

ORDINANCE NO. 698

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CHAPTER 9.30, CHRONIC NUISANCE PROPERTIES OF SHORELINE MUNICIPAL CODE TITLE 9, PUBLIC PEACE, WELFARE, AND MORALS TO CORRECT A CLERICAL ERROR.

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington which has broad statutory authority to define, prevent, abate, and impose fines upon persons creating or allowing a nuisance; and

WHEREAS, on March 3, 2014, the City Council adopted Ordinance No. 675, enacting a new chapter of the Shoreline Municipal Code (SMC) Chapter 9.30 *Chronic Nuisance Properties*; and

WHEREAS, subsequent to the adoption, a clerical error was discovered that establishes two appeal periods when a determination of chronic nuisance is being brought before the City Hearing Examiner; and

WHEREAS, SMC 9.30.050(A)(7) states that an appeal is due within 14 calendar days of the date of issuance of the notice and SMC 9.30.060 states that an appeal is due within 14 calendar days from the date of service of the notice; and

WHEREAS, a correction needs to be made so as to ensure a timely filing of an appeal of the City's determination of a chronic nuisance property to the City Hearing Examiner;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment.

Title 9 of the Shoreline Municipal Code, is amended as set forth below:

SMC 9.30.050 Notice of determination of chronic nuisance property.

A. When a property is determined to be a chronic nuisance property, the property owner of record and person in charge of the property shall be served with a notice of determination of chronic nuisance property with the following information:

...

7. A warning that the property owner of a chronic nuisance property permitted by a person in charge other than the owner, or the owner's agent, must promptly take all steps requested in the notice of determination of chronic nuisance property to assist in abatement of the nuisance property, including pursuing

eviction of the person in charge, available to the owner pursuant to any lease and consistent with state law. A statement advising that any person named in the notice of determination of chronic nuisance property or having any record or equitable title in the property against which the notice of determination is recorded may appeal from the notice to the city of Shoreline hearing examiner within 14 calendar days of the date of ~~issuance~~ service of the notice;

...

Section 2. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or circumstance.

Section 3. Publication and Effective Date. A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

PASSED BY THE CITY COUNCIL ON DECEMBER 8, 2014.

Mayor Shari Winstead

ATTEST:

APPROVED AS TO FORM:

Jessica Simulcik-Smith
City Clerk

Margaret King
City Attorney

Date of Publication: , 2014

Effective Date: , 2014