

ORDINANCE NO. 466

AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CODE ENFORCEMENT REGULATIONS TO ADD INTERIOR PROPERTY MAINTENANCE STANDARDS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND AUTHORIZATION OF RELOCATION COSTS FOR TENANTS OF UNFIT RESIDENCES; AND AMENDING SECTION 15.05.020 AND CHAPTER 20.30 OF THE SHORELINE MUNICIPAL CODE

WHEREAS the City Council approved a work plan for 2004-2005 that included a goal to "Review and consider improvements in code enforcement standards"; and

WHEREAS on September 12, 2005 the City Council adopted the 2003 International Property Maintenance Code as amended to include minimum standards for the exterior of properties only; and

WHEREAS at the September 12, 2005 meeting the City Council requested staff to perform additional study on the International Property Maintenance Code minimum standards for the interior of properties; and

WHEREAS staff presented the results of the additional study requested at the February 12, 2007 City Council meeting; and

WHEREAS City Council considered the additional information presented at the February 12, 2007 meeting and instructed staff to prepare an Ordinance to consider adoption of the 2003 International Property Maintenance Code minimum standards for the interiors of structures; and

WHEREAS, RCW 59.18.085 requires that landlords pay relocation assistance in the event tenants are displaced by a City declaration that dwelling units are unfit for human habitation and provides that the City of Shoreline may provide relocation assistance to displaced tenants in the event that the landlord fails to do so; and

WHEREAS adoption of International Property Maintenance Code sections on abatement of buildings unfit for human habitation replaces similar procedures under the currently used Uniform Code of Abatement of Dangerous Building ; now therefore

THE CITY COUNCIL OF THE CITY OF SHORELINE DO ORDAIN AS FOLLOWS:

Section 1. Amendment. SMC 15.05.020(K) is amended as follows:

15.05.020 (K) Adoption of referenced codes.

The 2003 International Property Maintenance Code published by the International Code Council as amended and filed under city clerk's receiving number 3505 4283.

Section 2. Amendment. SMC 20.30.740 is amended to read as follows:

20.30.740 Enforcement provisions.

... [A-C unchanged]

D. Civil Penalties.

1. A civil penalty for violation of the terms and conditions of a notice and order shall be imposed in the amount of \$500.00. The total initial penalties assessed for notice and orders and stop work orders pursuant to this section shall apply for the first 14-day period following the violation of the order, if no appeal is filed. The penalties for the next 14-day period shall be 150 percent of the initial penalties, and the penalties for the next 14-day period and each such period or portion thereafter, shall be double the amount of the initial penalties.

2. Any responsible party who has committed a violation of the provisions of Chapter 20.80 SMC, Critical Areas, or Chapter 20.50 SMC, General Development Standards (tree conservation, land clearing and site grading standards), will not only be required to restore unlawfully removed trees or damaged critical areas, insofar as that is possible and beneficial, as determined by the Director, but will also be required to pay civil penalties in addition to penalties under subsection (D)(1) of this section, for the redress of ecological, recreation, and economic values lost or damaged due to the violation. Civil penalties will be assessed according to the following factors:

a. An amount determined to be equivalent to the economic benefit that the responsible party derives from the violation measured as the total of:

i. The resulting increase in market value of the property; and

ii. The value received by the responsible party; and

iii. The savings of construction costs realized by the responsible party as a result of performing any act in violation of the chapter; and

b. A penalty of \$1,000 if the violation was deliberate, the result of knowingly false information submitted by the property owner, agent, or contractor, or the result of reckless disregard on the part of the property owner, agent, or their contractor. The property owner shall assume the burden of proof for demonstrating that the violation was not deliberate; and

c. A penalty of \$2,000 if the violation has severe ecological impacts, including temporary or permanent loss of resource values or functions.

3. A repeat violation means a violation of the same regulation in any location within the City by the same responsible party, for which voluntary compliance previously has been sought or any enforcement action taken, within the immediate preceding 24-consecutive-month period, and will incur double the civil penalties set forth above.

4. Under RCW 59.18.085, if, after sixty (60) days from the date that the City first advanced relocation assistance funds to displaced tenants, the landlord does not repay the amount of relocation assistance advanced by the City, the City shall assess civil penalties in the amount of fifty dollars (\$50.00) per day for each tenant to whom the City has advanced a relocation assistance payment.

~~4~~5. The responsible parties have a duty to notify the Director of any actions taken to achieve compliance with the notice and order. For purposes of assessing civil penalties, a violation shall be considered ongoing until the responsible party has come into compliance with the notice and order and has notified the Director of this compliance, and an official inspection has verified compliance.

~~5~~6. Civil penalties may be waived or reimbursed to the payer by the Director, with the concurrence of the Finance Director, under the following circumstances:

- a. The notice and order was issued in error; or
- b. The civil penalties were assessed in error; or
- c. Notice failed to reach the property owner due to unusual circumstances; or
- d. Compelling new information warranting waiver has been presented to the Director since the notice and order was issued and documented with the waiver decision.

E. Abatement.

1. All public nuisances are subject to abatement under this subchapter.

2. Imminent Nuisance and Summary Abatement. If a condition, substance, act or nuisance exists which causes a condition the continued existence of which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the person responsible for the property and the violation as soon as reasonably possible after the abatement. The Director shall make the determination of a condition, substance, act or other occurrence

constituting an imminent nuisance requiring summary abatement. Costs, both direct and indirect, of the abatement may be assessed as provided in this chapter.

3. In the case of such unfit dwellings, buildings, structures, and premises or portions thereof, the Director, as an alternative to any other remedy provided in this subchapter, may abate such conditions by demolition, repair, removal, or securing the site and have abatement costs collected as taxes by the King County treasury pursuant to SMC 20.30.775. If an occupied rental dwelling or its premises are declared unfit and required to be vacated by a notice and order, and the landlord fails to pay relocation assistance as set forth in RCW 59.18.085, the City shall advance relocation assistance funds to eligible tenants in accordance with RCW 59.18.085.

F. Additional Enforcement Provisions. The enforcement provisions of this section are not exclusive, and may be used in addition to other enforcement provisions authorized by the Shoreline Municipal Code or by state law, including filing for injunctive relief or filing of a civil action

Section 2. Recodification. SMC 20.30.750 is recodified as SMC 20.30.740; SMC 20.30.760 is recodified as SMC 20.30.750; SMC 20.30.770 is recodified as SMC 20.30.760; and SMC 20.30.740 is recodified as SMC 20.30.770.

Section 3. Repeal. Subsection SMC 20.30.770(J) is repealed in its entirety.

Section 4. Amendment. SMC 20.30.775 is amended to read as follows:

20.30.775 Collection of penalties and costs.

A. All monies collected from the assessment of civil penalties and for abatement costs and work shall be allocated to support expenditures for abatement, and shall be accounted for through either creation of a fund or other appropriate accounting mechanism in the Department issuing the notice and order under which the abatement occurred.

B. The amount of cost of repairs, alterations or improvements; or vacating and closing; or removal or demolition by the Director shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. For the purposes of this section, the cost of vacating and closing shall include (i) the amount of relocation assistance payments advanced to the tenants under RCW 59.18.085 that a property owner has not repaid to the City and (ii) all penalties and interest that accrue as a result of the failure of the property owner to timely repay the amount of these relocation assistance payments under RCW 59.18.085.

Upon certification to ~~him~~ by the City Finance Director of the assessment amount being due and owing, the County Treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the

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same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City.

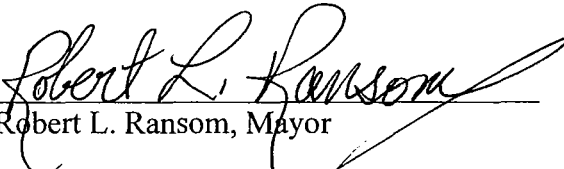
If the dwelling, building structure, or premises is removed or demolished by the Director, the Director shall, if possible, sell the materials from such dwelling, building, structure, or premises and shall credit the proceeds of such sale against the cost of the removal or demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the Director, after deducting the costs incident thereto.

The assessment shall constitute a lien against the property, which shall be of equal rank with State, county and municipal taxes.

C. In addition to, or in lieu of, the provisions set forth in this subchapter, the City may commence a civil action in any court of competent jurisdiction to collect for any such charges incurred by the City to obtain compliance pursuant to this chapter and/or to collect any penalties that have been assessed.

Section 5. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

PASSED BY THE CITY COUNCIL ON APRIL 9, 2007.



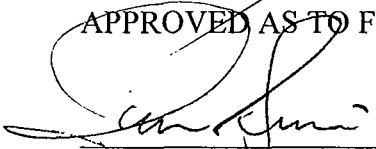
Robert L. Ransom, Mayor

ATTEST:



Scott Passey
City Clerk

APPROVED AS TO FORM:



Ian Sievers
City Attorney

Date of Publication: April 12, 2007
Effective Date: April 17, 2007