ORDINANCE 122396

AN ORDINANCE relating to weeds and vegetation enforcement, adding new Sections 10.52.031, 10.52.032, 10.52.033, 10.52.034, 10.52.035, 10.52.036, 10.52.037, 10.52.038, 10.52.041, 10.52.042, 10.52.051, and repealing Sections 10.52.050, 10.52.080 and 10.52.090.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. A new section 10.52.031 is added to the Seattle Municipal Code as follows:

10.52.031 – Citation

A. Citation. If after investigation the Director determines that the standards or requirements of provisions referenced in this Chapter have been violated, the Director may issue a citation. The citation shall include the following information:

1. The name and address of the person to whom the citation is issued;

2. A reasonable description of the location of the property on which the violation occurred;

3. A separate statement of each standard or requirement violated;

4. The date of the violation;

5. A statement that the person cited must respond to the citation within fifteen (15) days after service;

6. A space for entry of the applicable penalty;

7. A statement that a response must be received at the Office of Hearing Examiner not later than five p.m. on the date the response is due;

8. The name, address and phone number of the Office of Hearing Examiner where the citation is to be filed;

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9. A statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this chapter; and

10. A certified statement of the inspector issuing the citation, authorized by RCW 9A72.085, setting forth facts supporting issuance of the citation.

B. Service. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s). Service shall be complete at the time of personal service, or if mailed, on the date of mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property.

Section 2. A new section 10.52.032 is added to the Seattle Municipal Code as follows:

10.52.032 - Response to citations.

A. A person must respond to a citation in one (1) of the following ways:

1. Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation; or

2. Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing a mailing address to which notice of such hearing maybe sent; or

3. Requesting a contested hearing in writing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing a mailing address to which notice of such hearing may be sent.

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B. A response to a citation must be received by the Office of the Hearing Examiner no later than fifteen (15) days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until five p.m. on the next business day.

Section 3. A new section 10.52.033 is added to the Seattle Municipal Code as follows:

10.52.033 - Failure to respond.

If a person fails to respond to a citation within fifteen (15) days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.

Section 4. A new section 10.52.034 is added to the Seattle Municipal Code as follows:

10.52.034 Mitigation hearings.

A. Date and Notice. If a person requests a mitigation hearing, the mitigation hearing shall be held within thirty (30) days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing will be sent by first class mail to the address provided in the request for hearing not less than ten (10) days prior to the date of the hearing.

B. Procedure at Hearing. The Hearing Examiner shall hold an informal hearing, which shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from DPD may also be present and may present additional information, but attendance by a representative from DPD is not required.

C. Disposition. The Hearing Examiner shall determine whether the person's explanation justifies reduction of the monetary penalty; however, the monetary penalty may not be reduced

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unless DPD affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be considered in whether to reduce the penalty include whether the violation was caused by the act or neglect of another; or whether correction of the violation was commenced promptly prior to citation but that full compliance was prevented by a condition or circumstance beyond the control of the person cited.

D. Entry of Order. After hearing the explanation of the person cited and any other information presented at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation and assessing a monetary penalty in an amount determined pursuant to this section. The Hearing Examiner's decision is the final decision of the City on this matter.

Section 5. A new section 10.52.035 is added to the Seattle Municipal Code as follows:

10.52.035 - Contested case hearing.

A. Date and Notice. If a person requests a contested case hearing, the hearing shall be held within sixty (60) days after the written response to the citation requesting such hearing is received.

B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this section. The issues heard at the hearing shall be limited to those raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

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C. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

D. Amendment of Citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

E. Evidence at Hearing. The certified statement or declaration authorized by RCW 9A.72.085 to be submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under RCW 9A.72.085 and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under RCW 9A.72.085 shall also be admissible without further evidentiary foundation. The person cited may rebut the DPD evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

F. Disposition. If the citation is sustained at the hearing, the Hearing Examiner shall enter an order finding that the person cited committed the violation. If the violation remains uncorrected, the Hearing Examiner shall impose the applicable penalty. The Hearing Examiner may reduce the monetary penalty in accordance with the mitigation provisions in Section 10.52.034 if the violation has been corrected. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation.

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G. Appeal. The Hearing Examiner's decision is the final decision of the City. Any judicial review must be commenced within twenty-one (21) days of issuance of the Hearing Examiner's decision in accordance with RCW 36.70C.040.

Section 6. A new section 10.52.036 is added to the Seattle Municipal Code as follows:

10.52.036 - Failure to appear for hearing.

Failure to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

Section 7. A new section 10.52.037 is added to the Seattle Municipal Code as follows:

10.52.037 Penalties.

A. First Violation. The first time that a person or entity is found to have violated one of the provisions referenced in SMC 10.52.030 after the effective date of the ordinance codified in this chapter, the person or entity shall be subject to a penalty of One Hundred Fifty Dollars ($150).

B. Second and Subsequent Violations. Any subsequent time that a person or entity is found to have violated one (1) of the provisions referenced in Section 10.52.030 within a five (5)year period after the first violation, the person or entity shall be subject to a penalty of Five Hundred Dollars ($500) for each such violation.

Section 8. A new section 10.52.038 is added to the Seattle Municipal Code as follows:

10.52.038 - Each day a separate violation.

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Each day a person or entity violates or fails to comply with a provision of this Chapter may be considered a separate violation for which a citation may be issued.

Section 9. A new section 10.52.041 is added to the Seattle Municipal Code as follows:

10.52.041 - Abatement.

Any property on which there continues to be a violation of any of the provisions referenced in Section 10.52.030 after enforcement action taken pursuant to this chapter is hereby declared a nuisance. The Director is hereby authorized to summarily abate such violation. The costs of such abatement shall be collected from the owner in a manner authorized by law.

Section 10. A new section 10.52.042 is added to the Seattle Municipal Code as follows:

10.52.042 - Additional relief.

The Director may seek legal or equitable relief at any time to enjoin any acts or practices or abate any condition that violates the provisions referenced in this Chapter.

Section 12. A new Section 10.52.051 of the Seattle Municipal Code is adopted as follows:

10.52.051 Collection of penalties.

If the person cited fails to pay a penalty imposed pursuant to this chapter, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the judgment. Alternatively, the City may pursue collection in any other manner allowed by law.

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Section 13. Sections 10.52.050, 10.52.080, and 10.52.090 of the Seattle Municipal Code, which sections were adopted by Ordinance 114355, are hereby repealed.

Section 14. 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 14th day of May, 2006, and signed by me in open session in authentication of its passage this 14th day of May, 2006.

President _____ of the City Council

Approved by me this 23rd day of May, 2006.

Gregory J. Nickels, Mayor

Filed by me this 23 day of May, 2006.

City Clerk

(Seal)

ACTING CITY CLERK

Darby DuComb:
February 8, 2007
DPD Housing & Bldg Maint FISC.doc
Version #3

Form revised December 4, 2006

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Department of Planning and Development	Darby DuComb, 684-3781	Amanda Allen, 684-8894

Legislation Title: An ordinance relating to enforcement codes concerning habitable buildings, amending Sections 22.202.050, 22.206.160, 22.206.200, 22.206.220, 22.206.230, 22.206.280, 22.206.290, 22.208.030, 22.208.050, 22.208.150, 22.208.160 adding new Sections 22.206.235, 22.206.315, and repealing Sections 22.206.300, 22.206.310 and Ch. 22.207 of the Seattle Municipal Code.

Summary of the Legislation: This legislation authorizes administrative changes to the Housing and Building Maintenance Code (HBMC) to improve efficiencies, and increases the maximum fine that can be assessed for Code violations from $15 per day to up to $150 and then $500 per day after 10 days of noncompliance, and from $100 to $1,000 per day for emergency orders. It is one of three companion Bills intended to strengthen and align the Department of Planning and Development's (DPD's) Housing and Building Maintenance, Land Use, and Weeds and Vegetation Codes.

Background: The Housing and Building Maintenance Code requires the Department of Planning and Development (DPD) to record every Notice of Violation (NOV) it issues with the King County Recorder's Office at a cost of $32 for the first page and $1 for each subsequent page. The existing Code also requires that DPD notify responsible parties by certified mail at a cost of $4.25 plus postage. In 2006, DPD responded to 791 HBMC service requests, which resulted in 615 cases and 212 HBMC NOVs (almost a 30 % increase from the prior year). Greater efficiency will be achieved by removing the requirement to record every NOV with the County and notify violators by certified mail.

In addition to the administrative changes noted above, the legislation converts two categories of violations back to the notice of violation process. In 2006, DPD opened 54 HBMC citation cases, and nearly all of them were resolved along with other HBMC NOV violations. Only 2 cases resulted in a citation being issued separate from the NOV. This proposed bill will save on administrative processes, cost, and confusion while having no net effect on DPD or Law Department resources.

X_ **This legislation has nominal financial implications**. In addition, actual cost savings resulting from the administrative changes and increased maximum fine authorized by this legislation are projected to be nominal based on the small number of projected higher fines. Penalties will be deposited into the general fund, with 10 percent allocated to Parks. City of Seattle Charter, Article VIII, Section 15, and Article XI, Section 3.

Attachment A: Director's Report and Recommendation

2007 CITY CLERK

DIRECTOR'S REPORT AND RECOMMENDATION
Enforcement Ordinances

Introduction

The Department of Planning and Development (DPD) is proposing amendments to three of its enforcement codes:

1. Housing and Building Maintenance Code (HBMC);
2. Land Use Code;
3. Weeds and Vegetation Code.

These three bills are part of a coordinated effort to strengthen and improve DPD's Housing and Building Maintenance, Land Use, and Weeds and Vegetation enforcement and align them with other Seattle codes. Housing and Building Maintenance, Land Use, and Weeds and Vegetation enforcement is a vital service that helps protect the health and safety of Seattle's residents. The demand for this service is increasing as reflected in DPD's ever-growing caseloads. These reforms will bring efficiency to the process of gaining compliance with the City's regulations. In addition, these bills give DPD the option to obtain higher penalties, which are intended to be a more effective deterrent in DPD's more challenging cases.

Background

DPD's Code Compliance Division enforces a number of different Seattle codes: housing and building maintenance, land use (including shoreline and landmarks), weeds and vegetation, environmentally critical areas, tree protection, building, stormwater, grading and drainage control, and side sewer. Of the approximately 10,000 calls DPD receives annually, about 2,700 are complaints (service requests) about rental housing conditions, vacant buildings, land use violations, and vegetation overgrowth. When DPD verifies that a violation exists, it creates a case to track its actions and the outcome, and to notify the responsible party of the issue and needed resolution. DPD often allows an opportunity for informal compliance through the use of warnings, however, if DPD does not obtain prompt voluntary compliance, a Notice of Violation (NOV) or a citation is issued, depending on the specific violation. If the violation remains uncorrected, DPD ultimately initiates legal action to compel compliance.
For 2005 and 2006 DPD observed:

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2005 Enforcement Statistics				
Type	Service Requests	Cases	NOVs/Citations	Law Referrals
HBMC	605	498	166/4	30
Land Use	1359	1004	169/127	22
Weeds	936	592	63	1

2006 Enforcement Statistics				
Type	Service Requests	Cases	NOVs/Citations	Law Referrals
HBMC	791	615	212/4	36
Land Use	1563	1132	246/109	63
Weeds	922	693	36	3

The increase in HBMC and Land Use service requests (up 30% and 10% respectively) and NOVs (up 30% and 50% respectively) was quite significant for 2006.
Currently, several specific procedural code requirements create barriers to effective enforcement action. For example, DPD is required to record every Notice of Violation (NOV) with the King County Recorder's Office (current cost is $32 for the first page and $1 for each subsequent page) and mail all NOVs by certified mail to each responsible party (current cost is $4.25 an NOV, in addition to regular postage). The current process does not allow DPD to include additional violations in lawsuits against a single property owner when more violations are discovered at a later time.

These enforcement models were discontinued years ago in DPD's building code and similarly are no longer used by the Seattle Fire Department or Seattle Department of Transportation. Instead, those codes rely on the use of first-class mail, do not require that all notices be recorded, and provide for a strict liability alternative criminal provision. DPD seeks to strengthen and improve its Housing and Building Maintenance, Land Use, and Weeds and Vegetation codes by aligning them with other Seattle codes and increasing the penalties to provide more alternatives and greater deterrence in DPD's most challenging enforcement cases.

Analysis and Recommendations

Housing and Building Maintenance Code
The Housing and Building Maintenance Code sets minimum standards for Seattle's rental housing and vacant buildings. Historically, the Housing and Building Maintenance Code was enforced entirely by an NOV process, but in 1999, the City removed two violation categories (Minimum Fire and Safety Standards (SMC 22.206.130) and Minimum Security Standards (SMC 22.206.140)) out of the NOV process and created a citation procedure for those two distinct categories of violations. During these past several years DPD has observed that the two

CITY CLERK

different processes have resulted in much confusion and a somewhat less effective enforcement process. Invariably, whenever DPD observes a violation of the Minimum Fire and Safety Standards or Minimum Security Standards, DPD also observes violations of other provisions of the Housing and Building Maintenance Code. Thus, both an NOV and a citation are often required for a single housing unit or structure. This results in a duplication of effort and confuses the property owners who receive two different notices.

In 2006, DPD responded to 791 HBMC service requests, which resulted in 615 cases and 212 NOVs (up almost 30% from the prior year). The administrative work is doubled and private property owners become confused when they receive two different notices with two different response requirements and enforcement processes. And, these administrative and financial resources are better spent on other activities that support DPD's Code Compliance Program. As for penalties, the $15 a day cumulative civil penalty was enacted in 1987, an increase from the previous $3 enacted in 1978. With average monthly rents now exceeding $1,000 a month, the $15 a day penalty offers little incentive to comply. Therefore, it is appropriate to amend the penalty provision of the Housing and Building Maintenance Code, which has not been changed in 20 years.

The proposed Council Bill re-establishes the NOV process for all HBMC violations. It maintains individual notice of the NOV by using first-class mail instead of a certified mail requirement and makes optional whether DPD records the NOVs with the King County Recorder's Office. It also increases the options available to DPD and provides for more effective deterrence in its more challenging cases by increasing the cumulative civil penalty for violations of the Housing and Building Maintenance Code from $15 per unit a day to "up to $500" per unit a day ($1000 per day for emergency order violations), and toughens the criminal penalties. This would bring the HBMC in alignment with other Seattle enforcement processes.

Land Use Code

The Land Use Code regulates the use of property and sets minimum development standards for Seattle property. In 2006, DPD responded to 1563 Land Use service requests, which resulted in 1132 cases and 246 Land Use NOVs (almost a 50 % increase from the prior year). This proposed bill streamlines and simplifies the processing of NOVs by allowing the use of first-class mail for service of the NOV, making the recording of NOVs with King County optional, and allowing DPD to consolidate multiple violations against a single property owner into a single action as additional violations are discovered. It also increases the options available to DPD and provides for more effective deterrence in its more challenging cases by increasing the cumulative civil penalty from $75 per day to "up to $500" per day, and creating a strict liability alternative criminal provision.

Weeds and Vegetation Code

DPS CITY CLERK

The Weeds and Vegetation Code prevents private vegetation from encroaching on the public right-of-way. Historically, the Weeds and Vegetation Code was enforced by the King County Public Health Department, but several years ago responsibility for the enforcement of this code was transferred to DPD. The Seattle Department of Transportation regulates vegetation originating in the public right-of-way. Today, DPD responds to about 1,000 service requests a year, which results in about 700 cases, 40 NOVs, and 1-3 Law Department referrals. This proposed bill proposes a change in use of existing processes by implementing a citation process for these violations with a penalty of $150 for the first violation, $500 for a second violation, and a summary abatement procedure for continued noncompliance encroaching in the public-right-of-way.

Recommendations

The Director recommends approving the proposed Housing and Building Maintenance, Land Use, and Weeds and Vegetation Code amendments. This is a vital service that helps protect the health and safety of Seattle's residents, and the demand for this service is increasing. These reforms will bring efficiency to the process of gaining compliance with the City's regulations. In addition, this bill gives DPD the option to obtain higher penalties that are intended to be a more effective deterrent in DPD's more challenging cases. Adopting these proposals will help DPD to more strategically allocate its enforcement resources to the benefit of all of Seattle.

BTS CITY CLERK

City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 20, 2007

Honorable Nick Licata
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Licata:

I am transmitting the attached proposed Council Bill that is intended to strengthen and improve enforcement of the Weeds and Vegetation Code. This attached legislation is one of three companion Bills intended to strengthen and improve the Department of Planning and Development's (DPD's) enforcement of the Housing and Building Maintenance, Land Use, and Weeds and Vegetation Codes.

Enforcement of the Weeds and Vegetation Code is a vital service that helps protect the health and safety of Seattle's people, and the demand for this service is increasing as reflected in DPD's ever-growing caseloads. These important reforms will bring efficiency to the process of gaining compliance with the City's regulations. In summary, the proposed Council Bill would achieve the following:

- Simplifies enforcement by creating a citation process for violations which individuals may appeal to the Hearing Examiner;
- Establishes a fine of $150 for the first violation and $500 for the second violation; and
- For uncorrected violations creates a summary abatement procedure for violations in the public right-of-way;

Passage of this legislation will improve the quality of life in many of our neighborhoods by increasing compliance with the Weeds and Vegetation Code. Thank you for your consideration of this legislation. Should you have questions, please contact DPD Code Compliance Manager Darby N. DuComb at 684-3781

Sincerely,

GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4749
Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, Email: mayors.office@seattle.gov
An equal employment opportunity, affirmative action employer. Accommodations for people with disabilities provided upon request.

ACTING CITY CLERK

STATE OF WASHINGTON – KING COUNTY

--ss.

211833 No.

CITY OF SEATTLE,CLERKS OFFICE

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:122396 ORDINANCE

was published on

05/30/07

The amount of the fee charged for the foregoing publication is the sum of $ 432.45, which amount has been paid in full.

Subscribed and sworn to before me on

05/30/07

Notary public for the State of Washington,
residing in Seattle

JENNIFER A. PATZER
COMMISSION EXPIRES
NOTARY
PUBLIC
STATE OF WASHINGTON

City of Seattle

ORDINANCE 122396

AN ORDINANCE relating to weeds and vegetation enforcement, adding new Sections 10.52.031, 10.52.032, 10.52.033, 10.52.034, 10.52.035, 10.52.036, 10.52.037, 10.52.038, 10.52.041, 10.52.042, 10.52.051, and repealing Sections 10.52.050, 10.52.080 and 10.52.090.

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3. A separate statement of each standard or requirement violated;

4. The date of the violation;

5. A statement that the person cited must respond to the citation within fifteen (15) days after service;

6. A space for entry of the applicable penalty;

7. A statement that a response must be received at the Office of Hearing Examiner not later than five p.m. on the date the response is due;

8. The name, address and phone number of the Office of Hearing Examiner where the citation is to be filed;

9. A statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this chapter; and

10. A certified statement of the inspector issuing the citation, authorized by RCW 9A72.085, setting forth facts supporting issuance of the citation.

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State of Washington, King County

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B. Hearing. Contested case hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this section. The issues heard at the hearing shall be limited to those raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

C. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

D. Amendment of Citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

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Section 7. A new section 10.52.037 is added to the Seattle Municipal Code as follows:

10.52.037 Penalties.

A. First Violation. The first time that a person or entity is found to have violated one of the provisions referenced in SMC 10.52.030 after the effective date of the ordinance codified in this chapter, the person or entity shall be subject to a penalty of One Hundred Fifty Dollars ($150).

B. Second and Subsequent Violations. Any subsequent time that a person or entity is found to have violated one (1) of the provisions referenced in Section 10.52.030 within a five (5)year period after the first violation, the person or entity shall be subject to a penalty of Five Hundred Dollars ($500) for each such violation.

Section 8. A new section 10.52.038 is added to the Seattle Municipal Code as follows:

10.52.038 - Each day a separate violation.

Each day a person or entity violates or fails to comply with a provision of this Chapter may be considered a separate violation for which a citation may be issued.

Section 9. A new section 10.52.041 is added to the Seattle Municipal Code as follows:

10.52.041 - Abatement.

Any property on which there continues to be a violation of any of the provisions referenced in Section 10.52.030 after enforcement action taken pursuant to this chapter is hereby declared a nuisance. The Director is hereby authorized to summarily abate such violation. The costs of such abatement shall be collected from the owner in a manner authorized by law.

Section 10. A new section 10.52.042 is added to the Seattle Municipal Code as follows:

10.52.042 - Additional relief.

The Director may seek legal or equitable relief at any time to enjoin any acts or practices or abate any condition that violates the provisions referenced in this Chapter.

Section 12. A new Section 10.52.051 of the Seattle Municipal Code is adopted as follows:

10.52.051 Collection of penalties.

If the person cited fails to pay a penalty imposed pursuant to this chapter, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the judgment. Alternatively, the City may pursue collection in any other manner allowed by law.

Section 13. Sections 10.52.050, 10.52.080, and 10.52.090 of the Seattle Municipal Code, which sections were adopted by Ordinance 114355, are hereby repealed.

Section 14. 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 14th day of May, 2007, and signed by me in open session in authentication of its passage this 14th day of May, 2007.

Nick Licata

President of the City Council

Approved by me this 23rd day of May, 2007.

Gregory J. Nickels, Mayor

Filed by me this 23rd day of May, 2007.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN, City Clerk

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