

ORDINANCE No. 119702

COUNCIL BILL No. 112926

AN ORDINANCE related to land use and zoning enforcement, amending Seattle Municipal Code Section 23.90.014, Review by the Director.

Law D
The City

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

Introduced: <u>10-4-99</u>	By: <u>Drago</u>
Referred: <u>10-4-99</u>	To: <u>Business, Economic & Community Development</u>
Referred:	To:
Referred:	To:
Reported: <u>10-11-99</u>	Second Reading:
Third Reading: <u>10-11-99</u>	Signed: <u>10-11-99</u>
Presented to Mayor: <u>10-13-99</u>	Approved: <u>10/19/99</u>
Returned to City Clerk: <u>10/19/99</u>	Published: <u>Full 2 pp</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

10/5/99 BECD

10-11-99 FULL C



Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

committee on

h was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

0/5/99 BECD To approve 2-0

Prago
Donaldson

11-99 Full Council: Passed 9-0

Committee Chair

ORDINANCE 119702

AN ORDINANCE related to land use and zoning enforcement, amending Seattle Municipal Code Section 23.90.014, Review by the Director.

WHEREAS, the intent of the Review of the Director is to provide opportunity for affected parties to provide additional information for an informal, further review of the facts related to the Notice of Violation; and

WHEREAS, submission of information whether in writing or orally can be done without a meeting; and

WHEREAS, the submission of additional information and the opportunity for a site visit is likely to be at least if not more informative than a meeting at the department;

NOW THEREFORE,

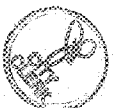
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.90.014 of the Seattle Municipal Code, which was last amended by Ordinance 113978, is further amended as follows:

23.90.014 Review by the Director.

A. Any person significantly affected by or interested in a ~~((n))~~Notice of ~~((v))~~Violation issued by the Director pursuant to Section 23.90.006 may obtain a review of the notice by requesting such review within fifteen (15) days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the Director shall notify any persons served the Notice of Violation and the complainant, if any, of the request for review and the deadline for submitting additional information ~~((date, time and place set))~~ for the review, which shall be ~~((not less than ten (10) nor more than))~~ within twenty (20) days after the request is received, unless otherwise agreed by all persons served with the ~~((n))~~Notice of ~~((v))~~Violation. Before the deadline for submission of information ~~((date set for the review))~~, any person significantly affected by or interested in the ~~((n))~~Notice of ~~((v))~~Violation (including any persons served the Notice of Violation and the complainant) may submit any additional information in the form of written material or oral comments to the Director for consideration as part of ~~((at))~~ the review.

B. The review will be made by ~~((consist of an informal review meeting held at the Department. A))~~ a representative of the Director who is familiar with the case and the applicable ordinances ~~((will attend))~~. The Director's representative will ~~((explain the reasons for the Director's issuance of the notice and will listen to any))~~ review all additional



information received by the deadline for submission of information. The reviewer may also request clarification of information received and a site visit. ~~((presented by the persons attending. At or a))~~ After ~~((the))~~ review of the additional information, the Director may:

1. Sustain the ~~((n))~~Notice of ~~((v))~~Violation;
2. Withdraw the ~~((n))~~Notice of ~~((v))~~Violation;
3. Continue the review to a date certain for receipt of additional information; or
4. Modify the ~~((n))~~Notice of ~~((v))~~Violation, which may include an extension of the compliance date.

C. The Director shall issue an Order of the Director containing the decision within seven (7) days of the date of the completion of the review and shall cause the same to be mailed by regular first class mail to the person or persons named on the notice of violation, mailed to the complainant, if possible, and filed with the Department of Records and Elections of King County.

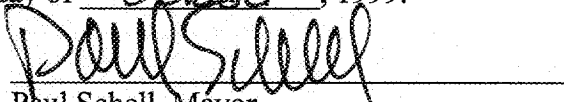
Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

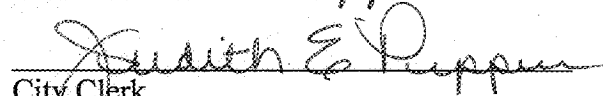
Passed by the City Council the 11th day of October, 1999, and signed by me in open session in authentication of its passage this 11th day of October, 1999.


President of the City Council

Approved by me this 19th day of October, 1999.


Paul Schell, Mayor

Filed by me this 19th day of October, 19 99


City Clerk

(SEAL)





City of Seattle


Paul Schell, Mayor

Department of Design, Construction and Land Use

R. F. Krochalis, Director

MEMORANDUM

TO: Sue Donaldson, City Council President
Via: Eleanore Baxendale, Law

FROM: 
Rick Krochalis, Director

DATE: September 24, 1999

SUBJECT: Proposed Amendment to Land Use Code Enforcement, Review of the Director

Transmittal

With this memorandum we are transmitting for City Council consideration proposed legislation relating to Land Use Code Enforcement, Review of the Director.

Background

The Code currently allows parties affected by a Notice of Violation (NOV) to request an informal Director's Review. The proposal would not change the purpose of such review; however, rather than a meeting held at the Department, the proposed process would include an opportunity to submit comments and additional information, either in writing or orally, to be considered by the Director. The reviewer may also request a site visit. The intent of the proposed change is to keep the process simple, while continuing to allow opportunity for submission of additional information.

As with the current enforcement requirements, following the submission and review of such information, the Director may: 1) sustain the NOV; 2) withdraw the NOV; 3) continue to review to a date certain, or 4) amend/modify the NOV, including an extension of the compliance date.

SEPA Environmental Determination

The proposed legislation amending the procedural requirement for a Director's Review is categorically exempt from threshold determination and EIS requirements in accordance with 25.05.800T of the Seattle Municipal Code.



Public Hearing

A public hearing on this legislation has been scheduled before the City Council's Business, Economic and Community Development Committee at 9:00 am on Tuesday, October 5, 1999 in the City Council Chamber.

Non-financial Legislation

The proposed legislation has no financial implications.

If you have questions concerning the proposed ordinance, please contact Bob Laird, DCLU, via bob.laird@ci.seattle.wa.us or by calling (206) 615-1312.

Attachment



TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

San Diego

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO:

PRESIDENT'S SIGNATURE

C.C. 20 20

STATE OF WASHINGTON - KING COUNTY

111563

City of Seattle, City Clerk

—ss.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 119702

was published on

11/01/99

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

11/01/99

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 113782

AN ORDINANCE related to land use and zoning enforcement, amending Seattle Municipal Code Section 23.90.014, Review by the Director.

WHEREAS, the intent of the Review of the Director is to provide opportunity for affected parties to provide additional information for an informal, further review of the facts related to the Notice of Violation; and

WHEREAS, submission of information whether in writing or orally can be done without a meeting; and

WHEREAS, the submission of additional information and the opportunity for a site visit is likely to be at least if not more informative than a meeting at the department;

NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

SECTION 1. Section 23.90.014 of the Seattle Municipal Code, which was last amended by Ordinance 113378, is further amended as follows:

23.90.014 REVIEW BY THE DIRECTOR

A. Any person significantly affected by or interested in a ((n))Notice of ((v))Violation issued by the Director pursuant to Section 23.90.006 may obtain a review of the notice

by requesting such review within fifteen (15) days after the service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five (5:00) p.m. on the next business day. The request shall be in writing, and upon receipt of the request, the Director shall notify any persons served the Notice of Violation and the complainant, if any, of the request for review and the deadline for submitting additional information ((date, time and place set)) for the review, which shall be ((not less than ten (10) nor more than)) within twenty (20) days after the request is received, unless otherwise agreed by all persons served with the ((n))Notice of ((v))Violation. Before the deadline for submission of information ((date set for the review)), any person significantly affected by or interested in the ((n))Notice of ((v))Violation (including any persons served the Notice of Violation and the complainant) may submit any additional information in the form of written material or oral comments to the Director for consideration as part of ((at)) the review.

B. The review will be made by ((consist of an informal review meeting held at