feet of an existing residence or facility, as measured along the usual or most feasible route of access, the owner of record must connect the residence or facility to the public water system if all the following apply:
  - 5.1.1 The residence or facility is served by an onsite septic system which has failed; and
  - 5.1.2 A repair to the septic system is unable to meet new construction standards for horizontal and vertical separations as required in Pacific County Board of Health Ordinance 3E, or any amendments thereto, and is permitted under the “Table VI” repair guidelines; and
  - 5.1.3 The water purveyor allows the connection; and
  - 5.1.4 The connection is deemed necessary to protect public health by the Health Officer.
- 5.2 When public water systems are available within 200 feet of a vacant parcel proposed for development, as measured along the usual or most feasible route of access, the owner of record must connect the proposed residence or facility to the public water system if all the following apply:
  - 5.2.1 The parcel is located within a public water district boundaries; and
  - 5.2.2 The water purveyor has adequate and available capacity to serve the proposed project; and
  - 5.2.3 The water purveyor allows the connection.

## **SECTION 6 – ACTIVITIES REQUIRING A PERMIT**

- 6.1 No person shall install a well, surface water connection, or a rain catchment system to be used for domestic purposes without a valid permit from the Health Officer.
- 6.2 No person shall expand or modify an existing well, surface water connection, or a rain catchment system without a valid permit from the Health Officer.
- 6.3 Upon approval by the Health Officer, emergency repairs may be made prior to the issuance of a permit notwithstanding Subsection 6.1 and 6.2.
- 6.4 Persons applying for a building permit for the construction or alteration of a building which will necessitate a source of potable water, and that source of potable water is not being provided by a water district licensed by the State of Washington, shall obtain a permit from the Health Officer before starting construction.
- 6.5 If a person fails to comply with the terms of a permit issued under this Ordinance, or is engaged in activities regulated under this Ordinance without the appropriate permit(s), the Health Officer may issue a written order to immediately stop or suspend all work, except that which is necessary to bring the project into compliance with this Ordinance.
- 6.6 A permit is not required for the maintenance of existing components, including, but not limited to, well points, pumps, storage tanks, lines, catchment basins, etc.

## **SECTION 7 – PERMIT REQUIREMENTS**

- 7.1 The installation of a well, surface water connection or rain catchment system, if they are to be used for domestic purposes, requires the issuance of a valid permit from the Health Officer prior to the actual construction and/or installation. In order to obtain a permit, a project proponent shall submit (on forms provided by Pacific County), the following information:
  - 7.1.1 Name and address of the property owner and the applicant, if different;
  - 7.1.2 Parcel number, legal description, and if available, the address of the site;
  - 7.1.3 Intended source of drinking water supply;
  - 7.1.4 Identification of whether the property is within the boundaries of a recognized sewer utility or urban growth area under the Growth Management Act;

- 7.1.5 Size of the parcel;
  - 7.1.6 Type of system which the permit application is being made for;
  - 7.1.7 Methods and location of all sewage collection and disposal utilities on-site;
  - 7.1.8 Location of utilities;
  - 7.1.9 Name of Engineer or well driller responsible for the design and/or installation of the system, if applicable;
  - 7.1.10 Date of application; and
  - 7.1.11 Signatures of owner/applicant.
- 7.2 Any person desiring to obtain a permit for domestic water shall submit a complete, detailed, and dimensional site plan to the Health Officer that includes:
- 7.2.1 Location of the proposed well, surface water connection or rainwater catchment system, including all components shown in relation to all other items listed below;
  - 7.2.2 Location and dimensions of all existing improvements currently located on the site, including structures, driveway, utilities, etc;
  - 7.2.3 Location and dimensions of all proposed improvements;
  - 7.2.4 All sources of contaminates within 200' of the proposed water source, including any on-site sewage disposal systems located on the parcel and those located on adjoining properties;
  - 7.2.5 Identification of whether the property is within the boundaries of a recognized water district or urban growth area under the Growth Management Act;
  - 7.2.6 Size and dimensions of the parcel;
  - 7.2.7 General topography and/or slope of the site, including site drainage characteristics;

- 7.2.8 The location of existing and proposed encumbrances affecting system placement, including legal easements and access documents if any component of the water system is not on the lot where the potable water will be used. Copies of easements and their recording numbers must be furnished when such easements are necessary for the Health Officer's approval of the water system;
  - 7.2.9 An arrow indication north; and
  - 7.2.10 Any other additional information deemed necessary by the Health Officer.
- 7.3 The proposed well, surface water connection or rainwater catchment system shall be clearly marked with flagging tape on the project site prior to a site inspection by the Health Officer.

## **SECTION 8 – POTABLE WATER REQUIREMENT**

Pursuant to Chapter RCW 19.27.097, every new building, as determined by its type of occupancy and requirements to provide potable water, shall be connected to an approved source of potable water, including a municipal water source, a private domestic well, a group A or group B water system, or another approved water source. The use and development of hand dug or driven wells, springs, and surface water for single family residences is discouraged. Approval will take one of the following forms:

- 8.1 For parcels proposed to be served by a public water system, the applicant shall provide a water availability form completed by the water purveyor demonstrating adequate water exists to serve the parcel.
- 8.2 For parcels proposed to be served by an existing private well either drilled, jetted, driven or hand dug with or without any documented history, the application shall provide the following:
  - 8.2.1 A completed water availability form demonstrating that there is adequate potable water necessary to service the intended use;
  - 8.2.2 Demonstration that the well was constructed in accordance with the minimum sealing requirements of Chapter 173-160-261 WAC;
  - 8.2.3 A completed “Water Well Report for an Existing Well” form printed by the Washington State Department of Ecology, Water Resources Program;
  - 8.2.4 Obtain and affix from the Washington State Department of Ecology a well tag to the well casing or other permanent feature of the well; and

- 8.2.5 Approved bacteriological testing for total coliforms by a Washington State certified laboratory. Water quality samples shall contain less than one (1) organism per 100 milliliters for total coliform bacteria, and if bacteriological testing cannot be passed, an approved continuous disinfection system must be installed according to a licensed professional engineer's design.
- 8.3 For parcels proposed to be served by surface water sources, the applicant shall provide the following:
  - 8.3.1 A water right permit or a valid registered water right claim;
  - 8.3.2 A completed water availability form demonstrating that there is adequate potable water necessary to service the intended use;
  - 8.3.3 Demonstration that the well was constructed in accordance with the minimum sealing requirements of Chapter 173-160-261 WAC;
  - 8.3.4 Approved bacteriological testing for total coliforms by a Washington State certified laboratory. Water quality samples shall contain less than one (1) organism per 100 milliliters for total coliform bacteria, and if bacteriological testing cannot be passed, an approved continuous disinfection system must be installed according to a licensed professional engineer's design;
  - 8.3.5 A complete system design prepared by a licensed professional engineer; and
  - 8.3.6 Documentation of the volume capacity measurements performed on the source of water during August through October.
- 8.4 For parcels projected to be served by a proposed private well either to be drilled or jetted, the application shall provide the following:
  - 8.4.1 A completed water availability form demonstrating that there is adequate potable water necessary to service the intended use;
  - 8.4.2 Comply with all well construction requirements of Chapter 173-160 WAC and any amendments thereto;
  - 8.4.3 Obtain and affix from the Washington State Department of Ecology a well tag to the well casing or other permanent feature of the well;
  - 8.4.4 A copy of the completed well log for newly constructed wells signed and dated by a certified well driller;

- 8.4.5 Employ only a state licensed well driller or well contractor licensed and bonded under Chapter 18.27 RCW;
  - 8.4.6 The well shall be capable of producing a minimum of 400 gallons per day (16.6 gallons per hour) as measured by a one-hour bailer or air lift; and
  - 8.4.7 Approved bacteriological testing for total coliforms by a Washington State certified laboratory. Water quality samples shall contain less than one (1) organism per 100 milliliters for total coliform bacteria, and if bacteriological testing cannot be passed, an approved continuous disinfection system must be installed according to a licensed professional engineer's design.
- 8.5 For parcels projected to be served by a rainwater catchment/cistern type of system, the application shall provide the following:
- 8.5.1 A complete design for the system prepared by a licensed professional engineer with specific experience in this type of water collection, distribution and treatment;
  - 8.5.2 An approved Operations and Maintenance Plan with specific maintenance schedules based on manufacturer's and engineers recommendations;
  - 8.5.3 A completed water availability form demonstrating that there is adequate potable water necessary to service the intended use;
  - 8.5.4 A *Declaration of Covenant of an Alternative (Non-standard) Water Source* must be recorded with the County Auditor;
  - 8.5.5 All rainwater catchment systems must comply with the standards in the *EPA Manual for Individual and Non-community Water Supply Systems* and all components must comply with National Sanitation Foundation (NSF), Food and Drug Administration (FDA), or American Water Works Association (AWWA) standards; and
  - 8.5.6 Approved bacteriological testing for total coliforms by a Washington State certified laboratory. Water quality samples shall contain less than one (1) organism per 100 milliliters for total coliform bacteria, and if bacteriological testing cannot be passed, an approved continuous disinfection system must be installed according to a licensed professional engineer's design.

## **SECTION 9 – NEW WELL STANDARDS**

- 9.1 All proposed wells shall meet the following minimum setback requirements unless the Health Officer determines that the proposed location does not present a public or individual health hazard:
  - 9.1.1 Building or building eave/overhang - 5 feet;
  - 9.1.2 Septic tank – 50 feet;
  - 9.1.3 Edge of an on-site sewage system absorption field (drainfield), sand filter, or mound – 100 feet;
  - 9.1.4 Sewer line – 50 feet;
  - 9.1.5 Sewage or manure lagoon – 200 feet; or
  - 9.1.6 Property line of any parcel containing an active solid waste landfill, inactive solid waste landfill, closed solid waste landfill or illegal solid waste landfill – 1,000 feet.
- 9.2 All new wells shall be capable of producing a minimum of 400 gallons per day (16.6 gallons/hour) as measured by a one-hour bailer or air lift test.

## **SECTION 10 – TWO PARTY WELL REQUIREMENTS**

- 10.1 For parcels proposing to use a two party well, the applicant shall provide the following:
  - 10.1.1 A completed water availability form demonstrating that there is adequate potable water available to serve the intended use;
  - 10.1.2 Demonstration that the well installation was conducted according to the construction and setback requirements of Chapter 173-160 WAC, or any amendments thereto;
  - 10.1.3 Obtain and affix from the Washington State Department of Ecology a well tag to the well casing or other permanent feature of the well;
  - 10.1.4 A copy of the completed well log for newly constructed wells or a copy of a “Water Well Report for an Existing Well” for wells with no documented history signed and dated by a certified well driller;

- 10.1.5 For all proposed wells, employ only a state licensed well driller or well contractor licensed and bonded under Chapter 18.27 RCW to install the well;
- 10.1.6 Designation of ownership of the well and any necessary easements for construction, maintenance, and/or repairs recorded on the property title of each parcel;
- 10.1.7 The well shall be capable of producing a minimum of 800 gallons per day as measured by a one-hour bailer or air lift;
- 10.1.8 The pump should be capable of producing a minimum of 17 gpm. A minimum pressure of 30 psi at maximum demand should be supplied to each property line or residence;
- 10.1.9 The pressure tank(s) should be sized so that the drawdown provides adequate pump protection and/or storage. Pump protection: 2.5 x pump rate = gallons. (This is the minimum drawdown capacity of the tank); and
- 10.1.10 Approved bacteriological testing for total coliforms by a Washington State certified laboratory. Water quality samples shall contain less than one (1) organism per 100 milliliters for total coliform bacteria, and if bacteriological testing cannot be passed, an approved continuous disinfection system must be installed according to a licensed professional engineer's design.

## **SECTION 11 - ADMINISTRATIVE HEARINGS**

- 11.1 Any action which is taken that requires a valid permit when no such permit has been issued, or when the permit has expired, or when the permit is suspended or revoked, is subject to the sanctions listed in Section 12 of Board of Health Ordinance No. 1, or any amendments thereto. A person who violates the provisions of this Ordinance, or who fails to comply with any of its requirements, shall be subject to the procedures and sanctions set forth in Board of Health Ordinance No. 1, or any amendments thereto.
- 11.2 A person aggrieved by any action taken by the authorized designee of the Health Officer pertaining to the activities listed in this Ordinance, and excluding any civil citation issued by the Health Officer's designee pursuant to Section 12 of this Ordinance or Board of Health Ordinance No. 1, or any amendments thereto, may request an administrative hearing before the Health Officer. Such request shall be filed in writing with the Health Officer within ten (10) business days of the date of the action being challenged. Upon receipt of such request, the Health Officer shall notify the person aggrieved of the time and date of such hearing, which shall be set at a mutually convenient time not less than five (5) working days nor more than fifteen (15) working days from the date the request was received, unless a later date is agreed to by the person aggrieved.

- 11.3 The administrative hearing shall be conducted in an informal manner. The Rules of Evidence shall not apply. All relevant evidence is admissible which, in the opinion of the Health Officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. The person aggrieved may be represented by a lawyer.
- 11.4 The Health Officer shall decide disputed matters based on a preponderance of the evidence. The Health Officer shall determine whether the explanation of the events by the person aggrieved justifies modifying or reversing the initial decision. The decision of the Health Officer to affirm, reverse, or modify the initial decision shall be in writing and shall be issued within thirty (30) days after the close of the hearing. The decision shall be justified with written findings of fact and shall be promptly sent to the person aggrieved.
- 11.5 If the person who requested the administrative hearing disagrees with the final decision of the Health Officer, he/she may appeal the decision to the Pacific County Board of Health. Any such appeal shall comply with, and be subject to, the requirements listed in Section IV, Subsection A, of Board of Health Ordinance No. 1, or any amendments thereto.

## **SECTION 12 - PENALTIES AND ENFORCEMENT**

- 12.1 A person who violates the provisions of this Ordinance or who fails to comply with any of its requirements shall be subject to the procedures and sanctions set forth in Board of Health Ordinance No. 1, or any amendments thereto.
- 12.2 In addition to the civil penalty provisions provided in Board of Health Ordinance No. 1 or any amendments thereto, any person who violates any of the provisions of this Ordinance is guilty of a misdemeanor, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation is a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than ninety (90) days or both. The principles of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance as shall all judicial interpretations thereof.
- 12.3 When a Court determines that a person has committed a civil infraction under this Ordinance and Ordinance No. 1, or any amendments thereto, Pacific County may collect penalties, assessments, costs, and/or fines by any procedure established for the collection of debts that are owed to the County.

- 12.4 Any disposition of a violation pursuant to this Ordinance and Board of Health Ordinance No. 1, or any amendments thereto, shall not absolve a person from correcting or abating a violation and shall not prevent the prosecuting authority from pursuing criminal prosecution, other civil action including, but not limited to, injunctive relief, license revocation, and abatement, or all of the above. If Pacific County prevails in a separate civil action, the Court may award the County reasonable costs including, but not limited to, the costs of the responsible officials' time, witness fees, attorney fees, court costs, and the costs to the County of abatement or of enforcement of an injunction, or both.
- 12.5 Any or all of the remedies articulated in Section 12 PENALTIES AND ENFORCEMENT may be used by the Board of Health to enforce this Ordinance. Nothing contained in this Ordinance shall prevent the Board of Health from taking such other lawful action as is necessary to prevent or remedy any violation.

### **SECTION 13 - SAVINGS AND SEVERABILITY**

- 13.1 If any provision, or portion thereof, contained in this Ordinance is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

### **SECTION 14 - EFFECTIVE DATE**

- 14.1 If the DOH explicitly approves this Ordinance during its ninety (90) day review period under WAC 246-272A-0015, this Ordinance shall take effect five (5) days after the date on which the DOH's approval is published in the official legal newspaper for Pacific County.
- 14.2 If the DOH tacitly approves this Ordinance by failing to act during its ninety (90) day review period under WAC 246-272A-0015, this Ordinance shall take effect five (5) days after the date on which the DOH's tacit approval is published in the official legal newspaper for Pacific County
- 14.3 If the DOH disapproves this Ordinance during its ninety (90) day review period under WAC 246-272-0015, this Ordinance shall not take effect.

PASSED by the Pacific County Board of Health in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 11<sup>th</sup> day of January, 2011.

3 AYE; 0 NAY; 0 ABSTAIN; 0 ABSENT

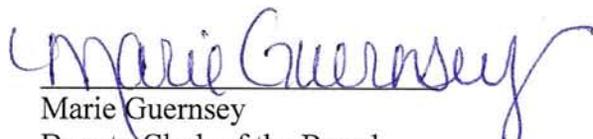
BOARD OF HEALTH  
PACIFIC COUNTY, WASHINGTON

  
Norman "Bud" Cuffel, Chairman

  
Jon Kaino, Commissioner

  
Lisa Ayers, Commissioner

ATTEST:

  
Marie Guernsey  
Deputy Clerk of the Board