

ORDINANCE NO. 2159
AN ORDINANCE OF THE CITY OF RITZVILLE, WASHINGTON AMENDING
CHAPTER 3.36 NUISANCES OF THE RITZVILLE CITY CODE.

WHEREAS, there is a need for amendment to Chapter 3.36 Nuisances of the Ritzville City Code to update abatement processes; and

WHEREAS, information in the ordinance was not current, and the abatement process was unclear and cumbersome; and

NOW THEREFORE, the City Council of the City of Ritzville does ordain as follows:

Section 1. Ritzville City Ordinance 1021, 1092, and 2006 Chapter 3.36 of the Ritzville City Code, together with all ordinances or parts thereof from which said code originated, are hereby amended as follows:

Sections:

3.36.010 Purpose.

3.36.020 Definitions.

3.36.030 Types designated.

3.36.040 Abatement – Notice Requirements.

3.36.050 Failure to abate – ~~Abatement by city.~~ City's Administrative Authority to Abate.

3.36.060 Abatement – ~~Resolution method.~~ Voluntary Abatement by Property Owner or Responsible Party.

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~~3.36.100 Unlawful acts.~~ Violation – Declared infraction.

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3.36.010 Purpose.

The purpose of this chapter is to define and declare what constitutes a nuisance within the city and to provide for its abatement to prevent and prohibit those unsightly and/or unsanitary conditions which reduce the value of private property, interfere with the enjoyment of public and private property, create and constitute fire and other safety and health hazards, and generally create a menace to the health and welfare of the public and contribute to the degradation of the character of neighborhoods and depreciation of property values; and further providing penalties for the violation of this chapter. (Ord. 1021 § 2, 2001; Ord. 608 Art. 1, 1977).

3.36.020 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

- A. “Abate” means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means, in such a manner and to such an extent as the enforcement officer, in his judgment, determines is necessary in the interest of the general health, safety and welfare of the community, and to ensure conformity with applicable nuisance ordinance requirements.
- B. “Building materials” means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.
- C. “Enforcement officer” means the chief of police or any alternate designated by him or her.
- D. “Premises” means any building, lot parcel, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
- E. “Responsible person” means any agent, lessee or other person occupying or having charge or control of any premises, except the owner.
- F. “City property” means streets, alleys, sidewalks and associated rights-of-way owned by the city of Ritzville. (Ord. 1021 § 3, 2001; Ord. 608 Art. 2, 1977).

3.36.030 Types designated.

Each of the following conditions, unless otherwise permitted by law, are declared to be unlawful public nuisances ~~is declared to constitute a public nuisance~~ and, whenever the enforcement officer determines that any of these conditions exist upon any premises or in any drainage way, the officer may require or provide for the abatement thereof pursuant to this chapter:

- A. The existence of any weeds, trash, dirt, filth, the carcass of any animal, waste, shrubs, accumulation of lawn or yard trimmings, or other offensive matter;
- B. The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof;
- C. The existence of any tree, shrub or foliage, unless by consent of the city, which is apt to destroy, impair, interfere or restrict the following:
 - 1. Streets, sidewalks, sewers, utilities or other public improvements,
 - 2. Visibility on, free use of, or access to such improvements;
- D. The existence of any vines or climbing plants growing into or over any street tree or any public hydrant, pole or electrolier; or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;
- E. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard;
- F. The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair and in a condition to endanger persons or property, or in a condition to interfere with the public convenience in the use of such sidewalk;
- G. The existence of caterpillar infestation;
- H. The burning or disposal of ~~yardwork, garden waste, refuse, sawdust yard and garden waste only in a 3 feet by 3 feet by 4 feet or any other material without a permit or not in such an area designated area for such material;~~
- I. The existence of any obstruction to a street, alley, crossing or sidewalk, and any

excavation in or under any street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished and for an unreasonable length of time;

1. A) Parking lots

- i. No person, firm, company or Corporation, nor the agent, representative or Employee of any person, firm, company or corporation, shall plow or otherwise clear a parking lot of snow and ice and thereafter place, throw or deposit that snow or ice on any street, alley or sidewalk.

B) Sidewalks

1) Accumulations of Snow and ice on public sidewalks within the City of Ritzville are detrimental to public health, convenience, safety and welfare of the citizens of the city and to visitors of the city. It is reasonable and necessary that persons owning, occupying, or having charge of premises or property adjacent to sidewalks make reasonable efforts to clear the sidewalks which they control of snow and ice in a prudent fashion so that those public rights-of-way remain accessible and safe for their intended use. This section is for the benefit of the general public and no specific duty to a particular persons is created hereby.

2) It shall be the duty of the owner, occupant, or person having charge of any building, residence, premises, or real property located within the city adjacent to or fronting upon any public sidewalk to remove or cause to be removed, within 24 hours everyday after snowfall, snow and ice from said sidewalks

4.J. The erecting, maintaining, using, placing, depositing, leaving, or permitting to be or remaining in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

1. Any putrid, unhealthy or unwholesome bones, meat, hides or skins; or the whole or any part of any dead animal, fish or fowl; or waste parts of fish, vegetable or animal matter in any quantity; but nothing in this subdivision shall prevent the temporary retention of waste in approved covered receptacles,

2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous,
3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises,
4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city,
5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, whether growing or otherwise; but nothing in this subdivision shall prevent the temporary retention of such weeds in approved covered receptacles, as determined by the Adams County Weed Board,
6. Any bottles, cans, glass, ashes, small pieces of scrap iron, wire, metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all such trash or abandoned material, unless it is kept in approved covered bins or galvanized iron receptacles,
7. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;

J.K. The depositing or burning or causing to be deposited or burned in any street, alley, sidewalk, park, parkway, or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or materials;

K.L. The storage or keeping on any premises for more than 30 days of any used or unused building material, as defined in RCC 3.36.020(B), whose retail cost new would exceed ~~\$100.00~~ \$500.00, without a special permit from the building official; provided, that nothing in this subsection shall do the following:

1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion,
2. Prohibit such storage without a permit upon the premises of a bona fide lumberyard, or dealer in building materials or other commercial enterprise, when the same is permitted under the zoning ordinance and other applicable laws,
3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws;

L.M. The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition;

M.N. The existence on any premises of any unused or abandoned or junk trailer, house trailer, automobile, boat, or other vehicle or major parts thereof on city right-of-way or private property. A junk vehicle, boat or other vehicle is a vehicle, boat or other vehicle certified under RCW [46.55.230](#), and all changes made by reference thereto, as meeting at least three of the following requirements:

1. Is three years old or older;
2. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, or missing wheels, tires, motor or transmission;
3. Is apparently inoperable;
4. Has an approximate fair market value equal only to the approximate value of the scrap in it.

Exception: "Project" cars may exist on private property as long as obvious monthly progression in its restoration is being made. In no case will a project car be allowed to remain on private property inoperable for more than one year. No project cars may remain on city property for any length of time. Additionally, "junk vehicle" does not include:

i. A vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

ii. A vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW [46.80.130](#).

O. The existence on any premises of any abandoned or unused well, cistern or storage tank without first demolishing or removing from the city such storage tank, or securely closing and barring any entrance or trapdoor thereto, or without filling any well or cistern or capping the same with sufficient security to prevent access thereto by children;

P. The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, refrigerator or other large appliance;

Q. The existence of any drainage onto or over any sidewalk or public pedestrian way;

R. Appliances or parts thereof;

S. All places not properly fenced which are used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors, boats, or machinery of any kind, or for the storing or leaving of any machinery or equipment used by contractors, builders, or other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others. Properly fenced shall mean sight-obscuring fence kept in good condition and shall meet zoning requirements of RCC Title [11](#) and Chapter [11.115](#) RCC. (Ord. 2006 § 1, 2006; Ord. 1021 § 4, 2001; Ord. 608 Art. 3, 1977).

3.36.040 Abatement – Notice Requirements.

After the enforcement officer has evidence that a public nuisance exists, the enforcement officer will relay such evidence to the City Clerk who ~~An enforcement officer appointed by the mayor having knowledge of any public nuisance,~~ shall cause any owner or other responsible person to be notified of the existence of a public nuisance on any premises, shall direct the owner or other responsible person to abate the condition within ten (10)

days of the date on the Notice, and shall set a Show Cause hearing for the owner or responsible party in front of City Council should the nuisance not be abated within the ten (10) day time period. This Notice shall be personally served or sent by regular mail to the last known address. This Notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

TO: (Name and address of person notified)

As the property owner or responsible party of ~~owner, agent, lessee or other person occupying or having charge or control of the building, lots or premises at _____~~ [insert address or sufficient description] you are hereby notified that the undersigned pursuant to Ordinance No. _____ has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of sub-section ____ of Article III [insert nuisance condition].

Abatement is to be accomplished in the following manner: [insert manner of abatement]

You are hereby notified to abate said nuisance condition to the satisfaction of the undersigned within ten (10) days of the date of this Notice. If you do not voluntarily abate such condition within the time period provided above, you will be required to appear in front of City Council at a Show Cause hearing set for [insert date of hearing] at [insert time of hearing] at [insert location of hearing], in which the City will decide whether or not to administratively abate the condition at your expense in accordance with RCC 3.36.085.

You shall have seven (7) days from the date of the Show Cause hearing to appeal the City Council's decision to the superior or district court. You must notify City Council within this time period if you choose to appeal its decision to the court. If you do not appeal the decision or notify City Council of your appeal within the seven (7) day time period, the City may proceed with administrative abatement of the nuisance if authorized by City Council at the Show Cause hearing.

Such expenses of administrative abatement may be recovered by levying a special assessment against your property estimated in the amount of the abatement expense in accordance with this Chapter.

If this Notice is being sent in regards to a junk vehicle and the City has been authorized to proceed with administrative abatement, the vehicle will be removed and the costs assessed against the registered owner if the identity of the owner can be determined, unless the owner in the transfer in ownership of the vehicle has complied with RCW 46.12.101, or the costs may be assessed against the owner of the property on which the vehicle is stored in accordance with RCC 3.36.085.

DATED: _____

Mayor

3.36.050 Failure to abate – ~~Abatement by city. City’s Administrative Authority to Abate.~~ In all cases where the ~~enforcement officer~~ City has determined to proceed with abatement, ten (10) days after giving the date on the Notice, the City shall acquire jurisdiction to abate the condition at the person’s expense as provided in this section. The City Clerk is authorized to enforce this chapter and take appropriate abatement procedures, after show cause hearing as per RCC 3.36.070.; ~~Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such of the persons who has been given notice as provided in RCC 3.36.040. The debt shall be collectible in the same manner as any other civil debt owing to the city. (Ord. 608 Art. 7, 1977).~~

3.36.060 Abatement – ~~Resolution method. Voluntary Abatement by Property Owner or Responsible Party~~

A. ~~Abatement–~~ Notice. Upon the discovery of a nuisance by the enforcement officer that is not an emergency, the ~~city~~ enforcement officer shall inform the City Clerk who shall order the property owner or responsible party to voluntarily abate the nuisance within ten (10) days of the date on the Notice. The order shall follow the Notice requirements provided in RCC 3.36.040. ~~provide said land owner or other person owning, creating, keeping, maintaining or permitting the same at least 20 days to abate the nuisance. The order shall be served personally, or by first class mail, and shall describe with particularity the nature of the violation, the sections of the code or other laws which are being violated, and a description of the land where the nuisance is located.~~

B. If and when a property owner or other responsible person undertakes to abate any condition described in this chapter, whether by order of the City Clerk or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions.

C. Nothing in this chapter shall relieve any property owner or other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement. (Ord. 608 Art. 9, 1977).

~~B. Show Cause Hearing. Upon default of said land owner and/or other person owning, creating, keeping, maintaining or permitting the same to timely abate the nuisance as set forth in subsection (A) of this section, the city council shall then order a show cause hearing on the issue of why the city council should not adopt a resolution ordering the abatement of the nuisance on behalf of the city with the costs thereof to be charged against said land owner or other person owning, creating, keeping, maintaining or permitting the same and becoming a lien against the property. At least 10 days before the show cause hearing, the city shall notify the land owner of the land where the nuisance is located, as shown on the last equalized assessment rolls, and/or other person owning, creating, keeping, or maintaining or permitting the same of the city's intent to adopt such a resolution. The notice shall be served personally or by first class mail with a five-day return receipt requested, and shall state the date and time and place of the show cause hearing and shall describe with particularity the nature of the violation, the sections of the city code or other laws which are being violated and a description of the land upon which the nuisance is located.~~

~~C. Resolution. Upon default of said land owner or other person owning, creating, keeping, maintaining or permitting the same to timely abate the nuisance, or to show cause why said resolution should not be adopted, the city may adopt said resolution ordering that the nuisance shall be abated by the city or its designee with the costs of said abatement being charged against the said land owner or other person owning, creating, keeping, maintaining or permitting the same, and the cost thereof shall become a lien upon the land, which lien may be filed and foreclosed upon in the same time and in the same manner as provided by law for liens for labor and materials.~~

~~D. In addition to the procedures outlined above, the city may, at any time, petition the superior court of Adams County for an order of abatement of the nuisance on such terms and conditions as may be just and equitable. (Ord. 2006 § 2, 2006; Ord. 608 Art. 8, 1977).~~

3.36.065 Abatement – Junk vehicles.

~~A. The chief of police or the Ritzville city council may order the removal of junk motor~~

~~vehicles or parts thereof along with other incidental machinery, scrap and parts from public or private property if it constitutes a nuisance as defined herein or is maintained in violation of the city's zoning ordinance.~~

~~B. If the city finds the junk vehicle or parts thereof to be a nuisance or maintained in violation of the zoning ordinance, it shall send the owner of the land as shown on the last equalized assessment roll and the last registered and legal owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership, a notice of the violation. The notice must inform the owners that they are entitled to a hearing on the issue of the abatement of the junk vehicle. The notice must specify that if no request for a hearing is received within 20 days of the date of the notice, the vehicle will be removed and the costs assessed against the registered owner if the identity of the owner can be determined, unless the owner in the transfer in ownership of the vehicle has complied with [RCW 46.12.101](#), or the costs may be assessed against the owner of the property on which the vehicle is stored and shall become a lien against the property upon which the vehicle is located.~~

~~C. If any request for a hearing is timely received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or parts thereof as a public nuisance shall be personally served or mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and the last registered and legal owner of record, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notice shall also state that the owner of the land may appear in person at the hearing or present a written statement in time for consideration at the hearing denying responsibility for the presence of the vehicle, or parts thereof, on the land, with his reasons for the denial.~~

~~D. The costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located and the owner of land shall not be held liable for said costs if it is determined at the hearing that the vehicle or parts thereof were placed on his land without his consent and he has not subsequently acquiesced in their presence.~~

~~E. After notice has been given of the intent of the city to dispose of the junk vehicle and after a hearing, if requested, has been held, the vehicle or parts thereof found to be a~~

~~nuisance or maintained in violation of the city code shall be removed at the request of a law enforcement officer with notice to the WSP and Department of Licensing that the vehicle has been wrecked. Except as otherwise provided herein, the costs of administration and removal shall be assessed against the registered owner of the vehicle, the owner of the land upon which the vehicle is located and shall become a lien upon the land, which lien shall be filed and foreclosed upon in the same time and in the same manner as provided by law for liens for labor and materials. The vehicle may be impounded and/or turned over to a registered disposer. (Ord. 2006 § 3, 2006).~~

3.36.070 Abatement – By owner – Conditions. Administrative Abatement by City.

~~A. If and when an owner or other responsible person undertakes to abate any condition described in this chapter, whether by order of the enforcement officer or otherwise, all needful and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. If no voluntary abatement was conducted by the property owner or other responsible party who received the Notice within the ten (10) day time period provided in the Notice, the City Clerk shall proceed with the Show Cause hearing with City Council on the issue of why the City Council should not adopt a resolution ordering the abatement of the nuisance on behalf of the city with the costs thereof to be charged against said land owner or other person owning, creating, keeping, maintaining or permitting the same and becoming a lien against the property~~

~~B. Show Cause Hearing- At the Show Cause hearing before City Council, the property owner or responsible party may introduce evidence to show that there is no violation of this chapter, or that the City's conditions or timeline as to compliance is unreasonable, or that they are not responsible under the terms of this chapter to abate such nuisance. The City Clerk may introduce evidence that there is a violation of this chapter, that the timeline is reasonable, and to rebut any other evidence. Each party may call witnesses. Technical rules of evidence need not be followed. The burden of proof shall be upon the property owner or responsible party to show that there was no violation as claimed and that the time given for voluntary abatement and the method or extent of compliance are unreasonable.~~

~~C. After receiving evidence and arguments from both sides, the City Council shall enter a decision at the hearing to either (1) authorize the City Clerk to proceed with the administrative abatement procedures to abate the public nuisance violation, which shall~~

include the passing of a resolution or (2) the City Council shall direct the City Clerk to not proceed if they find that there is no public nuisance violation or the City has not proceeded according to this chapter.

D. Resolution. Upon default of said land owner or other person owning, creating, keeping, maintaining or permitting the same to timely abate the nuisance, or to show cause why said resolution should not be adopted, the city may adopt said resolution ordering that the nuisance shall be abated by the city or its designee with the costs of said abatement being charged against the said land owner or other person owning, creating, keeping, maintaining or permitting the same, and the cost thereof shall become a lien upon the land, which lien may be filed and foreclosed upon in the same time and in the same manner as provided by law for liens for labor and materials.

The City Council shall finalize a resolution in accordance with the decision entered at the Show Cause hearing and shall mail a copy of the resolution to the owner or responsible person within three (3) business days after the hearing. The owner or responsible person shall have seven (7) days from date of the Show Cause hearing to petition the superior court or district court for injunctive relief seeking to restrain the city from proceeding with abatement of the violation and to send notice of said appeal to the City Clerk. The court is authorized to affirm, reverse, or modify such enforcement action delivered by the City Council, and any such hearing or trial shall be “de novo,” meaning the court shall be directly reviewing the action by the city as a new matter.

E. If the person who received the Notice did not appear at the Show Cause hearing, or if the person appeared and the City Council has found for the City Clerk, and there has been no appeal to superior or district court, the City Clerk is authorized by this chapter to proceed with appropriate administrative procedures, including but not limited to, using the City’s personnel or a contractor, to abate the nuisance in any reasonable manner. The expense of such administrative abatement shall be in accordance with RCC 3.36.085.

3.36.075 Abatement – Junk vehicles.

A. The City Clerk may order the property owner or responsible part to remove junk motor vehicles or parts thereof along with other incidental machinery, scrap and parts from public or private property if it constitutes a nuisance as defined herein or is maintained in violation of the city’s zoning ordinance. The order shall follow the Notice requirements provided in RCC 3.36.040.

B. If the property owner or responsible party does not remove the nuisance as requested in the Notice, the City Clerk may proceed in accordance with RCC 3.36.070,

C. Cost of Abatement of Junk Vehicles- The costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located and the owner of land shall not be held liable for said costs if it is determined at the hearing that the vehicle or parts thereof were placed on his land without his consent and he has not subsequently acquiesced in their presence.

D. After Notice has been given and after a the Show Cause hearing, the vehicle or parts thereof found to be a nuisance or maintained in violation of the city code shall be removed at the request of the City Clerk with notice to the WSP and Department of Licensing that the vehicle has been wrecked. Except as otherwise provided herein, the costs of administration and removal shall be assessed in accordance with RCC 3.36.085. The vehicle may be impounded and/or turned over to a registered disposer. (Ord. 2006 § 3, 2006).

3.36.080 Abatement – Immediate danger.

Whenever any condition or use of property causes or constitutes, or reasonably appears to cause or constitute, an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the City Clerk Mayor or designee shall have the authority to summarily and without Notice abate the same. Such abatement shall be at the expense of the responsible party or the property owner in accordance with RCC 3.36.085. become a civil debt against the owner or other responsible party and be collected as provided in RCC 3.36.050. (Ord. 608 Art. 10, 1977).

3.36.085 Abatement – Cost.

Every person, firm, or corporation maintaining a nuisance, or permitting, allowing, or suffering a nuisance to be maintained, as prohibited by this chapter or otherwise, shall be liable for all costs and expenses for abating the same when the nuisance has been abated by, or at the direction of, the city.

(1) Payment of Monetary Penalties and Costs. Any monetary penalties or costs assessed pursuant to this chapter constitute a personal obligation of the person responsible for the violation. In addition, the monetary penalties or costs assessed pursuant to this chapter may be assessed against the property that is the subject of the enforcement action. The city attorney is authorized to collect the monetary penalty or costs by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the

accrual of additional per diem monetary penalties so long as the violation continues. The city may incorporate any outstanding penalty or cost into an assessment lien, if the city incurs costs of abating the violation. Any monetary penalty assessed must be paid in full to the city within 30 days from the date of service of an uncontested notice of civil violation or any order of the hearing examiner that assesses monetary penalties.

(2) Recovery of Costs. The city shall bill its costs, including incidental expenses, of pursuing code compliance and/or of abating a violation to the person responsible for the violation and/or against the subject property. Such costs shall become due and payable 30 days after the date of the bill. The term "incidental expenses" shall include, but not be limited to, personnel costs, both direct and indirect, including attorneys' fees incurred by the city; costs incurred in documenting the violation; the actual expenses and costs to the city in the preparation of notices, specifications, and contracts, and in inspecting the work; hauling, storage and disposal expenses; the cost of any required printing and mailing; and interest. The ~~city manager~~ Mayor or designee, ~~or the hearing examiner,~~ may in his or her discretion waive in whole or part the assessment of any costs upon a showing that abatement has occurred or is no longer necessary or that the costs would cause a significant financial hardship for the responsible party. Any challenge to the amount of the abatement costs must be made within 14 days of issuance of the bill and shall be heard by the ~~city manager~~ Mayor in an informal hearing. The ~~city manager~~ Mayor shall make a written determination as to whether or not the city's costs were accurate and necessary for accomplishing the abatement.

A. ~~(3) Use of Collection Agency. Pursuant to Chapter 19.16 RCW, as currently enacted or hereafter amended, the city may, at its discretion, use a collection agency for the purposes of collecting penalties and costs assessed pursuant to this chapter. The collection agency may add fees or interest charges to the original amount assigned to collections as allowed by law. No debt may be assigned to a collection agency until at least 30 calendar days have elapsed from the time that the city attempts to notify the person responsible for the debt of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid. Notice of potential assignment to collections shall be made by regular first class mail to the last known address of the person responsible for the violation; provided, that inability to ascertain a current mailing address shall not prohibit the debt from being assigned to collections.~~

B. ~~(4) Assessment Lien. If penalties or costs assessed against a property are not paid within 30 days, the city clerk may certify to the county treasurer the confirmed amount for assessment on the tax rolls. The county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and with interest at such rates as provided in RCW 84.56.020, as now or hereafter amended, for delinquent taxes, and when collected to be deposited to the credit of the general fund of the city. The lien shall be of equal rank with the state, county and municipal taxes. The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced within 15 calendar days after the assessment is placed upon the assessment roll. The city attorney may also file a lien for such costs against the real property.~~

3 ~~(5) Continuing Duty to Abate Violations. Payment of a monetary penalty or costs pursuant to this chapter does not relieve the person responsible for the violation of the duty to correct or abate the violation. Additional notices of violation may be issued and/or criminal charges filed for continuing failure to correct or abate a violation.~~

~~A. Additional Remedies for Cost Recovery—The costs and expenses may be assessed as a part of any prosecution against the party liable and may be recovered as other costs are recovered after they have been assessed; provided, that in such cases, the city shall have been liable in the first instance to pay all costs of the abatement. The provisions of this chapter relative to the abatement of nuisances are not exclusive, and all other rights or remedies of the city, or any citizen thereof, relative to abatement of nuisances are declared to remain in full force and effect. (Ord. 2006 § 4, 2006).~~

3.36.090 Diseased animal carcasses – Proper disposal.

The carcasses of animals that die from infectious diseases must be treated to destroy the disease-causing agent to prevent it from infecting other animals or humans. This involved coordination with the Adams County Health Department.

3.36.100 Unlawful acts.

~~A. It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on or allow, upon any premises or drainage way, any of the acts or things declared by this chapter to be a public nuisance.~~

~~B. It is unlawful for any person to create, maintain, carry on or do any of the acts or things declared by this chapter to be a public nuisance. (Ord. 608 Art. 4, 1977).~~

~~3.36.110~~ 3.36.100 Violation – Declared infraction.

Any person violating any provision of this chapter shall be punished in accordance with RCC 1.02.010, General penalty. (Ord. 1092 § 91, 2005; Ord. 608 Art. 11, 1977).

Section 2. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. Any other ordinance conflicting with this ordinance is hereby repealed.

Section 4. This ordinance shall take effect and be in full force 5 days after publication in the City's official newspaper of record.

READ in open meeting. PASSED by unanimous vote of the City Council present, and, ORDERED PUBLISHED this 5th day of July 2022.

Linda Kadlec, Mayor

Attest:

Approved as to form:

Julie Flyckt, Clerk-Treasurer

John Kragt, City Attorney