

KITSAP PUBLIC HEALTH BOARD

ORDINANCE 2025-02

Rodent Control Regulations

Effective XXXX, 2025

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SECTION 1: Authority, Purpose, and Objectives

- A. These regulations are promulgated under the authority of Chapters 7.48 and 70.05 of the Revised Code of Washington (RCW) and Chapter 173-350 Washington Administrative Code (WAC). Other state statutes, codes, and local ordinances and codes relating to these regulations are:
1. Chapter 16-228 WAC, *General Pesticide Rules*;
 2. Chapter 246-215 WAC, *Food Service*; and
 3. Chapter 59.18 RCW, *Residential Landlord-Tenant Act*.
- B. It is the purpose of this ordinance to help prevent the spread of infectious and contagious diseases by rodents and wildlife and to prevent inflating their population numbers which can result from the improper storage of food, solid waste, and/or feeding by humans. This ordinance and the requirements herein are necessary to preserve, promote, and improve public health.
- C. These regulations are intended to coordinate with other applicable state and local regulations for pest control; sewage control; solid waste; food handling; building; land use/land use planning; and critical areas.
- D. It is the specific intent of this ordinance to place the obligation of complying with its requirements upon the owner or occupant of a property or structure. This ordinance does not protect any specific class of persons nor does it impose any duty whatsoever upon the Kitsap Public Health District (Health District) or any of its officers or employees, for whom the implementation and/or enforcement of this ordinance shall be discretionary and not mandatory.
- E. It is the intent of this ordinance to provide for fair, equal, and reasonable treatment of all persons that are subject to these regulations, and to allow for Health Officer discretion in the application of these regulations as they deem necessary to protect public health. Nothing in these regulations is intended to abridge or alter the rights of action by the state or by private individuals to abate pollution or a nuisance.

SECTION 2: Administration

- A. The Health Officer is authorized to promulgate and administer such regulations as are necessary in his/her judgment to carry out the provisions of these rules and regulations. Where/if state or local regulations conflict, the more stringent regulation shall apply.
- B. Through the authority of the Kitsap Public Health Board as granted in RCW 70.05.060, the Health Officer may charge fees for the administration of this ordinance. Fees will be charged in accordance with the fee schedule approved by the Kitsap Public Health Board.

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SECTION 3: Effective Date

The effective date of these regulations shall be XXXX, 2025.

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SECTION 4: Jurisdiction and Applicability

A. General Requirements.

1. These regulations shall apply to all territory contained within the boundaries, and under the supervision, of the Kitsap Public Health Board.
2. These regulations shall apply to the owner or occupant of any premises.
3. These regulations shall apply to licensed and/or certified contractors, or other persons, that perform or provide rodent/pest control services.

SECTION 5: Definitions

Unless specified herein, all words and terms shall be defined by their common dictionary definition.

Harborage – any condition that provides shelter or protection or food for rodents.

Health Officer – the Health Officer of the Kitsap Public Health District or their designee.

Livestock – means domestic animals raised for use or for profit, especially on a farm, and includes horses, mules, donkeys, cattle, bison, sheep, goats, swine, rabbits, llamas, alpacas, ratites, poultry, waterfowl, and game birds.

Owner or Occupant – any agent, lessee, owner, or other person occupying or having charge or control of any premises.

Premises – any building, lot, structure, parcel, dock, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Rodent – a mammal belonging to the order Rodentia, such as a rat, mouse, or squirrel.

Rodent Activity – the presence and behaviors of rodents that indicate an infestation or potential infestation. This activity can be observed through various signs like sightings, droppings, gnaw marks, nests, and sounds in walls or attics.

Wildlife – means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, and amphibians

SECTION 6: Rodent Control Standards

A. General Requirements.

All premises shall be maintained in a clean and sanitary condition and rendered free from rodents, to the maximum extent possible, or as directed by the Health Officer. It shall be the duty of every owner or occupant to take such preventive and remedial rodent-proofing measures as shall be prescribed by the Health Officer of the Kitsap Public Health District. Food service establishments shall comply with the pest control provisions of WAC 246-215, as amended.

B. Protection of Food and Food Waste.

1. All food products, whether kept for sale or consumption, or other purpose, shall be so protected as to prevent rodents from gaining access thereto or coming in contact therewith. This includes food intended for animals or humans.
2. Home composting shall be practiced in a manner and performed in vessels that prevent rodents or other wildlife from accessing composting material.
3. Trash cans, dumpsters and compactors shall be kept in good condition, with closing lids capable of preventing rodents and other wildlife from accessing the contents thereof. These products shall be maintained/cleaned at a frequency that prevents the attraction of rodents.

C. Feeding of Pets and Wildlife.

1. No person shall feed wildlife or pets outdoors in such a manner that would allow the food source to attract or be accessible to rodents.
2. Wild birds may only be fed outdoors through the use of a feeder or device that prevents rodents and other wildlife from accessing said food. It shall be the responsibility of all owners or occupants to remove spilled bird food at a frequency that doesn't allow said food to attract rodents.
3. No person shall feed, or allow to be fed, wild animals other than birds at any time, except as they are cared for at wildlife shelters or animal hospitals. The baiting/trapping of wildlife by Washington Department of Fish and Wildlife employees/contractors is exempted from this requirement.
4. The feeding of wildlife through natural processes such as vegetation that bears fruit, tidal ebb and flow, and other natural actions that would occur without human presence is exempted from this section.

D. Feeding of Livestock

1. Recognizing that the keeping and feeding of livestock and poultry, especially on farms, unavoidably attracts rodents, it shall be the responsibility of the property owner, and/or occupant to take such rodent control measures as prescribed by the Health Officer to control rodent infestations, to the extent possible, resulting from these activities.

E. Rodent Proofing and Extermination.

1. Basements, walls, and foundations of all premises shall be constructed or repaired by the use of screens, nettings, cement, or other material or materials approved by the Health Officer so as to prevent rodents from gaining entrance to or harboring within.
2. Every owner or occupant of any premises shall take such preventative and remedial rodent proofing and rodent control measures, as shall be prescribed by the Health Officer, which may include a written plan approved by the Health Officer for continued extermination or the hiring of an independent, licensed pest control contractor in cases of severe or recurrent confirmed infestations.
3. No owner or occupant shall remove, or fail to restore in like condition, existing rodent proofing from any premises.
4. All abandoned or vacant premises shall be adequately safeguarded against rodent infestation.
5. No owner or occupant shall demolish, tear down, begin construction on, or alter in any way a structure or premise which is infested with rodents until extermination is conducted and completed.
6. Pesticides must be used or applied in accordance with labeled instructions.

F. Prevention and/or Remediation of Rodent Activity on Premises.

When the Health Officer finds there is evidence of rodent activity on any premises, the Health Officer may order the owner or occupant of the premises to take any of the following measures, including any combination of such measures, as the Health Officer deems necessary to prevent and remediate rodent activity:

1. The cutting and/or removal of any vegetation or condition on the premises that the Health Officer determines to constitute harborage. All cutting and removal of vegetation shall comply with the Kitsap County Critical Areas Ordinance Title 19, as amended, or any other applicable regulation.

2. The placement and maintenance of rodent traps in a number and pattern as approved by the Health Officer. Said traps shall be freshly baited at such intervals as may be ordered by the Health Officer and shall be inspected by the owner or occupant daily and any rodent or rodents caught therein removed therefrom.
3. The placement and maintenance of poisons suitable for the extermination of rodents. It shall be the duty of each owner or occupant of such buildings or premises to comply with all orders and directives of the Health Officer regarding the placing of poisons and the type to be used. Whenever possible, traps shall be favored over poisons as a rodent control measure.

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SECTION 7: Enforcement

A. Right of Entry.

1. Whenever necessary to inspect to enforce or determine compliance with the provisions of these regulations, or whenever the Health Officer has cause to believe that a violation of these regulations has been or is being committed, the Health Officer may, in accordance with federal and state law, seek entry of any building, structure, property, or portion thereof, at reasonable times to inspect, provided such entry is consistent with the constitutions and laws of the United States and the State of Washington.

B. Violations, Notice, Remedies, and Penalties.

1. Violations.

- a. Violations of these regulations may be addressed through the remedies and penalties provided in this section.
- b. Each violation of these regulations shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation.
- c. The Health Officer may investigate alleged or apparent violations of these regulations. Upon request of the Health Officer, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves.

2. Notice and Order to Correct Violation.

- a. Issuance. Whenever the Health Officer determines that a violation of these regulations has occurred or is occurring, they may issue a written notice and order to correct violation to the property owner, or to any person causing, allowing, or participating in the violation.
- b. Content. The notice and order to correct violation shall contain:
 - (1) The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
 - (2) The street address, tax assessor account number, or other description for identification of the building, structure, or land upon or within which the violation has occurred or is occurring;

- (3) A description of the violation and a reference to that provision of these regulations which has been, or is being, violated;
 - (4) A statement of the action, or actions, required to be taken to correct the violation and a date or time by which the correction is to be completed;
 - (5) A statement that each violation of this regulation shall be a separate and distinct offense, and in the case of a continuing violation that each day's continuance shall be a separate and distinct violation;
 - (6) A statement that the failure to obey this notice may result in the issuance of a notice of civil infraction, and/or the assessment of an administrative remedy, and/or, if applicable, the imposition of criminal penalties; and
 - (7) A statement that the person to whom the notice and order is directed can appeal the order to the Health Officer in accordance with the appeal procedures of these regulations.
- c. Receipts and/or Reports of Corrective Actions Completed. The notice and order to correct violation may also include a statement requiring the person to whom the notice and order to correct violation is directed to produce receipts and/or reports to demonstrate compliance with an order issued by the Health Officer.
- d. Service of Order. The notice and order to correct violation shall be served upon the person to whom it is directed, either personally, via electronic mail, physical posting, or by mailing a copy of the order by first class and/or certified mail postage prepaid, return receipt requested, to such person at his/her last known address.
- e. Extension. Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider completed or proposed mitigation measures, substantial completion of the necessary correction, and/or unforeseeable circumstances that render completion of correction impossible by the date or time established as a good cause.
- f. Supplemental Order to Correct Violation. The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violations procedures contained in these regulations.

g. Enforcement of Order. If, after order is duly issued by the Health Officer, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Health Officer may:

- (1) Utilize any remedy or penalty specified within these regulations; and/or
- (2) Abate the health violation using the procedures of these regulations; and/or
- (3) Pursue any other appropriate remedy at law or equity.

3. Remedies.

a. Written Assurance of Discontinuance. The Health Officer may accept a written assurance of discontinuance of any act in violation of these regulations from any person who has engaged in such act. Failure to comply with the written assurance of discontinuance shall be a further violation of these regulations.

b. Written Voluntary Correction Agreement/Compliance Schedule.

- (1) The Health Officer may accept a written voluntary correction agreement/compliance schedule to attempt to secure voluntary correction of the violation from the person committing, or responsible for, the violation. Failure to comply with the written voluntary correction agreement/compliance schedule shall be a further violation of these regulations.
- (2) The written voluntary correction agreement/compliance schedule is a contract between the Health Officer and the persons responsible for the violation in which such person agrees to abate the alleged violation within a specified time frame and according to specific conditions.
- (3) The written voluntary correction agreement/compliance schedule will be in lieu of the issuance of further citations, or other actions as allowed by these regulations, so long as the written voluntary correction agreement/compliance schedule is adhered to as determined by the Health Officer.
- (4) By entering into a written voluntary correction agreement/compliance schedule, the person responsible for the alleged violation waives the right to appeal the Notice and Order to Correct Violation and/or any abatement order subsequently issued regarding the violation, and any right to a

hearing before the Health Officer under these regulations or otherwise, regarding the alleged violation.

- (5) The Health Officer may grant an extension in time, or a modification in the terms, of the agreement if the person responsible for the alleged violation has shown progress towards correction of the violation and no threat to public health is determined to exist.
- (6) The Health Officer may abate the alleged violation in accordance with these regulations if the terms of the written voluntary correction agreement/compliance schedule are not met.
- (7) If the terms of the written voluntary correction agreement/compliance schedule are not met, the person responsible for the alleged violation shall be assessed all costs and expenses of abatement, as set forth in these regulations.
- (8) Content. The written voluntary correction agreement/compliance schedule shall include the following:
 - (a) The name and address of the person responsible for the alleged violation;
 - (b) The street address, assessor's tax identification number, or other description sufficient for identification of the premises upon which, or within, the alleged violation has occurred or is occurring;
 - (c) A description of the alleged violation and a reference to the regulation that has been violated;
 - (d) The specific actions to be taken, and a date or time by which each action shall be completed;
 - (e) An agreement by the responsible person that the Health Officer may enter the premises and inspect as necessary to determine compliance with the written voluntary correction agreement/compliance schedule;
 - (f) An agreement by the responsible person that the Health Officer may enter the property, building, structure, or premises to abate the violation and recover its costs and expenses from the responsible person if the terms of the written voluntary correction agreement/compliance schedule are not satisfied; and

- (g) An agreement that by entering into the written voluntary correction agreement/compliance schedule, the responsible person waives the right to appeal the Notice and Order to Correct Violation and/or any abatement order subsequently issued regarding the violation, and any right to a hearing before the Health Officer under these regulations or otherwise, regarding the matter of the alleged violation and/or required corrective action(s).
- c. Stop Work Orders. The Health Officer may cause a Stop Work order to be issued whenever the Health Officer has reason to believe that a violation of this regulation is occurring. The effect of the Stop Work order shall be to require the immediate cessation of such work or activity that has contributed to the violation until such time that the Health Officer has removed the order.
 - (1) Content. A Stop Work Order shall include the following:
 - (a) The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
 - (b) The street address, tax assessor account number, or other description for identification of the premises upon or within which the violation has occurred or is occurring;
 - (c) A description of the violation and a reference to that provision of these regulations which has been, or is being, violated;
 - (d) A statement of the action, or actions, required to be taken to correct the violation and a date or time by which the correction is to be completed;
 - (e) A statement that each violation of this regulation shall be a separate and distinct offense, and in the case of a continuing violation that each day's continuance shall be a separate and distinct violation;
 - (f) A statement that the failure to obey this notice may result in the issuance of a notice of civil infraction, and/or the assessment of an administrative remedy, and/or, if applicable, the imposition of criminal penalties; and
 - (g) A statement that the person to whom the Stop Work order is directed can appeal the order to the Health Officer in accordance with the appeal procedures of these regulations.

- (2) Service of Order. The Health Officer shall serve the Stop Work order upon the owner or occupant of the premises where the alleged violation occurred or is occurring, or to any person causing, allowing, or participating in the violation, either personally or by mailing a copy of the notice by regular and/or certified mail, to the violator at their last known address. A copy of the order shall also be posted on the property where the alleged violation occurred, or is occurring.
- (3) Posting of Order. In addition to the service of order as described above, an additional notice shall be posted on the property in substantially the following form:

Under the Authority of the Kitsap Public Health Board Ordinance 2025-02, *Rodent Control Regulations*, you are hereby required to immediately

STOP WORK

This order is in effect at this property for all work and activities that relate to violations of Kitsap Public Health Board Ordinance 2025-02, Rodent Control Regulations, and remains in effect until removed by the Health Officer. It is a violation of these regulations to remove, deface, destroy, or conceal a posted Stop Work Order. **FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN THE ISSUANCE OF A CIVIL INFRACTION.**

d. Abatement Orders.

- (1) When the Health Officer has determined that a violation of these regulations has occurred or is occurring, or a public nuisance exists, in accordance with RCW 7.48, they may issue an abatement order to the person responsible for the alleged violation. The abatement order shall require the responsible person to abate the violation or public nuisance within a reasonable period of time as determined by the Health Officer.
- (2) If the abatement order is not commenced or complied with within the specified time period, the Health Officer may proceed to abate the violation and cause work to be done in this regard.
- (3) Absent conditions that pose an immediate threat to the public's health, safety, or welfare, abatement orders shall be utilized by the Health Officer only after the civil penalties process under these regulations has been attempted as a means to correct the alleged violations, but the violations have not been adequately corrected as determined by the Health Officer.

(4) Content. The abatement order shall include the following:

- (a) The name and address of the person responsible for the alleged violation;
- (b) The street address, assessor's tax identification number, or other description sufficient for identification of the building, structure, premises, or land upon which, or within, the alleged violation has occurred or is occurring;
- (c) A description of the alleged violation and a reference to the regulation that has been violated;
- (d) The specific actions to be taken, and a date or time by which each action shall be completed;
- (e) A statement that the costs and expenses incurred by the Health Officer, pursuant to these regulations, may be assessed against a person to whom the abatement order is directed; and
- (f) A statement that the person to whom the abatement order is directed can appeal the abatement order to the Health Officer in accordance with these regulations.

(5) Service of Order.

- (a) The Health Officer shall serve the abatement order upon the owner of the premises where the alleged violation occurred, or is occurring, either personally or by mailing a copy of the order by regular and/or certified or registered mail, with a five (5)-day return receipt requested, to the owner at their last known address.
- (b) The order shall also be served on each of the following if known to the Health Officer or discernable from publicly available records or information:
 - i. The holder of any mortgage or deed of trust or other lien or encumbrance of record;
 - ii. The owner or holder of any lease of record and the holder of any other estate or legal interest of record in, or to, the property or any structures on the property.

- (c) The failure of the Health Officer to serve any person as required herein shall not invalidate any proceedings hereunder as to any other person duly or relieve any such person from any duty or obligation imposed by the provision of this section.
 - (d) A copy of the abatement order shall also be posted on the property where the alleged violation occurred or is occurring.
- (6) Authorized Action by the Health Officer. Using any lawful means, the Health Officer may enter the subject property and may remove or correct the condition that is subject to the abatement.
- (7) Recovery of Costs and Expenses. The costs of correcting a condition which constitutes a violation of these regulations, including all incidental expenses, shall be billed to the owner of the property upon which the alleged violation occurred or is occurring, and shall become due within 30 calendar days of the date of mailing the billing for abatement.
- (8) Collection of Costs and Expenses. The costs and expenses of correcting a condition, which constitutes a violation of these regulations, shall constitute a personal obligation of the person to whom the abatement order was/is directed. The Health Officer shall send, within 15 days of abating the violation, to the person named in the abatement order a bill that details the work performed, materials used or removed, labor used, and the costs and expenses related to those tasks as well as any other costs and expenses incurred in abating the violation.
- e. Notice to Vacate. When a condition constitutes a violation of these regulations and poses an immediate threat to health, safety, or property of the public or persons residing on the property, the Health Officer may issue a notice to vacate.
 - (1) Content. A notice to vacate shall include the following:
 - (a) The name and address of the person responsible for the alleged violation;
 - (b) The street address, tax assessor account number, or description sufficient for identification of the premises upon which the alleged violation has occurred or is occurring;
 - (c) A description of the violation constituting an immediate threat to health, safety, or property of the public or persons residing on the

property and a reference to the provision of these regulations that is being violated;

- (d) A date, determined by the Health Officer and commensurate with the severity of violation and threat to public health, by which any persons shall vacate the premises in order to mitigate/eliminate the violation. In cases of an extreme threat to health or safety to persons or property, immediate vacation of the premises may be required; and
 - (e) The corrective actions required to be completed prior to re-occupancy of the premises; and a statement that the person to whom the notice to vacate is directed can appeal the order to the Health Officer in accordance with these regulations.
- (2) Service of Notice. The Health Officer shall serve the notice to vacate order upon the owner of the premises, where the alleged violation occurred or is occurring, or the person responsible for the alleged violation, either personally or by mailing a copy of the notice by regular and/or certified mail, to said person at their last known address.
- (3) Posting of Notice. In addition to providing service of notice as described above, notice shall also be posted conspicuously on the property where the alleged violation occurred or is occurring.
- (4) Compliance. No person shall remain in or enter any building, structure, or property which has been posted for vacation except to make the specified corrective actions listed in the notice to vacate. No person shall remove or deface a vacate notice posting without the permission of the Health Officer. Health Officer review, inspection, and approval of the completed corrective action is required before the vacate order shall be removed.
- f. Other Legal or Equitable Relief. Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions that constitute or will constitute a violation of these regulations, or rules and regulations adopted under them, or any state health law or regulation, or that otherwise threatens public health.
- g. Notice of Violation or Order – Failure to Respond or Appear. Unless contested or appealed in accordance with these regulations, any notice of violation or order issued by the Health Officer represents a determination that the person to whom the notice or order was issued committed the violation.

4. Penalties.

a. Civil Penalties.

- (1) The violation of any provision of these regulations is designated as a Class 1 civil infraction pursuant to RCW 7.80, *Civil Infractions*.
- (2) The Health Officer may issue a notice of civil infraction pursuant to RCW 7.80 if the Health Officer has reasonable cause to believe that the person has violated any provision of these regulations or has not corrected the violation as required by a written notice and order to correct violation. Civil infractions shall be issued, heard, and determined as described in RCW 7.80, and any applicable court rules.

b. Criminal Penalties.

- (1) Except as otherwise provided for in these regulations or under State law, any person violating any provision of these regulations is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars (\$25), nor more than one-thousand dollars (\$1,000), or to imprisonment in the county jail not to exceed ninety (90) days, or to both fine and imprisonment.
- (2) Any person who fails, neglects, or refuses to comply with an order of the Health Officer to correct a violation of these regulations pursuant to Section 6.B.2. shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than one-thousand dollars (\$1,000), or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.
- (3) Any person who fails, neglects, or refuses to comply with a written assurance of discontinuance or a voluntary correction agreement pursuant to Section 6.B.3. shall be, upon conviction, guilty of a misdemeanor and shall be subject to a fine of not more than one-thousand dollars (\$1,000), or imprisonment in the county jail not to exceed ninety (90) days, or both. The court may also impose restitution.

c. Noncompliance Fees.

- (1) Pursuant to the most current Health District fee schedule as adopted by the Health Board, the Health Officer may assess an hourly noncompliance fee to any person who has been found guilty of committing a violation of these regulations for Health Officer oversight, review, and/or inspections of a

premises to determine compliance with these regulations, correction/
compliance dates specified in a notice and order to correct violation, civil
infraction, misdemeanor, or any other court ordered compliance deadline.

- (2) When a noncompliance fee is assessed by the Health Officer, the fee shall
be due and payable 30 days after receipt of the invoice by the violator.

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SECTION 8: Appeals

A. Appeal of Health District Action – Administrative Review Conference with Environmental Health Director.

1. Any person aggrieved by the contents of a notice and order to correct violation issued under this regulation, or by any inspection or enforcement action conducted by the Health Officer under this regulation, may submit a written request for an administrative review conference with the Environmental Health Director, or their designee. The request shall be submitted on forms designated for use by the Health Officer along with the applicable fee, and shall detail and specify the reason why the appellant is assigning error to the Health District and requesting the action to be reviewed.
2. Timelines for administrative review conference. A written application for an administrative review conference shall be submitted to the Health Officer within 10 business days of the enforcement action. Upon receipt of such request, together with the hearing fee, the Environmental Health Director shall notify the person of the time, date, and location of the administrative review conference, which shall be set at a mutually convenient time not less than five (5) business days or more than 15 business days from the date the request was received. The Environmental Health Director may extend this timeline, for good cause, for up to an additional 15 days. The Environmental Health Director will issue a written decision concerning the disposition of the administrative review within 10 business days of the conference date, and may require additional actions as part of the decision.
3. A request for an administrative review conference is at the option of the aggrieved person. A request for an administrative review conference shall, in effect, constitute a stay of the appeal process for the Health Officer Administrative Hearing and preserve all rights and timelines associated with the appeal process. The timelines for appeal shall become effective upon issuance of the written decision from the administrative review conference.

B. Appeal of Health District Action – Health Officer Administrative Hearing.

1. Any person aggrieved by the contents of a notice and order to correct violation issued under this regulation, or by any inspection or enforcement action conducted by the Health District under this regulation, may submit a written request for an appeal hearing before the Health Officer, or their designee. The request shall be submitted on forms designated for use by the Health Officer along with the

applicable fee, and shall detail and specify the reason why the appellant is assigning error to the Health District action being appealed.

2. Timelines for Appeal. A written application for appeal shall be submitted to the Health Officer within 10 business days of the action appealed for all Health District actions. Upon receipt of such request together with hearing fees, the Health Officer shall notify the person of the time, date, and location of such hearing, which shall be set at a mutually convenient time not less than five (5) business days or more than 15 business days from the date the request was received. The Health Officer may extend this timeline, for good cause, for up to an additional 15 days. The Health Officer will issue a written decision concerning the disposition of the appeal within 10 business days of the hearing date, and may require additional actions as part of the decision.
3. Incomplete or Untimely Appeals. Incomplete appeal requests, or appeal requests that do not meet the specified timelines for appeal, shall not constitute a legal appeal under these regulations.

C. Appeal of Administrative Hearing Decision – Health Board Hearing.

1. Any person aggrieved by the findings, decision, or required actions of an administrative hearing shall have the right to appeal the matter by requesting a hearing before the Health Board. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the Health Officer, and shall be accompanied by the applicable hearing fee. The appellant and the Health Officer may submit additional information to the Health Board for review and consideration.
2. Timelines for Appeal to Health Board. A written application of appeal shall be presented to the Health Officer within five (5) business days of the findings and actions from the administrative hearing. Upon receipt of a timely written notice of appeal together with hearing fees, the Health Officer shall set a time, date, and location for the requested hearing before the Health Board, and shall give the appellant written notice thereof. Such hearing shall be set at a mutually convenient time not less than five (5) business days or more than 30 business days from the date the appeal request was received by the Health Officer. Any decision of the Health Board shall be final and may be reviewed by an action filed in superior court. Any action to review the Health Board's decision shall be filed within 21 business days of the date of the decision.

- D. Stay of Action. Any orders issued concerning the alleged violation shall remain in effect during the appeal to the Health Board. Any person affected by an order to correct violation may make a written request for a stay of the decision to the Health Officer within five (5) business days of the Health Officer's decision. The Health Officer shall notify the appellant in writing of their decision to grant or deny the stay request within five (5) business days of receipt of the request.
- E. Judicial Review. All decisions of the Health Board shall be final unless review is sought by filing an action in any court of competent jurisdiction, as provided by the laws of this State.

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SECTION 9: Immunity From Liability

Inspections, rules, and orders of the Health Officer resulting from the exercise of the provisions of these regulations shall not in any manner be deemed to impose liability upon the Health District, or its employees, for any injury or damage resulting from the administration and enforcement of these regulations. All actions of the Health Officer shall be deemed an exercise of the police power of the State.

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SECTION 10: Severability

Should any part of these rules and regulations be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder.

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