

**Subtitle I. General Provisions**  
**Chapter 20.02 – Administration and Enforcement**

**20.02.060 Violations – Enforcement – Penalties.**

(1) Violations.

(a) It is a violation of this title for any person to initiate or maintain or cause to be initiated or maintained the use of any structure, land, or property within the city of Port Orchard without first obtaining the permits or authorizations required for the use by this title.

(b) It is a violation of this title for any person to use, construct, locate, alter, demolish, or cause to be used, constructed, located, altered, or demolished any structure, land, or property within the city of Port Orchard in any manner that is not permitted by this title or by the terms of any permit or approval issued pursuant to this title or previous codes, provided that the terms or conditions are explicitly stated on the permit or the approved plans.

(c) It is a violation of this title to remove, ~~or~~ deface, or fail to comply with any sign, notice, complaint, or order required by or posted in accordance with this title.

(d) It is a violation of this title to misrepresent any material fact in any application, plans, or other information submitted to obtain any land use, building, or development permit or approval.

(e) It is a violation of this title for anyone to fail to comply with the requirements of this title.

~~(f) It is a violation of this title for any person to construct or use any structure or portion thereof in a manner contrary to a permit or approval term or condition.~~

(f) Any violation of this title shall constitute a public nuisance.

(2) Enforcement.

(a) It shall be the duty of the director, or his/her duly authorized designee, to enforce this title. The director may call upon the code enforcement officer, building official, police, fire, health, public works or other appropriate city departments to assist in enforcement.

(b) This title shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

(c) It is the intent of this title to place the obligation of complying with its requirements upon the owner, occupier, or other person in control of or responsible for the condition of the land and buildings within the scope of this title.

(d) Upon presentation of proper credentials, the director or duly authorized representative of the director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant to perform the enforcement duties under this chapter.

(e) No provision of or term used in this title is intended to impose any duty upon the city or any of its officers or employees which would subject them to damages in a civil action.

(3) Penalties. When the director determines that a violation of any provision of this title has occurred or is occurring the director may institute any of the following enforcement actions:

(a) Subject to the provisions of Chapter 2.64 POMC any business, agency, property owner, and/or other person who violates the standards set forth in this title or the more stringent standards imposed by the city

engineer, hearing examiner, planning commission, and/or city council as allowed herein shall be guilty of a civil infraction.

(b) In addition to any remedy provided for in this title and Chapter 2.64 POMC, the director may issue a stop work order and/or notice to vacate and other lawful orders. Any person removing such sign without the permission of the proper authority shall be guilty of a misdemeanor.

(c) In addition or alternative to any other penalty provided herein or by law, any violation of, or failure to comply with, any provision of this Title or any lawful order issued hereunder, shall constitute a misdemeanor, punishable by a fine of not more than \$1,000, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(d) In addition or alternative to any other remedy provided by this title or under the Port Orchard Municipal Code, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person or property in violation or failure to comply with any provision of this chapter, to prevent, enjoin, abate, and/or terminate violations of this chapter and/or to restore a condition which existed prior to the violation. In any such action or proceeding, the costs and reasonable attorneys' fees incurred by the city shall be recoverable as a personal obligation of the property owner and/or responsible party and/or a lien against the property. To the maximum extent allowed by law, such lien shall constitute a special assessment of equal rank with state, county, and municipal taxes.~~In addition to any remedy provided for in this title and Chapter 2.64 POMC, the city shall also have the right to abate any violation of this title by seeking injunctive relief in the Kitsap County superior court. The business, agency, property owner, and/or other person responsible for the violations shall be required to pay all the city's legal costs including reasonable attorney's fees accrued in bringing and enforcing such legal action.~~

(e) Each day in which a violation of this Title occurs or is allowed to continue shall constitute a separate offense and be subject to the enforcement and penalties provided herein.

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**Subtitle IV. Supplemental Zoning Regulations**  
**Chapter 20.62 – Mobile Home Regulations**

**20.62.110 Violation – Penalty.**

~~\_(1) Any person, firm, or corporation violating or failing to comply with the provisions of these rules and regulations shall be guilty of a misdemeanor. Each person, firm or corporation is guilty of a separate offense for each and every day or portion thereof during which the violation of these regulations continue.~~

~~(2) Penalty upon conviction shall be punishable by a fine of not more than \$500.00, or by imprisonment for not more than 90 days or by both such fine and imprisonment.~~

~~(3) This chapter shall be enforced according to the regulations and provisions of Chapter 20.02 POMC, Administration and Enforcement.~~

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**Subtitle V. Division of Land**  
**Chapter 20.82 – Administration and Enforcement**

**20.82.040 Violations, enforcement, and penalties.**

(1) General. It is a violation of this subtitle for a person to divide, segregate, sell, or transfer, or offer to sell or transfer, real property in violation of this subtitle. It is a violation of this subtitle to do any other thing with respect to a lot, tract, parcel, or property in the city that violates this subtitle or violates a plat or short plat restriction imposed by the city.

~~(2) Enforcement. The city shall use the applicable provisions of Chapter 20.02 POMC in the investigation, enforcement, and prosecution of the violations of this subtitle.~~

~~(3) Civil Infraction. Except as otherwise provided in this subtitle, no person shall violate or fail to comply with this subtitle. A violation of or failure to comply with this subtitle is a civil infraction.~~

~~(4) Criminal Penalty. Except as otherwise provided in this subtitle, in addition to or as an alternative to any other penalty provided in this subtitle or by law, a person convicted of a violation of this subtitle is guilty of a misdemeanor. Upon conviction a person may also be ordered to abate, discontinue, or correct a violation of this subtitle.~~

~~(5) Other Lawful Remedies. Nothing in this section shall limit the right of the city to pursue other lawful criminal, civil, or equitable remedies to abate, discontinue, or correct violations of this subtitle.~~

~~(6) It is unlawful to violate or fail to comply with any provision of this subtitle or any such rule or regulation. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this subtitle or of any notice or lawful order issued hereunder. Any violation of this subtitle shall be subject to the enforcement and penalty provisions of Chapter 20.02 POMC, Administration and Enforcement.~~

~~(73)~~ Any person or any agent thereof who divides land into lots, tracts, or parcels of land and sells or transfers, or offers or advertises for sale or transfer, any such lot, tract, or parcel without having a final plat, short plat, boundary line adjustment, or binding site plan filed for record, or who otherwise violates or fails to comply with any of the provisions of this subtitle shall be guilty of a gross misdemeanor. Each violation involving a separate lot, tract, or parcel of land is a separate and distinct offense; provided, an offer or agreement to sell, lease, or otherwise transfer a lot, tract, or parcel of land following preliminary plat approval is not a violation of this subtitle if performance of the offer or agreement is expressly conditioned on the recording of the final plat containing the lot, tract, or parcel. All payments on account of an offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account and no disbursement to the seller shall be permitted until the final plat is recorded.

~~(84)~~ Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of this subtitle or any term or condition of plat approval prescribed for the plat, the city may commence an action to restrain and enjoin such use and compel compliance with the provision, terms, or conditions. The costs of such action may be taxed against the violator.

~~(95)~~ Any person who violates any court order or injunction issued pursuant to this subtitle is guilty of a misdemeanor.

~~(106)~~ No building permit, septic tank permit, or other development permit shall be issued for any lot, tract, or parcel of land divided in violation of this subtitle unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice. All purchasers' or transferees' property shall comply with provisions of this subtitle and each purchaser or transferee may recover his or her damages from any person, firm, corporation, or agent selling or transferring land in violation of this subtitle, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of this subtitle as well as cost of investigation, suit, and reasonable attorneys' fees occasioned thereby. Such purchaser or transferee may, as an alternative to conforming their property to these requirements, rescind the sale, or transfer and recover costs of investigation, suit, and reasonable attorneys' fees occasioned

thereby.

(117) The director of the department of community development has the authority to adopt rules and regulations to carry out the provisions of this subtitle and has the authority to administer and enforce this subtitle and any such rules and regulations.

~~(12) In addition to the remedies prescribed in this section, the city may pursue any other enforcement authorized by law.~~

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**Subtitle VI. Development Standards and Regulations**  
**Chapter 20.140 – Land Disturbing Activity**

**20.140.180 ~~Enforcement, violations, and penalties.~~**

**~~(1) Permit Suspension/Revocation.—~~**

The director may suspend work or revoke a land disturbing activity permit, as appropriate, whenever:

- (a) The work is not authorized by a valid permit;
- (b) The applicant requests such revocation or suspension;
- (c) The work does not proceed in accordance with the plans, as approved, or is not in compliance with the requirements of this chapter or other applicable city ordinances;
- (d) Entry upon the property for the purposes of investigation or inspection has been denied;
- (e) The applicant has made a misrepresentation of a material fact in applying for such permit;
- (f) The progress of the work indicates that the plan is or will be inadequate to protect the public, the adjoining property, the street, critical areas, the drainage system, or other utilities, or the work endangers or will endanger the public, the adjoining property, the street, protected areas, the drainage system or other utilities;
- (g) The required project security has expired or been expended to the point that it no longer provides assurance of completion of the project in compliance with the terms of the permit; or
- (h) The permit has not been acted upon or extended within the time allowed pursuant to this chapter.

~~(2) Except as otherwise provided in this chapter, any violation of any provision of this chapter constitutes a civil-code violation subject to and enforced pursuant to the provisions of Chapter —POMC.~~

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**Subtitle VII. Stormwater Drainage**  
**Chapter 20.150 – Stormwater Drainage**

**20.150.270 Enforcement.**

(1) ~~Failure to Comply~~Violations of this chapter. It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter or of any notice or lawful order issued hereunder. Any violation of this chapter shall be subject to the enforcement and penalty provisions of Chapter 20.02 POMC, Administration and Enforcement.

(2) Emergency Access and Reparation. In the event the violation constitutes an immediate danger to public health or safety, the director is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. Any expense related to such remediation undertaken by the city shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the city from seeking further relief or applying other penalties as provided in this chapter.

~~(3) Civil Infraction. Except as provided in subsection (4) of this section, conduct made unlawful by this chapter shall constitute a civil infraction and is subject to enforcement and fines as provided in Chapter 2.64 POMC. A civil infraction under this section shall be processed in the manner set forth in Chapter 2.64 POMC.~~

~~(4) Misdemeanor. Any person who again violates this chapter within 12 months after having been found to be in violation of this chapter commits a misdemeanor.~~

~~(5) Civil Penalty. In addition to any civil infraction fine, criminal penalty, and/or other available sanction or remedial procedure, any person engaging in conduct made unlawful by this chapter shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with Chapter 2.64 POMC.~~

~~(6) Additional Remedies. In addition to any other remedy provided by this chapter or under the Port Orchard Municipal Code, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this chapter to prevent, enjoin, abate, and/or terminate violations of this chapter and/or to restore a condition which existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this chapter shall be liable for the costs and reasonable attorneys' fees incurred by the city in bringing, maintaining and/or prosecuting such action.~~

(7) Violation of Additional Laws. Any person who violates any provision of this chapter may also be in violation of the Federal Clean Water Act, NPDES Phase II permit, and/or Chapter 90.48 RCW and may be subject to sanctions associated with each, including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.