

Legal Implications of Failure to Enforce Municipal Ordinances

1. Violation of Washington's Growth Management Act (GMA)

Cities must adopt and enforce critical-area regulations under RCW 36.70A.060 and use best available science per RCW 36.70A.172.

2. Violation of City Manager Duties (RCW 35A.13.080)

A City Manager must ensure that laws and ordinances are faithfully executed. Ignoring city code can violate RCW 35A.13.080.

3. Arbitrary and Capricious Administrative Action

Failing to follow adopted ordinances can constitute arbitrary and capricious action under Washington administrative law, subject to judicial review.

4. Equal Protection / Selective Enforcement (14th Amendment)

Unequal application of local code may violate the Equal Protection Clause.

5. Negligent Failure to Enforce Safety-Related Ordinances

The Public Duty Doctrine "failure to enforce" exception may apply when the City fails to enforce regulations intended to protect public safety.

6. Ultra Vires Municipal Action

City officials act beyond legal authority when they disregard ordinances approved by the City Council.

7. Misconduct of Public Officers (RCW 42.20)

Willful neglect of duty by public officers may fall under RCW 42.20 if intentional or repeated.

Citations

RCW 36.70A.060 – <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.060>

RCW 36.70A.172 – <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70A.172>

RCW 35A.13.080 – <https://app.leg.wa.gov/rcw/default.aspx?cite=35A.13.080>

RCW 42.20 – <https://app.leg.wa.gov/rcw/default.aspx?cite=42.20>