

RESOLUTION NO. _____

**WHATCOM COUNTY CODE LANGUAGE REVISIONS TO ADDRESS EQUITY,
DIVERSITY, AND INCLUSION**

WHEREAS, Whatcom County has a commitment to creating a safe, inclusive, and welcoming county for all of its diverse residents and communities; and

WHEREAS, Whatcom County acknowledges that sexism, heterosexism, homophobia, transphobia, and other repressive social constructs can be perpetuated through government language; and

WHEREAS, gendered and other forms of exclusionary language that exist within governing documents like the Whatcom County Code contribute to the underrepresentation of Whatcom County's diverse communities in governance; and

WHEREAS, Whatcom County recognizes that legislative language must reflect those values of diversity, equity, and inclusion; and

WHEREAS, much of the default code language includes gendered language structures, most common being the use of "he", "him", and "his" pronouns when referring to various county officials, for example, "the director or his designee;" and

WHEREAS, the use of he/him/his pronouns excludes some individuals from the language of the code, reinforcing gender stereotypes; and

WHEREAS, when the code does not default to the use of he/him/his pronouns, it typically utilizes "he/she" or "his/hers"; and

WHEREAS, Whatcom County recognizes that the dichotomy of "he" or "she" is an exclusive form of pronoun usage as it reinforces the gender binary of male/female; and

WHEREAS, person-first language is a way to center language around the person or individual rather than center their particular condition, disease, disorder, or disability; and

WHEREAS, the use of person-first language is particularly important in affirming the personhood of individuals and destigmatizing the conditions or identities that they hold; and

WHEREAS, Whatcom County is committed to making changes to legislative language within the code that is gendered and stigmatizing to marginalized communities because being represented in the language and laws of an individual's governing body is important in feeling included, valued, and a welcome within the community; and

WHEREAS, implementing inclusive language reflects a commitment to the respect, dignity, and inclusion of all people; and

1 **NOW, THEREFORE, BE IT RESOLVED**, that the Whatcom County Council hereby
2 requests that the County Executive, or their designee(s), bring forth the language inclusivity
3 code revisions to be reviewed and included as to form by the County Prosecutor to the
4 following sections of the Whatcom County Code based on the exhibits of this resolution as
5 they bring forward any future code updates to the relevant code sections:
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7 1.Exhibit A: Title 1 – General Provisions

8 a. Chapter 1.10

9 b. Chapter 1.32

10 2.Exhibit B: Title 2 – Administration and Personnel

11 a. Chapter 2.02

12 b. Chapter 2.03

13 c. Chapter 2.04

14 d. Chapter 2.06

15 e. Chapter 2.09

16 f. Chapter 2.11

17 g. Chapter 2.14

18 h. Chapter 2.20

19 i. Chapter 2.22

20 j. Chapter 2.27

21 k. Chapter 2.27A

22 l. Chapter 2.28

23 m. Chapter 2.30

24 n. Chapter 2.36

25 o. Chapter 2.40

26 p. Chapter 2.44

27 q. Chapter 2.46

28 r. Chapter 2.48

29 s. Chapter 2.56

30 t. Chapter 2.58

31 u. Chapter 2.66

32 v. Chapter 2.68

33 w. Chapter 2.80

34 x. Chapter 2.88

35 y. Chapter 2.104

36 z. Chapter 2.118

37 3.Exhibit C: Title 3 – Revenue and Finance

38 a. Chapter 3.02

39 b. Chapter 3.04

40 c. Chapter 3.05

41 d. Chapter 3.08

42 e. Chapter 3.16

43 f. Chapter 3.22

44 g. Chapter 3.23

45 h. Chapter 3.25A

46 i. Chapter 3.40

47 j. Chapter 3.49

48 k. Chapter 3.68

49 4.Exhibit D: Title 5 – Business Licenses and Regulations

50 a. Chapter 5.08

51 b. Chapter 5.12

52 c. Chapter 5.16

53 d. Chapter 5.20

- 1 e. Chapter 5.28
- 2 f. Chapter 5.52
- 3 g. Chapter 5.60
- 4 5.Exhibit E: Title 6 – Animals
- 5 a. Chapter 6.04
- 6 6.Exhibit F: Title 8 – Health and Safety
- 7 a. Chapter 8.12
- 8 b. Chapter 8.20
- 9 c. Chapter 8.24
- 10 d. Chapter 8.28
- 11 e. Chapter 8.32
- 12 7.Exhibit G: Title 10 – Vehicles and Traffic
- 13 a. Chapter 10.32
- 14 b. Chapter 10.36
- 15 c. Chapter 10.40
- 16 8.Exhibit H: Title 11 – Boating and Swimming
- 17 a. Chapter 11.04
- 18 b. Chapter 11.20
- 19 c. Chapter 11.24
- 20 d. Chapter 11.28
- 21 e. Chapter 11.40
- 22 f. Chapter 11.44
- 23 9.Exhibit I: Title 12 – Roads and Bridges
- 24 a. Chapter 12.12
- 25 b. Chapter 12.14
- 26 c. Chapter 12.16
- 27 d. Chapter 12.28
- 28 e. Chapter 12.30
- 29 f. Chapter 12.48
- 30 10. Exhibit J: Title 15 – Buildings and Construction
- 31 a. Chapter 15.04
- 32 11. Exhibit K: Title 16 – Environment
- 33 a. Chapter 16.08
- 34 b. Chapter 16.16
- 35 c. Chapter 16.24
- 36 d. Chapter 16.30
- 37 e. Chapter 16.36
- 38 f. Chapter 16.40
- 39 12. Exhibit L: Title 17 – Flood Damage Prevention
- 40 a. Chapter 17.08
- 41 b. Chapter 17.10
- 42 13. Exhibit M: Title 20 - Zoning
- 43 a. Chapter 20.13
- 44 b. Chapter 20.14
- 45 c. Chapter 20.17
- 46 d. Chapter 20.20
- 47 e. Chapter 20.22
- 48 f. Chapter 20.24
- 49 g. Chapter 20.32
- 50 h. Chapter 20.34
- 51 i. Chapter 20.35
- 52 j. Chapter 20.36
- 53 k. Chapter 20.37

- 1 l. Chapter 20.40
- 2 m. Chapter 20.42
- 3 n. Chapter 20.59
- 4 o. Chapter 20.60
- 5 p. Chapter 20.61
- 6 q. Chapter 20.62
- 7 r. Chapter 20.63
- 8 s. Chapter 20.64
- 9 t. Chapter 20.66
- 10 u. Chapter 20.78
- 11 v. Chapter 20.81
- 12 w. Chapter 20.83
- 13 x. Chapter 20.88
- 14 y. Chapter 20.97
- 15 14. Exhibit N: Title 21 – Land Division Regulations
- 16 a. Chapter 21.06
- 17 b. Chapter 21.10
- 18 15. Exhibit O: Title 22 – Land Use and Development
- 19 a. Chapter 22.05
- 20 16. Exhibit P: Title 23 – Shoreline Management Program
- 21 a. Chapter 23.60
- 22 b. Chapter 23.70
- 23 c. Chapter 23.110
- 24 17. Exhibit Q: Title 24 – Health Code
- 25 a. Chapter 24.05
- 26 b. Chapter 24.07
- 27 c. Chapter 24.11
- 28 d. Chapter 24.15
- 29 18. Exhibit R: Title 100 – Flood Control Zone Districts
- 30 a. Chapter 100.01
- 31 b. Chapter 100.02
- 32 c. Chapter 100.06
- 33 d. Chapter 100.07

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35 **BE IT FURTHER RESOLVED**, that the County Executive or their designee monitor
36 the status of the exhibited code revisions, keeping an ongoing track of which code revisions
37 have been implemented based on code updates and which still remain unimplemented; and
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39 **BE IT FURTHER RESOLVED**, that the County Executive or their designee review the
40 status of all language inclusivity code revisions every two years and identify any further
41 action that can aid in a swift and cost-effective implementation of the revisions; and
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43 **BE IT FURTHER RESOLVED**, that all future proposed or adopted ordinances,
44 resolutions, and code amendments include the appropriate gender inclusive language,
45 including but not limited to:

- 46 • Using gender-neutral pronouns by replacing all gendered language with
- 47 "they/them/their" pronouns when referring to individual people
- 48 • Using "person" when referring to an individual rather than "men/man/male"
- 49 or "women/woman/female"
- 50 • Using phrases like "chairperson" or "chair" rather than "chairman" or
- 51 "chairwoman"; and

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BE IT FURTHER RESOLVED, that all future proposed or adopted ordinances, resolutions, and code amendments include the appropriate person-first language, including but not limited to:

- Using person-first language as it related to substance use, including the phrase "person with a substance use disorder" rather than "drug addiction", "drug addict", or "substance abuse"
- Using person-first language when referring to issues of houselessness or disabilities, including using the phrase "people experiencing houselessness", "people with disabilities", or "people who are unhoused"

APPROVED this _____ day of _____, 2023.

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Karen Frakes (by email 7/13/2023)
Civil Deputy Prosecutor

Chapter 1.10

PROCEDURES FOR MANAGEMENT AND DISPOSITION OF COUNTY-OWNED PERSONAL AND REAL PROPERTY

1.10.160 Purchasing agent – Duty to determine value of surplus property.

Personal property which county departments determine to be surplus shall be appraised by the purchasing agent and an estimated market value shall be established by the purchasing agent exercising ~~his~~their best professional judgment in making a good faith determination as to the value of the property. (Ord. 90-126 Exh. A (part)).

Chapter 1.32 PUBLIC RECORDS

1.32.040 Public records officer. 

A. The county executive shall appoint a public records officer who shall provide centralized oversight, guidance and leadership to fulfill public records requests for the county.

B. Subject to subsection C of this section, the public records officer shall:

1. Serve as a point contact for members of the public in requesting disclosure of public records; provided, that requests may also be presented to county offices and departments;
2. Oversee compliance with the public disclosure requirements of this chapter; and
3. Adopt such policies and procedures as may be necessary to carry out the provisions of this chapter consistent with applicable laws.

C. The public records officer shall publish ~~his or her~~their name and contact information in a way reasonably calculated to provide notice to the public, such as posting at the county's primary place of business, posting on the county's internet site, or including in county publications.

1.32.060 Lists of individuals. 

In the case of a request for records that may contain a list of individuals, prior to receiving the records, the person making the request must furnish an affidavit stating either:

A. That ~~he/she is~~they are not requesting the list for commercial purposes; or

B. That ~~he/she is~~they are specifically authorized or directed by law to obtain the list of individuals for commercial purposes, and that identifies such law. (Ord. 2018-034 Exh. A).

Exhibit B: Title 2 – Administration and Personnel

Chapter 2.02
COUNTY COUNCIL*

2.02.015 Council vacancies – Announcement. 

A. The council shall publicly announce any vacancy and shall provide a reasonable period for interested candidates to contact councilmembers and request that ~~his or her~~their name be considered for the vacant position.

B. Such announcement shall be made at least 10 days before the vacancy is filled. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.020 Council vacancies – Qualifications. 

A. A vacancy on the county council shall be filled by a qualified registered voter and resident of the district ~~he or she~~they represents, meeting all of the qualifications of Section 4.20 of the Whatcom County Charter.

B. Any information provided by a nominee may be checked to verify qualifications, and submission of a personal resume may be requested. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.025 Council vacancies – Nominations. 

A. Nominations to fill a vacancy on the county council shall be made by any councilmember by nominating an individual by name in a regular open meeting. No councilmember may nominate ~~himself or herself~~themselves.

B. All names submitted may be referred to a committee of the whole for consideration.

C. Nominees may be personally interviewed by a committee of the council, or any councilmember(s) chosen by the council to conduct such interviews. (Ord. 2017-081 Exh. A; Ord. 2010-044 Exh. A; Ord. 2008-004 Exh. A).

2.02.060 Meetings – Decorum of debate. 

A. Any councilmember desiring to speak shall first be recognized by the chair, and shall confine ~~his or her~~their remarks to the specific subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small

group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.

Chapter 2.03 BOARDS AND COMMISSIONS

2.03.030 Limited terms.

A. A member may be appointed to serve up to two consecutive four-year terms, regardless of whether that member has served a partial term of less than four years.

B. No board, commission or committee member shall serve more than two consecutive full terms; however, after serving two consecutive full terms, a citizen may become eligible for reappointment to a board, commission or committee after a one-year period of separation from the respective board, commission or committee on which ~~he or she~~they has~~have~~ previously served.

C. Term limits do not apply to the annual appointment of Whatcom County councilmembers to various county and community boards, commissions, or committees, unless specified in the enabling ordinance. (Ord. 2019-008 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 93-003 Attachment E (part); Res. 80-13 § 2).

2.03.070 Confirmation of executive appointments.

A. Council confirmation of executive appointments shall be handled in the following manner: The executive shall present in writing to the council office, no later than seven days before the council meeting at which action is requested, the names of ~~his~~their appointments, positions and terms to which they are to be appointed, information on the appointees' qualifications or background, and any other information the executive deems appropriate, except in the case of executive appointments to executive and administrative offices, in which case this information shall include a job description and a resume. This information shall also be made available upon request to the public.

2.03.090 Vacancies on citizen boards, committees and commissions.

A. The clerk of the council shall cause to be compiled and published annually a listing of vacancies and anticipated vacancies on all citizen boards, committees and commissions within the appointive jurisdiction of both the council and the executive.

B. The listing shall state the title and term of office of each position, residency requirements (if any), the appointing authority, and an address and telephone number for obtaining further information or for making applications. The listing shall also include a brief description of the duties of each position and information on when the regular meetings of the body in question are held.

C. The listing shall be posted in conspicuous places in the Courthouse, provided to all county councilmembers, public libraries and city halls in the county, and be made available to the public and news media at no charge.

D. Persons expressing an interest in applying for appointment to a council-appointed position on a board, commission or committee shall be given an application form to complete and file with the clerk, ~~giving his or her~~their name, address, telephone number, occupation and relevant qualifications. The applications shall be kept on file in the clerk's office.

E. Persons expressing an interest in applying for appointment to an executive-appointed position on a board, commission or committee shall be given an application form to complete and file with the executive's office, giving ~~his or her~~their name, address, telephone number, occupation and relevant qualifications. The applications shall be kept on file in the executive's office.

F. In fulfilling the obligations of this section, the clerk shall seek the cooperation of the executive and may accomplish ~~his or her~~their obligations through joint action with the executive's office. (Ord. 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.080).

2.03.100 Qualifications.

To qualify for appointment by the council and/or executive to fill any vacancy on a board, committee or commission, a person shall be a qualified registered voter and resident of the district, agency, or group ~~he or she is~~they are appointed to represent on a specific board, committee or commission, meeting all of the qualifications of Section 4.20 of the Whatcom County Charter. Individuals who have declared candidacy (as defined in RCW [42.17A.005\(7\)](#)) for a paid elected office in any jurisdiction within the county are not eligible for appointment while ~~he or she is~~they are a candidate, but shall be eligible for: (A) appointment as the official representative of an entity ~~he or she is~~they are currently elected to, or (B) reappointment to additional terms, as allowed by the Whatcom County Code, to the same board or committee ~~he or she~~they were on prior to declaration of candidacy. (Ord. 2019-008 Exh. A; Ord. 2017-007 Exh. A; Ord. 2010-045 Exh. A; Ord. 2001-028 Exh. A; Ord. 95-006 Exh. A; Ord. 91-030 (part). Formerly 2.03.090).

Chapter 2.04 FIRE MARSHAL¹

2.04.020 Responsibilities.

A. The arson and fire investigator shall have such powers as are conferred on ~~him~~-them by the county sheriff, state and local laws, for the purpose of enforcement of the laws enumerated in this chapter and codes, ordinances and laws adopted by reference in this chapter in the performance of the functions enumerated herein, and other laws and codes adopted by reference for the purpose of investigation within the county concerning the cause, prevention and reduction of damage from fire and explosion, and assisting and cooperating with the appropriate officials and agencies as enumerated in this chapter in the matter of fire and arson investigations; provided, it shall be the duty of the director of public works/building official/fire marshal or ~~his~~-their designee to investigate bonfires, outdoor rubbish fires, incinerators and open burning, and for the issuance or nonissuance of burning permits and coordination of burning bans with the state department of natural resources and the Northwest Air Pollution Control Authority; provided further, if it is the opinion, upon investigation by the director of public works/building official/fire marshal, that the cause of a fire could or may be arson, he shall immediately notify the arson investigator and deliver all files or reports to the arson investigator's office within 24 hours.

B. ~~They~~He shall notify the chief of any fire department or district within the county of inspections, investigations, reports or other matters of record that may affect said fire department or district. Notification shall be by telephone or mail within 72 hours. The arson and fire investigator shall maintain files in ~~his~~-their office of all reports of fires, explosions, inspections and investigations made by ~~him~~-them pursuant to this ordinance and submit, on or by January 31st, an annual report. This report shall contain a statement of the arson and fire investigator's official acts pursuant to this ordinance unless otherwise directed by the prosecuting attorney or county sheriff.

C. For the purpose of coordinating enforcement of the Uniform Fire Code with other related codes and state laws as enumerated herein, the deputy fire marshal, in coordination with the bureau of buildings and code administration under the direction of the director of public works/building official, shall have the authority and exercise the powers in the performance of his duties as set forth in the Uniform Fire Code, 1982 Edition. (Ord. 87-73 § 1; Ord. 85-3 § 1 (part); Ord. 82-19 (part)).

Chapter 2.06 MEDICAL EXAMINER

2.06.060 Personal property – Delivery to county treasurer.

The county sheriff must, within 30 days after the inquest upon a dead body, deliver to the county treasurer any money or other property which may be found upon the body, unless such money or other property is claimed in the meantime by the legal representatives of the deceased. If ~~he~~they fails to do so, the treasurer may proceed against the county sheriff to recover the same by civil action in the name of the county. (Ord. 79-24 § 6).

Chapter 2.09 PUBLIC DEFENDER

2.09.100 Selection committee.



The selection committee will screen all applicants under the guidance of the personnel office for the position of public defender, and submit the top three finalists to the executive. The executive will then submit ~~his~~their proposed appointment of one of the finalists to council for its concurrence or rejection. (Ord. 84-22 § 10; Ord. 82-22 §10).

Chapter 2.11 HEARING EXAMINER¹

2.11.130 No interference with the hearing examiner.

No county official or any other person shall interfere with the hearing examiner or pro tempore hearing examiner in the performance of ~~his or her~~their designated duties. (Ord. 2018-032 § 1 (Exh. B)).

2.11.140 Qualifications.

The hearing examiner and ~~his~~their pro tempore shall be appointed solely with regard to their qualifications for the duties of their office, and shall have such training or experience as will qualify them to conduct administration of quasi-judicial hearings on the application of regulatory enactments and to discharge other functions conferred upon them, and shall hold no other appointed or elected public office or position in the county government, except as provided in this chapter. (Ord. 2018-032 § 1 (Exh. B)).

2.11.220 Rules and regulations.

The hearing examiner shall have the power to prescribe rules and regulations for the conduct of hearings before ~~him or her~~them, subject to approval by the county council; and also to issue summons for and compel the appearance of witnesses, to administer oath and preserve order. The opportunity of cross-examination of witnesses shall be afforded all interested parties or their counsel in accordance with the rules of the hearing examiner. (Ord. 2018-032 § 1 (Exh. B)).

Chapter 2.14 MUNICIPAL COURT

2.14.020 Jurisdiction.

This municipal court shall have exclusive jurisdiction of matters arising under the ordinance of the city. There shall be only one position of municipal judge for the city, and ~~they~~he shall have jurisdiction to hear and determine traffic violations within the necessity of any designation as the municipal traffic judge. (Prior code § 1.48.020).

2.14.050 Judge's salary.

The municipal judge of the city shall be required to serve only in a part-time capacity, and the amount of time required for discharging the duties of the municipal departments shall be approximately 50 percent of one full-time judge's duties. Nothing in this chapter shall be construed to prevent said judge from also serving as part-time judge of other municipal departments of the Whatcom County district court, or as to interfere with ~~their~~his presiding in the district court for Whatcom County, so long as there is no conflict in ~~them~~his so doing. It is the understanding of the parties to this agreement that the salary for the judge serving as district judge and also as municipal department judge of the city is to be paid jointly by the county and the cities utilizing the judge as city judge of the municipal court. The city agrees to pay annually to the county a sum equal to one-half of the annual salary of one district court judge. (Prior code § 1.48.050).

Chapter 2.20 BOARD OF ADJUSTMENT

2.20.030 Terms.  SHARE

The term of a member of the board of adjustment shall be for six years after initial appointment (which may be for a lesser term). A qualified member of the board whose appointment has not been revoked shall serve until ~~his~~their successor has been appointed and has qualified. (Prior code § 2.28.030).

Chapter 2.22

WHATCOM COUNTY COMMISSION ON SALARIES FOR ELECTED OFFICIALS

2.22.040 Membership – Term of office.

A. The commission shall consist of 10 members. Six members shall be selected by lot and appointed and confirmed as provided in subsection B of this section. The remaining four members shall be appointed and confirmed as provided in subsection C of this section. The members of the commission may not include any officer, official, candidate (as defined in RCW [42.17A.005\(7\)](#)) for a paid elected office in any jurisdiction within the county, or employee of the county or any of ~~his or her~~their immediate family members. For the purposes of this section, “immediate family member” means parent, spouse, domestic partner, sibling, child, or dependent relative of an officer, official, or employee of the county, whether or not living in the same household.

B. Six of the 10 commission members shall be selected by lot by the county auditor from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission. The county auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection if a person declines appointment or if, following the person’s appointment, the person’s position on the commission becomes vacant before the end of the person’s term of office. The county auditor shall forward the names of persons selected under this subsection to the county executive who shall appoint those persons to the commission. Appointments made by the county executive shall be confirmed by the county council.

C. Four of the 10 commission members shall be selected and appointed by the county executive and confirmed by the county council. The members under this subsection shall be residents of the county and shall all have experience in personnel management. Of these four members, one member shall be selected from each of the following fields of expertise: business, professional personnel management, legal profession, and organized labor. The county council may confirm or reject appointments made under this subsection. If the council rejects an appointment, the county executive shall promptly appoint another person meeting the requirements of this subsection.

D. The members of the commission shall serve two-year terms, with ~~his or her~~their term ending on December 31, 2014. Thereafter, all members shall serve for two years. No person may be appointed to more than two terms. Members of the commission may be removed by the county executive, with the approval of the county council, only for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of eligibility. Upon a vacancy in any position on the commission, a successor shall be appointed and confirmed to fill the unexpired term. The appointment and confirmation

shall be concluded within 30 days of the date the position becomes vacant and shall be conducted in the same manner as the original appointment. (Ord. 2017-007 Exh. A; Ord. 2016-026 Exh. A; Ord. 2012-008 Exh. A).

Chapter 2.27 NOXIOUS WEED CONTROL BOARD

2.27.020 Definitions.

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

- A. “Agent” means any occupant or any other person acting for the owner and working or in charge of the land.
- B. “Agricultural purposes” are those which are intended to provide for the growth and harvest of food and fiber.
- C. “Board” means the county noxious weed control board.
- D. “Director” means the director of the department of agriculture or the director’s appointed representative.
- E. “Noxious weed” means any plant which when established is highly destructive, competitive, or difficult to control by cultural or chemical practices.
- F. “Owner” means the person in actual control of property, or ~~his~~their agent, whether such control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW [17.10.170](#) or [17.10.210](#), means the possessor of legal or equitable title or the possessor of an easement; provided, that when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for the purpose of this chapter, an “owner” of the property within the boundaries of such easement.

2.27.180 Owner’s duty to control spread of noxious weeds.

Except as is provided under RCW [17.10.150](#), every owner shall perform, or cause to be performed such acts as may be necessary to control and to prevent the spread of noxious weeds from ~~their~~his property. (Ord. 92-009 § 1).

2.27.210 Right of entry – Warrant for noxious weed search – Civil liability – Penalty for Preventing entry.



Any authorized agent or employee of the board where not otherwise proscribed by law may enter upon any property for the purpose of administering this chapter and any power exercisable pursuant thereto,

including the taking of specimens of weeds or other materials, general inspection, and the performance of eradication or control work. Prior to carrying out the purposes for which the entry is made, the official making such entry or someone ~~in his or her~~on their behalf, shall have first made a reasonable attempt to notify the owner of the property as to the purpose or need for the entry.

2.27.220 Notice – Property owners – Action by county. 

A. Whenever the weed control board finds that noxious weeds are present on any parcel of land, and that the owner there is not taking prompt and sufficient action to abate and control the same, pursuant to the provisions of Sections [2.27.180](#) and [2.27.190](#), it shall notify such owner that a violation of this chapter exists. Such notice shall be in writing and sent by certified mail, and shall identify the noxious weeds found to be present, order prompt control action, and specify the time, of at least 10 days from issuance of the notice, within which the prescribed action must be taken.

B. Upon deposit of the certified letter of notice, the noxious weed control authority shall make an affidavit of mailing which shall be prima facie evidence that proper notice was given. If seed dispersion is imminent, immediate control action may be taken 48 hours following the time that notification is reasonably expected to have been received by the owner or agent by certified mail or personal service.

C. The county noxious weed control board or its authorized agents may issue a notice of civil infraction as provided for in RCW [17.10.230](#) and [17.10.310](#) through [17.10.350](#) to owners who do not take action to control noxious weeds in accordance with the notice.

D. If the owner does not take action to control the noxious weeds in accordance with the notice, the county board may control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property. Each such lien created may be collected by the treasurer in the same manner as a delinquent real property tax, if within 30 days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to Section [2.27.230](#).

E. Written notice of said lien shall be sent to the property owner in the manner set forth in RCW [17.10.290](#) and shall include notice of the right to appeal provided by Section [2.27.230](#).

F. The county auditor shall record in ~~his~~their office any lien created under this chapter, and any such lien shall bear interest at the rate of 12 percent per year and such interest shall accrue as of the date notice of the lien is sent to the owner.

2.27.270 Agreements with landowners. 

Upon approval of the county executive or ~~his or her~~their designee, the board may enter into agreements with the owners of land, including lands owned by the United States, for the control of noxious weeds as provided in RCW [17.10.154](#) and RCW [17.10.200](#). (Ord. 92-009 § 1).

2.27.330 Notice of infraction – Issuance – Refusal to identify self or respond to notice a misdemeanor.

 SHARE

The board may issue a notice of civil infraction if after investigation it has reasonable cause to believe an infraction has been committed. It shall be a misdemeanor for any person to refuse to identify ~~himself or herself~~themselves properly for the purpose of issuance of a notice of infraction. Any person ~~wilfully~~willfully violating a written and signed promise to respond to a notice of infraction shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction. Rules governing notice, response, hearings, appeals and penalties for civil infractions shall be as set forth in RCW [17.10.320](#), [17.10.330](#), [17.10.340](#) and [17.10.350](#). (Ord. 92-009 § 1).

Chapter 2.27A AQUATIC INVASIVE SPECIES*

2.27A.030 Inspection and decontamination.

A. Inspections shall be required of:

1. All watercraft prior to its first launch onto Lake Whatcom or Lake Samish in each calendar year;
and
2. All watercraft prior to its first launch onto Lake Whatcom or Lake Samish after it has entered any freshwater body located outside Whatcom County, Washington; and
3. All watercraft prior to each and every launch onto a public water body from a public access point for which an AIS check station is operating under this chapter, except watercraft bearing an intact inspection seal.

B. Exemptions. Watercraft inspections and the associated fees shall not be required for:

1. Law enforcement and emergency response watercraft.
2. Watercraft involved in search and rescue operations or training.

C. Inspection and Decontamination Services.

1. Whatcom County may establish and operate AIS check stations at public access points to public water bodies.
2. Whatcom County may, upon request by an owner or operator of a watercraft, conduct an inspection on private property owned by the watercraft owner or operator.
3. All AIS check stations operating under this chapter shall be marked by signs and staffed by one or more authorized inspectors. AIS check stations authorized by this chapter shall be subject to hours of operation and other program requirements established by the director of public works or his designee.
4. If, upon inspection, an authorized inspector determines that a watercraft is not contaminated with aquatic invasive species, then said watercraft shall be permitted to launch, subject to payment of fees authorized in WCC [2.27A.050](#).

5. If, upon inspection, an authorized inspector reasonably suspects that a watercraft or any other vessel is contaminated with aquatic invasive species, the authorized inspector may decontaminate the watercraft on site or direct the watercraft owner or operator to a decontamination station where the watercraft will undergo a decontamination process. Following decontamination, the watercraft owner or operator shall not launch the watercraft onto a public water body until the watercraft has been reinspected and approved for launch by an authorized inspector.

6. A watercraft owner or operator may refuse to stop and consent to inspection at any AIS check station authorized by this chapter; provided, if any watercraft owner or operator refuses to stop and consent to inspection at an AIS check station authorized by this chapter, then said owner or operator shall not launch ~~his or her~~their watercraft from said location and shall be in violation of this chapter if ~~he or she~~they nevertheless attempts to do so. (Ord. 2019-018 Exh. A).

Chapter 2.28 HORTICULTURE PEST AND DISEASE BOARD

2.28.080 Failure to control horticultural pests and diseases – Remedies.

A. Whenever the horticultural pest and disease control board finds that an owner of land has failed to control and prevent the spread of horticultural pests and diseases on ~~their~~ land, as is ~~their~~ duty under RCW [15.09.060](#), it shall provide such person with written notice, which notice shall identify the pests and diseases found to be present and shall order prompt control or disinfection action to be taken within a specified and reasonable time period.

Chapter 2.30 REGIONAL PLANNING

2.30.070 Membership – Designated members – Terms – Categories.

A. The membership of the council shall consist of two Whatcom County council members; the Whatcom County executive; the mayor and three councilmembers of the city of Bellingham; the mayor or designated council member of the cities of Everson, Nooksack, Sumas, Ferndale, Lynden, and Blaine, the county school director, or other designated member of the county board of education, the chairperson or other designated member of the Whatcom County soil and water conservation district, the president of the port of Bellingham or other designated member of the port commission and the president or other designated member of the public utility district commission, the chairperson of the Lummi business council or other designated member of the Lummi council, the chairperson of the Nooksack tribal council or other designated member of the Nooksack council, and the chairperson of the Whatcom County opportunity council or other designated member of the opportunity council.

2.30.090 Meetings – Types – Notice.

A. The council and executive board may hold monthly or bimonthly meetings at such times and places as may be agreed upon by the members of the council or executive board. Special meetings of the council or executive board may be held on call of the chairmanchairperson.

B. Written notice of any meeting shall be given to each respective council or executive board member at least 10 days prior to the meeting. Any meeting may be:

1. Held without 10 days' written notice; provided, each member waives notice thereof; or
2. Cancelled by the chairperson; provided, adequate notice is given thereof. (Prior code § 2.20.090).

2.30.150 Election of officers and executive board.

At the first meeting of each calendar year, the council shall elect officers and executive board members. A complete slate of nominations shall be presented at said meeting by a representative nominating committee previously appointed by the chairperson. Additional nominations may be made from the floor by any member. (Prior code § 2.20.150).

2.30.160 Vacancies.

In the event of a vacancy in the office of chairperson, the vice-chairperson shall succeed to said office. In the event of a vacancy in the office of vice-chairperson, the executive board shall elect a new vice-chairperson from the council membership in whatever manner the board shall determine. In

the event of a vacancy in the office of secretary-treasurer, the chair~~person~~~~man~~ may appoint a temporary successor until such time as the executive board has selected and appointed a new secretary-treasurer. (Prior code § 2.20.160).

Chapter 2.36 HOUSING AUTHORITY

2.36.030 Members – Appointment and terms.

Five persons are appointed as members to the first board of the Whatcom County housing authority, to serve from the date of this appointment during the terms running from one year to four years respectively; provided, the chair~~person~~man shall serve for a period of five years. (Prior code § 1.50.030).

Chapter 2.40 EMERGENCY MANAGEMENT

2.40.060 Director of emergency management – Powers and duties.

The director of emergency management shall:

- A. Serve as the chief advisor to the council concerning emergency management matters affecting the emergency management division;
- B. Serve as the emergency management coordinator for the unincorporated portion of Whatcom County;
- C. Provide assistance as required to the jurisdictions party to this agreement;
- D. Direct the activities of the emergency management division and the emergency operations center;
- E. Maintain, review and update the Whatcom County emergency management operations plan, insuring conformance with the state plan and program;
- F. Control and direct the effort of the Whatcom County emergency management organization, including the preparation of supporting plans and operating procedures;
- G. Prepare and submit to the council an annual budget and program for the emergency management division;
- H. Represent the emergency management division in all life and property of the people, and bind the county for the fair value thereof, and if required immediately, to commandeer the same for public use;
- I. To require emergency services of any officer or employee of jurisdictions signatory hereto, in the event of a proclamation by the Governor of the existence of a disaster, to command the aid of as many citizens of this community as **theyhe** considers necessary in the execution of **theirhis** duties; such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered civil defense workers;
- J. To execute all of the special powers conferred upon **themhim** by this agreement or by resolution adopted pursuant thereto, all powers conferred upon **themhim** by statute, agreement approved by the council or by any other lawful authority;

2.40.070 Emergency management council established.

The Whatcom County emergency management council, hereinafter referred to as the “council,” is established. It shall be composed of the mayor or the executive head of each political subdivision contracting or signing an interlocal agreement with Whatcom County for emergency management, and the sheriff as the director of emergency management, who shall serve as vice chair ~~person~~man of the council. (Ord. 89-115 (part)).

2.40.080 Emergency management council – Powers and duties.

The council shall be the policy-making agency for the division. It shall:

- A. Select annually one of its members to act as chair ~~person~~man of the council;
- B. Meet once annually between July and October in the Whatcom County Courthouse EOC, and at such other times as necessary at the call of the chair ~~person~~man and/or the director of emergency management. At least one-half of the membership must be present to constitute a quorum. A quorum will be four;

2.40.120 Mutual aid agreement.

Pursuant to Chapter [38.52](#) RCW, Whatcom County shall enter into a mutual aid agreement through its emergency management division with Skagit, Island and San Juan Counties. Whenever any party to the agreement suffers a disaster which requires additional aid beyond that which said party is able to provide for itself, each other party to this agreement, at the request of the stricken party through the county department of emergency management, agrees to lend such stricken party the maximum amount of equipment, facilities, and ~~manpower~~labor force that it can reasonably spare at that time. (Ord. 89-115 (part)).

2.40.130 Penalties for violations.

It shall be a misdemeanor, punishable by fine of not to exceed \$250.00, or by imprisonment for not to exceed three months, or both, for any person during a disaster:

- A. To ~~wilfully~~willfully obstruct, hinder or delay any member of the emergency management organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed upon ~~them~~him by virtue of this chapter;

Chapter 2.44 BEHAVIORAL HEALTH PROGRAM*

2.44.010 Department responsibilities.

A. Administration of Funding. The health department shall administer the behavioral health program under the authority of the county executive. The department shall administer funds for behavioral health programs, including substance ~~abuse~~-use disorder and mental health services. This administration will include state and federal funds, local sales and use tax (Chapter [82.14](#) RCW), local property tax (Chapter [71.20](#) RCW), and local two percent liquor profits and excise taxes (Chapter [71.24](#) RCW).

2.44.030 Behavioral health advisory committee is created.

A. The Whatcom County behavioral health advisory committee is created to serve in an advisory capacity to the county executive via the health department on matters of general priorities for behavioral health programs, including substance ~~abuse~~-use disorder and mental health services.

Chapter 2.46

INCARCERATION PREVENTION AND REDUCTION TASK FORCE – LAW AND JUSTICE COUNCIL

2.46.040 Permanent members.

The incarceration prevention and reduction task force shall include the following designated officials or their representative:

- A. One member of the Whatcom County council;
- B. Whatcom County executive;
- C. Whatcom County sheriff/jail administrator;
- D. Whatcom County prosecuting attorney;
- E. Whatcom County public defender director;
- F. Juvenile court administrator/superior court clerk;
- G. One representative from the Whatcom County superior court;
- H. One representative from the Whatcom County district court;
- I. Tribal representation from the Lummi Nation and/or the Nooksack Tribe;
- J. One representative from the Whatcom County health department human services;
- K. Emergency medical services (EMS) representative;
- L. PeaceHealth St. Joseph's Medical Center;
- M. Secretary of the State Department of Corrections or ~~his/her~~their designee;

Chapter 2.48 OPPORTUNITY COUNCIL

2.48.050 Resource committee – Membership.

There is created within the council a resource committee, the membership of which shall be open but not limited to representatives of the following service systems:

- A. Educational Systems. Public schools and related educational agencies, libraries, private schools and other organizations providing educational services;
- B. Employment System. Public employment agencies, apprenticeship agencies, employers, labor unions, occupational and vocational training agencies, special employment agencies, such as for youth or the handicapped;
- C. Welfare System. Public welfare agencies, community nursing agencies, clinics, health and emergency hospital services;
- D. Housing System. Agencies concerned with enforcement of housing, building, fire and sanitation codes, public and private agencies concerned with low-rent public housing, urban renewal and mortgage insurance;
- E. Public Service System. Public and private agencies concerned with providing services to ~~the~~ people experiencing poverty, the aged older adults, the minorities, youth, ~~the physically or mentally handicapped~~ people with disabilities, and ethnic groups within the fields of education, employment, training-health welfare or housing. (Prior code § 1.44.040).

Chapter 2.56

DEFENSE AND INDEMNIFICATION OF EMPLOYEES¹

2.56.020 Defense – Reimbursement – Support of findings required.

A. The county of Whatcom may provide legal services for the defense of any of its officers, officials, agents or employees when a suit against them arises out of an official act, if the requirements of this section are met. Whether a defense will be provided by the county will be determined by the county council pursuant to a determination of merit in each case. Such a defense will not necessarily be for the benefit of the officer or employee but merely in support of ~~his or her~~their actions on behalf of the county. An attorney may be hired especially for the purpose of any such defense at county expense, or these services may be provided by the office of the prosecuting attorney, or county officials or employees may be reimbursed for the costs of legal services they have incurred.

B. Such services or reimbursement may be provided to both past and present officers and employees as long as the cause of action arose as a result of acts or omissions occurring during their tenure of office or employment. Such defense or reimbursement may be provided although it may turn out that the officer or employee exceeded ~~their~~his legal rights and authorities. Such defense may also be provided even though the result at a trial at law clearly shows that the acts were illegal; provided, such acts were done by the officers or employees in the bona fide discharge of their duties. On the other hand, legal services will not be provided to officers or employees of the county to defend a charge of official misconduct or to defend the right to hold office.

2.56.040 Indemnification.

Any officer, official, agent or employee of the county of Whatcom may be indemnified for all costs and judgments which ~~he or she~~they are actually obligated or called upon to pay if the act or omission resulting in judgment is one for which the individual would be eligible for legal services or reimbursement for legal services under this chapter; provided, that the same approval process and criteria for determining whether the county shall provide legal services for the defense of an action shall be employed in determining whether or not indemnification will be made by the county. (Ord. P-1-77 dated 2/14/77 (part); prior code § 1.60.040).

2.56.060 Operation of county vehicles – On call defined.

A. Those county employees operating county vehicles to and from work shall be deemed to be acting in a manner in which the county has an interest only when those employees are actually on call or are authorized to do so in writing by the county executive.

B. No county vehicle shall be operated by any employee for transportation to and from work unless that employee is on call or is authorized to do so in writing by the county executive.

C. An employee is “on call” on any day when:

1. ~~He or she~~They ~~has~~haves a duty to respond to emergency calls outside of normal working hours; or
2. ~~He or she is~~They are performing county business outside of normal working hours where a county vehicle is reasonably necessary for the performance of such business; or
3. The county-owned vehicle ~~he or she is~~they are driving is an authorized emergency vehicle as defined by RCW [46.04.040](#). (Ord. 93-048; Res. dated 2/14/77).

Chapter 2.58 FEDERAL SOCIAL SECURITY AGREEMENT

2.58.030 Coverage – Exceptions.

This agreement includes all services performed by each of the eligible employees of Whatcom County for whom coverage is requested, except the following:

A. Service performed by an employee who is employed to relieve him-them from unemployment;

2.58.090 Termination – By notice from either party.

That the state of Whatcom County shall have the right to terminate this application and agreement upon giving at least two years advance notice in writing to the other party, effective at the end of a calendar quarter specified in the notice; provided, however, that the agreement must have been in effect not less than five years prior to receipt of such notice; and provided further, that if the Secretary of Health, Education and Welfare should terminate the agreement between the Secretary of Health, Education and Welfare and the state for the administration by the state of Section 218 of the Social Security Act, as amended, the state shall have the right to terminate this application and agreement in accordance with the same rights and powers as the Secretary of Health, Education and Welfare exercises in terminating the agreements between him-them and the state. (Prior code § 1.10.100).

Chapter 2.66 COUNTY-OWNED VEHICLES

2.66.110 Overnight and after-hours use.

The council recognizes that sometimes county business requires use of the vehicle at odd hours. Therefore, the following provisions are appropriate. A county employee or other authorized user may check out a county vehicle from the motor pool for overnight use only if:

A. The department head or ~~his~~their designee notifies the motor pool that the employee requesting the use of the vehicle has authorization to do so;

2.66.120 Return of the vehicle.

If the employee or authorized user is returning the vehicle during hours, ~~he~~they shall return it directly to the motor pool. (Ord. 2021-006 Exh. A; Ord. 80-45 § 12).

Chapter 2.68 COUNTY-OWNED PARKING AREAS

2.68.050 Enforcement.

A. In order to maintain the private integrity of county parking lots/areas, authority is established for the use of commercial tow-away service for the removal of unauthorized vehicles occupying county designated parking space.

B. Tow-away service will be utilized under the direction of the county executive and/or theirhis designee.

Chapter 2.80 COUNTY APPEALS BOARD

2.80.030 Regulations regarding compensation and interest in subject matter.

Members shall not receive compensation from the county for their services as a member for the board; provided, that if the board, by majority vote, convenes a special board meeting at a location within Whatcom County other than that established by board rules, the members of the board shall be reimbursed for travel expenses at the usual county per-mile travel expense rate computed at twice the distance from the board member's place of residence to the special board meeting location. A member, the member's firm, or any agent or representative of the member shall not be precluded from receiving compensation from the county for services rendered outside ~~his/her~~their duties as a board member; provided, that any member having an interest or who is contemplating acquiring an interest in any particular transaction, contract or project must abstain from any participation in the deliberations of the board regarding said subject matter; and provided further, that in any event a board member shall abstain from any deliberation upon a given subject if a disinterested person, having been apprised of the totality of a board member's personal interest in a matter being acted upon, whether financial or otherwise, would be reasonably justified in thinking that partiality may exist. (Ord. 2007-024 § 3; Ord. 85-12 § 4. Formerly 2.80.040).

2.80.130 Records – Notice of meetings and hearings.

A. Notice shall be given prior to any hearing on an appeal to all parties to the appeal by placement of the notice in the mail at least 10 days prior to the date of hearing, except as hereinbefore provided.

B. Notice shall also be posted in the county courthouse of any and all hearings and meetings at least 10 days in advance of such hearings or meetings except as hereinbefore provided.

C. The board shall maintain records and minutes of all meetings, hearings, and of any actions it may take. Such records shall be kept in a file open to the public in the office of the building official by such person as ~~he~~they may delegate, and for such time period as may be required by law.

Chapter 2.88 FINANCIAL MANAGEMENT WORKING GROUP

2.88.040 Grievance procedure.

All financial management system users shall comply with the policies and procedures established for the administration of the system. Any system user that disagrees with a policy or procedure, or finds that compliance with the policy or procedure places an undue hardship on ~~their~~ his or her department may request a waiver or change in the requirement. Requests must be received by the FMWG in writing and will be considered at the next regularly scheduled FMWG meeting. If the issue is not settled to the satisfaction of the user department, it may be taken to the county executive for resolution. In all cases the FMWG must act on a request before it can be referred to the executive. (Ord. 2000-011; Ord. 90-16 § 4).

Chapter 2.104 CODE OF ETHICS*

2.104.020 Governing principles.

All Whatcom County elected officials shall hold themselves fully accountable to the highest ethical, professional and legal standards while holding office. No elected county official shall knowingly participate in the decision making process on any issue in which the official has a private interest. In the case of a county councilmember, ~~he or she~~they shall announce ~~his or her~~their intent to abstain from voting prior to the beginning of any discussion or deliberation on the issue. (Ord. 2012-036 (Exh. A); Ord. 2002-023 Att. A § 2; Ord. 98-057 Att. A § 2; Ord. 97-045 § 2).

2.104.030 Definitions.

For the purpose of this chapter:

- A. "Action" means any decision, determination, finding, ruling or order; and any grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect thereto;
- B. "Appearance of fairness" means that doctrine applied by Washington State courts and Chapter [42.36](#) RCW to quasi-judicial actions;
- C. "Compensation" includes payment in any form for real or personal property or services of any kind; provided, that "compensation" shall not include per diem allowances or payments made by a governmental entity to reimburse a public official for expenses incurred while the official is engaged in the official business of the governmental entity;
- D. "Elected official" means any person elected at a general or special election to any county public office, and any person appointed to fill a vacancy in any such office, except judges of the superior or district courts or precinct committee officers;
- E. "Appointed official" means any person appointed by lawful authority granted in the Whatcom County Charter to an executive or administrative county public office;
- F. "Ethics" means principles of conduct governing an individual or a profession; standards of behavior;
- G. "Ex parte communication" means any communication, written or oral and relating to a quasi-judicial action, between an elected official and only one party to said action without the presence of other parties to the action;

H. "Immediate family" means the spouse, dependent children, and other dependent relatives, if living in the household, of any such official;

I. "Individual" means a single natural person as distinguished from a partnership or corporation;

J. "Natural person" means an individual human being as distinguished from a partnership, corporation or other association;

K. "Organized group" means any political committee (other than groups created for the purpose of a single specific candidate for ~~his/her~~their own campaign), political party, or any special interest group, as well as political action committees (including political parties) who have filed with the Washington State Public Disclosure Commission; provided, that groups created solely for the purpose of campaigning for the election of a specific candidate shall not be an organized group for the purposes of this chapter;

L. "Person" means:

1. An individual;
2. A partnership, limited partnership, public or private corporation, or joint venture;
3. A nonprofit corporation, organization, or association, including, but not limited to, a national, state, or local labor union or collective bargaining organization and a national, state, or local trade or professional association;
4. A federal, state, or local governmental entity or agency, however constituted;
5. A candidate, committee, political committee, bona fide political party, or executive committee thereof; and
6. Any other organization or group of persons, however organized;

M. "Quasi-judicial actions" are those actions of the legislative body, planning commission, hearing examiner, or other appointed or elected board which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance;

N. "Private interest" means any interest from which an elected public official will derive a direct monetary gain or suffer a direct monetary loss by reason of ~~his or her~~their official activity. Unless the benefit or

detriment does not accrue to the elected public official as a member of a business, profession, occupation, or group in any greater extent than to other members of such group. (Ord. 2002-023 Att. A § 3; Ord. 98-057 Att. A § 3; Ord. 97-045 § 3).

2.104.041 Interest in contracts prohibited – Exceptions.

No elected official shall be beneficially interested, directly or indirectly, in any contract which may be made by, through or under the supervision of such official, in whole or in part, or which may be made for the benefit of ~~his or her~~their office, or accept, directly or indirectly, any compensation, gratuity or reward in connection with such contract from any other person beneficially interested therein. (Ord. 2002-023 Att. A § 4.1; Ord. 98-057 Att. A § 4.1).

2.104.042 Remote interests.

A. A county official shall not be deemed to be interested in a contract, within the meaning of RCW [42.23.030](#), if ~~they~~he ~~has~~es only a remote interest in the contract and if the fact and extent of such interest is disclosed to the governing body of the county of which ~~he~~they are~~is~~ an official and noted in the official minutes or similar records of the county prior to the vote on the contract, and thereafter the governing body authorizes, approves, or ratifies the contract in good faith by a vote of its membership sufficient for the purpose without counting the vote or votes of the official having the remote interest. As used in this section “remote interest” means:

1. That of a nonsalaried officer of a nonprofit corporation;
2. That of an employee or agent of a contracting party where the compensation of such employee or agent consists entirely of fixed wages or salary;
3. That of a landlord or tenant of a contracting party;
4. That of a holder of less than one percent of the shares of a corporation or cooperative which is a contracting party.

B. None of the provisions of this section shall be applicable to any official interested in a contract, though ~~this or he~~heir interest be only remote, who influences or attempts to influence any other official or the county of which ~~he or she~~they are~~is~~ an official to enter into the contract. (Ord. 2002-023 Att. A § 4.2; Ord. 98-057 Att. A § 4.2).

2.104.043 Prohibited acts.

A. No county official may use ~~his or her~~their position to secure special privileges or exemptions for ~~himself, herself~~themselves, or others.

B. No county official may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing county for a matter connected with or related to the official's services as such an official unless otherwise provided for by law.

C. No county official may accept employment or engage in business or professional activity that the official might reasonably expect would require or induce ~~him or her~~them by reason of ~~his or their~~her official position to disclose confidential information acquired by reason of ~~his or her~~their official position.

D. No county official may disclose confidential information gained by reason of the official's position, nor may the official otherwise use such information for ~~his or her~~their personal gain or benefit. (Ord. 2002-023 Att. A § 4.3; Ord. 98-057 Att. A § 4.3)

2.104.060 Duty to recuse.

Any county elected official shall remove ~~him or herself~~themselves from hearing any quasi-judicial matter where, in the judgment of that official, ~~his or her~~their impartiality might be reasonably questioned. Grounds for such self-removal include, but are not limited to, a violation of the appearance of fairness doctrine as defined in WCC [2.104.030](#)(B). (Ord. 2002-023 Att. A § 6; Ord. 98-057 Att. A § 6; Ord. 97-045 § 6).

2.104.070 Restrictions on future employment of county officials.

A. No county elected official may, within a period of one year from the date of termination of county employment, accept employment or receive compensation from an employer if:

1. The county elected official, during the two years immediately preceding termination of county employment, was engaged in the negotiation or administration on behalf of the county of one or more contracts with that employer and was in a position to make discretionary decisions affecting the outcome of such negotiation or the nature of such administration; and
2. Such a contract or contracts have a total value of more than \$10,000; and
3. The duties of the employment with the employer or the activities for which the compensation would be received include fulfilling or implementing, in whole or in part, the provisions of such a contract or contracts or include the supervision or control of actions taken to fulfill or implement, in whole or in part, the provisions of such a contract or contracts.

B. No person who has served as an elected county official may, within a period of one year following the termination of county employment, have a beneficial interest in a contract or grant that was expressly authorized or funded by specific legislative or executive action in which the former official participated.

C. No person who has served as an elected county official may, within a period of one year following the termination of county employment, represent any person before any county board, body, agency, department, committee, examiner, adjustor, or commission regarding a specific project the former official worked on, and was in a position to make discretionary decisions or recommendations, during ~~his/her~~ their term of service or employment unless:

2.104.090 Membership – Term of office. 

A. The term of each member shall be four years without compensation, except that two of the new members appointed shall serve an initial term of two years, as determined by the drawing of lots.

B. No person shall be eligible for appointment to more than two four-year terms, except as provided in subsection C of this section.

C. An individual appointed to fill a vacancy occurring other than by the expiration of a term of office shall be appointed for the unexpired term of the member ~~he/shethey~~ succeeds, but shall be eligible for appointment to two full four-year terms thereafter only if one year or less remains in the term ~~he/shethey~~ are-is appointed to fill. Any vacancy occurring on the commission shall be filled within 60 days in the manner in which that position was originally filled. A vacancy shall not impair the powers of the remaining members to exercise all the powers of the commission.

D. Any member who declares candidacy (as defined in RCW [42.17A.005\(7\)](#)) for elected county office must immediately resign ~~his or her~~their membership of the commission. (Ord. 2017-007 Exh. A; Ord. 2002-023 Att. A § 9; Ord. 98-057 Att. A § 9; Ord. 97-045 § 9).

2.104.100 Meetings. 

A. At its first meeting each calendar year, the commission shall organize by electing a chairperson and vice chairperson to serve for a period of one year. The vice chairperson shall have the power to perform all duties of the chairperson in ~~his or her~~their absence.

2.104.110 Complaint procedures. 

A. Any natural person who believes a person subject to the code of ethics has committed a violation of the code may file a complaint with the ethics commission. Complaints shall be subject to the following requirements:

1. The complaint must be based upon facts within the personal knowledge of the complainant;
2. The complaint must be submitted in writing and signed under oath by the complainant;

3. The complaint must include a detailed factual description of the alleged violation including the date, time and place of each occurrence and the name of the person or persons who are alleged to have committed a violation. The complaint must also refer to the specific provisions of the code of ethics which are alleged to have been violated;
4. The complaint must be accompanied by all available documentation or other evidence known to the complainant to support the allegations of the complaint;
5. The complaint must be filed within two years of the date of the occurrence or occurrences alleged to constitute a violation of the code of ethics.

B. Complaints shall be filed with the clerk of the ethics commission who shall forward the complaint and any accompanying documentation and evidence to the chairperson of the ethics commission within two business days. The chairperson, in consultation with all other commission members, shall review the complaint for compliance with the requirements of subsection (A) of this section. Should the chairperson find that:

1. The complaint is untimely; or
2. The complaint has not been signed under oath; or
3. The complaint does not, on its face, state facts which, if proven to be true, constitute a violation of the code of ethics referred to in the complaint; or
4. The complaint fails to refer to a specific provision of the code of ethics which is alleged to have been violated; the chairperson shall, within 10 working days of the filing of the complaint, enter a written order stating the chairperson's findings and, except as hereinafter provided, dismissing the complaint. If the chairperson finds that the complaint is deficient pursuant to the findings in subsection (B)(2) or (4) of this section, the chairperson shall issue an order notifying the complainant that unless a corrected complaint is filed within five days of the issuance of such order, the complaint shall be dismissed. The complainant may appeal the dismissal of a complaint under this subsection by filing an action in the Whatcom County superior court for a writ of certiorari pursuant to Chapter [7.16](#) RCW within 10 days of the date of issuance of the order dismissing the complaint.

C. For complaints which are not dismissed under subsection (B) of this section, the chairperson shall direct the clerk to serve a complete copy of the complaint and any accompanying documentation and evidence to the person (hereinafter referred to as the respondent) alleged to have committed a violation

of the code of ethics. The clerk shall serve a copy of the complaint and accompanying information upon the respondent by certified mail or by personal service not later than seven working days following the filing of the complaint.

D. The respondent shall, within 20 days of the date of mailing or personal service of the complaint by the clerk of the commission, file with the clerk any response to the complaint the respondent wishes to make. A response to a complaint shall be made in writing signed under oath by the respondent. A response may include a detailed statement of facts pertaining to the complaint made on personal knowledge of the respondent and may include any matter constituting a defense to the complaint. A response should be accompanied by all available documentation or other evidence known to the respondent which the respondent wishes the commission to consider. The respondent may stipulate to some or all of the facts alleged in the complaint and shall either admit or deny the alleged violation. If the violation is admitted, the respondent may also submit an explanatory statement and may request a particular disposition.

E. Upon receipt of a response to a complaint, the chairperson shall review the complaint and response, together with all supporting documentation and evidence submitted by the complainant and the respondent. Within 10 days of receipt of the response (or, if no timely response is submitted, within 30 days of the date of mailing the complaint to the respondent by the clerk of the commission), the chairperson shall issue a preliminary decision in writing. A preliminary decision shall include one of the following determinations:

1. Determine that a hearing is necessary in order to obtain a clear determination of the facts relevant to the complaint; or
2. Determine that, based upon the complaint and response, the facts relevant to the complaint are clearly established and no hearing is necessary.

F. When a preliminary decision is issued pursuant to subsection (E)(2) of this section, it shall contain findings and conclusions and a disposition of the complaint. If the chairperson concludes a violation of the code of ethics was committed, the preliminary decision shall include a penalty as provided for in [WCC 2.104.170](#). Copies of the preliminary decisions shall be served forthwith on all members of the commission by the clerk. Until it becomes a final decision, a preliminary decision issued pursuant to subsection (E)(2) of this section shall be confidential and shall not be released to either the complainant, the respondent, or any other person with the exception of commission members and commission staff. Commission members may either concur in the preliminary decision or request a hearing. A hearing on the complaint before the full commission shall be scheduled by the clerk if a request for hearing is filed with the clerk by one or more commission members within 10 days of the issuance of the preliminary

decision; provided, that commission members shall have 15 days from the date of issuance of the preliminary decision to request a hearing if the chairperson so provides in the preliminary decision. If a commission member does not file a timely request for hearing, it shall be conclusively presumed that the commission member concurs in the preliminary decision.

G. If no timely request for hearing is made by any commission member, a preliminary decision issued pursuant to subsection (E)(2) of this section shall become a final decision of the commission and shall be signed and dated by the commission chairperson within two working days following the expiration of the review period provided in subsection (F) of this section. The clerk shall immediately notify the complainant and the respondent of the final decision and shall deliver a copy of the final decision to each of them and to any other person who has submitted a written request therefor. Either the complainant or the respondent may, within 30 days of the date of the final decision, appeal it to the Whatcom County superior court by writ of certiorari pursuant to Chapter [7.16](#) RCW.

H. When a decision to hold a hearing is issued pursuant to subsection (E)(1) of this section or when a request for hearing is filed by a commission member pursuant to subsection (F) of this section, the clerk shall schedule a hearing not more than 30 days from the date of the preliminary decision and shall mail written notice of the hearing to the complainant, the respondent, each member of the commission and to any other person who has submitted a written request therefor. In addition, notice shall be provided by publication in the official county newspaper not less than five days prior to the date of the hearing.

I. All hearings on complaints before the ethics commission shall be de novo and a preliminary decision issued pursuant to subsection (E)(2) of this section, if any, shall have no force or effect and shall remain confidential. The parties may appear in person or through attorneys. Hearings shall be conducted in accordance with the following provisions:

1. The complainant shall have the burden to prove by a preponderance of evidence that the violation or violations alleged in the complaint occurred.

2. Not less than two days prior to the hearing date, the complainant and respondent shall each file with the clerk and serve upon the other party, a list of witnesses they wish to call at the hearing. Only those witnesses whose names appear on the witness lists may testify at the hearing. In exceptional circumstances and for good cause shown, the commission chairperson may, in his or her discretion, permit additional witnesses to testify.

3. At the commencement of the hearing, the commission chairperson shall ask the parties to provide an estimate of the time required to present their evidence and arguments. The chairperson shall then issue an order establishing a reasonable limit on the time for each party to present ~~his or~~

~~her~~their case which shall be equal for each party. The complainant may divide ~~his or her~~their allotted time between an opening presentation and rebuttal of the respondent's case. Each party may present opening and closing arguments.

2.104.150 Confidences. 

No elected county official shall disclose any confidential information secured during the course of ~~his or her~~their public employment or term of office, a disclosure which is not otherwise required by law, or use any such information to advance ~~his or her~~their or any other financial interest to the detriment of Whatcom County. (Ord. 2002-023 Att. A § 13; Ord. 98-057 Att. A § 13; Ord. 97-045 § 13).

2.104.160 Use of county property. 

No elected county official shall sell, divert, convert, give away, or use any county equipment, vehicles, or other county property, real or personal, other than in the performance of ~~their~~his/her official duties in behalf of the county. (Ord. 2002-023 Att. A § 14; Ord. 98-057 Att. A § 14; Ord. 97-045 § 14).

Chapter 2.118 WILDLIFE ADVISORY COMMITTEE

2.118.040 Qualifications.

To qualify for county council appointment to fill any vacancy on a board, committee, or commission, a person shall be a qualified registered voter in Whatcom County and be a member or employee of the agency or group ~~he or she~~they are ~~is~~-appointed to represent. (Ord. 2022-093 Exh. A; Ord. 2017-068 Exh. A).

Exhibit C: Title 3 – Revenue and Finance

Chapter 3.02
FINANCIAL MANAGEMENT SYSTEM

3.02.080 Claims for services and supplies. 

All claims against the county by persons furnishing materials, rendering services or performing labor, or for any other contractual purpose shall be prepared for audit and payment in the form and manner prescribed in the Whatcom County Administrative Policies and Procedures Handbook. Each department or division head shall be appointed auditing officer for all claims made within ~~his or her~~their department. The auditing officer or delegate shall preaudit and certify all claims. This certification shall be made on each individual claim voucher and shall be signed and dated by the auditing officer or delegate. (Ord. 93-042 Exh. E).

Chapter 3.04 PERSONNEL SYSTEM¹

3.04.060 Political activity. 

A. Whatcom County recognizes the right of every employee to express ~~his or her~~their views as a citizen, to pursue legitimate involvement in the political system, and to vote as ~~he or she~~they please~~s~~, provided that no county employee shall expend public funds, or supplies, or work towards the campaign of any candidate or issue while on county time unless the activity is permitted by law.

3.04.070 Prohibited acts. 

A. No person shall make any false statement, certificate, mark, rating or report with regard to any application, test, certification or appointment made under any provision of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of this chapter and related policies.

B. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position with the county.

C. No employee of Whatcom County or other person shall defeat, deceive or obstruct any person in ~~his or her~~their right to examination, eligibility, certification, or appointment under this chapter, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment by the county.

Chapter 3.05 TORT AND DAMAGE CLAIMS

3.05.010 Tort and damage claims. 

A. Filing. All claims for damages against the county must be filed with the clerk of the county council. A summary of each claim identifying the claimant, the date of the claim, the amount claimed, the amount paid, and the date of payment shall be prepared annually by the clerk of the county council, or ~~his or~~ her~~their~~ designee, and made available for inspection by the members of the county council.

B. Requisites of Claim. All such claims for damages must locate and describe the defect which caused the injury, describe the injury and contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and calling the claim and for a period of six months immediately prior to the time the claim accrued and be sworn to by the claimant; provided, that if the claimant is incapacitated from verifying and filing ~~his~~their claim for damages within the time prescribed, or if the claimant is a minor, or in case the claim is for damages to real or personal property, and the owner of the property is a nonresident of the county or is absent therefrom during the time within which a claim for damages is required to be filed, the claim may be verified and presented on behalf of the claimant by a relative or attorney or agent representing the injured person, or, in case of damages to property, representing the owner thereof.

Chapter 3.08 PURCHASING SYSTEM

3.08.090 Bid specifications, deposits and awards.



A. In developing specifications for bids or proposals, all reasonable efforts shall be made to ensure a competitive process and that a variety of vendors shall be capable of fulfilling the stated requirements of the county. Performance considerations shall be included in the specifications. However, nothing in this section shall be construed to limit the county from pursuing sole source procurement where adequate justification has been presented that such procurement is in the best interests of county operations.

B. When the acquisition of materials, supplies, purchased services, tools, equipment, rental of personal property or professional services involves amounts greater than \$40,000 for a nonpublic work or public work award, the administrative services department shall be responsible for the review and approval of specifications and the preparation of invitations to bid pursuant to provisions set forth in this chapter.

C. All bid specifications shall be in writing and placed on file for public inspection.

D. All invitations for bids, requests for proposals, requests for qualifications and bid packets will be posted on the county's website. Project announcements and bid solicitations or proposals shall be published in the official county newspaper, and when in the county's best interest, other regional publications. Additionally, the county will offer complimentary bid packets to multiple northwest and national plan centers. Advertisements shall be published at least once at least 13 days prior to the last date upon which bids will be received. Such advertisement shall state:

1. The date after which bids will not be received;
2. The character of the work to be done, or the materials, equipment or service to be purchased;
and
3. Instruction on how to obtain additional information, including the complete bid packet.

E. No bid shall be considered for public works unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier's check, or certified check in an amount equal to five percent of the amount of the bid proposed.

F. Should the bidder to whom the contract is awarded fail to enter into the contract or fail to furnish the contractor's bond within 10 days (exclusive of the date of notice) after notice of the award, the amount of the bid deposit shall be forfeited to the county. Thereafter, the award shall be made to the next lowest responsive bidder. The bid deposit of an unsuccessful bidder (if ~~his~~their bid deposit has not been

forfeited) shall be returned after the required contractor's bond of the successful bidder has been accepted

[3.08.096 Consultant roster contract award process for architectural, engineering, and other professional services.](#)



As an alternative to the requirements of WCC [3.08.060](#) and [3.08.090](#), this section may be utilized to acquire consultant services. Consultant services include professional services. "Professional services" are those services that have a primarily intellectual output or product and include, but are not limited to, services provided by architects, engineers, surveyors, doctors, trainers, tax professionals, accountants, and management, labor and financial advisors.

To use the consultant roster contract award process provided for by this section the following procedures shall be followed:

A. Publication. At least once a year the county or its designee shall publish in a newspaper of general circulation within the municipality's jurisdiction a notice of the existence of the consulting services roster and solicit the names of consultants for the consulting services roster. The county or its designee shall add responsible consultants to the consulting services roster at any time that a consultant completes the online application provided by the county or its designee, uploads a statement of qualifications, and meets minimum state requirements for roster listing.

B. Review and Selection of the Statement of Qualifications Proposals for Professional Services. The county shall use the following process to select the most highly qualified consultant off of the consulting services roster to provide the required services:

1. The department head shall have established criteria that must be considered in evaluating consultants for a given project. Consultant rate may be considered for services other than architectural, engineering, landscape architectural, and surveying. Criteria for architectural, engineering, landscape architecture, or surveying services shall include a plan to ensure that minority- and women-owned firms and veteran-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts. The level of participation by minority- and women-owned firms and veteran-owned firms shall be consistent with their general availability within the jurisdiction of the county.
2. The department head shall evaluate the written statements of qualifications and performance data on file with the county at the time that consultant services are required.
3. Such evaluations shall be based on the criteria established by the department head.

4. The department head shall conduct discussions with one or more consultants regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services.

5. The consultant deemed most highly qualified by the agency to do the project will be selected. The department head shall negotiate with the selected firm for a contract at a price that ~~he/she/they~~ determines is fair and reasonable, considering the estimated value of the services to be rendered as well as the scope and complexity of the project. If a satisfactory contract cannot be negotiated, the department head terminates the negotiations with that firm and attempts to negotiate a contract with the next most qualified firm. The process continues until an agreement is reached or the search is terminated.

3.08.125 Nondiscrimination. 

Whatcom County endeavors to secure for all individuals within the county the freedom from discrimination because of race, color, religion, national origin, gender, sexual orientation (including gender identity), age, marital status, or disability in connection with employment, and thereby to promote the interests, rights and privileges of individuals within the county.

A. All contracts proposed by county staff shall incorporate equal employment opportunity clauses which shall read as follows, or as subsequently amended to be consistent with existing law:

1. Nondiscrimination in Employment. The county's policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation (including gender identity), age, marital status, disability, or veteran status. The contractor shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation (including gender identity), age, marital status, disability, political affiliation, or veteran status, except where such constitutes a bona fide occupational qualification.

Furthermore, in those cases in which the contractor is governed by such laws, the contractor shall take affirmative action to ensure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation (including gender identity), disability, or veteran status, except where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational

activities. In all solicitations or advertisements for employees placed by them or on their behalf, the contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The foregoing provisions shall also be binding upon any subcontractor; provided, that the foregoing provisions shall not apply to contracts or subcontractors for standard commercial supplies or raw materials, or to sole proprietorships with no employees.

2. Nondiscrimination in Client Services. The contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation (including gender identity), disability, or veteran status; or deny an individual or business any service or benefits under this agreement unless otherwise allowed by applicable law; or subject an individual or business to segregation or separate treatment in any manner related to ~~his/her/its~~their receipt of any service or services or other benefits provided under this agreement unless otherwise allowed by applicable law; or deny an individual or business an opportunity to participate in any program provided by this agreement unless otherwise allowed by applicable law.

Chapter 3.16 BONDS

3.16.040 Negotiable bonds – Registration. 

Before the bonds are delivered to the purchaser, they shall be presented to the county treasurer, who shall register them in a book kept for that purpose and known as the bond register, in which register ~~he~~ they shall enter the number of each bond, its date of issue and maturity, amount, rate of interest, to whom and when payable. (Ord. 79-30 § 1(3)).

Chapter 3.22

TELEPHONE ACCESS LINES EXCISE TAX

3.22.060 Records required. 

Each telephone company collecting the tax imposed by this chapter shall maintain books and/or records respecting that activity which truly, completely and accurately discloses all information necessary to determine the taxpayer's tax liability hereunder during each base tax period. Such records shall be kept and maintained for a period of not less than three years.

All books, records or other items which may hereafter be required to be kept and maintained under this section shall be subject to, and immediately made available for, inspection and audit at any time, with or without notice, at the place where such records are kept upon demand by the county treasurer or ~~his~~their designee, for the purpose of enforcing the provisions of this chapter.

Where a telephone company does not keep such books, records, or other items so that the county treasurer or ~~his~~their authorized designee may examine them conveniently, the telephone company shall either:

A. Produce all of the required books, records or items for such inspection within 10 days following a written request by the treasurer; or

B. Bear the actual cost of inspection by the county treasurer or ~~his~~their designee, at the location at which such books, records, or items are located. Actual cost shall consist of the cost of travel, meals and lodging incurred as a result of said inspection; provided, that a telephone company choosing to bear these costs shall pay in advance to said officer the estimated cost thereof including, but not limited to, round-trip fare by the most rapid means, lodging, meals, and incidental expenses. The actual amount due, or to be refunded, for expenses shall be determined within 60 days following such examination.

(Ord. 82-92 § 6).

Chapter 3.23

EXCISE TAX ON RADIO ACCESS LINES

3.23.060 Inspection of records.

 SHARE

A. All books, records or other items which may hereafter be required to be kept and maintained under this section shall be subject to, and immediately made available for, inspection and audit at any time, with or without notice, at the place where such records are kept upon demand by the county treasurer or ~~his~~their designee, for the purpose of enforcing the provisions of this chapter.

B. Where a telephone company does not keep such books, records, or other items so that the county treasurer or ~~his~~their authorized designee may examine them conveniently, the telephone company shall either:

Chapter 3.25A

WHATCOM COUNTY CONSERVATION EASEMENT PROGRAM

3.25A.050 Designation of program administrator – Powers and duties. 

A. Designation. The administrator shall be designated by and report to the director of planning and development services.

B. Powers and Duties. The administrator or ~~his or her~~their designee shall administer the CEP and shall have powers and duties to:

Chapter 3.40

TAX ON BINGO, RAFFLES, PUNCHBOARDS, PULL TABS AND PUBLIC CARDROOMS

3.40.090 Records required. 

A. Each person, association or organization engaging in an activity taxable under this chapter shall maintain records respecting that activity which truly, completely and accurately disclose all information necessary to determine the taxpayers's tax liability under this chapter during each base tax period. Such records shall be kept and maintained for a period of not less than three years. In addition, all information and items required by the Washington State Gambling Commission under Chapter [230-08](#) WAC, and by the United States Internal Revenue Service respecting taxation, shall be kept and maintained for the periods required by those agencies.

B. All books, records and other items required to be kept and maintained under this section shall be subject to, and immediately made available for, inspection and audit at any time, with or without notice, at the place where such records are kept, upon demand by the county treasurer or his designees, for the purpose of enforcing the provisions of this taxing chapter.

C. Where a taxpayer does not keep all of the books, records, or items required to be kept or maintained under this section in this jurisdiction so that the county treasurer or authorized officer may examine them conveniently, the taxpayer shall either:

1. Produce all of the required books, records or items within this jurisdiction for such inspection within 10 days following a request of the local official that he do so; or

2. Bear the actual cost of inspection by the county treasurer or ~~his designee~~their designee, at the location at which such books, records or items are located; provided, that a taxpayer choosing to bear these costs shall pay in advance to said officer the estimated cost thereof, including but not limited to round-trip fare by the most rapid means, lodging, meals and incidental expenses. The actual amount due, or to be refunded, for expenses shall be determined following said examination of the records. (Ord. 2008-031 Exh. A; Ord. 2006-002 Exh. A; Ord. 81-14 § 9).

Chapter 3.49 LODGING TAX

3.49.010 Tax levied. 

A. There shall be an excise tax on the sale or charge made for the furnishing of lodging that is subject to tax under Chapter [82.08](#) RCW. The rate shall be the lesser of two percent or a rate, when combined with all other taxes imposed upon such sales of lodging, that equals 12 percent. Said tax shall not be imposed in increments of less than tenths of a percent; and

B. There shall be a credit against this tax for the full amount of any city or town tax imposed under a like section; and

C. The taxes levied shall not apply to emergency lodging provided for ~~homeless persons~~people experiencing houselessness for a period of less than 30 consecutive days under a shelter voucher program administered by any city, town, or Whatcom County or the respective agencies and groups which provide said service. (Ord. 2006-058).

Chapter 3.68 COUNTY SERVICES – ADVANCE DEPOSITS

3.68.030 Posting of clerk's authority.



The clerk shall post notice of ~~her~~their authority in this matter, along with the council office fee schedule, as required by state law. (Ord. 93-072).

Exhibit D: Title 5 – Business Licenses and Regulations

Chapter 5.08 CARNIVALS

5.08.030 Permit – Application – Investigation – Cost held in trust – Compliance with provisions. 

A. Upon receipt of such application, the original shall be referred to the sheriff who shall cause such investigation of the applicant's business and moral character to be made as ~~he~~they deems necessary for the protection of the public good.

5.08.040 Permit – Issuance denied when. 

If, as a result of such investigation, the applicant's character or business responsibility is found to be unsatisfactory, the sheriff shall endorse on such application ~~his~~their disapproval and ~~his~~their reasons for the same, and return the application to the county auditor who shall notify the applicant that ~~his~~their application is disapproved and that no permit shall be issued. (Prior code § 4.20.040).

5.08.050 Permit – Issuance approved when – Contents. 

A. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the sheriff shall endorse on the application ~~his~~their approval, execute a permit addressed to the applicant for the carrying on of the business applied for, and return the permit, along with the application, to the county auditor who shall, upon payment of the prescribed fee, deliver to the applicant ~~his~~their permit.

5.08.070 Revocation of permit – Causes specified. 

Permits issued under the provisions of this chapter may be revoked by the action of the county executive of Whatcom County after notice and hearing, for any of the following causes:

- A. Fraud, misrepresentation, or false statement contained in the application for permit;
- B. Fraud, misrepresentation or false statement, made in the course of carrying on the business of operation of the carnival;
- C. Any violation of this chapter, or any violation of state law by either the applicant or ~~his~~their agents, or persons engaged in operating concessions or devices authorized or permitted by the applicant;

5.08.080 Revocation of permit – Notice of hearing. 

Notice of the hearing for revocation of a permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to

the licensee at [his-their](#) last known address at least five days prior to the date set for hearing. (Prior code § 4.20.110).

Chapter 5.12 CHRISTMAS TREES

5.12.030 Transport – Consent required – Exception. 

A. It is unlawful for any person, firm or corporation, or the agent thereof, to transport over the highways of this county any Christmas trees which ~~he or his~~[their](#) agent or principal has taken from private lands without the consent, express or implied, of the landowner or [his-their](#) authorized lessee or agent.

5.12.040 Transport – Document of title required. 

It is unlawful for any cutter or picker of Christmas trees, or [his-their](#) agent, to transport over the highways of this county more than five Christmas trees without having in [his-their](#) possession a dated bill of sale, complying with RCW [76.48.080](#), or bill of lading showing the number of trees, by species, sold or transferred by any such document and showing [his-their](#) title thereto. (Prior code § 4.24.040).

5.12.070 Arrest – Summons or citation – Procedure. 

Whenever any person, firm or corporation, or agent, violates the provisions of Sections [5.12.020](#), [5.12.030A](#), and [5.12.040](#), a peace officer may either arrest the person without a warrant and take ~~him~~[them](#) before any court having jurisdiction of the offense, or ~~he~~[they](#) may issue a summons or citation for the accused person to appear at the court named and answer a complaint to be filed therewith provided, that at the time of making the arrest, the peace officer shall seize the trees and may also seize and impound the vehicle used in transporting same, subject to the order of the court before which the arrested person is ordered to appear; provided, that if the owner of the trees appears before the court and presents satisfactory evidence of ownership, the court shall order the officer to deliver the trees to the owner.

However, if the owner does not appear and prove [his-their](#) ownership thereof within five days, the court shall direct the officer to sell the trees and pay the proceeds thereof to the treasurer of the county, who shall deposit same in the general fund. (Prior code § 4.24.080).

Chapter 5.16 DANCES AND DANCEHALLS

5.16.030 License – Application – Requirements.

 SHARE

Any person desiring a license under the provisions of this chapter shall make written application thereof at least five days before the holding of any dance or the conducting or maintaining of any dancehall to the Whatcom County sheriff, signed by the applicant, stating therein and submitting such proof as may be required by the sheriff, that ~~he or she~~they ~~has~~ves never been convicted of a crime involving moral turpitude, that ~~he or she is~~they are a citizen of the United States of America, and has been a resident of Whatcom County for a period of not less than three years immediately last past, and any Grange, patriotic, fraternal or community dance application shall include the further statement whether or not beer or liquor are sold or offered for sale on said premises. (Ord. 93-048 (part); prior code § 4.04.060).

5.16.120 Age restriction.

 SHARE

No person under the age of 18 years shall be permitted to attend any public dance without the escort of ~~his or her~~their parent or guardian. Any person under the age of 18 years who shall by affirmative misrepresentation of age obtain admission to or permission to remain in any public dance, shall be guilty of a misdemeanor. (Prior code § 4.04.110).

Chapter 5.20 FIREWORKS

5.20.050 Permit – Application – Investigation – Power to restrict or deny. 

A. Each application for permit shall be investigated and reviewed by the fire marshal.

B. The Whatcom County fire marshal expressly reserves the power, in ~~his/her~~their discretion, to deny such application, or to grant it subject to reasonable restrictions or conditions as ~~he/she~~they shall prescribe for public safety or welfare. (Ord. 93-027; prior code § 4.40.070).

5.20.100 Seizure. 

Any fireworks which are illegally sold, offered for sale, used, discharged, or possessed in violation of this chapter shall be subject to seizure by the State Fire Marshal, ~~his-their~~ deputy, the sheriff, or ~~his-their~~ deputy. Any fireworks seized under the provisions of this section will be delivered to the State Fire Marshal or ~~his-their~~ deputy for disposition as provided under chapter [70.77](#) RCW. (Ord. 93-027; prior code § 4.40.100).

Chapter 5.28 GO-KART TRACKS

5.28.080 Telephone facilities.



Track owners shall provide a telephone facility available for the use of himself themselves and all track employees. Telephone numbers of emergency medical services or facilities should be conspicuously posted thereon. Such telephone shall be available for emergency use at all times during which the track is in operation. (Prior code § 4.28.070).

5.28.100 Maintenance and inspection.



Go-kart tracks and all related facilities and equipment shall be maintained in good repair. The Whatcom County sheriff or his their delegate shall have the right to periodically inspect all go-kart tracks and facilities in order to determine that all persons governed by this chapter remain in compliance with the provisions of this chapter. (Prior code § 4.28.090).

Chapter 5.52 SOLICITORS AND CANVASSERS

5.52.010 Definition. 

A “canvasser” or “solicitor” is defined as any individual, whether resident of the county of Whatcom, or not, who by telephone or traveling either by foot, wagon, automobile, motor truck, or any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for service to be furnished or performed in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether ~~he-they are~~is collecting advance payments on such sales or not; provided, that such definition includes any person, who, for ~~himself~~themselves, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad box car, boat, hotel room, lodging house, apartment, shop, or any other place within the county for the sole purpose of exhibiting samples and taking orders for future delivery. (Prior code § 4.16.020).

5.52.040 Permit and license – Investigation and issuance. 

A. Upon receipt of such application the Whatcom County sheriff shall cause such investigation of the applicant’s business and moral character to be made as ~~he-they~~deems necessary for the protection of the public good.

B. If, as a result of such investigation, the applicant’s character or business responsibility is found to be unsatisfactory, the county sheriff shall endorse on such application ~~his-their~~ disapproval and ~~his-their~~ reasons for the same, and shall notify the applicant that ~~his-their~~ application is disapproved and that no permit and license will be issued.

C. If, as a result of such investigation, the character and business responsibility of the applicant are found to be satisfactory, the county sheriff shall endorse on the application ~~his-thier~~ approval, execute a permit addressed to the applicant for the carrying on of ~~his-their~~ business applied for, and upon payment of the prescribed license fee, deliver to the applicant ~~his-their~~ permit and issue a license. Such license will contain the signature of the county sheriff and shall show the name, address and photograph of the licensee, the class of license issued, the kind of goods to be sold thereunder, the amount of fee paid, the date of issuance and the length of time the same shall be operative, as well as the license number and other identifying description of any vehicle used in such soliciting or canvassing. The county sheriff shall keep a permanent record of all licenses issued. (Ord. 90-62 (part); prior code § 4.16.040).

A. The license fee which shall be charged for such license, shall be as set forth in the Whatcom County Unified Fee Schedule and shall be assessed on a calendar year basis. The fee, however, for January to July 1st, or any part of said period, or from July 1st to December 31st, or any part of said period, shall be 60 percent of the annual license fee; provided, that one temporary 30-day license may be issued on payment of a fee as set forth in the Whatcom County Unified Fee Schedule. The temporary 30-day license fee may, however, apply on a current, annual or semi-annual license that may be issued thereafter at the same rate provided in this subsection; provided the temporary 30 days occur during the same annual or semiannual period for which the total fee is paid.

B. None of the license fees provided for by this chapter shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee, or applicant for license, to place an undue burden upon such commerce, ~~he~~they may apply to the county sheriff for an adjustment of the fee so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such application may be made before, at, or within six months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show ~~his~~their method of business and the gross volume or estimated gross volume of business and such other information as the county sheriff may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The county sheriff shall then conduct an investigation comparing applicant's business with other businesses of like nature and shall make findings of fact from which it shall determine whether the fee fixed by this chapter is unfair, unreasonable or discriminatory as to the applicant's business, and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or, if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed. In fixing the fee to be charged, the county sheriff shall have the power to base the fee upon a percentage of gross sales or any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature, so long as the amount assessed does not exceed the fees as prescribed in subsection A of this section. Should the county sheriff determine the gross sale measure of the fee to be the fair basis, ~~he~~they may require the applicant to submit, either at the time of termination of applicant's business in the county of Whatcom, or at the end of each three-month period, a sworn statement of the gross sales and pay the amount of fee therefor; provided, that no additional fee during any one calendar year shall be required after the licensee shall have paid an amount equal to the annual license as prescribed in subsection A of this section. (Ord. 93-080 Ex. J; Ord. 90-62 (part); Ord. 88-58; prior code § 4.16.050).

5.52.070 Exemptions.

 SHARE

This chapter shall not be construed as applicable to insurance ~~men~~agents, advertising sales ~~persons~~men or sales ~~persons~~men calling on the retail or wholesale trade and, to encourage the dissemination of news and information, it shall not be construed as applicable to daily newspaper sales ~~persons~~men, whether subscriptions are taken, or not. (Ord. 90-62 (part); prior code § 4.16.120).

5.52.100 Revocation of permit and license – Causes – Notice of hearing.

 SHARE

A. Permits and licenses issued under the provisions of this chapter may be revoked by action of the county sheriff after notice and hearing for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for license;
2. Fraud, misrepresentation, or false statement made in the course of carrying on ~~his~~their business as solicitor or as canvasser;
3. Any violation of this chapter;
4. Conviction of any crime or misdemeanor involving moral turpitude;
5. Conducting the business of soliciting, or of canvassing, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

B. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at ~~his~~their last known address at least five days prior to the date set for the hearing. (Ord. 90-62 (part); prior code § 4.16.100).

5.52.120 Duty of sheriff to enforce.

 SHARE

It shall be the duty of the sheriff or any deputy sheriff of the county of Whatcom to require any person seen soliciting or canvassing, and who is not known by such officer to be duly licensed, to produce ~~his~~their solicitor's license or canvasser's license and to enforce the provisions of this chapter against any person found to be violating the same. (Ord. 90-62 (part); prior code § 4.16.080).

Chapter 5.60

REGULATION OF PRIVATELY OWNED BURGLARY, ROBBERY AND FIRE ALARM SYSTEMS

5.60.040 False alarms – Fees – Corrective action. 

It is the policy of the county to prevent inadvertent false alarms. To this end the sheriff shall administer this chapter as follows:

A. For the first false alarm in any six-month period generated at a premises served by an alarm system, no fee shall be charged. The person owning or occupying the premises served by the alarm system shall, within three working days after notice to do so, make a written report to the sheriff on forms provided by the sheriff, setting forth: the cause of the false alarm, the corrective action taken, whether the system has been inspected by a trained service ~~person~~man, and such other information as the sheriff may reasonably require in order to determine the cause of the false alarm and any necessary corrective action.

Exhibit E: Title 6 – Animals

Chapter 6.04 ANIMAL CONTROL

6.04.040 Applicability. 

A. Dogs Off Premises to be Under Control. It shall be unlawful for the owner or keeper of any dog to cause, permit or allow ~~his/her~~their dog to run, stray or otherwise to be away from the premises of the owner or keeper within a dog control zone and to be on public property or the private property of another without their permission, unless such dog be under control by means of a leash.

6.04.080 Crimes – Misdemeanors. 

The following are misdemeanors:

A. Possessing an Exotic and/or Wild Animal without a Permit. It shall be a misdemeanor for a person to own or maintain any wild and/or exotic animal without a valid permit from the animal control authority.

B. Refusal to Quarantine. It shall be a misdemeanor for an owner or keeper to refuse to quarantine or permit the quarantine of any animal when and as required by state law and this chapter.

C. Interfering with Impounding and Other Animal Control, Duties and Enforcement. It is a misdemeanor for any person to prevent, obstruct or hinder the impoundment of an animal or other enforcement duties of officers pursuant to this chapter.

D. Damage. It is a misdemeanor for the owner or keeper of any domesticated animal to allow it to enter upon private or public property, so as to damage or destroy any real or personal property, including livestock and other animals of value.

E. Cruelty to Animals. The following acts and omissions constitute cruel treatment to animals; therefore, it shall be a misdemeanor for any person, firm or corporation to:

1. Willfully or cruelly kill, injure, poison, torture or torment any animal by any means causing it fright or pain; or

2. Lay out or expose any kind of poison or leave exposed any poisoned food or drink for ~~man~~humans, animal or fowl, or any substance of fluid whatever, whereon or wherein there is or shall be deposited or mingled any kind of poisonous or deadly substance or fluid whatever, on any premises, or abet any person in so doing, unless in accordance with the RCW [16.52.190](#); or

3. Neglect or fail to provide minimum care to any animal within ~~his~~their care, custody or control. For the purpose of this section, “minimum care” means that in each period of 24 hours, food and water of sufficient quantity and quality will be provided that allows for the maintenance of body weight and for an immature animal, normal growth and to otherwise preserve the health and well-being of the animal; or

Chapter 8.12 SOLID WASTE DISPOSAL

8.12.030 Unlawful disposal. 

It is unlawful for any person to use any site owned or occupied by Whatcom County for the disposal of car bodies, and dead animals may be disposed of with the prior approval of the solid waste manager, or ~~his or her~~their designee, during the hours the Humane Society facility is closed, and dead farm animals may only be disposed of with the prior approval of the solid waste manager; provided, in ~~his or her~~their opinion, said dead animals are not suitable for a rendering plant and there is no reasonable alternate method of disposal available. (Ord. 90-42 (part); Ord. 89-84 (part); Ord. 89-48; prior code § 3.08.010).

Chapter 8.20

DIVING FROM PUBLIC BRIDGES PROHIBITED

8.20.010 Unlawful diving.



It is unlawful for any person to dive, jump, plunge or otherwise propel ~~himself~~themselves from any bridge or any other structure on the right-of-way of a public road, street, highway, alley or way, into any body of water in Whatcom County. (Prior code § 7.36.010).

Chapter 8.24

TRESPASS ON REAL PROPERTY

8.24.010 Trespass on real property – Designated. 

A. A person is guilty of trespass on real property if ~~he~~they knowingly enters or remains unlawfully in or upon the real property of another.

8.24.020 Trespass on real property – Defenses. 

In any prosecution under Section [8.24.010](#), it is a defense that:

A. The real property was at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining on the real property; or

B. The actor reasonably believed that the owner of the real property, or other person empowered to license access thereto, would have licensed ~~him~~them to enter or remain. (Ord. 82-76 (part)).

8.24.030 Definitions. 

The following definitions apply in this chapter:

A. Enter. The word “enter,” when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of ~~his~~their body, or any instrument or weapon held in ~~his~~their hand and used or intended to be used to threaten or intimidate a person or to detach or remove property.

B. Enters or Remains Unlawfully. A person “enters or remains unlawfully” in or upon real property when ~~he~~they areis not then licensed, invited, or otherwise privileged to so enter or remain. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

C. Knowledge. A person knows or acts knowingly or with knowledge when:

1. ~~He~~they areis aware of a fact, facts, or circumstances or result described by a statute defining an offense; or

2. ~~He has~~They have information which would lead a reasonable ~~man~~person in the same situation to believe that facts exist which facts are described by a statute defining an offense.

D. "Person," "hethey" and "actor" include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association. (Ord. 82-76 (part)).

Chapter 8.28

LITTER CONTROL¹

8.28.080 Illegal dumping. 

It shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste or dangerous waste onto or under the surface of the ground or into the waters of this county except at a solid waste or dangerous waste disposal site for which there is a valid permit. This section shall not prohibit a person from dumping or depositing yard clippings, leaves, prunings, or compostables resulting from ~~his~~their own activities onto or under the surface of ground owned or leased by ~~him~~them when such action does not violate statutes or ordinances, or create a nuisance. (Ord. 98-046 Exh. A).

8.28.100 Violations and penalties – Abatement. 

Any violation of this chapter shall be subject to the following penalties:

- A. It is a Class 3 civil infraction as defined in RCW [7.80.120](#) for a person to transport an unsecured load or for a person to litter or to allow improper disposal, in an amount less than or equal to one cubic foot.
- B. It is a Class 1 civil infraction as defined in RCW [7.80.120](#) for a person to litter or allow improper disposal in an amount greater than one cubic foot. Unless suspended or modified by a court, the person shall also pay a litter cleanup fee of \$25.00 per cubic foot of litter. The court may, in addition to or in lieu of part or all of the cleanup fee, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. A punitive percentage set by the court relating to staff and court costs may also be levied. Said percent shall not exceed the actual cost incurred.
- C. If the violation occurs in a county park, the court may, in addition to any other penalties assessed, order the person to perform up to 24 hours of community service in the county park where the violation occurred.
- D. If the court orders a cleanup of said property and the person, who has previously been charged and was found to have committed the infraction, does not comply with the court's order, the court may then grant the county the authority to enter said property to comply with the court's order, and thereafter bill the person found to have committed the infraction for the costs incurred. If the person found to have committed the infraction is someone other than the owner of the property, the owner of the property must first be given notice of the county's intent to clean up the property and be provided a period of no less than seven days after notice is given to complete cleaning up the property himself. Where the full amount due to the county for cleanup is not paid within 30 days after the disposal of the litter, and if the owner or ~~his~~their agent, including any tenant of the property, was the person found to have committed the

infraction, the county may cause to be recorded in the Whatcom County auditor's office a sworn statement showing the costs and expense incurred for the work, the date the work was done, and the location of the property on which the work was done. If the person found to have committed the infraction is someone other than the owner of the property, the owner shall be given notice by the county of the recordation of the statement at the time of its filing in the auditor's office. The recordation of such sworn statement shall constitute a lien and privilege on the property that shall remain in full force and effect for the amount due in principal and interest of one percent per month, plus costs of court, if any, for collection, until final payment has been made. (Ord. 98-046 Exh. A).

8.28.110 Probable cause for violation. 

Any litter found to have two pieces or more of litter to identify the location of origin of the litter would be sufficient evidence to issue a notice of infraction to the addressee pursuant to the requirements of RCW [7.80.050](#). The burden of proof would be upon the defendant to show by preponderance of evidence that ~~his~~their litter had been deposited without ~~his~~their knowledge. (Ord. 98-046 Exh. A).

8.28.130 Enforcement. 

The Whatcom County health officer shall work with the county sheriff and parks director to designate trained employees who shall be vested with police powers to enforce and administer the provisions of this chapter and all rules and regulations adopted hereunder in areas of their jurisdiction. The health officer shall also have authority, subject to the purchasing provisions of the county ordinances, to contract with other state and local government agencies for services and personnel reasonably necessary to carry out the enforcement provisions of this chapter. All the foregoing enforcement officers may serve and execute all warrants and citations relating to this chapter in their designated jurisdictions, and other process issued by the courts in enforcing the provisions of this chapter and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to ~~his~~their last known place of residence shall be deemed as personal service upon the person charged. (Ord. 98-046 Exh. A).

Chapter 8.32 ABANDONED VEHICLES

8.32.010 Definitions.

 SHARE

For the purposes of this chapter, the following definitions shall be applicable:

A. “Abandoned vehicle” means any vehicle left upon the private property of another without the consent of the owner of such property for a period of 24 hours or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies the Whatcom County sheriff or other appropriate official and requests assistance for removal thereof.

B. “Collector” and/or “hobbyist” means the owner of one or more vehicles of historic, special interest or parts cars who collects, purchases, acquires, trades or disposes of these vehicles or parts thereof for ~~his~~ their own use in order to preserve, restore and maintain a vehicle or vehicles for hobby purposes. A collector shall not mean a licensed hulk hauler or wrecking yard operator or dismantler, and any such hulk hauler, wrecking yard operator or dismantler shall not be deemed a collector unless ~~he-they are~~ is also a member of a duly organized and operating antique or collectors car club, and has in ~~his~~ their possession historic, special interest or parts cars as herein defined.

8.32.040 Determinations and burdens of proof.

 SHARE

The hearing examiner shall determine by a preponderance of the evidence, if in issue, whether the vehicle is a nuisance as defined in this chapter (giving the benefit of the doubt to the vehicle owner). The owner of the property on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing and deny responsibility for the presence of the vehicle on the property with ~~his~~ their reasons for such denial. The hearing examiner shall determine by a preponderance of the evidence, if in issue, whether the vehicle was placed on the property without the consent of the property owner and whether ~~he-they have~~ has subsequently acquiesced in its presence (giving the benefit of the doubt to the property owner). If the hearing examiner determines that the vehicle is a nuisance as defined herein, ~~he-they~~ may allow a reasonable time for compliance with this chapter or abatement. If appropriate, the hearing examiner may apportion the costs of abatement between the property owner and vehicle owner. If it is determined that the owner has not consented nor acquiesced, then Whatcom County shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from the owner. (Ord. 89-20 § 4).

8.32.060 Abatement by owner.

 SHARE

If within 30 days from service of notice of intent to abate, the property owner requests that ~~he~~they be allowed to abate the nuisance, ~~he~~they shall be allowed a period to complete the abatement; provided said period shall not extend the original 30-day period by more than 10 additional days and such request constitutes waiver of all hearing rights. If the nuisance is not properly abated within the additional ten-day period, the sheriff shall abate the nuisance and the costs shall be billed as specified herein. (Ord. 89-20 § 6).

8.32.070 Costs of abatement.

 SHARE

Whenever possible the cost of abatement and removal of such vehicle or hulk or part thereof including costs of administration and hearing shall be collected from the last registered owner thereof if the identity of such owner can be determined, and unless such owner has transferred ownership and has complied with RCW [46.12.101](#) and [46.12.010](#) ~~he~~they shall be primarily liable, and except as provided herein the costs may be collected from the owner or owners of the property on which such vehicle or hulk or part thereof is located, such owner being secondarily liable. (Ord. 89-20 § 7).

Chapter 10.32 MOVEMENT OF OVERSIZE VEHICLES

10.32.020 Requirements for issuance. 

The county engineer, or ~~his~~-their authorized agent, prior to the issuance of a permit for oversize mobile homes or other structures shall:

Chapter 10.36

FERRY MULTI-RIDE CARDS AND QUARTERLY PASSES

10.36.030 Replacement – Authority of county public works director.

 SHARE

The county public works director or ~~his/her~~their designee is authorized to issue a replacement pass or card upon satisfactory proof of bona fide loss, theft, or destruction. (Ord. 2002-028).

10.36.040 Replacement – Application – Affidavit required.

 SHARE

Before a duplicate or replacement pass or card shall be issued, the county public works director shall be presented with an affidavit of the owner of the missing pass or card setting forth the facts supporting ~~his~~their application for issuance of a replacement. The affidavit may provide for authority for the county public works director to have the original pass or card cancelled and for impounding of the original pass or card whenever such pass or card is presented for ferry passage. (Ord. 2002-028).

10.36.050 Replacement – Application – Denied when.

 SHARE

The county public works director is authorized to examine the application, and should ~~his~~their examination result in a determination that the requirements of this chapter have been met, then ~~he~~they may issue a replacement pass or card good only for the unexpired term of the lost, stolen, or destroyed pass or card; but should ~~he~~they find that the grounds stated in the affidavit fail to support the alleged bona fide loss, theft, or destruction of the original pass or card, or are insufficient to find (1) probable cause to believe that the pass or card was in fact lost, or (2) was in all probability stolen, or (3) was in fact destroyed, then ~~he~~they shall deny the application and shall not issue the requested duplicate pass or card. In the event the application is denied, the county public works director shall make written findings setting forth the reasons why ~~he~~they ~~has~~have denied the application. (Ord. 2002-028).

Chapter 10.40 TRAFFIC CODE

10.40.080 Appendix B – RCW sections adopted as modified.



A. RCW [46.04.431](#) Highway. Highway means the entire width between the boundary lines of every way, public or private, when any part thereof is open to the use of the public for purposes of vehicular travel.

B. RCW [46.08.030](#) Uniformity of application. The provisions of this title relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this county, except as otherwise provided.

C. RCW [46.61.500](#) Reckless driving.

1. It is unlawful for any person to operate a motor vehicle in a reckless manner as defined by this resolution.
2. Any person who drives any vehicle in a wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.
3. The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than 30 days.

D. RCW [46.64.060](#) Stopping motor vehicles for driver's license check, vehicle inspection and test – Purpose. The purpose of RCW [46.64.060](#) and [46.64.070](#) is to provide for the exercise of the police power of this state and county to protect the health and safety of its citizens by assuring that only qualified drivers and vehicles which meet minimum equipment standards shall operate upon the highways of this state and county.

E. RCW [46.64.070](#) Stopping motor vehicles for driver's license check, vehicle inspection and test – Authorized powers additional. To carry out the purpose of RCW [46.64.060](#) and [46.64.070](#), officers of the Whatcom County sheriff's office are empowered during daylight hours and while using plainly marked Whatcom County sheriff vehicles with red light to require the driver of any motor vehicle being operated on any highway of this county to stop and display ~~his or her~~their driver's license and/or to submit the motor vehicle being driven by such person to an inspection and test to ascertain whether such vehicle complies with the minimum equipment requirements described by RCW Chapter [46.37](#), as now or hereafter amended. No criminal citation shall be issued for a period of 10 days after giving a warning ticket pointing out the defect. The powers conferred by RCW [46.64.060](#) and [46.64.070](#) are in addition to all other powers conferred by law upon such officers, including but not limited to powers conferred upon

them as police officers pursuant to RCW [46.20.430](#) and powers conferred by RCW Chapter [46.32](#). (Ord. 80-108 (part)).

Exhibit H: Title 11 – Boating and Swimming

Chapter 11.04 GENERAL PROVISIONS

11.04.010 Definitions. 

For the purposes of this title, the words and phrases set out in this section shall have the following meanings:

- A. “Vessel” means every watercraft used or capable of being used as a means of transportation on the water, other than seaplanes.
- B. “Personal watercraft” means a vessel of less than 16 feet which uses a motor powering a jet-pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.
- C. “Sheriff” means the sheriff of Whatcom County or any duly appointed deputy sheriff of Whatcom County, or designee.
- D. “Skin-diving” means any free swimming by a person who uses an artificial or mechanical means to replace ~~his/her~~their air, including self-contained underwater breathing apparatus, snorkel tube equipment, and free diving gear, but does not include swimmers using supervised public beaches designated as swimming areas.
- E. “Diver’s flag” means a red flag five units of measurement on the hoist by six units of measurement on the fly with a white stripe of one unit crossing the red diagonally with the flag having stiffness. This flag shall only pertain to skin- and scuba-diving, and shall supplement any nationally recognized diver’s flag or marking.
- F. “Skier’s down flag” means a bright red or brilliant orange flag not less than 12 inches square, mounted on a pole not less than two feet in length.
- G. “Idling” or “no-wake speed” means a very slow speed not to exceed five miles per hour, whereby the wake or wash created by the vessel would be minimal.
- H. “Person,” ~~“he”~~“they,” and ~~“his”~~“theirs” ~~or other words specifying a particular gender~~ include any natural person and, where relevant, a corporation, partnership, joint stock association, or an unincorporated association.

Chapter 11.20

WATER SKIING, SWIMMING AND SKIN DIVING REGULATIONS

11.20.010 Water skiing.



A. Age Requirements. No vessel which has in tow or is otherwise assisting a person on water skis, aquaplane, surfboard, innertube or similar contrivances shall be operated unless such vessel is occupied by at least two persons, one at least the age of 16 years, and one of at least eight years of age who shall be observer or ski-tender in addition to the operator; provided, that this prohibition shall not apply to vessels used in duly authorized ski tournaments.

B. Intoxication Prohibited. No person shall ride or manipulate any water skis, aquaplane, surfboard, innertube or similar contrivance while in tow, or being assisted by a vessel, when such person is under the influence of intoxicating liquor or drugs to a degree which renders said person incapable of safely riding or manipulating such a contrivance.

C. Distance from Shoreline. Except on safe takeoffs and safe landing, vessels and persons under tow on water skis, aquaplane, surfboard, innertube or a similar contrivance, and vessels being utilized to displace water for the purpose of surfing, wakesurfing, wakeboarding, or similar activities that produce wakes for surfing must keep 150 feet or more from the dock, float, or shoreline, except for Lake Whatcom where the distance shall be 300 feet from the shore, dock or float, and Lake Samish where the distance shall be 300 feet from the shore, dock or float for vessels being utilized to displace water for the purpose of surfing or wakesurfing or similar activities that produce wakes for surfing and 150 feet for all other vessels. A takeoff will not be considered "safe" unless the person(s) under tow are heading away from the shore and the takeoff can be accomplished without any risk to swimmers or vessels. The person(s) under tow, but not the vessel, may come within 150 feet of the shoreline when in the process of landing; provided, that the return to the shore must be at any angle of 45 degrees or more to the shoreline.

D. Other Vessels. No vessel shall follow behind a skier closer than 300 feet, nor cross the towing boat bow by less than 200 feet, nor alongside a skier closer than 100 feet.

E. Personal Flotation Devices Required. Any person on water skis, aquaplane, surfboard, innertube or similar contrivance shall wear about his body a type I, II, or III personal flotation device as defined and required by the U.S. Coast Guard.

F. Conduct. Any person on water skis, aquaplanes, surfboards, innertubes, or similar contrivances shall conduct himself themselves upon the same in a careful and prudent manner, and shall remain at all times

a reasonable and prudent distance from other persons and from the property of others, and shall not come within 100 feet of a swimmer or any other vessel.

Chapter 11.24

ACCIDENT PROCEDURES

11.24.010 Duty in case of collision.

 SHARE

The duties of the operators and witnesses of accidents are:

A. The operator of any vessel involved in an accident which results in bodily injury, death or property damage, shall immediately stop the vessel at the scene of the accident, or as close thereto as possible, and shall remain at the scene of the accident until the operator has fulfilled the additional requirements of this section.

B. The operator of any vessel involved in an accident resulting in bodily injury, death or property damage shall:

1. In the event of a collision with another occupied vessel or an accident involving personal injury or death, give the other operator, surviving occupant or any person not injured as a result of the accident ~~his~~their name, address, and the identifying number of the boat which ~~he~~they ~~were~~was operating and the name and address of the other occupants of the vessel and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person, or on ~~his~~their behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this section be evidence of the liability of any operator for such accident.

2. In the event of a collision with an unattended vessel, or in the event of an accident resulting only in property damage, the operator of the colliding vessel shall take reasonable steps to locate and notify the owner or other person in charge of such vessel or other property of such fact and of ~~his~~their name, address, and the identifying number of the boat which ~~he~~was~~they~~were operating and the name and address of the other occupants of the vessel.

C. Any witness to any accident shall furnish to the operator, owner, or injured person ~~his or her~~their name and address. (Ord. 90-83 (part)).

Chapter 11.28 PROHIBITIONS

11.28.010 Intoxication.¹



A. Operating Under Influence. It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any drug to operate, propel or be in actual physical control of a vessel within Whatcom County.

B. Permitting Operation. No owner of a vessel or person in charge or control of a vessel shall authorize or knowingly permit the vessel to be propelled or operated by any person who is under the influence of or affected by the use of intoxicating liquor or any drug.

C. Prevention Authorized. Whenever it appears reasonably certain to any deputy sheriff that a person under the influence or affected by the use of intoxicating liquor or any drug is about to operate a vessel in violation of subsection A of this section, said officer may take reasonable measures to prevent such person from so doing, either by taking from ~~him~~them or the vessel the keys of such vessel and securing the same by impounding them, or by some other appropriate means. Such keys or other articles which may be impounded in order to immobilize the vessel may be returned to the owner or person in question upon proper identification if it appears there is no longer any reasonable cause to believe the subject vessel will be operated by a person under the influence of or affected by intoxicating liquor or any drug. (Ord. 90-83 (part)).

Chapter 11.40

MISCELLANEOUS PROVISIONS

11.40.020 Sheriff's approval required for placement of buoys, floats, etc. 

A. Any person desiring to place any buoy, float, ski-jump platform or any similar contrivance upon any body of water covered by the provisions of this title dealing with lakes shall first obtain approval of the sheriff prior to such placement. The sheriff may place such conditions upon ~~his~~their approval as ~~he or~~ the sheriff or their authorized representative deems necessary in the interest of public safety.

Chapter 11.44

ENFORCEMENT AND IMPOUNDMENT

11.44.020 Impoundment – Authorized when.

 SHARE

Any person entitled to enforce the provisions of this title may, in addition to other specific provisions regarding the same, take immediate possession and/or impound and remove any vessel or obstruction when:

- A. The operator or master of the same reasonably appears incapable of safely operating the same or appears incapable of directing the disposition of the same;
- B. The operator or master of the same refuses to sign a citation, or refuses or neglects to obey an order of the enforcing authority to proceed from or to an area following a citation, or in an emergency;
- C. The operator or master operates a vessel or obstruction in a negligent, reckless or other manner so as to endanger the safety of others or to unreasonably interfere with the navigation of other vessels and the enforcing authority believes such operation of the vessel or obstruction would continue unless possession be taken of the same;
- D. The vessel or obstruction appears unsafe for transportation; or
- E. The vessel or obstruction is unattended and is either obstructing a navigable waterway or presenting an imminent danger to life or property.
- F. Except as provided for in preceding subsections, a vessel or obstruction may be impounded and/or removed when it:

1. a. Appears abandoned, or

b. Is anchored or moored in an anchorage, waterway or submerged street area without a valid permit, or

c. Is in violation of other provisions of this title or state law; and

2. When at least 72 hours have passed since issuance of an order by the enforcing authority to remove the vessel or obstruction.

The enforcing authority shall remove the vessel or obstruction using such methods as in ~~his or her~~their judgment will prevent unnecessary damage to said vessel or obstruction, and/or delegate the task of

removal and impounding of said vessel or obstruction to a private party, which shall also be subject to the requirement for exercise of care assigned herein to the enforcing authority.

11.44.050 Impoundment – Impounding-in-place. 

When taking possession as authorized in WCC [11.44.020](#), the enforcing authority may impound the vessel or obstruction in place by posting the same with one or more signs or notice in conspicuous places stating “Sheriff Impound – Keep Off” and notifying the owner, master or person in charge of the impounding. The enforcing authority may, in ~~his~~their discretion, appoint as custodian the owner or master, or the owner or operator of the facility or property where the vessel is moored or anchored. Upon the posting of such signs, it is unlawful for any person:

Exhibit I: Title 12 – Roads and Bridges

Chapter 12.12 CONSTRUCTION OF APPROACHES

12.12.030 Permit – County saved harmless. 

In accepting a permit, the petitioner, ~~his~~their successors and assigns, agree to protect Whatcom County and save it harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person or persons, corporation or property by reason of the performance of any such work, character of materials used, or manner of installation, maintenance and operation, or by the improper occupancy of rights-of-way or public place or public structure; and, in case any suit or action is brought against Whatcom County for damages arising out of or by reason of any of the above causes, the petitioner, ~~his~~their successors or assigns, will, upon notice ~~to him or~~ them of commencement of such action, defend the same at ~~his or~~ their own sole cost and expense and will satisfy any judgment after the said suit or action shall have finally been determined if adverse to Whatcom County. (Prior code § 7.12.020).

12.12.070 Grantee's responsibility – Maintenance. 

The party or parties to whom a permit is issued shall maintain ~~at his or~~ their sole expense the structure or object for which the permit is granted in a condition satisfactory to the county road engineer. (Prior code § 7.12.120).

12.12.080 Grantee's responsibility – Expense for damages. 

In accepting a permit, the grantee, ~~his~~their successors and assigns agree that any damage or injury done to the property of the grantee or any expense incurred by ~~him~~them through the operation of a contractor, working for the county or of any county employee, shall be at the sole expense of the grantee, ~~his~~their successors or assigns. (Prior code § 7.12.130).

12.12.130 Interference with drainage. 

If the work done under a permit interferes in any way with the drainage of the county roads, the grantee shall wholly and at ~~his~~their own expense make such provision as the engineer may direct to take care of said drainage. The county engineer shall designate the size and type of culvert pipe to be used. (Prior code § 7.12.050).

12.12.160 Inspection and approval. 

All approaches are subject to the inspection and approval of the county engineer or his-their assigns, and the grantee shall receive said approval in writing as proof of release from the terms of the permit. (Prior code § 7.12.160).

Chapter 12.14 PERMITS AND STANDARDS FOR USE OF UNOPENED RIGHTS- OF-WAY

12.14.070 Approvals. 

Upon completion of the required improvements, the county engineer shall indicate his-their approval on the permit and make the appropriate notice thereof upon official county road right-of-way records. (Ord. 2007-066 Exh. A; Ord. 80-1 § 2(D)).

12.14.190 Appeal. 

A permittee may appeal the action of the director and/or the county engineer in denying conditions or otherwise acting upon a permit; provided, that a written request for reconsideration must first be filed with the director within 30 days of the action complained of. The request shall state what action is being questioned and the reason for the disagreement. Upon receipt of this request, the director may choose to affirm, reverse, or modify his-their or the county engineer's prior action. Notice of the director's response shall be mailed to the permittee within 10 working days of the receipt of the request for reconsideration. The director's action may thereafter be appealed to the county council by filing a written notice of appeal with the clerk of the council within 30 days of the date of response from the director to the written request for reconsideration. The clerk, upon receipt of an appeal, shall schedule a public meeting or place before the regular council meeting at which time testimony will be taken from the permittee and from the director. Based upon the data supplied at this meeting and such other information as the council may request, the council may either sustain, reverse, or modify the action of the director. The decision of the council shall be final and binding and not subject to further appeal. (Ord. 2007-066 Exh. A; Ord. 80-1 § 7).

Chapter 12.16

REVOCABLE ENCROACHMENT PERMITS

12.16.030 Timing and continuing responsibility.



A. The person, corporation, district, municipality, city, town or utility which will perform the work must obtain the permit before beginning unless the emergency exemption applies. The engineer's office must be notified as to street address and permit number 24 hours in advance of construction if underground utilities are ready to be covered, and again when all work is completed. The permittee must remedy and correct any and all discrepancies cited by the inspecting authority immediately upon written notice of correction furnished to the address of record listed on the permit unless waived by the department.

B. The county engineer, or ~~his~~their designee, under the direction of the department of public works shall be the inspecting authority responsible to investigate and inspect all work undertaken within the county right-of-way to determine that a permit has been obtained, that the work is in full compliance with the terms of the permit, county development standards, buildings and code administration requirements, other laws and regulations and that all corrections and remedies are made within the period of time required in the notice of correction or within a reasonable time if none is stated. The county engineer shall keep a record of all inspections made, instructions and directions issued and respond to each notice of correction for each permit. (Ord. 2006-046 (Exh. A); Ord. 88-79 § 3).

Chapter 12.28 UTILITY CONSTRUCTION

12.28.030 Approval of plans required. 

Construction work shall not commence before engineering plans are approved by the county engineer or his-their authorized representative. A utility permit shall be issued upon the approval. (Res. 79-21 Ex. A(1)).

12.28.060 Minimum interference with public travel. 

The contractor shall conduct his-their operations in such a manner so that interference with public travel will be minimized. Proper and safe maintenance of traffic shall be provided as specified in Section 7, of the American Public Works Association (APWA) Standard Specifications or equivalent. (Res. 79-21 Ex. A(4)).

12.28.160 Boring. 

Permanent pavements shall be bored wherever possible unless specific permission is granted for a cut by the county engineer or his-their representative. (Res. 79-21 Ex. A (part)).

Chapter 12.30 FIBER OPTIC CABLE SYSTEMS

12.30.030 Engineering plans.

Prior to installing any fiber optic system within the county rights-of-way, easements and county-owned property, an application shall be filed with the buildings and code administration and approved by the county engineer or his-their designee, and one set of plans shall be filed with maintenance and operations division. (Ord. 87-37 § 3).

Chapter 12.48

ROADSIDE VEGETATION MANAGEMENT PROGRAM

12.48.050 Violation – Penalty.

 SHARE

Penalties and court enforcement shall be applied as follows:

A. Any person, firm or corporation who fails to comply with any of the conditions herein shall be guilty of a civil offense and shall be fined a sum not to exceed \$1,000.

B. The penalty provided in the above section shall be imposed by a written notice delivered, either by certified mail with return receipt requested or by personal service, to the person, firm or corporation involved in the activity. Said notice shall originate at the Whatcom County public works department. The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity. It shall also order the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, require necessary corrective action to be taken within a specific and reasonable time.

C. After the notice is postmarked, the recipient has 30 days to either pay the amount designated or to make written application to the public works department for remission or mitigation of such penalty. Upon receipt of the application, said department shall review the penalty and make a written decision of that review. The public works department's decision shall be reviewed by the county council if the aggrieved party files a written appeal with the clerk of the county council within 10 days of its issuance. The decision of the county council regarding the penalty imposed shall be final. In calculating the time limits mentioned in this chapter, begin calculating the time the day after the decision is issued and include the last day. If the last day falls on a Saturday, Sunday or a legal holiday, then the time limit is extended to the next regular business day.

D. The prosecuting attorney may in his-their discretion bring such injunctive, declaratory or other actions as deemed necessary to ensure that violations of this chapter are prevented or cease, and to otherwise enforce the provisions of this chapter

Exhibit J: Title 15 – Buildings and Construction

Chapter 15.04 BUILDING CODES

15.04.012 Definitions.

The following words shall have the following meanings in this title and throughout the codes adopted in WCC [15.04.010](#):

“Administrative authority” is the department of planning and development services, the building services division, and the Whatcom County building official.

“Agricultural building” means livestock shelters or buildings, including shade structures and milking barns; poultry buildings or shelters; barns; storage of equipment and machinery used exclusively in agriculture; horticultural structures, including detached production greenhouses and crop protection shelters; sheds; grain silos; and stables. (IBC Appendix C, Group U-Agricultural Buildings.)

“Agricultural processing building and/or facility” means buildings/facilities where agricultural products are cooled, frozen or dried, and packaged in their otherwise unaltered, primary state for shipping to distribution sales outlets. Agricultural processing buildings/facilities may include conveyors, refrigeration equipment and rooms, other applicable processing or environmental mechanical equipment, offices, employee facilities, restrooms, product and product packaging storage, loading docks, and similar applicable accessory appurtenances.

Although agricultural processing buildings/facilities are determined by Whatcom County to be a Group U occupancy for purposes of determining fire flow requirements, they represent a more intensive use than agricultural buildings, based on the typical number of personnel (even if seasonal), type of equipment, and typical operations. Appropriate, applicable health, fire, and life/safety codes and regulations will be applied in the review process of these buildings/facilities.

Cooking, modifying, altering, combining, and/or other secondary food processing/manufacturing is not considered agricultural processing. The primary use for this type of processing is determined to be a Group F occupancy per applicable provisions of the IBC and other adopted codes and regulations.

“Building official” is the director of the department of planning and development services or [his/her/their](#) designee. See WCC [15.04.020](#), Amendments to the International Building Code.

“Building site” is any site proposed for the location of a manufactured home, including sites within mobile home parks.

“Critical areas” means those resource and hazard areas as designated in Chapter [16.16](#) WCC (Critical Areas).

“Director” means the director of the Whatcom County department of planning and development services, or [his/her/their](#) designee.

Fire Chief. Whenever the term “fire chief” is referenced in this code it shall mean the Whatcom County fire marshal (fire code official) or [his/her/their](#) designee, as identified in IFC Section 103, except as stated in IFC Section 104.11 and/or where the fire marshal has delegated a specific responsibility to the fire chief of a given fire district by verbal, written, and/or historic agreement.

Fire Code Official. Whenever the term “fire code official” is referenced in this code it shall mean the Whatcom County fire marshal, or [his/her/their](#) designee, as identified in IFC Section 103.2 and as amended per WCC [15.04.040](#).

15.04.020 Amendments to the International Building Code (IBC).

4. Section 105.5 (Expiration) is amended to include the following:

§105.5.1 Land Disturbance permits issued for grading activity shall expire if work authorized is not commenced within 180 days of issuance unless a phased plan has been approved by the Director. The Director is authorized to grant one extension of 180 days if the request is submitted prior to expiration of the permit. The extension shall be requested in writing and justifiable cause(s) demonstrated. If the project is located within a Water Resource Protection Overlay District (WCC [20.71](#)) or the Lake Whatcom Watershed Overlay District (WCC [20.51](#)), which are subject to seasonal clearing activity limitations, the extension shall begin at the commencement of the construction season, pursuant to WCC [20.80.735](#) (Water Resource Special Management Areas).

§105.5.2 Grading permits also expire and become invalid when the total approved volume has been placed into or excavated from the approved area.

5. Section 107.2 (Construction Documents) is amended to include the following:

§107.2.7 Construction documents may be submitted in Standard English or Metric measurement. However, the Building Official may require, at [his/her/their](#) discretion, that any Metric construction documents be converted by the applicant to Standard English measurement, which then may be submitted independently or in tandem with Metric documents.

15.04.030 Amendments to the International Residential Code (IRC).

F. IRC Appendix E (Manufactured Homes) is entirely replaced with the following:

This chapter is enacted as an exercise of the police power of the County for the benefit of the public at large. It is not intended to create a special relationship with any individual or individuals, nor to identify and protect any particular class of persons.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health or property, and public welfare by regulating and controlling the installation of manufactured homes on building sites within the county.

It is not the intent of this chapter to impose liability upon the County for failure to perform any discretionary act. Rather, it is the intent of this chapter to place the obligation of complying with its requirements upon the installer. Nothing contained in this chapter shall be construed to relieve from or to lessen the responsibility or liability of any person for injury or damage to persons or property caused by or resulting from any defect of any nature in any manufactured home installation work performed by said person or in any manufactured home installation equipment owned, controlled, operated, or used by ~~him/her/them~~; nor shall Whatcom County, or any officer, agent, or employee thereof, incur or be held as assuming any liability by reason or in consequence of any permission, certificate of inspection, inspection, or approval authorized herein, or issued or given as herein provided, or by reasons or consequence of any things done or acts performed pursuant to the provisions of this chapter.

1) SCOPE

This chapter sets forth rules and regulations to regulate and control the installation of manufactured homes on building sites, establishes an administrative procedure for the issuance of permits, and provides for the inspection of manufactured home installations.

2) DEFINITIONS

Words shall be as defined in WCC [15.04.012](#) (Definitions).

3) GENERAL INSTALLATION REQUIREMENTS

a. Manufactured homes installed on building sites shall be installed in accordance with the provisions of this chapter and all applicable local, state, and federal codes, ordinances, and statutes.

b. Manufactured homes shall be installed in compliance with the manufacturer's installation recommendations or according to NCSBCS/ANSI A225.1-1994 (Permanent Foundation Requirements). The manufacturer or dealer shall send copies of its approved installation recommendations to the purchaser of the manufactured home and copies shall be submitted with the building permit application.

c. No person, firm, partnership, corporation, or other entity may install a manufactured home unless ~~s/hethey~~ owns the manufactured home or is a licensed manufactured home installer.

15.04.040 Amendments to the International Fire Code.

A. Section 102.2 (Administrative, Operational and Maintenance Provisions) is amended to read as follows:

To provide a reasonable degree of safety to persons occupying existing buildings, there shall be a fire code inspection, at times to be determined by the Whatcom County Fire Marshal, for all Group A, B, E, F, H, I, M, R, S, and U occupancies. Only R-3 Occupancies containing the following shall be subject to fire code inspections: adult family homes, family daycare homes, and adult and child care facilities, as defined in Chapter 2 (Definitions) as amended by Washington State.

B. Section 103.1 (General) is amended to read as follows:

The Department of Fire Prevention, hereinafter referred to as the Fire Marshal's Office, is established within the jurisdiction under the direction of the Fire Code Official, hereinafter referred to as the Fire Marshal. The function of the Office shall be the implementation, administration, and enforcement of this code. Recognizing the authority and responsibility vested in the Fire Marshal by the International Fire Code, the Fire Marshal is authorized to promulgate such rules, policies, and/or procedures as ~~s/hethey~~ deems necessary for the efficient operation of fire prevention and investigations.

C. Section 103.2 (Appointment) is amended to read as follows:

The Fire Marshal is the Director of Planning and Development Services, except that a Fire Marshal and/or Deputy Fire Marshal may be appointed by the Director. The Fire Marshal/Deputy Fire Marshal shall be not less than a supervisor within the Building Services Division of the Whatcom County Department of Planning & Development Services, as designated by the Director. The Fire Marshal for Whatcom County is authorized to enforce the provisions of this ordinance and adopted referenced codes and amendments.

D. Section 104.1 (General) is amended with the following additional paragraphs:

The provisions of RCW [18.160.070](#) and the Levels of Licensing required by the State Fire Marshal's Office will be enforced by the Whatcom County Fire Marshal's Office as specified, including but not limited to work performed by contractors and/or documentation verifying compliance with current licensing requirements. Issuance of permits may be withheld due to lack of compliance with these provisions.

It is the interpretation and determination of the Whatcom County Fire Marshal that the "installation of underground work of any kind for any kind of structure" applies to the installation of fire protection systems connected to or integral to a fire protection sprinkler system. A Level U license from the State Fire Marshal's office shall be required. The Fire Marshal, at ~~his/her~~ their discretion, may require a Level U license for any underground work determined at any stage of installation to be substantially and/or consistently substandard.

Chapter 16.08

STATE ENVIRONMENTAL POLICY ACT (SEPA)¹

16.08.040 Designation of responsible official.

A. For those proposals for which the county is the lead agency, the responsible official shall be the director of planning and development services or ~~his/her~~their designee.

16.08.140 Designation of official to perform consulted agency responsibilities for the county.

A. The director of planning and development services or ~~his/her~~their designee shall be responsible for preparation of written comments for the county in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

16.08.157 Denial without environmental impact statement (EIS).

A. When there are grounds independent of SEPA that merit denial of a proposal that is undergoing preparation of a SEPA environmental impact statement (EIS), whether ongoing or postponed by the applicant, the county shall deny the application(s) related to the proposal, following receipt of a recommendation of denial from the responsible official, if the following requirements are met:

1. The proposal is one for which the responsible official has issued a determination of significance or an early notice of the likelihood of a determination of significance, as defined in WCC [16.08.175](#); and
2. Continued preparation or completion of the EIS is no longer justified because either:
 - a. The applicant has applied for a rezone for which there is a direct conflict with an express limitation adopted in a county plan, policy or regulation, which conflict could not be mitigated through measures identified in an EIS; or
 - b. Prior to completion of the EIS, the applicant has received a denial of a necessary permit or other authorization by another federal, state or local agency with jurisdiction on grounds independent of SEPA, without which the project cannot go forward.

B. Any denial or recommendation of denial shall be supported by express written findings or conclusions in conformance with subsection A of this section.

C. Procedure. The following is applicable to any project proposal for which an EIS has been required:

1. When the responsible official determines that the requirements of subsection A of this section are met, within 30 days ~~he or she~~they shall issue a recommendation of denial and set a hearing before the hearing examiner pursuant to Chapter [22.05](#) WCC. The recommendation shall provide proposed written findings and conclusions to the hearing examiner demonstrating how the provisions of subsection A of this section are met.

Article VIII. Definitions

16.08.175 Purpose of this article and adoption by reference.



This article contains uniform usage and definitions of terms under SEPA. The county adopts the following sections by reference, as supplemented by WAC [173-806-040](#):

I. "Responsible official" shall mean the director of the department which bears responsibilities for the SEPA process or ~~his/her~~their designee.

Chapter 16.16 CRITICAL AREAS*

16.16.255 Critical areas assessment reports.

 SHARE

A. When the technical administrator determines a need for a critical area assessment pursuant to WCC [16.16.250](#), ~~they/he~~ shall have the authority to require a critical areas assessment report, to be prepared by a qualified professional and be consistent with best available science. The analysis shall be commensurate with the value or sensitivity of a particular critical area and relative to the scale and potential impacts of the proposed activity. A critical area assessment shall have all of the following elements, unless determined by the technical administrator not to be needed:

16.16.260 General mitigation requirements.

 SHARE

Developments permitted pursuant to this chapter that adversely impact or alter a critical area or buffer shall include mitigation sufficient to minimize risks associated with geologic hazards and/or maintain or replace critical areas functions and values. Any proposed development that cannot adequately mitigate critical area impacts as determined by the technical administrator shall be denied.

D. Mitigation Assurance.

1. The applicant and ~~his/her~~their representatives shall demonstrate sufficient scientific expertise and capability to implement the mitigation, monitor the site, and make corrections if the project fails to meet projected goals. The technical administrator may require the following to ensure that the mitigation is fully functional:

16.16.263 Mitigation banking.

B. Mitigation banks shall require a major project permit in accordance with Chapter [20.88](#) WCC and shall be subject to a formal review process including public review as follows:

1. The bank sponsor shall submit a bank prospectus for county review. The prospectus shall identify the conceptual plan for the mitigation bank, including:
 - a. The ecological goals and objectives of the bank;
 - b. The rationale for site selection, including a site map and legal description of the prospective bank site;
 - c. A narrative demonstrating compliance with the Whatcom County comprehensive plan, associated development standards and this chapter, shoreline restoration plan, watershed

planning documents prepared and adopted pursuant to Chapter [90.82](#) RCW, and/or the salmonid recovery plan;

d. A description of the existing site conditions and expected changes in site conditions as a result of the banking activity, including changes on neighboring lands;

e. A conceptual site design;

f. A description of the proposed protective mechanism such as a conservation easement; and

g. Demonstration of adequate financial resources to plan, implement, maintain, and administer the project.

2. The technical administrator shall review the bank prospectus either by participating in the state's Mitigation Bank Review Team (MBRT) process and/or by hiring independent, third-party expertise to assist in the review.

3. If the technical administrator determines that the bank prospectus is complete, technically accurate, and consistent with the purpose and intent of this chapter, ~~they~~he shall forward the prospectus to the county council for initial review. If the proposed bank involves conversion of agricultural land to nonagricultural uses, the county council shall seek a recommendation from the agricultural advisory committee as to whether the conversion should be allowed. The committee's recommendation shall be nonbinding. The county council may require mitigation for the loss of agricultural lands.

16.16.265 Critical areas protective measures.

When an impact to critical area or a buffer will occur due to a proposed development, a standard buffer width has been altered, or mitigation is required, one or more of the following protective measures shall be applied:

A. Deterrent Devices. The technical administrator, as a condition of permit approval, may require that the outer boundary of a wetland or habitat conservation area and its buffer, a mitigation site, a designated open space, or a conservation easement be identified with signs, markers, and/or fencing to minimize potentially harmful intrusions from adjacent land uses, to alert citizens to a potential public health or safety risk associated with a critical area, or to accomplish other objectives specifically provided for elsewhere in this chapter. The technical administrator shall provide specifications on the type, content, and size of the signs prior to permit approval. The signs shall be posted near primary access points and approximately every 200 feet along the critical area boundary.

B. Notice on Title. The owner of any property containing any critical area or buffer for which a development permit is about to be issued shall record a notice with the county auditor real estate records, in a format approved by the technical administrator, and provide a copy of the filed notice to the planning and development services department at the time the permit is issued. The notice shall advise of the presence of a critical area or buffer on the property, and that limitations on actions in or affecting the critical area or buffer exist. The notice shall provide that restrictions on uses within the critical area exist until such time as the technical administrator approves a change in restriction and such approval is filed. This notice on title shall not be required for a development proposal by a public agency or public or private utility within a right-of-way or easement for which they do not have fee-simple title. This requirement shall be waived by the technical administrator for certain geologically hazardous areas if ~~s/he~~they finds that the risk is so low as to not warrant notification (e.g., old alluvial deposits).

16.16.430 Review and report requirements. 

A. When county critical area maps or other sources of credible information indicate that a site proposed for development is or may be located within a frequently flooded area, the county public works department's river and flood division and/or the technical administrator shall have the authority to require a critical area assessment report.

B. The public works department shall have primary responsibility for reviewing and approving proposed developments for consistency with WCC Title [17](#). The technical administrator shall review development proposals for consistency with the standards provided in this chapter. Either may place conditions for approval and/or require mitigation in accordance with this chapter.

C. In addition to the requirements of WCC [16.16.255](#), critical areas assessment reports for frequently flooded areas shall:

1. Identify any federally listed species and associated habitats, and demonstrate that no harm will occur to such species or habitats as a result of development (inclusive of mitigation) within frequently flooded areas.
2. Address adverse impacts to ecological functions and processes, including riparian vegetation. Positive impacts may also be discussed.
3. Include mitigation for adverse effects on frequently flooded areas' ecological functions, where applicable.

Chapter 16.24 COMMUTE TRIP REDUCTION

16.16.240 Technical administrator and hearing examiner authority.

The technical administrator is the Whatcom County director of planning and development services or [his/her/their](#) designee. The hearing examiner is appointed by the county council. The technical administrator and the county hearing examiner shall administer and enforce the provisions of this chapter pursuant to the following:

16.16.250 Submittal requirements and critical areas review process.

A. All applicants shall complete a prescreening meeting with the technical administrator prior to submitting an application subject to this chapter. The purpose of this meeting shall be to discuss the requirements for a complete application; the critical area standards and procedures; to review conceptual site plans prepared by the applicant; to discuss appropriate investigative techniques and methods; and to determine reporting requirements.

B. Review and approval of a proposed development within a critical area or its buffer may be initiated through the application for any project permit in Whatcom County.

C. The technical administrator shall be responsible, in a timely manner, to make one of the following determinations regarding critical areas review:

1. Initial Determination. When county critical area maps or other sources of credible information indicate that a site may be located, contain or abut critical areas, critical area buffers or setbacks the technical administrator shall require technical studies in accordance with that critical area's specific article.

2. Determination of Impacts. The technical administrator shall use best available science, including but not limited to the county's critical areas maps, [his/her/their](#) field investigation results, [his/her/their](#) own knowledge of the site, information from appropriate resource agencies, or documentation from a scientific or other credible source to determine if the project will more probably than not adversely impact a critical area or its buffer. Identified adverse impacts shall be fully mitigated in accordance with WCC [16.16.260](#).

3. Determination of Compliance. If the applicant demonstrates to the satisfaction of the technical administrator that the project meets the provisions of this chapter and is not likely to adversely affect the functions and values of critical areas or buffers or provides mitigation to reduce the

adverse impact to meet no net loss of the function and values of critical areas or buffers, the technical administrator shall make the determination that the proposal complies with this chapter.

4. Decision to Approve, Condition, or Deny. The technical administrator shall review all pertinent information pertaining to the proposed development and shall approve, approve with conditions, or deny the permit based on their review, and shall provide a detailed written decision. This determination shall be included in the project review record for the project permit in accordance with Chapter [22.05](#) WCC.

D. The technical administrator may waive the requirement for critical areas review under this chapter when ~~s/he~~they determines that all of the following conditions are met:

1. The proposed development activity is located on a parcel that received approval of a previous critical areas review within the prior five years, site conditions have not changed, and the applicable regulations have not substantively changed;
2. All critical areas on the parcel have been identified and delineated and the effects of the proposed development activity have been thoroughly considered in accordance with the most current regulations and best available science;
3. The activity is in compliance with all permit conditions including mitigating measures, as applicable, that were imposed as part of the prior review and there are no outstanding violations of conditions that were imposed as part of the previous review;
4. The development activity involves a use that is equally or less intensive than the development activity that was subject to the prior permit. Land use intensity shall be based on factors including development density, critical areas impacts, impervious surface, noise, glare, dust, hours of operation, and traffic.

E. Submittal Materials.

1. Complete application.
2. A detailed site map drawn to a common scale, or survey, showing at least the following:
 - a. Vicinity map.
 - b. Topographic, hydrologic, and vegetative features.

c. The location and description of known wildlife and habitat features and all known critical areas.

d. Proposed development activity with dimensions.

3. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc. Structures shall be dimensioned.

F. Elements of a critical area assessment are encouraged to be submitted together for timely review.

However, the technical administrator may allow the various components to be submitted independently at different phases of a project if ~~s/he~~ they determines piecemeal review will benefit the review process or at the request of the applicant. (Ord. 2018-032 § 1 (Exh. C); Ord. 2017-077 § 1 (Exh. A); Ord. 2005-068 § 1).

Chapter 16.30

LAKE WHATCOM STORMWATER UTILITY SERVICE AREA

16.30.050 Definitions. 

I. "Manager" means the public works director or ~~his/her~~their designee.

Chapter 16.36

ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

16.36.050 Administrative provisions.

A. The administrative portions of this chapter shall be overseen by the director of public works or ~~his/her~~their designee. The enforcement provisions of this chapter shall be overseen by the director of planning and development services pursuant to WCC [2.32.030](#), the director of the department of health pursuant to WCC Title [8](#), Health and Safety, and Title [24](#), Health Code, and the county sheriff, or their respective designees.

B. This chapter is adopted under the authority of the State of Washington Water Pollution Control Law, Chapter [90.48](#) RCW, and the Federal Water Pollution Control Act (also known as the Clean Water Act, Title 33 United States Code, Section 1251 et seq.).

C. Prohibited Discharges. No person or entity or others under their control shall throw, drain, or otherwise discharge a pollutant to the county's MS4 and/or surface and ground waters.

D. Conditional Discharges. The following types of discharges shall not be considered illegal discharges if they meet the stated conditions, unless the director of public works or ~~his/her~~their designee determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater.

Chapter 16.40 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

16.40.050 Administrative provisions.

The administrative portions of this chapter shall be overseen by the director of public works or ~~his/her~~their designee. The enforcement provisions of this chapter shall be overseen by the director of planning and development services pursuant to WCC [2.32.030](#), the director of the department of health pursuant to WCC Title [8](#), Health and Safety, and Title [24](#), Health Code, and the county sheriff, or their respective designees. (Ord. 2015-002 § 1 Exh. A).

Exhibit L: Title 17 – Flood Damage Prevention

Chapter 17.08 DEFINITIONS

17.08.015 Administrator. 

Whenever the term “administrator” is used it means the director of public works or ~~his~~their designee. (Ord. 2021-053 Exh. A; Ord. 2019-005 Exh. A; Ord. 2017-056 Exh. A; Ord. 96-050 Exh. A; Ord. 87-25 (part)).

Chapter 17.10 REGULATORY DATA

17.10.030 New regulatory data.

A. All requests to revise or change the flood hazard data, including requests for a letter of map revision and a conditional letter of map revision, shall be reviewed by the administrator.

1. The administrator shall not sign the community acknowledgment form for any requests based on filling or other development, unless the applicant for the letter documents that such filling or development is in compliance with this title.

2. The administrator shall not approve a request to revise or change a floodway delineation until FEMA has issued a conditional letter of map revision (CLOMR) that approves the change.

B. If an applicant disagrees with the regulatory data prescribed by this title, ~~he~~^{she}they may submit a detailed technical study needed to replace existing data with better data in accordance with FEMA mapping guidelines. If the data in question are shown on the published FIRM, the submittal must also include a request to FEMA for a conditional letter of map revision.

Chapter 20.13 PERSONAL WIRELESS SERVICE FACILITIES

20.13.020 Definitions – General.

As used in this chapter, the following terms shall have the following meanings. Additional definitions that only apply to eligible facilities requests are set forth in WCC [20.13.025](#). Other words and terms shall have meanings assigned to them by Chapter [20.97](#) WCC or, if not defined in this chapter or Chapter [20.97](#) WCC, the meaning customarily assigned to them.

(1) “Administrator” means the director of planning and development services or ~~his~~their designee.

20.13.090 Design and development standards for small and macro wireless facilities.

.091 Design and Development Standards. These development standards are minimum standards and shall be in addition to any development standards in the underlying district in which a personal wireless service facility is located. In the event of a conflict between the provisions of this chapter and the general development standards of this title the more stringent provision shall govern; provided, that where a provision of this chapter is the more specific in its application to personal wireless service facilities, that provision shall prevail regardless of stringency.

(14) Screening Standards. Freestanding and attached wireless communication facilities shall be subject to the following standards for visual screening:

(a) The perimeter of the wireless communication support structure and any guyed wires and anchors shall be enclosed by a fence or wall at least six feet in height. A row of evergreen shrubs, spaced not more than five feet apart and capable of growing to form a continuous hedge at least five feet high within five years of planting, and at least one row of evergreen trees or shrubs spaced not more than 10 feet apart nor less than six feet high when planted shall be installed outside and adjacent to the fence.

(b) Landscape material used for screening should be selected and sited to produce a hardy and drought-resistant landscape area. Native plant materials are preferred.

(c) Maintenance of landscaped areas shall be the responsibility of the applicant and/or operator of the facility. Required landscaping must be maintained in a healthy manner. Trees and shrubs that die must be replaced with healthy in-kind materials such that during the life of the facility the landscaping continues to satisfy the requirements of the permit. Temporary irrigation shall be

provided to help ensure survival during the plant establishment period. If the approving authority determined that existing vegetation provided adequate screening without the need for additional landscaping, then no action shall be taken by the applicant or ~~his~~their assigns or successors that would diminish its effectiveness in screening the site. In the event that natural vegetation is removed to the extent that the area required to be screened is made more visible, the operator of the facility shall prepare a revegetation plan and submit the plan to the administrator for review and approval. Upon approval, the operator shall implement the plan.

Chapter 20.14 WIND ENERGY SYSTEMS

20.14.070 Safety.

.074 Flicker Analysis for WES.

A flicker analysis is required for all WES. The analysis shall include the duration and location of flicker potential for all buildings and for roadways within a one-mile radius of each turbine within a

project. The applicant shall provide a site map identifying the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall account for topography but not for obstacles such as accessory structures and trees. Flicker at any building shall not exceed 30 hours per year within the analysis area. Flicker in excess of the limits established in this chapter shall be grounds for the county or ~~his/her~~their designee to order operational adjustments, which may include mitigation measures requiring cessation of operation during periods when flicker affects any building, for all noncompliant WES.

Chapter 20.17

TEMPORARY HOMELESS FACILITIES

20.17.060 Requirements for temporary homeless facilities.



The following requirements shall apply to all temporary homeless facilities approved under this chapter, unless modified by the director through an administrative approval use permit.

(15) The sponsor and the managing agency shall designate points of contact and provide contact information (24-hour accessible phone contact) to the chief criminal deputy of the Whatcom County sheriff or ~~his/her~~their designee. At least one designated point of contact shall be on duty at all times. The names of the on-duty points of contact shall be posted on site daily and their contact information shall be provided to the Whatcom County sheriff's office as described above.

Chapter 20.20

URBAN RESIDENTIAL (UR) DISTRICT

20.20.050 Permitted uses.

Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapter [20.80](#) WCC (Supplementary Requirements) and Chapter [22.05](#) WCC (Project Permit Procedures), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.091 Substance [abuse-use disorder](#) facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2021-059 § 2 (Exh. B), 2021; Ord. 2016-011 § 1 (Exh. Q), 2016; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2000-040 § 1, 2000; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 98-083 Exh. A § 5, 1998; Ord. 97-062; Ord. 96-056 Att. A § B1, 1996; Ord. 93-056, 1993; Ord. 88-40, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987; Ord. 82-58, 1982).

20.20.150 Conditional uses.

.191 Substance [abuse-use disorder](#) facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

20.20.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved.

.202 Adult businesses.

.203 Mental health facilities that provide crisis care.

.204 Substance [abuse-use disorder](#) facilities that provide crisis care.

.205 Outpatient mental health facilities.

.206 Outpatient substance [abuse-use disorder](#) treatment facilities, including opiate substitution treatment clinics.

Chapter 20.22

URBAN RESIDENTIAL – MEDIUM DENSITY (URM) DISTRICT

20.22.050 Permitted uses.

Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapter [20.80](#) WCC (Supplementary Requirements) and Chapter [22.05](#) WCC (Project Permit Procedures), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.091 Substance [abuse-use disorder](#) facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2016-011 § 1 (Exh. Q), 2016; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-021 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 98-083 Exh. A § 18, 1998; Ord. 96-056 Att. A § C1, 1996; Ord. 88-40, 1988; Ord. 88-29, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).

20.22.150 Conditional uses.

.191 Substance [abuse-use disorder](#) facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

20.22.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved.

.202 Adult businesses.

.203 Mental health facilities that provide crisis care.

.204 Substance [abuse-use disorder](#) facilities that provide crisis care.

.205 Outpatient mental health facilities.

.206 Outpatient substance [abuse-use disorder](#) treatment facilities, including opiate substitution treatment clinics.

Chapter 20.24

URBAN RESIDENTIAL MIXED (UR-MX) DISTRICT

20.24.050 Permitted uses.

Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapters [20.80](#) WCC (Supplementary Requirements) and 22.05 WCC (Project Permit Procedures), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2018-006 § 3 (Exh. C), 2018; Ord. 2016-035 § 1 (Exh. A), 2016; Ord. 2016-011 § 1 (Exh. Q), 2016; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-021 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2001-023 § 1, 2001; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 98-083 Exh. A § 66, 1998; Ord. 97-046 § 2, 1997).

20.24.150 Conditional uses.

.191 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

20.24.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved.

.202 Adult businesses.

.203 Mental health facilities that provide crisis care.

.204 Substance ~~abuse-use disorder~~ facilities that provide crisis care.

.205 Outpatient mental health facilities.

.206 Outpatient substance ~~abuse-use disorder~~ treatment facilities, including opiate substitution treatment clinics.

Chapter 20.32 RESIDENTIAL RURAL (RR) DISTRICT

20.32.050 Permitted uses.

Unless otherwise provided herein, permitted and conditional uses shall be administered pursuant to the applicable provisions of Chapters [20.80](#) WCC (Supplementary Requirements) and 22.05 WCC (Project Permit Procedures).

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2016-011 § 1 (Exh. Q), 2016; Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2011-013 § 2 Exh. B, 2011; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2000-040 § 1, 2000; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 98-083 Exh. A § 26, 1998; Ord. 97-062; Ord. 96-056 Att. A § D1, 1996; Ord. 93-056, 1993; Ord. 88-40, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).

. 20.32.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC [22.05.028](#):

135 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC [22.05.026](#) and [20.80.980](#):

(1) The zoning administrator, at ~~his or her~~their discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

20.32.150 Conditional uses.

Items indicated by an "*" are not allowed outside rural communities unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

.191 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*

Chapter 20.34

RURAL RESIDENTIAL-ISLAND (RR-I) DISTRICT

20.34.050 Permitted uses.

Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapters [20.80](#) WCC (Supplementary Requirements) and 22.05 WCC (Project Permit Procedures), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 87-12, 1987; Ord. 87-11, 1987).

20.34.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC [22.05.028](#):

.134 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC [22.05.026](#) and [20.80.980](#):

(1) The zoning administrator, at ~~his or her~~their discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

20.34.150 Conditional uses.

.191 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

20.34.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.201 Reserved.

.202 Adult businesses.

.203 Mental health facilities that provide crisis care.

.204 Substance ~~abuse-use disorder~~ facilities that provide crisis care.

.205 Outpatient mental health facilities.

.206 Outpatient substance ~~abuse~~use disorder treatment facilities, including opiate substitution treatment clinics.

Chapter 20.35 ELIZA ISLAND (EI) DISTRICT

20.35.050 Permitted uses.

Unless otherwise provided herein, the following permitted, accessory, and conditional uses shall be administered pursuant to the applicable provisions of Chapter [20.80](#) WCC (Supplementary Requirements) and Chapter [22.05](#) WCC (Project Permit Procedures).

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2011-013 § 2 Exh. B, 2011; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 94-032, 1994).

20.35.130 Administrative approval uses.

.131 Mini-day care homes.

.132 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC [22.05.026](#) and [20.80.980](#):

(1) The zoning administrator, at ~~his or her~~their discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

Chapter 20.36 RURAL (R) DISTRICT

20.36.050 Permitted uses.

Subject to the provisions of Chapter [20.38](#) WCC, Agriculture Protection Overlay Zone, unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapter [20.80](#) WCC (Supplementary Requirements) and Chapter [22.05](#) WCC (Project Permit Procedures).

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

20.36.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC [22.05.028](#):

.135 Cottage industries employing no more than two on-site people other than family members residing on the premises; provided, that in addition to the criteria found in WCC [22.05.026](#) and [20.80.980](#):

(1) The zoning administrator, at ~~his or her~~their discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

20.36.150 Conditional uses.

Items indicated by an “*” are not allowed outside rural communities and urban growth areas unless the applicant can demonstrate that there is a need to locate outside those areas in order to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

.161 Cottage industries employing no more than four people on site, other than family members residing on the premises, conducted in a structure(s) other than the dwelling unit; provided, that in addition to the criteria found in WCC [22.05.026](#) and [20.80.980](#):

(1) The hearing examiner, at ~~his~~their discretion, may place limitations on the square footage used in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or uses related to the cottage industry shall not exceed one acre or 25 percent of the site, whichever is less.

.191 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.*

.192 Mental health facilities that provide crisis care.*

.193 Substance ~~abuse-use disorder~~ facilities that provide crisis care.*

.194 Outpatient mental health facilities.*

.195 Outpatient substance ~~abuse-use disorder~~ treatment facilities, including opiate substitution treatment clinics.*

Chapter 20.37

POINT ROBERTS TRANSITIONAL ZONE (TZ) DISTRICT

20.37.050 Permitted uses.

Unless otherwise provided herein, permitted, accessory and conditional uses shall be administered pursuant to the applicable provisions of Chapters [20.80](#) WCC (Supplementary Requirements) and 22.05 WCC (Project Permit Procedures), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2003-048 Exh. A, 2003; Ord. 2002-018 § 1, 2002).

20.37.150 Conditional uses.

Items indicated by an “*” are not allowed unless the applicant can demonstrate that the proposed use is needed to comply with legal requirements or standards; or that the proposed location is the most efficient place for the proposed use with respect to providing needed services to the public.

.157 Cottage industries employing no more than two people outside the family; provided, that in addition to the conditional use criteria found in WCC [22.05.026](#):

- (1) The hearing examiner, at ~~his or her~~their discretion, may place limitations on the square footage used in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 1,250 sq.

191 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.192 Mental health facilities that provide crisis care.

.193 Substance ~~abuse-use disorder~~ facilities that provide crisis care.

.194 Outpatient mental health facilities.

.195 Outpatient substance ~~abuse-use disorder~~ treatment facilities, including opiate substitution treatment clinics/

Chapter 20.40 AGRICULTURE (AG) DISTRICT

20.40.050 Permitted uses.*

Unless otherwise provided herein, permitted, accessory, and conditional uses shall be administered pursuant to the applicable provisions of Chapters [16.08](#) WCC (SEPA), 20.80 WCC (Supplementary Requirements), and 22.05 WCC (Project Permit Procedures), and WCC Titles [21](#) (Land Division Regulations), and [23](#) (Shoreline Management Program). The following are permitted uses:

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2017-038 § 1 (Exh. A), 2017; Ord. 2015-006 Exh. A, 2015; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2001-020 § 1 (Exh. 1 § 1), 2001; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 97-069, 1997; Ord. 92-079, 1992; Ord. 88-29, 1988; Ord. 88-13, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).

20.40.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC [22.05.028](#):

.135 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC [22.05.026](#) and [20.80.980](#):

(1) The zoning administrator, at ~~his or her~~their discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

20.40.150 Conditional uses.*

.151 Public facilities for emergency-related health and safety purposes, such as fire halls and Washington State Department of Transportation satellite road safety facilities.

.191 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district; provided, that the primary use of the parcel remains agriculture and the patients are working the land on the operating farm.

20.40.250 Division or modification of parcels.

It is the intent of this section to allow divisions which benefit the long-term viability of agriculture. This section describes the requirements for division or modification of parcels within the agricultural district that either are consistent with the minimum lot size, or would result in substandard parcels or make existing substandard parcels further substandard.

Requests for land division or boundary line adjustment in the Agriculture District shall be made on forms provided by the department and will be reviewed administratively. All divisions must comply with the following provisions

.254 Separation of the Farmstead Parcel Criteria.

(1) The criteria for approval for the farmstead parcel and remainder parcel created through agricultural boundary line adjustment or agricultural short subdivision shall be the following:

(a) The area of the parcel containing the farmstead home site, whether the home exists or is to be added, is limited to the minimum amount required to encapsulate structures, parking areas, driveways, septic systems, wells, and landscaping required setbacks; and

(b) The farmstead parcel size shall be as stated in WCC [20.40.251](#), unless the existing residential structure(s) and/or well and septic constraints require a larger parcel, but shall not exceed the maximum lot size consistent with the exceptions in WCC [20.40.253](#); and

(c) The farmstead parcel and farmstead home site meet the siting criteria contained in WCC [20.40.650](#); and

(d) For agricultural short plats:

(i) A remainder parcel shall be created equal to or greater than 10 nominal acres; and

(ii) The remainder parcel shall have no existing residential development and no development rights, and a condition containing the language as provided in WCC [20.40.250\(4\)](#) shall be included on the short plat for the remainder parcel prior to final approval; and

(iii) The applicant and ~~his or her~~their heirs provide right of first purchase for a period of not less than 60 days through deed restriction to the original purchaser and subsequent purchasers of the remainder parcel for purchase of the farmstead parcel before they are offered on the open market; and

Chapter 20.42 RURAL FORESTRY (RF) DISTRICT

20.42.050 Permitted uses.

Unless otherwise provided herein, permitted, accessory, and conditional uses shall be administered pursuant to the applicable provisions of Chapters [16.08](#) WCC (SEPA), 20.80 WCC (Supplementary Requirements), and 22.05 WCC (Project Permit Procedures), and WCC Titles [21](#) (Land Division Regulations) and [23](#) (Shoreline Management Program).

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-011 § 1 (Exh. A), 2022; Ord. 2017-038 § 1 (Exh. A), 2017; Ord. 2015-016 Exh. A, 2015; Ord. 2015-006 Exh. A, 2015; Ord. 2009-032 Exh. A, 2009; Ord. 2008-045 Exh. A, 2008; Ord. 2008-018 Exh. A, 2008; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2001-012 § 1, 2001; Ord. 2000-040 § 1, 2000; Ord. 2000-006 § 9, 2000; Ord. 99-062, 1999; Ord. 98-078 Exh. A, 1998; Ord. 97-069, 1997; Ord. 92-094, 1992; Ord. 92-079, 1992; Ord. 88-29, 1988; Ord. 87-23, 1987; Ord. 86-42, 1986).

20.42.130 Administrative approval uses.

The following uses are permitted subject to administrative approval pursuant to WCC [22.05.028](#):

.135 Cottage industries employing no more than two people on site, other than family members residing on the premises; provided, that in addition to the criteria found in WCC [22.05.026](#) and [20.80.980](#):

(1) The zoning administrator, at ~~his or her~~their discretion, may place limitations on the square footage in an existing or new structure used for a cottage industry and construction of new buildings to house said activity shall not, in any case, exceed 2,500 square feet of total floor area. The total land area used for buildings and outside storage or other uses related to the cottage industry shall not exceed 10,000 square feet or 25 percent of the site, whichever is less.

.136 Forestry related/wood based cottage industries which employ no more than 10 onsite people other than family members residing on the premises, including primary or low intensity secondary processing of timber not permitted in WCC [20.42.053](#), including fabrication of furniture and fixtures, partitions, shelves and lockers, manufacture, processing, treatment and fabrication of lumber, millwork, miscellaneous wood products, and other wooden building and roofing materials, excluding pulp, paper or plywood mills, conducted in structure(s) other than the dwelling unit; provided, that:

(1) The administrator, at ~~his~~their discretion, in consideration of the surrounding development patterns, property uses and size of the lot on which the proposed cottage industry is locating, may place limitations on the square footage used in an existing or new structure used for a cottage industry. The construction of new buildings to house said activity shall not, in any case, exceed 4,000 square feet of total floor area.

Chapter 20.59

RURAL GENERAL COMMERCIAL (RGC) DISTRICT

20.59.050 Permitted uses.



Unless otherwise provided herein, permitted and conditional uses shall be administered pursuant to the applicable provisions of Chapter [20.80](#) WCC (Supplementary Requirements) and Chapter [22.05](#) WCC (Project Permit Procedures). In a rural community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same rural community designation on July 1, 1990, per WCC [20.80.100](#)(1). In a rural business designation all uses are permitted. Residential type uses listed below are permitted in rural community and rural business designations.

.056 Public and community type uses.

(8) Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

20.59.200 Conditional uses.



In a rural community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same rural community designation on July 1, 1990, per WCC [20.80.100](#)(1). In a rural business designation all uses listed below may be conditionally permitted.

.206 Public and community type uses.

(1) Churches and cemeteries.

(2) Trailheads with parking areas for more than 30 vehicles.

(3) State education facilities.

(4) Type I solid waste handling facilities.

(5) Type II solid waste handling facilities.

(6) State and local correction facilities.

(7) Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

(8) Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

(9) Mental health facilities that provide crisis care.

(10) Substance ~~abuse~~-use disorder facilities that provide crisis care.

(11) Outpatient mental health facilities.

(12) Outpatient substance ~~abuse~~-use disorder treatment facilities, including opiate substitution treatment clinics.

Chapter 20.60

NEIGHBORHOOD COMMERCIAL CENTER (NC) DISTRICT

20.60.050 Permitted uses.



The following permitted uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter [20.80](#) WCC. In a rural community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same rural community designation on July 1, 1990, per WCC [20.80.100](#)(1). In a rural business designation all uses are permitted. Residential type uses listed below are permitted in rural community and rural business designations. In addition, each permitted use shall be administered pursuant to the applicable provisions of the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.053 Public and community type uses.

(7) Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2015-006 Exh. A, 2015; Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2009-034 § 1 (Att. A), 2009; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 88-13, 1988; Ord. 87-12, 1987; Ord. 87-11, 1987).

Chapter 20.61 SMALL TOWN COMMERCIAL (STC) DISTRICT

20.61.050 Permitted uses.

In a rural community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same rural community designation on July 1, 1990, per WCC [20.80.100](#)(1). In a rural business designation all uses are permitted. Residential type uses listed below are permitted in rural community and rural business designations.

.056 Public and community type uses.

(9) Substance [abuse-use disorder](#) facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2023-018 § 1 (Exh. A), 2023; Ord. 2022-012 § 1 (Exh. A), 2022; Ord. 2015-006 Exh. A, 2015; Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2011-013 § 2 Exh. B, 2011; Ord. 2009-033 § 1 (Att. A), 2009; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 99-012 § 1(2), 1999).

20.61.200 Conditional uses.

In a rural community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same rural community designation on July 1, 1990, per WCC [20.80.100](#)(1). In a rural business designation all uses listed below may be conditionally permitted.

.206 Public and community type uses.

- (1) Churches, educational and religious training institutions, summer camps and cemeteries.
- (2) State and local correction facilities.
- (3) Type I solid waste handling facilities.
- (4) Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- (5) Substance [abuse-use disorder](#) facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- (6) Mental health facilities that provide crisis care.
- (7) Substance [abuse-use disorder](#) facilities that provide crisis care.

(8) Outpatient mental health facilities.

(9) Outpatient substance ~~abuse~~-use disorder treatment facilities, including opiate substitution treatment clinics.

Chapter 20.62 GENERAL COMMERCIAL (GC) DISTRICT

20.62.050 Permitted uses.



Unless otherwise provided herein, permitted and conditional uses shall be administered pursuant to the applicable provisions of Chapter [20.80](#) WCC (Supplementary Requirements) and Chapter [22.05](#) WCC (Project Permit Procedures), the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.091 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

20.62.150 Conditional uses.



.190 Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.191 Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

.192 Mental health facilities that provide crisis care.

.193 Substance ~~abuse-use disorder~~ facilities that provide crisis care.

.194 Outpatient mental health facilities.

.195 Outpatient substance ~~abuse-use disorder~~ treatment facilities, including opiate substitution treatment clin

Chapter 20.63 TOURIST COMMERCIAL (TC) DISTRICT

20.63.050 Permitted uses.



The following permitted and accessory uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter [20.80](#) WCC. In a rural community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same rural community designation on July 1, 1990, per WCC [20.80.100](#)(1). Residential type uses listed below are permitted in rural community and rural business designations. In a rural tourism designation, uses below are permitted provided they are consistent with the Comprehensive Plan's policies governing uses in rural tourism areas. In a rural business designation all uses are permitted.

(8) Substance ~~abuse-use disorder~~ facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2011-013 § 2 Exh. B, 2011; Ord. 2009-034 § 1 (Att. A), 2009; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 88-28, 1988; Ord. 87-51, 1987; Ord. 87-12, 1987; Ord. 87-11, 1987).

Chapter 20.64 RESORT COMMERCIAL (RC) DISTRICT

20.64.050 Permitted uses.

The following permitted uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter [20.80](#) WCC. In a rural community designation, nonresidential uses listed below are permitted if a use of the same type existed in that same rural community designation on July 1, 1990, per WCC [20.80.100](#)(1). In a rural business designation all uses are permitted. Residential type uses listed below are permitted in rural community and rural business designations.

.055 Public and community type uses

(7) Substance [abuse-use disorder](#) facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district. (Ord. 2012-032 § 2 Exh. B, 2012; Ord. 2011-013 § 2 Exh. B, 2011; Ord. 2011-009 Exh. A, 2011; Ord. 2009-034 § 1 (Att. A), 2009; Ord. 2005-079 § 1, 2005; Ord. 2004-026 § 1, 2004; Ord. 2004-014 § 2, 2004; Ord. 2001-024 § 1, 2001; Ord. 2000-040 § 1, 2000; Ord. 99-068, 1999; Ord. 99-062, 1999; Ord. 97-035 Att.

20.64.150 Conditional uses.

Unless otherwise provided herein, conditional uses shall be administered pursuant to the applicable provisions of Chapter [20.80](#) WCC (Supplementary Requirements) and Chapter [22.05](#) WCC (Project Permit Procedures), the Whatcom County SEPA Ordinance, the Official Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program. In a rural community designation, uses listed below may be conditionally permitted if a use of the same type existed in that same rural community designation on July 1, 1990, per WCC [20.80.100](#)(1). In a rural business designation all uses listed below may be conditionally permitted.

.155 Public and community type uses.

(9) Substance [abuse-use disorder](#) facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.

20.64.200 Prohibited uses.

All uses not listed as permitted, accessory, administrative approval, or conditional uses are prohibited, including but not limited to the following, which are listed here for purposes of clarity:

.204 Substance [abuse-use disorder](#) facilities that provide crisis care.

.205 Outpatient mental health facilities.

.206 Outpatient substance ~~abuse~~use disorder treatment facilities, including opiate substitution treatment clinics.

Chapter 20.66

LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

20.66.150 Conditional uses. 

.193 Substance abuse-use disorder facilities that provide crisis care.

.194 Outpatient mental health facilities.

.195 Outpatient substance abuse-use disorder treatment facilities, including opiate substitution treatment clinics.

Chapter 20.78

TRANSPORTATION CONCURRENCY MANAGEMENT

20.78.020 Authority.

The public works director, or ~~his/her~~their designee, shall be responsible for implementing and enforcing this chapter. (Ord. 2009-047 § 1 (Exh. A), 2009).

20.78.030 Exemption from evaluation.

The following development permits, though subject to WCC [20.78.060](#), shall be exempt from the requirement of a new concurrency evaluation:

(7) At ~~his or her~~their discretion, the director may require of an applicant for a development permit that does not qualify as exempt pursuant to subsection (5) of this section a trip generation and distribution study performed by a traffic engineer to confirm that the proposed development or use does not result in an impacted transportation facility

20.78.120 Definitions.

(12) "Director" means the public works director, or ~~his/her~~their designee.

Chapter 20.81 PIPELINE SAFETY

20.81.020 Definitions.



“Essential public facilities” are those facilities typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW [47.06.140](#), state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance ~~abuse-use~~ [disorder](#) facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW [71.09.020](#) (RCW 36.70A.200, Siting of essential public facilities). The county has also designated telecommunication towers, water treatment plants, sewer treatment plants, and water storage facilities as essential public facilities; however, telecommunication towers are exempt from the provisions of this chapter.

Chapter 20.83

NONCONFORMING USES AND PARCELS

20.83.010 Continuation.

Except as otherwise provided in this chapter, the lawful use of any building, land or premises, existing on the effective date of adoption or amendment of this chapter, may be continued although such use does not conform to the provisions hereof. If such nonconforming use is discontinued for a period of 12 months or more, any future use of said building, land or premises shall be consistent with the provisions of this chapter.

A structure occupied by a nonconforming residential use may be converted to any of the following uses:

- (1) An adult family home that is similar in size, facilities and occupancy to the nonconforming residential use.
- (2) A boarding home that is similar in size, facilities and occupancy to the nonconforming residential use.
- (3) A mental health facility that:

- (a) Provides residential treatment; and

- (b) Is similar in size, facilities and occupancy to the nonconforming residential use.

- (4) A substance ~~abuse-use disorder~~ facility that:

- (a) Provides residential treatment; and

- (b) Is similar in size, facilities and occupancy to the nonconforming residential use. (Ord. 2004-014 § 2, 2004).

20.83.130 Affidavit of nonconforming use.

When a nonconforming use of a property is challenged through a complaint from the public or by initiative of the zoning administrator, the burden of proof of applicability of WCC [20.83.010](#) shall rest with the property owner. The owner shall make public record of ~~his-their~~ right of nonconforming land use status by filing an affidavit of nonconforming use with the zoning administrator that contains the legal description of the affected property, the purpose for which the property is used and any other facts necessary as evidence to verify the legitimacy of the nonconformity. The affidavit shall be accompanied by a filing fee as listed on the current fee schedule. The zoning administrator or designee shall make a site examination

to verify the nonconforming use and endorsed upon the affidavit if found to be as represented by the applicant.

Chapter 20.88

MAJOR PROJECT PERMITS

20.88.200 Procedure. 

.215 Procedures. Major project permit review shall be conducted under current review procedures. Other land use reviews may be conducted concurrently with the major project permit review.

(a) Any modifications, additions or changes to an approved master plan are subject to the following:

(i) Minor changes shall be reviewed for compliance and compatibility with the approved major project permit.

(A) A determination is made by the director. The director is authorized to consult a technical committee at ~~his/her~~their discretion.

Chapter 20.97 DEFINITIONS

Sections:

20.97.433 Substance ~~abuse~~-use disorder facilities.

20.97.091 Crisis care facilities.

“Crisis care facilities” are facilities for the evaluation and emergency treatment of individuals exhibiting signs of some type of behavioral disorder. This may include mental illness, developmental disabilities, substance ~~abuse~~use disorder, emotional disorders, and/or physical illness, either alone or in combination. Facilities are designed to assess the underlying cause of the behavior, assess the severity and/or risk to the individual and the community and provide residential treatment to stabilize the crisis when appropriate and no higher level of care is required. (Ord. 2004-014 § 2, 2004).

20.97.099.4 Director.

“Director” means the director of planning and development services or ~~his/her~~their designee. (Ord. 2019-013 § 1 (Exh. A), 2019).

20.97.429.05 Standing.

“Standing” is the status required for a person, agency, or other entity to bring an action before the hearing examiner. A person has standing per RCW [36.70C.060](#) if they are:

- (1) The applicant and the owner of property to which the land use decision is directed; or
- (2) Another person, county department, and/or public agency aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

- (a) The land use decision has prejudiced or is likely to prejudice that person;
- (b) That person’s asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
- (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and

(d) The petitioner has exhausted ~~his or her~~their administrative remedies to the extent required by law. (Ord. 2019-013 § 1 (Exh. A), 2019).

20.97.433 Substance abuse facilities. 

“Substance ~~abuse-use disorder~~ facilities” mean buildings and accessory uses primarily utilized to provide services to persons ~~addicted-experiencing substance use disorders~~ to alcohol and/or other ~~drugs~~substances, persons incapacitated by alcohol and/or ~~drugs~~other substances, and intoxicated persons. These services include detoxification, outpatient care, residential, and inpatient services. (Ord. 2004-014 § 2, 2004).

20.97.434.4 Temporary homeless facility. 

“Temporary homeless facility” means a facility providing temporary housing accommodations that includes a sponsor and managing agency, the primary purpose of which is to provide temporary shelter for people experiencing homelessness in general or for specific populations ~~-of the homeless~~. Temporary homeless facilities are temporary building encampments, temporary safe parking areas, temporary tent encampments and temporary tiny house encampments. (Ord. 2021-055 § 1 (Exh. A), 2021).

20.97.434.6 Temporary tent encampment. 

“Temporary tent encampment” means a short-term living facility for a group of ~~homeless people~~people experiencing houselessness that is composed of tents or other temporary structures, as approved by the director, on a site provided or arranged for by a sponsor with services provided by a sponsor and supervised by a managing agency. (Ord. 2021-055 § 1 (Exh. A), 2021).

20.97.475 Zoning administrator. 

“Zoning administrator” means the director of planning and development services or ~~his~~their designee.

Chapter 21.06 FINAL LONG SUBDIVISIONS*

21.06.020 Final approval of subdivisions.

(1) An applicant requesting final approval of a subdivision shall submit to the subdivision administrator copies of the materials specified in the department's administrative manual.

(2) The applicant shall submit a current title report issued no more than 60 days prior to the director signing the final plat original drawing. The owner of record and the surveyor of record shall sign the final plat original drawing prior to filing it for record with the county auditor. In addition, the applicant shall submit one paper copy to the county assessor.

(3) Each final plat submitted to the director for approval shall be accompanied by a recommendation for approval or disapproval from the subdivision administrator as to compliance with the terms of preliminary plat approval. Prior to making ~~his or her~~their recommendation, the subdivision administrator should consult with the appropriate city, if the proposed land division is located within that city's urban growth area.

Chapter 21.10 DEFINITIONS

21.10.010 Interpretation. 

- (1) The word “shall” is mandatory.
- (2) The word “should” indicates that which is recommended but not required.
- (3) The word “may” is permissive.
- (4) The word “administrative official or director” means the director of planning and development services or ~~his or her~~their designee.

Chapter 22.05 PROJECT PERMIT PROCEDURES

22.05.020 Project permit processing table.

(2) Project Permit Processing Table Notes. As indicated in the table in subsection (1) of this section, project permits are subject to the following additional requirements:

(h) Whatcom County shall consider an appeal of a decision on a shoreline substantial development permit, shoreline variance, or shoreline conditional use only when the applicant waives ~~his/her~~their right to a single appeal to the Shorelines Hearings Board. When an applicant has waived ~~his/her~~their right to a single appeal, such appeals shall be processed in accordance with the appeal procedures of WCC [23.60.150\(H\)](#).

Chapter 23.60 SHORELINE PERMITS AND EXEMPTIONS

23.60.150 Notice of decision, reconsideration and appeal.

D. The applicant/proponent or any party of record may request reconsideration of any final action by the decision maker within 10 days of notice of the decision. Such requests shall be filed on forms supplied by the county. Grounds for reconsideration must be based upon the content of the written decision. The decision maker is not required to provide a written response or modify his/her/their original decision. He/she may initiate such action as he/she/they deems appropriate. The procedure of reconsideration shall not preempt or extend the appeal period for a permit or affect the date of filing with the Department of Ecology, unless the applicant/proponent requests the abeyance of said permit appeal period in writing within 10 days of a final action.

F. Whatcom County shall consider an appeal of a decision on a shoreline substantial development permit, shoreline variance or shoreline conditional use only when the applicant/proponent waives his/her/their right to a single appeal to the Shorelines Hearings Board. Such waivers shall be filed with the county in writing concurrent with a notice of appeal within 10 days of a final action. When an applicant/proponent has waived his/her/their right to a single appeal, such appeals shall be processed in accordance with the appeal procedures of subsection H of this section and shall be an open record hearing before the hearing examiner.

23.60.180 Rescission and modification.

A. Any shoreline permit granted pursuant to this program may be rescinded or modified upon a finding by the hearing examiner that the permittee or his/her/their successors in interest have not complied with conditions attached thereto. If the results of a monitoring plan show a development to be out of compliance with specific performance standards, such results may be the basis for findings of noncompliance.

B. The administrator shall initiate rescission or modification proceedings by issuing written notice of noncompliance to the permittee or his/her/their successors and notifying parties of record at the original address provided in application review files.

Chapter 23.70 ADMINISTRATION

23.70.020 SEPA official. 

The Whatcom County SEPA responsible official is designated by WCC [16.08.040](#). The responsible official or ~~his/her~~their designee is hereby authorized to conduct environmental review of all use and development activities subject to this program, pursuant to Chapter [197-11](#) WAC and Chapter [43.21C](#) RCW. (Ord. 2009-13 § 1 (Exh. 1); Ord. 2008-034 § 1 (Exh. 1)).

Chapter 23.110 DEFINITIONS

23.110.010 A definitions.  SHARE

7. "Administrator" or "shoreline administrator" means the director of the department of planning and development services who is to carry out the administrative duties enumerated in this program, or ~~his/her~~their designated representative.

Chapter 24.05

ON-SITE SEWAGE SYSTEM REGULATIONS¹

24.05.100 Location.

C. The owner of the property or ~~his~~their agent shall:

1. Prepare the soil log excavation to:

a. Allow examination of the soil profile in its original position by:

i. Excavating pits of sufficient dimensions to enable observation of soil characteristics by visual and tactile means to a depth three feet deeper than the anticipated bottom of the disposal component; or

ii. Stopping at a shallower depth if a water table or restrictive layer is encountered; and

b. Allow determination of the soil's texture, structure, color, bulk density or compaction, water absorption capabilities or permeability, and elevation of the highest seasonal water table; and

24.05.220 Licensing.

A. The applicant for an installer's license shall provide the following:

1. Application for an installer's license shall be made on forms provided by the health officer.

Application fees shall be paid at the time of application.

2. The health officer shall determine by written and/or oral examination the applicant's knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction and installation. If the applicant does not receive a passing mark of 70 percent in any such examination, the applicant shall be denied a license.

3. The installer's license shall expire on December 31st. Fees are not prorated. The applicant shall apply for renewal on forms provided by the health officer.

4. Three continuing education units shall be required every three years for license renewal. The applicant shall provide proof to the health officer that continuing education courses were attended either by the license holder or a designated qualified professional employee.

5. Before the issuance of an installer's license, the applicant shall file with the health officer satisfactory evidence demonstrating that said installer is a registered contractor as provided by Chapter [18.27](#) RCW and has the required surety bond. In the event the installer's contractor registration shall lapse for any reason or the contractor's bond shall become impaired, then licensing by the health officer of said installer shall be suspended until the installer's registration as a contractor is reinstated and the contractor's bond is unimpaired.

6. The health officer may suspend or revoke any installer's license if there has been a finding of incompetency, negligence, wilful misrepresentation, or failure to comply with this chapter or other applicable laws, rules and regulations. The installation of a sewage disposal system for which a permit has not been obtained shall be cause for the suspension or revocation of an installer's license.

7. An installer whose license has been revoked shall be ineligible to reapply for recertification until 60 days have passed from the date of revocation of the certificate.

B. The applicant for a pumper's license shall provide the following:

1. Application for a pumper's license shall be made on forms provided by the health officer.

Application fees shall be paid at the time of application.

2. The health officer shall determine by written and/or oral examination the applicant's knowledge of public health problems arising from the handling of sewage and the safe disposal of the cleanings of sewage disposal systems. If the applicant does not receive a passing mark of 70 percent, the applicant shall be denied a license.

3. Before the issuance of a pumper's license, the applicant shall file with the WCHD a surety bond issued by a surety insurer in a form acceptable to the health officer running to WCHD. Said bond shall be conditioned that the applicant will pay all amounts that may be adjudged against applicant by reason of negligent or improper work or breach of contract. The bond shall be conditioned that the holder of the license and ~~his or her~~their agents in performing work shall exercise reasonable care and skill and comply with this chapter. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond. The bond shall be kept in effect during the period of time for which the license is issued. In the event the bond is cancelled or any final judgment shall impair the liability of the surety upon the bond so furnished so that there shall not be in effect a bond undertaking in the full amount of \$2,000, the health officer shall suspend the license of such pumper until the full bond liability has been restored.

Chapter 24.07
ADMINISTRATIVE NOTICE PROCEEDINGS, CIVIL PENALTIES
AND ABATEMENT

24.07.140 Civil suit for collection of penalties and costs of abatement and enforcement of lien.

3. Verification. The director or ~~his~~their authorized representative shall sign and verify the claim by oath to the effect that the affiant believes the claim is just.

Chapter 24.11 DRINKING WATER

The following definitions together with the definitions in Chapters [173-160](#), [246-290](#) and [246-291](#) WAC shall apply:

1. "Adequate" means meets the applicable standards contained in these regulations.
2. "Applicant" means an individual, trust, firm, joint stock company, corporation, partnership, association, state, county commission, political subdivision of a state, and interstate body or the federal government or an agency of the federal government requesting director approval of evidence of adequate water.
3. "Approved" means a written statement of acceptability, in terms of the requirements in this chapter, issued by the director or the department.
4. "Area of known groundwater contamination" means an area of regional groundwater contamination with defined boundaries that has been identified by the director and confirmed by the board of health.
5. "Authorized agent" means any person who:
 - a. Makes decisions regarding the operation and management of a public water system whether or not ~~he or she~~they areis engaged in physical operation of the system; or

Chapter 24.15

SECURE MEDICINE RETURN

24.15.020 Definitions.



The following definitions apply throughout this chapter unless the context clearly indicates otherwise:

K. “Manufacture” means “manufacture” as defined in RCW [18.64.011](#) that is the production, preparation, propagation, compounding or processing of a drug or other substance or device or the packaging or repackaging of the substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to ~~his or~~ her~~their~~ administration or dispensing such substance or device in the course of ~~his or her~~their professional practice, prepares, compounds, packages, or labels such substance or device

.24.15.130 Enforcement procedures and penalties.



The director is authorized to enforce this chapter in accordance with the provisions of Chapter [24.07](#) WCC and consistent with the following subsections. When or if the enforcement provisions in this chapter and Chapter [24.07](#) WCC conflict, the more stringent shall apply.

A. After presenting official credentials and providing notice of an audit or inspection to determine compliance with this chapter or to investigate a complaint, the director or ~~his/her~~their duly authorized inspector may audit a producer’s, group of producers’ or stewardship organization’s records related to a stewardship plan or request that the producer, group of producers or stewardship organization arrange for the health departments to inspect at reasonable times a stewardship plan’s or an authorized collector’s facilities, vehicles and equipment used in carrying out the stewardship plan.

Chapter 100.01
BYLAWS OF THE WHATCOM COUNTY FLOOD CONTROL
ZONE DISTRICT BOARD OF SUPERVISORS

100.01.020 Powers. 

The powers of the district are as stipulated in RCW [86.15.080](#). Administration of the district shall be carried out by the county flood control engineer in accordance with RCW [86.15.060](#) and all resolutions of the board, subject to the administrative control and direction of the county executive, pursuant to the Home Rule Charter of Whatcom County. The county executive and ~~his~~their designees may sign on behalf of the district any and all contracts, and any agreements with state, local, federal or other agencies, together with amendments to such agreements, certifications or other documents related to such agreements, that are necessary or related to carrying out any project in an annual work program approved by the board of supervisors.

Chapter 100.02 FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE

100.02.070 Bylaws and election of officers.

 SHARE

At its initial meeting each year, the advisory committee will elect a chairperson and vice-chairperson. The chair~~person~~~~man~~ shall preside over each meeting of the advisory committee. The vice-chairperson shall have the power to perform all duties of the chairperson in ~~his or her~~their absence. The advisory committee may adopt bylaws to govern the conduct of their meetings, but any such bylaws shall be consistent with this chapter. (Res. 2010-039 Exh. A; Res. 2009-027 Exh. A; Res. 2001-046; Res. 92-015 (part). Formerly 2.92.070).

Chapter 100.06 SUBZONE ADVISORY COMMITTEES

100.06.070 Election of officers.

At its initial meeting, the advisory committee will elect a chairperson, vice-chairperson and recording secretary. The vice-chairperson shall have the power to perform all duties of the chairperson in ~~his or her~~their absence. The recording secretary shall have the duty to take roll, ensure the presence of a quorum, and record the minutes of each meeting.

Chapter 100.07

BIRCH BAY WATERSHED AND AQUATIC RESOURCES MANAGEMENT DISTRICT FUNDING MECHANISM

100.07.040 Definitions. 

For the purposes of this chapter, the words or phrases below shall have the following meanings:

D. "County" means Whatcom County, or, as indicated by the context, may mean the department of public works, public works director, county engineer, or other employee or agent representing the county in the discharge of ~~his or her~~their duties.

K. "Manager" means the county engineer or ~~his/her~~their designee.