

**From:** [Debbie Tarry](#)  
**To:** [Jesse Salomon](#)  
**Cc:** [Heidi Costello](#)  
**Subject:** FW: Nuisance Code (second set of questions)  
**Date:** Monday, July 01, 2013 1:04:50 PM

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A response to your questions.

Debbie Tarry  
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City of Shoreline  
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**From:** Rachael Markle  
**Sent:** Monday, July 01, 2013 12:22 PM  
**To:** Debbie Tarry  
**Cc:** Carolyn Wurdeman; Heidi Costello; Kristie Anderson; Ian Sievers; Flannary Collins  
**Subject:** RE: Nuisance Code (second set of questions)

Response to Councilmember Salomon's questions below. Please forward to Council if you are in agreement. FYI – These answers were also reviewed and edited by Flannary.

Would daily penalties not accrue against owner or could they be suspended if landlord is moving towards compliance so that if it takes owner some time to evict, the fines won't be enormous.

- Currently, the City's code allows penalties accrue against the owner or the "person in charge of the property" (if different than the owner – e.g., lessee, tenant, occupant, agent.) Yes, we could write the Ordinance to put the penalty accrual on hold while the landlord is moving towards compliance. This method was illustrated in another City.

Re: Seattle's code section 10.09.85 "additional remedies," must the court make an affirmative finding of non-offending tenants or just not find they were offending in order to levy relocation fees to be paid by property owner?

- The language suggests that the court must make a finding that specific tenants did not cause or participate in the nuisance activities in order for relocation assistance to be required.

Should we make it a misdemeanor? Or would contempt of court powers the court possesses suffice to address an owner who has refused to abate pursuant to a court's order? At what point should we consider criminal charges if at all?

- The SMC already gives the City the authority to treat a Code violation as a misdemeanor and I would recommend this provision apply to Chronic Nuisance Properties as well.

**20.30.770 Enforcement provisions.**

*A. Infraction. Whenever the Director has determined that a Code Violation has occurred, the Director may issue a Class 1 civil infraction, or other class of infraction specified in the particular ordinance violated, to any responsible party, according to the provisions set forth in Chapter 7.80 RCW.*

*B. Misdemeanor. Any person who willfully or knowingly causes, aids or abets a Code Violation by any act of commission or omission is guilty of a misdemeanor. Upon conviction, the person shall be punished by a fine not to exceed \$1,000 and/or imprisonment in the county jail for a term not to exceed 90 days. Each week (seven days) such violation continues shall be considered a separate misdemeanor offense. A misdemeanor complaint or notice of infraction may be filed as an alternative, or in addition to, any other judicial or administrative remedy provided in this subchapter or by law or other regulation.*

- For typical (land use) code violations, the City would request that the court order abatement and, if the property owner fails to abate the violation on his/her own initiative, then the court grant the City the authority to enter the property and abate the violation. In light of the more serious types of violations subject to the chronic nuisance ordinance, this is not the tool we would use for chronic nuisance abatements. If the property owner fails to abate the chronic nuisance, then issuance of a misdemeanor or filing a motion for contempt of court would be appropriate (both allowing for imprisonment and additional penalties).
- Criminal penalties have been used as a last resort in the past for land use violations – only for those properties which are repeatedly in violation of the same code (and the violation is egregious).

Does this proposed code potentially effect Aurora hotels?

- Yes.

**To:** Rachael Markle; Kristie Anderson; Ian Sievers  
**Cc:** Carolyn Wurdeman; Heidi Costello  
**Subject:** Fwd: Nuisance Code (second set of questions)

Some more

Debbie

Sent from my iPhone

Begin forwarded message:

**From:** Jesse Salomon <[jsalomon@shorelinewa.gov](mailto:jsalomon@shorelinewa.gov)>  
**Date:** June 30, 2013, 10:27:48 PM PDT  
**To:** Debbie Tarry <[dtarry@shorelinewa.gov](mailto:dtarry@shorelinewa.gov)>, Julie Underwood <[junderwood@shorelinewa.gov](mailto:junderwood@shorelinewa.gov)>, Ian Sievers <[isievers@shorelinewa.gov](mailto:isievers@shorelinewa.gov)>  
**Subject: Re: Nuisance Code (second set of questions)**

Should we make it a misdemeanor? Or would contempt of court powers the court possesses suffice to address an owner who has refused to abate pursuant to a court's order? At what point should we consider criminal charges if at all?

Does this proposed code potentially effect Aurora hotels?

Jesse Salomon, Councilmember  
City of Shoreline  
[Jsalomon@Shorelinewa.gov](mailto:Jsalomon@Shorelinewa.gov)  
(206) 396-5807

Sent from my iPad

On Jun 30, 2013, at 10:11 PM, "Jesse Salomon" <[jsalomon@shorelinewa.gov](mailto:jsalomon@shorelinewa.gov)> wrote:

Would daily penalties not accrue against owner or could they be suspended if landlord is moving towards compliance so that if it takes owner some time to evict, the fines won't be enormous.

Re: Seattle's code section 10.09.85 "additional remedies," must the court make an affirmative finding of non-offending tenants or just not find they were offending in order to levy relocation fees to be paid by property owner?

Jesse Salomon, Councilmember  
City of Shoreline

[Jsalomon@Shorelinewa.gov](mailto:Jsalomon@Shorelinewa.gov)  
(206) 396-5807

Sent from my iPad