

ORDINANCE No.

113978

COUNCIL BILL No.

106678

The City of

AN ORDINANCE relating to land use and zoning; amending Sections 23.42.010, 23.42.020, 23.44.040 and 23.45.010, and Chapter 23.90 of the Seattle Municipal Code relating to enforcement.

Honorable President:

Your Committee on

Land Use

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

COMPTROLLER FILE No.

Introduced: APR 11 1988	By: STREET
Referred: APR 11 1988	To:
Referred:	To:
Referred:	To:
Reported: MAY 31 1988	Second Reading: MAY 31 1988
Third Reading: MAY 31 1988	Signed: MAY 31 1988
Presented to Mayor: MAY 31 1988	Approved: JUN 9 1988
Returned to City Clerk: JUN 10 1988	Published:
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

OMB 5/31/88

VOTE

OK

Land Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

President:

Committee on

Land Use and Community Development

was referred the within Council Bill No. *106678*

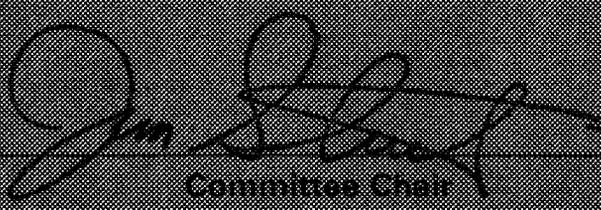
we have considered the same and respectfully recommend that the same:

Do pass

1-0

5/29/88

Vote 1-0


Committee Chair

SW:et
03/24/88
7:ORD2.1

4
C.B. 106678

ORDINANCE

113978

AN ORDINANCE relating to land use and zoning; amending Sections 23.42.010, 23.42.020, 23.44.040 and 23.45.010, and Chapter 23.90 of the Seattle Municipal Code relating to enforcement.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.42.010 of the Seattle Municipal Code, as last amended by Ordinance 110381, is hereby amended to read as follows:

23.42.010 Identification of Principal Permitted Uses

Principal uses not listed in the respective zones of Subtitle IV, Part 2 of (~~this~~) SMC Title 23, Land Use Code or of SMC Title 24, Zoning and Subdivisions, shall be prohibited in those zones. If a use is not identified in (~~this Part~~) Title 23 or in Title 24, the Director may determine that a proposed use is substantially similar to other uses permitted in the respective zones and should also be permitted.

Section 2. Section 23.42.020 of the Seattle Municipal Code, as last amended by Ordinance 110381, is hereby amended to read as follows:

23.42.020 Accessory Uses

A. Any accessory use not permitted by Title 23 or Title 24, either expressly or by the Director, shall be prohibited. The Director shall determine whether any accessory use on the lot is incidental to the principal use on the same lot, and shall also determine whether uses not listed as accessory uses are customarily incidental to a principal use.

1 ((~~Except when specifically stated, p~~)) Permitted uses
2 accessory to principal uses permitted outright shall
3 be permitted outright, and uses accessory to princi-
4 pal conditional uses shall be permitted as accessory
5 conditional uses ~~(-)~~, except when specifically
6 stated in Title 23 or in Title 24. Unless Title 23
7 or Title 24 expressly permits an accessory use as a
8 principal use, a use permitted only as an accessory
9 use shall not be permitted as a principal use.

10 ((Unless the Code expressly permits an accessory use
11 as a principal use, a use permitted only as an
12 accessory use shall not be permitted as a principal
13 use. The Director shall determine whether uses not
14 listed as accessory uses are customarily incidental
15 to a principal use, and shall also determine whether
16 any accessory use on the lot is incidental to the
17 principal use on the same lot.))

18 B. The general development standards for each zone shall
19 apply to accessory uses unless the general standards
20 are specifically modified.

21 Section 3. Section 23.44.040 of the Seattle Municipal
22 Code, as last amended by Ordinance 110381, is hereby amended
23 to read as follows:

24 23.44.040 General Provisions

25 Accessory uses customarily incidental to principal uses
26 permitted outright are permitted outright as provided below.

27 ((A. The general development standards for single
28 family zones, Section 23.44.008, apply to
accessory uses unless the general standards are
specifically modified.))

1 ((B-))A. All accessory uses and structures must be
2 located on the same lot as the principal use or
3 structure unless specifically modified in this
4 Section.

5 ((C-))B. Any use which is permitted because it is custo-
6 marily incidental to a principal use permitted
7 outright is also permitted as accessory to uses
8 permitted conditionally unless otherwise spe-
9 cified in this Section.

10 ((D-))C. Accessory conditional uses are subject to the
11 development standards for accessory uses per-
12 mitted outright unless otherwise specified in
13 this Section.

14 ((E-))D. Any accessory structure located in a required
15 yard shall be separated from its principal
16 structure by a minimum of five feet (5').

17 ((F-))E. Any accessory structure located in a required
18 yard shall not exceed twelve feet (12') in
19 height nor one thousand (1000) square feet in
20 area.

21 ((G-))F. On a reverse corner lot, no accessory structure
22 shall be located in that portion of the required
23 rear yard which abuts the required front yard of
24 the adjoining key lot, nor shall the accessory
25 structure be located closer than five feet (5')
26 from the key lot's side lot line unless the pro-
27 visions of Section 23.44.014D apply.

28
Section 4. Section 23.45.140 of the Seattle Municipal
Code, as last amended by Ordinance 110570, is hereby amended
to read as follows:

1 23.45.140 General Provisions

2 A. The accessory uses listed in this subchapter are
3 permitted in all multi-family zones unless
4 otherwise specified. In addition, other
5 accessory uses customarily incidental to prin-
6 cipal uses may be permitted, subject to the pro-
7 visions of Chapter 23.42, General Use
8 Provisions.

9 ~~((B.~~ Accessory uses shall be subject to the develop-
10 ment standards of the multi family zone in which
11 they are located unless the general standards
12 are specifically modified.))

13 ~~((C.))~~ B. Accessory structures shall be counted in struc-
14 ture width and depth if less than three feet
15 (3') from the principal structure at any point.
16 Such detached accessory structures shall have a
17 height limit of twelve feet (12').

18 Section 5. Chapter 23.90 of the Seattle Municipal Code is
19 hereby amended to read as follows:

20 23.90.002 Violations

21 A. It is a violation of ~~((this Land Use Code))~~
22 Title 23 for any person to ((use or cause to be
23 used)) initiate or maintain or cause to be ini-
24 tiated or maintained the use of any structure,
25 ~~((or))~~ land((,)) or property ((or to construct,
26 locate, or cause to be constructed or located
27 any structure)) within The City of Seattle
28 without first obtaining the permits or authori-
 zations required for the use by ((the)) Title

1 23, ((Land Use Code for the respective use,
2 location, or construction-)) or Title 24.

3 B. It is a violation of ((this Land Use Code))
4 Title 23 for any person ((to use or cause to be
5 used any structure or land, or)) to use,
6 construct, locate, demolish or cause to be used,
7 constructed, located, or demolished any struc-
8 ture, land or property within The City of
9 Seattle in any manner that is not permitted by
10 the terms of any permit or authorization issued
11 pursuant to ((this Land Use Code,)) Title 23 or
12 Title 24, provided that the terms or conditions
13 are explicitly stated on the permit or the
14 approved plans.

15 C. It is a violation of ((this Land Use Code))
16 Title 23 to remove or deface any sign, notice,
17 complaint or order required by or posted in
18 accordance with ((this Land Use Code.)) Title
19 23, Title 24, or Title 25.

20 D. It is a violation of ((this Land Use Code))
21 Title 23 to misrepresent any material fact in
22 any application, plans or other information
23 submitted to obtain any land use authorization.

24 E. It is a violation of Title 23 for anyone to fail
25 to comply with the requirements of Title 23 or
26 Title 24.

1 23.90.((000)004 Duty to Enforce

2 A. It shall be the duty of the Director to enforce ((the
3 Land Use Code)) Title 23. The Director may call upon
4 the police, fire, health or other appropriate City
5 departments to assist in enforcement. It shall be
6 the duty of the Director of the Engineering
7 Department to enforce Section 23.55.004, Signs
8 Projecting Over Public Rights-Of-Way.

9 B. Upon presentation of proper credentials, the Director
10 or duly authorized representative of the Director
11 may, with the consent of the owner or occupier of a
12 building or premises, or pursuant to a lawfully
13 issued inspection warrant, enter at reasonable times
14 any building or premises subject to the consent or
15 warrant to perform the duties imposed by the Land Use
16 Code.

17 C. The Land Use Code shall be enforced for the benefit
18 of the health, safety and welfare of the general
19 public, and not for the benefit of any particular
20 person or class of persons.

21 D. It is the intent of this Land Use Code to place the
22 obligation of complying with its requirements upon
23 the owner, ~~((or))~~ occupier or other person respon-
24 sible for the condition of the land and buildings
25 within the scope of this Code.

26 E. No provision of or term used in this Code is intended
27 to impose any duty upon the City or any of its offi-
28 cers or employees which would subject them to damages
 in a civil action.

1 23.90.((012))006 Investigation and Notice of Violation

2 A. The Director shall investigate any structure or use
3 which (~~in the Director's opinion, fails to~~) the
4 Director reasonably believes does not comply with the
5 standards and requirements of this Land Use Code.

6 B. If after investigation(~~s~~) the Director determines
7 that the standards or requirements have been
8 violated, the Director shall (~~have~~) serve a notice
9 of violation (~~served~~) upon the owner, tenant or
10 other person responsible for the condition. The
11 notice of violation shall (~~be served by personal~~
12 ~~service, registered mail or certified mail with~~
13 ~~return receipt requested addressed to the last known~~
14 ~~address of the owner, tenant or other person respon-~~
15 ~~sible. The notice of violation shall be posted at a~~
16 ~~conspicuous place on the property. It shall~~) state
17 separately each (~~violation of the~~) standard(~~s~~) or
18 requirement(~~s~~) violated, (and) shall state what
19 corrective action, if any, is necessary to comply
20 with the standards or requirements(~~r~~); and shall
21 set (A)a reasonable time for compliance. (shall
22 also be set and posted in the notice, together with
23 appeal procedures.) The notice shall state that any
24 subsequent violations may result in criminal prosecu-
25 tion as provided in Section 23.90.020. In the event
26 of violations of the standards or requirements of the
27 Greenbelt Overlay District, Chapter 23.70, or of the
28 Seattle Shoreline Master Program, Chapter 23.60, the
required corrective action shall include, if
appropriate, but shall not be limited to, mitigating

1 measures such as restoration of the area and replace-
2 ment of damaged or destroyed trees.

3 C. The notice ((of violation)) shall ((not)) be
4 ((amended by the Director to include additional
5 violations as a result of any reinspection for
6 compliance or other purpose except upon a clear
7 showing that the amendment is necessary to the pro-
8 tection of public safety, health and general welfare
9 and that any additional violation did not exist or
10 could not reasonably have been discovered at the time
11 of original inspection.)) served upon the owner,
12 tenant or other person responsible for the condition
13 by personal service, registered mail, or certified
14 mail with return receipt requested, addressed to the
15 last known address of such person. If, after a
16 reasonable search and reasonable efforts are made to
17 obtain service, the whereabouts of the person or per-
18 sons is unknown or service cannot be accomplished and
19 the Director makes an affidavit to that effect, then
20 service of the notice upon such person or persons may
21 be made by:

- 22 1. Publishing the notice once each week for two
23 consecutive weeks in the City Official Newspaper;
24 and
- 25 2. Mailing a copy of the notice to each person
26 named on the notice of violation by first class
27 mail to the last known address if known, or if
28 unknown, to the address of the property involved
in the proceedings.

1 D. A copy of the notice shall be posted at a conspicuous
2 place on the property, unless posting the notice is
3 not physically possible.

4 E. Nothing in this Section shall be deemed to limit or
5 preclude any action or proceeding pursuant to Section
6 23.90.010 or Section 23.90.012.

7 F. The Director may mail, or cause to be delivered to
8 all residential and/or nonresidential rental units in
9 the structure or post at a conspicuous place on the
10 property, a notice which informs each recipient or
11 resident about the notice of violation, Stop Work
12 Order or Emergency Order and the applicable require-
13 ments and procedures.

14 G. A notice or an Order may be amended at any time in
15 order to:

- 16 1. Correct clerical errors, or
- 17 2. Cite additional authority for a stated violation.

18 23.90.((014))008 Time to Comply

19 A. When calculating a reasonable time for compliance,
20 the Director shall ((take these criteria into
21 consideration:)) consider the following criteria:

22 ((A-))1. The type and degree of violation cited in
23 the notice;

24 ((B-))2. The stated intent, if any, of a responsible
25 party to take steps to comply ((if the intent has
26 been expressed to the Director));

27 ((C-))3. The procedural requirements for obtaining a
28 permit to carry out corrective action;

1 ((~~B~~))4. The complexity of the corrective action,
2 including seasonal considerations, construction
3 requirements and the legal prerogatives of
4 landlords and tenants; and

5 ((~~E~~))5. Any other circumstances beyond the control
6 of the responsible party.

7
8 B. Unless a request for ((hearing)) review before the
9 Director ((or Hearing Examiner)) is made in accor-
10 dance with Section 23.90.((~~016~~))014 ((or 23.90.018,))
11 the notice of violation shall become the final order
12 of the Director. A copy of the notice shall be filed
13 with the Department of Records and Elections of King
14 County. The Director may choose not to file a copy
15 of the notice or Order if the notice or Order is
16 directed only to a responsible person other than the
17 owner of the property.

18 ((23.90.016 Hearing Before the Director))

19 ((Any party affected by a notice of violation issued by
20 the Director may request in writing a hearing before the
21 Director for reconsideration of the notice. The request shall
22 be filed with the Director by five p.m. of the twentieth
23 calendar day following service of the notice. When the last
24 day of the period so computed is a Saturday, Sunday or federal
25 or City holiday, the period shall run until five p.m. on the
26 next business day. Upon receipt of a written request, the
27 Director shall notify the affected party and any other persons
28 served with a copy of the notice of violation of the time and
place set for the hearing. The hearing shall be held no
sooner than ten days nor more than thirty (30) days from

1 receipt of the written request. The Director shall conduct
2 the hearing according to rules adopted pursuant to the
3 Administrative Code, Chapter 3.02.

4 ((After the hearing, the Director, or authorized represen-
5 tative of the Director, shall issue a final order sustaining,
6 modifying or withdrawing the notice of violation based on
7 whether there has been compliance with the standards and
8 requirements of the Land Use Code. The final order shall be
9 served and posted in the same manner as the notice of
10 violation.))

11 ((23.90.018 Appeal to Hearing Examiner))

12 ((A. Any party affected by the final order may file a
13 written notice of appeal with the Hearing Examiner
14 stating in what respects the notice is erroneous and
15 the specific grounds upon which the party affected
16 relies for the reversal or modification of the order.
17 The appeal shall be filed with the Hearing Examiner
18 by five p.m. of the fourteenth calendar day following
19 issuance of the final order or notice of violation.
20 When the last day of the appeal period so computed is
21 a Saturday, Sunday, federal or City holiday, the
22 appeal period shall run until five p.m. on the next
23 business day. The notice of appeal shall be accom-
24 panied by a receipt showing payment by the appellant
25 of a filing fee as established in the Permit Fee
26 Ordinance, Chapter 22.900.))

27 ((B. Notice of the hearing shall be given not less than
28 twenty (20) days prior to the hearing. The Hearing
Examiner's decision shall be given within fourteen
(14) days after the hearing. The Hearing Examiner

1 may-affirm,-reverse-or-modify-the-Director's-notice,
2 provided,-that-the-Director's-final-order-shall-be
3 deemed-to-be-prima-facie-correct-and-the-burden-of
4 establishing-the-contrary-shall-be-upon-the
5 appellant-))

6 ((C--The-Hearing-Examiner's-written-decision-containing
7 findings-of-fact-and-conclusions-of-law-shall-be
8 mailed-to-the-parties-of-record---The-Hearing
9 Examiner's-decision-shall-be-the-final-City
10 decision-))

11 **23.90.010 Stop Work Order**

12 Whenever a continuing violation of this Code will
13 materially impair the Director's ability to secure
14 compliance with this Code, or when the continuing violation
15 threatens the health or safety of the public, the Director
16 may issue a Stop Work Order specifying the violation and
17 prohibiting any work or other activity at the site. A
18 failure to comply with a Stop Work Order shall constitute a
19 violation of this Land Use Code.

20 **23.90.012 Emergency Order**

21 Whenever any use or activity in violation of this Code
22 threatens the health and safety of the occupants of the
23 premises or any member of the public, the Director may
24 issue an Emergency Order directing that the use or activity
25 be discontinued and the condition causing the threat to the
26 public health and safety be corrected. The Emergency Order
27 shall specify the time for compliance and shall be posted
28 in a conspicuous place on the property, if posting is
physically possible. A failure to comply with an Emergency
Order shall constitute a violation of this Land Use Code.

1 Any condition described in the Emergency Order which is
2 not corrected within the time specified is hereby declared to
3 be a public nuisance and the Director is authorized to abate
4 such nuisance summarily by such means as may be available. The
5 cost of such abatement shall be recovered from the owner or
6 person responsible or both in the manner provided by law.

7 **23.90.014 Review by the Director**

8 A. Any person significantly affected by or interested in
9 a notice of violation issued by the Director pursuant
10 to Section 23.90.006 may obtain a review of the
11 notice by requesting such review within fifteen (15)
12 days after service of the notice. When the last day
13 of the period so computed is a Saturday, Sunday or
14 federal or City holiday, the period shall run until
15 five p.m. on the next business day. The request
16 shall be in writing, and upon receipt of the request,
17 the Director shall notify any persons served the
18 Notice of Violation and the complainant, if any, of
19 the date, time and place set for the review, which
20 shall be not less than ten (10) nor more than twenty
21 (20) days after the request is received, unless
22 otherwise agreed by all persons served with the
23 notice of violation. Before the date set for the
24 review, any person significantly affected by or
25 interested in the notice of violation may submit any
26 written material to the Director for consideration at
27 the review.

28 B. The review will consist of an informal review meeting
held at the Department. A representative of the
Director who is familiar with the case and the

1 applicable ordinances will attend. The Director's
2 representative will explain the reasons for the
3 Director's issuance of the notice and will listen to any
4 additional information presented by the persons
5 attending. At or after the review, the Director may:

- 6 1. Sustain the notice of violation;
- 7 2. Withdraw the notice of violation;
- 8 3. Continue the review to a date certain for
9 receipt of additional information; or
- 10 4. Modify the notice of violation, which may
11 include an extension of the compliance date.

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

20 23.90.((020))016 Extension of Compliance Date

21 ~~((An extension of time for compliance with a final order~~
22 ~~may be granted in writing by the Director upon receipt of a~~
23 ~~written request filed with the Director by any party affected~~
24 ~~not later than fifteen (15) days prior to the date set for~~
25 ~~compliance in the final order. The Director may without a~~
26 ~~written request grant an extension of time after finding that~~
27 ~~required actions have been started and that the work is~~
28 ~~progressing at a satisfactory rate.))~~

The Director may grant an extension of time for compliance
with any notice or Order, whether pending or final, upon the

1 Director's finding that substantial progress toward compliance
2 has been made and that the public will not be adversely affected
3 by the extension.

4 An extension of time may be revoked by the Director if it is
5 shown that the conditions at the time the extension was granted
6 have changed, the Director determines that a party is not
7 performing corrective actions as agreed, or if the extension
8 creates an adverse affect on the public. The date of revocation
9 shall then be considered as the compliance date. The procedures
10 for revocation, notification of parties, and appeal of the
11 revocation shall be established by Rule.

12 **23.90.((024))018 Civil Penalty**

- 13 A. In addition to any other sanction or remedial proce-
14 dure which may be available, any person violating or
15 failing to comply with any of the provisions of Title
16 23 ((a-final-order-issued-by-the-Director-or-Hearing
17 Examiner-under-this-chapter)) shall be subject to a
18 cumulative penalty in the amount of ((Twenty-five
19 Dollars-(\$25.00)) Seventy five Dollars (\$75.00) per
20 day for each violation from the date set for compliance
21 until the order is complied with. ((provided-that:))
22 ((1.-At-the-end-of-one-(1)-year-from-the-date-set-for
23 compliance-the-penalty-shall-increase-to-One
24 Hundred-Dollars-(\$100.00)-per-day-and-shall-be
25 increased-by-an-additional-One-Hundred-Dollars
26 (\$100.00)-per-day-for-each-succcessive-year:))
27 ((2.-For-violations-of-conditions-imposed-to-mitigate
28 the-negative-impacts-of-construction, the-penalty
shall-be-Five-Hundred-Dollars-(\$500.00)-for-each
violatien-and-for-each-day-of-continued-violatien
of-conditions:))

1 ((B. In addition to the penalties imposed by subsection A,
2 the penalty for violations of the Greenbelt Overlay
3 District standards and requirements shall be a fine
4 not to exceed One Thousand Dollars (\$1,000.00) per
occurrence.))

5 ((C.)) B. The penalty imposed by this section shall be
6 collected by civil action brought in the name of the
7 City. ((and commenced in the Municipal Court.)) The
8 Director shall notify the City Attorney in writing of
9 the name of any person subject to the penalty, ((and
10 the amount of the penalty)) and the City Attorney
11 shall, with the assistance of the Director, take
appropriate action to collect the penalty.

12 C. The violator may show as full or partial
13 mitigation of liability:

- 14 1. That the violation giving rise to the action was
15 caused by the willful act, or neglect, or abuse
16 of another; or
- 17 2. That correction of the violation was commenced
18 promptly upon receipt of notice thereof, but
19 that full compliance within the time specified
20 was prevented by inability to obtain necessary
21 materials or labor, inability to gain access to
22 the subject structure, or other condition or
23 circumstance beyond the control of the
24 defendant.

25 23.90.((028))020 Criminal Penalties

26 A. ((Anyone)) Any person violating or failing to comply
27 with any of the provisions of this Land Use Code and
28

1 who (~~within-the-past-five-years~~) has had a
2 judgment entered against (~~them~~) him or her
3 pursuant to section 23.90(~~024~~)018 or its
4 predecessors within the past five years shall be
5 subject to criminal prosecution and upon
6 conviction (~~thereof~~) of a subsequent violation
7 shall be fined in a sum not exceeding Five
8 (~~Hundred~~) Thousand Dollars (~~(\$500-00)~~)
9 (~~5,000.00~~) or be imprisoned in the City Jail for a
10 term not exceeding one year (~~hundred-eighty-(180)~~
11 ~~days~~) or (~~may~~) be both (~~se~~) fined and
12 imprisoned. Each day (~~that-any-one-shall-continue~~
13 ~~to-violate-or-fail-to-comply-with-any-of-the~~
14 ~~previsions~~) of noncompliance with any of the
15 provisions of this Land Use Code shall (~~be~~
16 ~~considered~~) constitute a separate offense.

15 B. A Criminal penalty, not to exceed five thousand
16 dollars (\$5,000.00) per occurrence, may be
17 imposed:

- 18 1. For violations of Section 23.90.002D;
- 19 2. For any other violation of this Code for
20 which corrective action is not possible;
- 21 3. For any wilfull, intentional, or bad faith
22 failure or refusal to comply with the
23 standards or requirements of this Code; and
- 24 4. For violations of the Greenbelt Overlay
25 District standards and requirements contained
26 in Chapter 23.70.

1 ((B. The following penalties are imposed under the state
2 platting statute, RCW Chapter 58.17.))

3 ((1. Any person, firm, corporation or association or
4 any agent of any person, firm, corporation or
5 association who violates any provision of
6 Subtitle III relating to the sale, offer for
7 sale, lease, or transfer of any lot, tract, or
8 parcel of land, shall be guilty of a gross mis-
9 demeanor and each sale, offer for sale, lease or
10 transfer of each separate lot, tract, or parcel
11 of land in violation of any provision of
12 Subtitle III, shall be deemed a separate and
13 distinct offense.))

14 ((2. Any person who violates any court order or
15 injunction issued pursuant to this subsection
16 shall be subject to a fine of not more than five
17 thousand dollars (\$5,000.00) or imprisonment for
18 not more than ninety (90) days or both.))

19 23.90.((030))022 Additional Relief

20 The Director may seek legal or equitable relief to enjoin
21 any acts or practices and abate any condition which consti-
22 tutes or will constitute a violation of this Land Use Code
23 when civil or criminal penalties are inadequate to effect
24 compliance.
25
26
27
28

(To be used for all Ordinances except Emergency.)

Section 6... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 31st day of May, 1988,
and signed by me in open session in authentication of its passage on the 31st day of May, 1988.

[Handwritten Signature]
President of the City Council.

Approved by me this 9th day of June, 1988.
[Handwritten Signature]
Mayor.

Filed by me this 10th day of June, 1988.

[Handwritten Signature]
Attest: City Comptroller and City Clerk.

(SEAL)

Published.....

By *[Handwritten Signature]*
Deputy Clerk.

1 who ((within the past five (5) years)) has had a
2 judgment entered against ((them)) him or her pursuant
3 to section 23.90((024))018 or its precedessors
4 within the past five years shall be subject to
5 criminal prosecution and upon conviction ((thereof))
6 of a subsequent violation shall be fined in a sum not
7 exceeding Five ((Hundred)) Thousand Dollars
8 (((\$500.00)) (\$5,000.00) or be imprisoned in the City
9 Jail for a term not exceeding one year ((hundred
10 eighty (180) days)) or ((may)) be both ((se)) fined
11 and imprisoned. Each day ((that any one shall con-
12 tinue to violate or fail to comply with any of the
13 provisions)) of noncompliance with any of the provi-
14 sions of this Land Use Code shall ((be considered))
15 constitute a separate offense.

16 B. A criminal penalty, not to exceed five thousand
17 dollars (\$5,000.00) per occurrence, may be imposed:

- 18 1. For violations of Section 23.90.002D or Section
19 23.90.002E;
- 20 2. For any other violation of this Code for which
21 corrective action is not possible;
- 22 3. For any wilfull, intentional, or bad faith
23 failure or refusal to comply with the standards
24 or requirements of this Code; and
- 25 4. For violations of the Greenbelt Overlay District
26 standards and requirements contained in Chapter
27 23.70.

1 Director's finding that substantial progress toward compliance
2 has been made and that the public will not be adversely
3 affected by the extension.

4 An extension of time may be revoked by the Director if it
5 is shown that the conditions at the time the extension was
6 granted have changed, the Director determines that a party is
7 not performing corrective actions as agreed, or if the exten-
8 sion creates an adverse affect on the public. The date of
9 revocation shall then be considered as the compliance date.
10 The procedures for revocation, notification of parties, and
11 appeal of the revocation shall be established by Rule.

12 23.90.((024))018 Civil Penalty

13 A. In addition to any other sanction or remedial proce-
14 dure which may be available, any person violating or
15 failing to comply with any of the provisions of Title
16 23 ((a final order issued by the Director or Hearing
17 Examiner under this chapter)) shall be subject to a
18 cumulative penalty in the amount of ((Twenty five
19 Dollars (\$25.00)) Fifty Dollars (\$50.00) per day for
20 each violation from the date set for compliance until
21 the order is complied with. ((provided that+))
22 ((1. At the end of one (1) year from the date set for
23 compliance the penalty shall increase to One
24 Hundred Dollars (\$100.00) per day and shall be
25 increased by an additional One Hundred Dollars
26 (\$100.00) per day for each successive year;))
27 ((2. For violations of conditions imposed to mitigate
28 the negative impacts of construction, the
penalty shall be Five Hundred Dollars (\$500.00)
for each violation and for each day of continued
violation of conditions-))

1 applicable ordinances will attend. The Director's
2 representative will explain the reasons for the
3 Director's issuance of the notice and will listen to
4 any additional information presented by the persons
5 attending. At or after the review, the Director may:

- 6 1. Sustain the notice of violation;
7 2. Withdraw the notice of violation;
8 3. Continue the review to a date certain for
9 receipt of additional information; or
10 4. Modify the notice of violation, which may
11 include an extension of the compliance date.

12 C. The Director shall issue an Order of the Director
13 containing the decision within thirty (30) days of
14 the date of the completion of the review and shall
15 cause the same to be mailed by regular first class
16 mail to the person or persons named on the notice of
17 violation, mailed to the complainant, if possible,
18 and filed with the Department of Records and
19 Elections of King County.

20 23.90.((020))016 Extension of Compliance Date

21 ((An extension of time for compliance with a final order
22 may be granted in writing by the Director upon receipt of a
23 written request filed with the Director by any party affected
24 not later than fifteen (15) days prior to the date set for
25 compliance in the final order. The Director may without a
26 written request grant an extension of time after finding that
27 required actions have been started and that the work is
28 progressing at a satisfactory rate.))

The Director may grant an extension of time for compliance
with any notice or Order, whether pending or final, upon the

1 Any condition described in the Emergency Order which is
2 not corrected within the time specified is hereby declared to
3 be a public nuisance and the Director is authorized to abate
4 such nuisance summarily by such means as may be available.
5 The cost of such abatement shall be recovered from the owner
6 or person responsible or both in the manner provided by law.

7 23.90.014 Review by the Director

8 A. Any person significantly affected by or interested in
9 a notice of violation issued by the Director pursuant
10 to Section 23.90.006 may obtain a review of the
11 notice by requesting such review within fifteen (15)
12 days after service of the notice. When the last day
13 of the period so computed is a Saturday, Sunday or
14 federal or City holiday, the period shall run until
15 five p.m. on the next business day. The request
16 shall be in writing, and upon receipt of the request,
17 the Director shall notify any persons served the
18 Notice of Violation and the complainant, if any, of
19 the date, time and place set for the review, which
20 shall be not less than ten (10) nor more than twenty
21 (20) days after the request is received, unless
22 otherwise agreed by all persons served with the
23 notice of violation. Before the date set for the
24 review, any person affected by the notice of viola-
25 tion may submit any written material to the Director
26 for consideration at the review.

27 B. The review will consist of an informal review meeting
28 held at the Department. A representative of the
Director who is familiar with the case and the

1 may affirm, reverse or modify the Director's notice;
2 provided, that the Director's final order shall be
3 deemed to be prima facie correct and the burden of
4 establishing the contrary shall be upon the
5 appellant.))

6 ((C. The Hearing Examiner's written decision containing
7 findings of fact and conclusions of law shall be
8 mailed to the parties of record. The Hearing
9 Examiner's decision shall be the final City
10 decision.))

11 23.90.010 Stop Work Order

12 Whenever a continuing violation of this Code will
13 materially impair the Director's ability to secure compliance
14 with this Code, or when the continuing violation threatens the
15 health or safety of the public, the Director may issue a Stop
16 Work Order prohibiting any work or other activity at the site.
17 A failure to comply with a Stop Work Order shall constitute a
18 violation of this Land Use Code.

19 23.90.012 Emergency Order

20 Whenever any use or activity in violation of this Code
21 threatens the health and safety of the occupants of the
22 premises or any member of the public, the Director may issue
23 an Emergency Order directing that the use or activity be
24 discontinued and the condition causing the threat to the
25 public health and safety be corrected. The Emergency Order
26 shall specify the time for compliance and shall be posted in a
27 conspicuous place on the property, if posting is physically
28 possible. A failure to comply with an Emergency Order shall
 constitute a violation of this Land Use Code.

City of Seattle

Executive Department-Office of Management and Budget

James P. Ritch, Director
Charles Royer, Mayor

March 1, 1988



OK - S.M.W.
3/30/88

The Honorable Douglas Jewett
City Attorney
City of Seattle

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING

DEPARTMENT: Department of Construction and Land Use

SUBJECT:

An ordinance relating to land use and zoning; amending Section 23.42.010, 23.42.020, 23.44.040 and 23.45.010, Chapter 23.90 of the Seattle Municipal Code relating to enforcement.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

After reviewing this request and drafting appropriate legislation:

- () File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- (X) Do not file with City Council, but return the proposed legislation to OMB for our review. Return to James P. Ritch.

Sincerely,

Charles Royer
Mayor

by

JAMES P. RITCH
Budget Director

JR/kw/cb

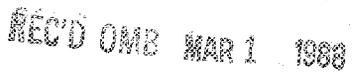
Enclosure

cc: Director, DCLU

Seattle
Department of Construction and Land Use

COPY RECEIVED
City of Seattle
Mayor

Team / White / OK Spill



MAR 04 1988

M E M O R A N D U M

898723

Douglas N. Jewett
CITY ATTORNEY

TO: Jim Street, Chair, Land Use and Community Development Committee
via Jim Ritch, Director, Office of Management and Budget

FROM: Holly Miller *Holly Miller*

DATE: February 18, 1988

SUBJECT: Amendments to the enforcement provisions of the Land Use Code,
CF 295328

Attached for your review and adoption is a proposed ordinance which would greatly improve the enforceability of the Land Use Code. Many minor changes in format and organization are also included.

Your Committee has been discussing these changes for some time, and held a hearing on the amendments on April 10, 1987. The attached ordinance reflects the changes made by the Committee to the Executive's proposal.

The implementation costs of this ordinance were described in a memo to the Council sent last year, which is attached for your information. The only change in the expected costs is that new code pages from the Book Publishing Company were not included in the estimate. The new pages will add approximately \$290 to the total, bringing it to \$5,030.

If you have any questions about the proposed ordinance, please call Mark Summers or Rebecca Herzfeld of my staff at 684-8880.

HM:rhs

attachment

May 31, 1988

Memo

To: Councilmembers

From: Frank Kirk *FK*

Subject: CF 295328, C.B. 106678

Amendments to enforcement provisions of the Land Use Code.

4
C.B. 106678

Introduction

The proposed amendments are intended to provide DCLU with better tools for timely and effective enforcement of the Land Use Code. They are aimed at three major problem areas, 1) the length of time the code's procedures allow violations to continue before the City can seek court action to compel compliance; 2) the inadequacy of the current penalties as deterrents to code violations; and 3) the complexity of appeal procedures. Thirty-seven amendments are proposed. Almost half of these are non-substantive changes such as clarification, editing, reformatting and repeal of replaced provisions. The remaining amendments involve new or revised procedures, new enforcement tools, and tougher penalties.

Highlights

1. The amendments reduce the time during which violations may continue after Notices of Violation have been issued in several ways:
 - a. Appeal periods are reduced by the elimination of the appeal to the Hearing Examiner, and by reducing the time consumed in appeals to the Director. These changes shave 67 days off the procedures available to violators which delay the beginning of enforcement action through the courts.
 - b. The amendments make it possible for DCLU to issue Stop Work and Emergency Orders in situations where the continuation of the violations threatens the health or safety of the public or would impair the ability to secure compliance. Either of these are immediately enforceable through court action. In addition to reducing compliance time, these enforcement tools will enable the Director to respond more effectively to situations such as the cutting of trees in greenbelt areas and illegal toxic waste dumps.
2. Tougher penalties can be imposed as a deterrent to violators and to delays in complying with Notices of Violation. The maximum penalty for civil violations has been increased from \$25 to \$75 per day per violation. Criminal penalties now apply to a wider range of violations and have been increased to maximums of \$5,000 fines and one year in jail, compared to the current maximum of \$500 fines and 180 days in jail. Each day of non-compliance constitutes a separate offense. Criminal penalties can be applied to repeat offenders, for willful failure to comply with the Code, and for violations such as clear-cutting in a greenbelt, and helicopter landings for which corrective action is impossible.
3. As noted above, the appeal to the Hearing Examiner has been eliminated. Procedures for appeals to the Director have been simplified and made less formal. Appellants do not need to be represented by attorneys. Those who are interested in the case may also submit written statements which will be considered by the hearing officer in reaching a decision.

Seattle
Department of Construction and Land Use



Holly Miller, Director
Charles Royer, Mayor

M E M O R A N D U M

January 8, 1987

To: Sam Smith, President, City Council
From: Holly Miller, Director *Holly Miller*
Re: Amendment to the enforcement
section of the Land Use Code

The Department of Construction and Land Use is proposing an amendment to the enforcement provisions of the Seattle Land Use Code. The amendment is being initiated in response to concerns raised by many groups and individuals in the city and by our own dissatisfaction with the code provisions. A copy of the amendment and the accompanying Director's Report is attached.

The amendment includes a number of changes which should greatly increase the enforceability of the Code. Major changes are proposed to the Notice of Violation and appeal procedures, and to the penalty schedule for certain violations of the Land Use Code. New enforcement tools such as Stop Work and Emergency Orders are also proposed. Many minor changes in format and organization are also included. The proposal has been reviewed by City Departments and the public. The comments that were received resulted in several changes to our original proposal.

Implementation Costs

The scope of this amendment is very limited. Consequently we do not anticipate any major costs associated with the new provisions. The proposal will create some additional enforcement costs, mainly because of the new Stop Work and Emergency Orders. However, the simplified appeal process is anticipated to save enforcement time, offsetting the increased costs.

Other costs associated with the implementation are estimated below. The costs are low because the training involves primarily only DCLU Housing and Zoning enforcement staff.

Smith Smith
January 8, 1986
Page 2

The training and procedure development will be done by the Code Compliance Coordinator and an Associate Land Use Specialist. A need for City-wide or public training is not anticipated.

Training and preparation	2,830
Procedure Development	1,560
New Code Page Preparation ¹	140
Follow-up Rules ²	<u>210</u>
Total Cost	<u>\$4,740</u>

¹ Includes \$50 for copying changes.

² If additional ones are necessary.
Two expected Rules are in the work-plan.

If you or the Council staff have any questions, please contact Land Use Specialist John Doan at 2781.

We are looking forward to working with the Council on this legislation.

JD:mr

Attachment

C-494-X

Affidavit of Publication

STATE OF WASHINGTON
KING COUNTY—SS.

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 _____
Ordinance No. 113978

was published on June 23, 1988

R. Spurgeon
Subscribed and sworn to before me on

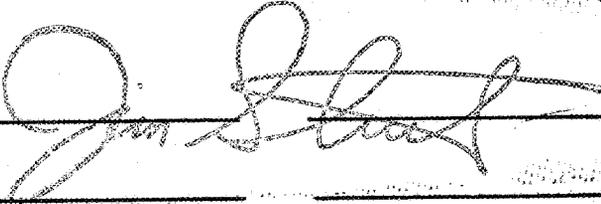
June 23, 1988

Barbara A. Samuel
Notary Public for the State of Washington,
residing in Seattle.

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:



FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

(6404)
622-1711
Seattle, Washington 98101 (206)
DELL, 2900 One Union Square
C/O FERGUSON & BUR
of Mildred C. Cole

(6603)
98101-1110
1902 IBM Building, Seattle, WA
BULLER, Attorneys at Law
COOK, BRIST, LANDREY &
LEONARD WHITELEY

E. Bellevue, WA 98004 (4612)
Center, 600 - 108th Avenue N
Estate, Suite 820 Honeywell
MOTT, J.H., Attorneys for
S. BY MICHAEL F. MEDER

City of Seattle

ORDINANCE 118778

AN ORDINANCE relating to land use and zoning; amending Sections 23.42.010, 23.44.020, 23.44.040 and 23.45.010, and Chapter 23.90 of the Seattle Municipal Code relating to enforcement.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.010 of the Seattle Municipal Code, as last amended by Ordinance 110381, is hereby amended to read as follows:

23.42.010 Identification of Principal Permitted Uses

Principal uses not listed in the respective zones of Subtitle IV, Part 2 of (this) SMC TITLE 23, Land Use Code or of SMC TITLE 24, ZONING AND SUBDIVISIONS, shall be prohibited in those zones. If a use is not identified in (this Part) TITLE 23 or in Title 24, the Director may determine that a proposed use is substantially similar to other uses permitted in the respective zones and should also be permitted.

Section 2. Section 23.44.020 of the Seattle Municipal Code, as last amended by Ordinance 110381, is hereby amended to read as follows:

23.42.020 Accessory Uses

A. ANY ACCESSORY USE NOT PERMITTED BY TITLE 23 OR TITLE 24, EITHER EXPRESSLY OR BY THE DIRECTOR, SHALL BE PROHIBITED. THE DIRECTOR SHALL DETERMINE WHETHER ANY ACCESSORY USE ON THE LOT IS INCIDENTAL TO THE PRINCIPAL USE ON THE SAME LOT, AND SHALL ALSO DETERMINE WHETHER USES NOT LISTED AS ACCESSORY USES ARE CUSTOMARILY INCIDENTAL TO A PRINCIPAL USE.

((Except when specifically stated, p) Permitted uses accessory to principal uses permitted outright shall be permitted outright, and uses accessory to principal conditional uses shall be permitted as accessory conditional uses. ((3) EXCEPT WHERE SPECIFICALLY STATED IN TITLE 23 OR IN TITLE 24, UNLESS TITLE 24 OR TITLE 24 EXPRESSLY PERMITS AN ACCESSORY USE AS A PRINCIPAL USE, USE PERMITTED ONLY AS AN ACCESSORY USE SHALL NOT BE PERMITTED AS A PRINCIPAL USE.

((Unless the Code expressly permits an accessory use as a principal use, a use permitted only as an accessory use shall not be permitted as a principal use. The Director shall determine whether uses not listed as accessory uses are customarily incidental to a principal use, and shall also determine whether any accessory use on the lot is incidental to the principal use on the same lot.)

B. THE GENERAL DEVELOPMENT STANDARDS FOR EACH ZONE SHALL APPLY TO ACCESSORY USES UNLESS THE GENERAL STANDARDS ARE SPECIFICALLY MODIFIED.

Section 3. Section 23.44.040 of the Seattle Municipal Code, as last amended by Ordinance 110381, is hereby amended to read as follows:

23.44.040 General Provisions

Accessory uses customarily incidental to principal uses permitted outright are permitted outright as provided below.

(A. The general development standards for single family zones, Section 23.44.040, apply to accessory uses unless the general standards are specifically modified.)

(B.) A. All accessory uses and structures must be located on the same lot as the principal use or structure unless specifically modified in this Section.

(C.) B. Any use which is permitted because it is customarily incidental to a principal use permitted outright is also permitted as accessory to uses permitted conditionally unless otherwise specified in this Section.

(D.) C. Accessory conditional uses are subject to the development standards for accessory uses permitted outright unless otherwise specified in this Section.

(E.) D. Any accessory structure located in a required yard shall be separated from its principal structure by a minimum of five feet (5').

(F.) E. Any accessory structure located in a required yard shall not exceed twelve feet (12') in height nor one thousand (1000) square feet in area.

damages in a civil action.
Investigation and Notice of Violation

A. The Director shall investigate any structure or use which, in the Director's opinion, fails to (a) THE DIRECTOR REASONABLY BELIEVES DOES NOT comply with the standards and requirements of this Land Use Code.

B. If after investigation(s) the Director determines that the standards or requirements have been violated, the Director shall (have) SERVED a notice of violation (served) upon the owner, tenant or other person responsible for the condition. A notice of violation shall (be served) by personal service, registered mail or certified mail with return receipt requested addressed to the last known address of the owner, tenant or other person responsible. The notice of violation shall be posted at a conspicuous place on the property. It shall state separately each (violation of the) standard(s) or requirement(s) VIOLATED (and) SHALL STATE what corrective action, if any, is necessary to comply with the standards or requirements (s); AND SHALL SET ((A) A reasonable time for compliance (shall also be set and posted in the notice, together with appeal procedures.) THE NOTICE SHALL STATE THAT ANY SUBSEQUENT VIOLATIONS MAY RESULT IN CRIMINAL PROSECUTION AS PROVIDED IN SECTION 23.90.020. IN THE EVENT OF VIOLATIONS OF THE STANDARDS OR REQUIREMENTS OF THE GREENBELT OVERLAY DISTRICT CHAPTER 23.70, OR OF THE SEATTLE SHORELINE MASTER PROGRAM CHAPTER 23.00, THE REQUIRED CORRECTIVE ACTION SHALL INCLUDE, IF APPROPRIATE, BUT SHALL NOT BE LIMITED TO, MITIGATING MEASURES SUCH AS RESTORATION OF THE AREA AND REPLACEMENT OF DAMAGED OR DESTROYED TREES.

C. The notice of violation(s) shall (also) be (served) by the Director to include additional violations as a result of any reinspection for compliance or other re-inspection except upon a clear showing that the amendment is necessary to the protection of public safety, health and general welfare and that any additional violation did not exist or could not reasonably have been discovered at the time of original inspection. SERVED UPON THE OWNER, TENANT OR OTHER PERSON RESPONSIBLE FOR THE CONDITION BY PERSONAL SERVICE, REGISTERED MAIL, OR CERTIFIED MAIL WITH RETURN RECEIPT REQUESTED, ADDRESSED TO THE LAST KNOWN ADDRESS OF SUCH PERSON. IF AFTER A REASONABLE SEARCH AND REASONABLE EFFORTS ARE MADE TO OBTAIN SERVICE, THE WHEREABOUTS OF THE PERSON OR PERSONS IS UNKNOWN OR SERVICE CANNOT BE ACCOMPLISHED AND THE DIRECTOR MAKES AN AFFIDAVIT TO THAT EFFECT, THEN SERVICE OF THE NOTICE UPON SUCH PERSON OR PERSONS MAY BE MADE BY:

1. PUBLISHING THE NOTICE ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS IN THE CITY OFFICIAL NEWSPAPER; AND

2. MAILING A COPY OF THE NOTICE TO EACH PERSON NAMED ON THE NOTICE OF VIOLATION BY FIRST CLASS MAIL TO THE LAST KNOWN ADDRESS IF KNOWN, OR IF UNKNOWN, TO THE ADDRESS OF THE PROPERTY INVOLVED IN THE PROCEEDINGS.

D. A COPY OF THE NOTICE SHALL BE POSTED AT A CONSPICUOUS PLACE ON THE PROPERTY UNLESS POSTING THE NOTICE IS NOT PHYSICALLY POSSIBLE.

E. NOTHING IN THIS SECTION SHALL BE DEEMED TO LIMIT OR PRECLUDE ANY ACTION OR PROCEEDING PURSUANT TO SECTION 23.90.010 OR SECTION 23.90.012.

F. THE DIRECTOR MAY MAIL, OR CAUSE TO BE DELIVERED TO ALL RESIDENTIAL AND/OR NONRESIDENTIAL RENTAL UNITS IN THE STRUCTURE OR POST AT A CONSPICUOUS PLACE ON THE PROPERTY, A NOTICE WHICH INFORMS EACH RECIPIENT OR RESIDENT ABOUT THE NOTICE OF VIOLATION, STOP WORK ORDER OR EMERGENCY ORDER AND THE APPLICABLE REQUIREMENTS AND PROCEDURES.

G. A NOTICE OR AN ORDER MAY BE AMENDED AT ANY TIME IN ORDER TO:

AND PROHIBITING ANY WORK OR OTHER ACTIVITY AT THE SITE A FAILURE TO COMPLY WITH A STOP WORK ORDER SHALL CONSTITUTE A VIOLATION OF THIS LAND USE CODE.

23.90.012 EMERGENCY ORDER

WHENEVER ANY USE OR ACTIVITY IN VIOLATION OF THIS CODE THREATENS THE HEALTH AND SAFETY OF THE OCCUPANTS OF THE PREMISES OR ANY MEMBER OF THE PUBLIC, THE DIRECTOR MAY ISSUE AN EMERGENCY ORDER DIRECTING THAT THE USE OR ACTIVITY BE DISCONTINUED AND THE CONDITION CAUSING THE THREAT TO THE PUBLIC HEALTH AND SAFETY BE CORRECTED. THE EMERGENCY ORDER SHALL SPECIFY THE TIME FOR COMPLIANCE AND SHALL BE POSTED IN A CONSPICUOUS PLACE ON THE PROPERTY. IF POSTING IS PHYSICALLY POSSIBLE A FAILURE TO COMPLY WITH AN EMERGENCY ORDER SHALL CONSTITUTE A VIOLATION OF THIS LAND USE CODE.

ANY CONDITION DESCRIBED IN THE EMERGENCY ORDER WHICH IS NOT CORRECTED WITHIN THE TIME SPECIFIED IS HEREBY DECLARED TO BE A PUBLIC NUISANCE AND THE DIRECTOR IS AUTHORIZED TO ABATE SUCH NUISANCE. SUMMARILY BY SUCH MEANS AS MAY BE AVAILABLE THE COST OF SUCH ABATEMENT SHALL BE RECOVERED FROM THE OWNER OR PERSON RESPONSIBLE OR BOTH IN THE MANNER PROVIDED BY LAW.

23.90.014 REVIEW BY THE DIRECTOR

A. ANY PERSON SIGNIFICANTLY AFFECTED BY OR INTERESTED IN A NOTICE OF VIOLATION ISSUED BY THE DIRECTOR PURSUANT TO SECTION 23.90.005 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 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 DATE, TIME AND PLACE SET FOR THE REVIEW, WHICH SHALL BE NOT LESS THAN TEN (10) NOR MORE THAN TWENTY (20) DAYS AFTER THE REQUEST IS RECEIVED, UNLESS OTHERWISE AGREED BY ALL PERSONS SERVED WITH THE NOTICE OF VIOLATION BEFORE THE DATE SET FOR THE REVIEW. ANY PERSON SIGNIFICANTLY AFFECTED BY OR INTERESTED IN THE NOTICE OF VIOLATION MAY SUBMIT ANY WRITTEN MATERIAL TO THE DIRECTOR FOR CONSIDERATION AT THE REVIEW.

B. THE REVIEW WILL CONSIST OF AN INFORMAL REVIEW MEETING HELD AT THE DEPARTMENT, 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 ADDITIONAL INFORMATION PRESENTED BY THE PERSONS ATTENDING, AT OR AFTER THE REVIEW, THE DIRECTOR MAY:

- 1. SUSTAIN THE NOTICE OF VIOLATION;
- 2. WITHDRAW THE NOTICE OF VIOLATION;
- 3. CONTINUE THE REVIEW TO A DATE CERTAIN FOR RECEIPT OF ADDITIONAL INFORMATION; OR
- 4. MODIFY THE NOTICE OF 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,

shall (be considered) CONSTITUTE a separate offense.

B. A CRIMINAL PENALTY, NOT TO EXCEED FIVE THOUSAND DOLLARS (\$5,000.00) PER OCCURRENCE, MAY BE IMPOSED:

- 1. FOR VIOLATIONS OF SECTION 23.90.002D;
- 2. FOR ANY OTHER VIOLATION OF THIS CODE FOR WHICH CORRECTIVE ACTION IS NOT POSSIBLE;
- 3. FOR ANY WILLFUL, INTENTIONAL OR BAD FAITH FAILURE OR REFUSAL TO COMPLY WITH THE STANDARDS OR REQUIREMENTS OF THIS CODE; and
- 4. FOR VIOLATIONS OF THE GREENBELT OVERLAY DISTRICT STANDARDS AND REQUIREMENTS CONTAINED IN CHAPTER 23.70.

((B. The following penalties are imposed under the state plating statute, RCW Chapter 46.17.)

((Any person, firm, corporation or association or any agent or any person, firm, corporation or association who violates any provision of Subtitle III relating to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of land in violation of any provision of Subtitle III, shall be deemed a separate and distinct offense.)

((2. Any person who violates any court order or injunction issued pursuant to this subsection shall be subject to a fine of not more than five thousand dollars (\$5,000.00) or imprisonment for not more than ninety (90) days or both.)

23.90.018(022) Additional Relief

The Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this Land Use Code when civil or criminal penalties are inadequate to effect compliance.

Section 6. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 31st day of May 1988, and signed by me in open session in authentication of its passage this 31st day of May, 1988.

SAM SMITH
President of the City Council.
Approved by me this 9th day of June, 1988.
CHARLES ROYER
Mayor.
Filed by me this 10th day of June, 1988.
Attest: NORWARD J. BROOKS,
City Controller and City Clerk.
(Seal) BY MARGARET CARTER,
Deputy Clerk.
Publication ordered by NORWARD J. BROOKS, Comptroller & City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, June 23, 1988.
(C-494-X)