

City Council Study Session

August 8, 2016 - 5:30 PM

Auburn City Hall

AGENDA

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I. CALL TO ORDER

A. Roll Call

II. ANNOUNCEMENTS, REPORTS, AND PRESENTATIONS

III. AGENDA ITEMS FOR COUNCIL DISCUSSION

A. Hearing Examiner and City Council Roundtable (15 Minute Presentation/15 Minute Q&A)* (Snyder)

Hearing Examiner to provide a report to City Council regarding code challenges and activity

B. Resolution No. 5246, Draft Agreement for University of Washington Livable City Year Program (15 Minute Presentation/10 Minute Q&A) (Snyder)

C. Ordinance No. 6615 (15 Minute Presentation/15 Minute Q&A)* (Snyder)

Ordinance No. 6615 for amendments to Chapter 1.25, Chapter 8.08, Chapter 8.12, Chapter 8.20, Chapter 12.36, Chapter 15.06, and Chapter 15.20 pertaining to code enforcement provisions that address property abatement, public nuisances, vegetation violations, and the regulation of vacant structures

D. Council Discussion on Retreat Goals (5 Minute Presentation/10 Minute Q&A)*

IV. ADJOURNMENT

Agendas and minutes are available to the public at the City Clerk's Office, on the City website (<http://www.auburnwa.gov>), and via e-mail. Complete agenda packets are available for review at the City Clerk's Office.

**Denotes attachments included in the agenda packet.*



AGENDA BILL APPROVAL FORM

Agenda Subject:

Hearing Examiner and City Council Roundtable (15 Minute Presentation/15 Minute Q&A)

Date:

August 3, 2016

Department:

Community Development & [Hearing Examiner Report](#)
Public Works

Attachments:**Budget Impact:**

\$0

Administrative Recommendation:**Background Summary:**

Please see the attached report from Hearing Examiner Phil A. Olbrechts.

Reviewed by Council Committees:**Councilmember:****Staff:**

Snyder

Meeting Date: August 8, 2016

Item Number: DI.A

MEMORANDUM

DATE: August 3, 2016
TO: Auburn City Council
FROM: Phil A. Olbrechts – Hearing Examiner
RE: 2016 Annual Report

SUMMARY: There were eight hearing examiner decisions and recommendations issued over the preceding twelve months with no major new developments. The eight decisions were composed of one rezone, two home occupation permits, one dangerous dog appeal, one stop work order/business license appeal (marijuana business), one utility billing dispute, one critical areas variance (reduced stream buffer) and one minimum density variance.

James Patrick Third Party Billing Dispute (MIS16-0011; 6/30/16). Appeal sustained in part. ACC 13.52 authorizes landlords to bill tenants separately for city water but imposes notice requirements on the procedures and places a cap on late fees. James Patrick appealed the imposition of utility charges by his landlord on a number of grounds. The landlord was found to violate several ACC 13.52 provisions, including that the landlord exceeded authorized late fee amounts, that improper notice was given as to billing methodology, that the time periods that triggered late fees was shorter than authorized and that late fees should not have been assessed during negotiation of billing disputes. The landlord was required to pay a fine of \$100 and to refund the tenant late fees of \$20 and the tenant's \$25 appeal filing fee.

Green Solutions Place Administrative Appeal (6/27/16). Appeal dismissed. Green Solutions appealed a stop work order issued against its marijuana business for operating without a business license and also appealed the denial of its business license application. The appeals were dismissed because the Auburn City Code provides no administrative appeal rights for code enforcement stop work orders. Administrative appeals are available for stop work orders issued pursuant to the City's building codes, but not for stop work orders issued through its code enforcement regulations. The appeal of the business license application was dismissed because the City hadn't yet made a decision on the building license application when the appeal was filed. Subsequent to the examiner's denial of the appeals the City denied Green Solution's business license application. That decision is currently under a second appeal from Green Solutions. Since an appeal is still pending, it is best that the Green Solutions cases not be discussed with the examiner in order to avoid potential invalidation under the appearance of fairness doctrine.

Freedom Yoga Shop Special Home Occupation (MIS16-0012; 6/22/16). Approved. Applicant applied for special home occupation permit for yoga business.

Khaira Rezone R20 to R7 (REZ15-0003; 3/28/16). Approval recommended to Council. The rezone was necessary to make the zoning map designation consistent with the comprehensive plan map designation.

City of Auburn Critical Areas Variance (CAO15-0004; 3/3/16). Approved. City requested variance to reduce stream buffer from 75 feet to 49 feet for public works improvements to S. 277th Street near old drive in movie business.

eBuilt LLC Variance for Reduction in Minimum Density (VAR15-0013; 1/16). Approved. Applicant requested a reduction in the minimum density in the R20 zone from 15 to 9 dwelling units per acre. The applicant needed the variance because its project site was located at the end of a street that did not have sufficient width and lanes to accommodate the traffic that would be generated by a project that met minimum R20 density standards.

Bergstrom Dangerous Dog Appeal (15-12326; 12/7/15). Appeal denied. It was determined that dog was correctly designated a dangerous dog by Auburn's animal control officer. The Bergstrom's dog stuck his head through his fenced backyard and bit a dog walked by its owner on an adjoining sidewalk.

Rodriguez Special Home Occupation Permit (MIS15-004; 10/9/15). Approved. Landscape contractor requested home occupation permit for a 20-employee landscaping business. The employees parked their vehicles at the 10-acre home-site of the applicant in the mornings, where they were given their assignments for off-site landscaping projects. Neighbors were vehemently opposed due to the morning traffic and noise created by the proposal. The conditions of approval were designed to limit off-site impacts to those that would be generated by the subdivision of the ten-acre home site. The applicant was limited to three business vehicles parked on-site, the reconfiguration of the driveway to avoid off-site vehicle queues in the mornings and trip generation limited to that generated by a ten-acre subdivision (100 trips per day). The decision expressly stated that the applicant may not find it feasible to comply with the conditions, but that the conditions were necessary to assure neighborhood compatibility. The ACC is fairly unique for a city code in that it doesn't limit the number of employees that may work at someone's home for a home occupation permit.



AGENDA BILL APPROVAL FORM

Agenda Subject:

Ordinance No. 6615 (15 Minute Presentation/15 Minute Q&A)

Date:

August 3, 2016

Department:

Community Development & [Ord 6615](#)
Public Works

Attachments:**Budget Impact:**

\$0

Administrative Recommendation:**Background Summary:**

On a periodic basis City of Auburn Code Enforcement staff bring forward to City Council requests to adopt a resolution that authorizes abatement action to occur on private properties where initial code enforcement actions have not been responded to. On several occasions City Council has asked staff why Council action is required and if there are options for expediting abatement actions and enhancing the efficiency of the overall abatement process. Ordinance 6615 modifies seeks to modify several chapters of Auburn City Code that are intended to both modify the City's code enforcement abatement procedures as well as improve several standards that pertain to management of vegetation and vacant structures. The vegetation and vacant structure amendments are combined with the abatement procedures because most abatement actions are related to these two matters. While there are a number of code changes proposed, the following list is provided that highlights and summarizes the effect of the overall package of amendments.

1. Simplification of the methods to notify a property owner of a violation.
2. Establishing a higher burden on the City for notifying a property owner of a potential abatement action.
3. Establishing that an enforcement lien placed on property shall be of equal rank with state, county and municipal taxes.
4. Clarify that it is a violation to allow solid waste to remain uncontained on private property.

5. Declare that a violation of City Code constitutes a public nuisance. This allows abatement authority and procedures to apply to any violation of City Code.

6. Establish an administrative process for abatement of public nuisances and vegetation violations. The process identifies the authority under which abatement action can occur, the method of serving a property owner notice of the City's intent to abate, an appeal process that utilizes the existing Hearing Examiner process, authority for the City to seek cost recovery, and the range of costs that may be recouped (including administrative costs incurred as a result of inspections, preparation of notices, contracts for performing the abatement, filing fees, legal fees, etc.).

7. The abatement process described in the amendments to Chapter 8.12 are then repeated in Chapter 8.20.

8. Clarification in Chapter 12.36 that it is the responsibility of an abutting landowner to maintain the vegetation that is located in the landscape strips that are within the right of way.

9. Creation of a new chapter in the City building code – Chapter 15.20 – which elaborates on certain provisions of the International Property Maintenance Code (IPMC). The IPMC is already adopted by the City of Auburn however there are provisions of the Auburn City Code that should be used instead of what is stated in the IPMC. For example, the IPMC establishes an appeal process that is different than the City's appeal process. The draft amendments seek to clarify that the City procedures are to be used instead of the IPMC procedures.

10. The draft amendments also seek to modify the IPMC "boarding" standard which allows the windows and doors on vacant structures to be boarded for up to one year. The draft amendments limit boarding to 30 days when a product such as plywood is used and allows up to one year if a clear product is used. This is included because wood presents an image of blight and it precludes law enforcement from being able to see inside of a vacant structure that is harboring nefarious activity. Clear products mitigate these problems.

11. The draft amendments include a vacant property registration program that requires the owners of vacant property to inform and register their property with the City. The registration process allows the City to understand who is responsible for addressing issues that occur at the property and it establishes requirements for how the property is to be managed while it is vacant. The registration program exempts properties that are rental homes (that have a valid business license) and residences that are used part time.

Reviewed by Council Committees:

Councilmember:

Staff: Snyder

Meeting Date: August 8, 2016

Item Number: DI.C

ORDINANCE NO. 6 6 1 5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, CREATING A NEW CHAPTER 15.20 OF THE AUBURN CITY CODE [PROPERTY MAINTENANCE CODE], AND NEW SECTIONS 8.12.100, 8.20.060, 8.20.070, OF THE CITY CODE AND AMENDING SECTIONS 1.25.030, 1.25.050, 1.25.065, 8.08.080, 8.12.020, 8.12.070, 8.12.080, 8.12.090, 8.20.030, 8.20.040, 8.20.050, 12.36.050 AND 15.06.010 OF THE AUBURN CITY CODE AND REPEALING SECTION 1.25.070 OF THE AUBURN CITY CODE RELATING TO NUISANCE ABATEMENT

WHEREAS, the current provisions of the Auburn city code include strategies and methodologies for abating certain types of nuisances; and

WHEREAS, because there are different types of nuisances that need to be considered in abatement actions, as well as different approaches that work better for some nuisances than others, a review of these factors has been made to consolidate abatement approaches and to assist the city in the ability to effectively abate nuisances.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. New Chapter to City Code. That a new Chapter 15.20 of the Auburn City Code be and the same hereby is created to read as follows:

Chapter 15.20 Property Maintenance Code

Sections:

- 15.20.010 Adoption of International Property Maintenance Code.
- 15.20.020 Appendices adopted.
- 15.20.030 Section 103 amended – Department of property maintenance inspection
- 15.20.040 Section 107 amended – Notices and orders
- 15.20.050 Section 110 amended – Demolition
- 15.20.060 Section 111 amended – Means of appeal
- 15.20.070 Section 112 amended – Stop work order

15.20.010 Adoption of International Property Maintenance Code.

The 2015 International Property Maintenance Code is adopted as the property maintenance code of the city; provided, that the amendments, deletions and additions

thereto as provided in this chapter shall govern over the published provisions of the International Property Maintenance Code. A copy of the International Property Maintenance Code shall be on file in the office of the city clerk.

15.20.020 Appendices adopted.

International Property Maintenance Code Appendix Chapter A, Boarding Standard, is hereby adopted. A copy of the International Property Maintenance Code Appendix Chapter A, Boarding Standard, shall be on file in the office of the city clerk.

15.20.030 Section 103.1 amended

Section 103.1 of the International Property Maintenance Code is amended to read as follows:

103.1 General Department of property maintenance inspection. The department of community development and public works is responsible for implementation and enforcement of the International Property Maintenance Code~~property maintenance inspection is hereby created and the executive official in charge thereof shall be known as the code official.~~

15.20.040 Sections 107.2 and 107.3 amended

Sections 107.2 and 107.3 of the International Property Maintenance Code are amended to read as follows:

107.2 Form Notices and orders. Such notice prescribed in Section 107.1 shall be in accordance with the provisions of Chapter 1.25 regarding the form of notices~~all of the following:~~

- ~~1. Be in Writing.~~
- ~~2. Include a description of the real estate sufficient for identification.~~
- ~~3. Include a statement of the violation or violations and why the notice is being issued.~~
- ~~4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.~~
- ~~5. Inform the property owner or owners's authorized agent of the right to appeal.~~
- ~~6. Include a statement of the right to file a lien in accordance with Section 106.3.~~

107.3 Method of service. Such ~~a~~Notices shall be deemed to be properly served if delivered in accordance with the provisions of Chapter 1.25 regarding the method of services of notices~~a copy thereof is:~~

- ~~1. Delivered personally;~~
- ~~2. Sent by certified or first-class mail addresssed to the last known address; or~~

~~3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.~~

15.20.050 Section 110 amended – Demolition.

International Property Maintenance Code Section 110.1 is amended to read as follows:

Section 110.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two (2) years, the code official shall order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall comply with appendix A and the structure shall not extend beyond one year, unless approved by the building official remain boarded beyond thirty (30) days, except where a non-opaque material is used that provides the same level of security as provided by the requirements of Appendix A, the boarding may remain in place for no more than one year. Timeframe extensions may be approved by the building official.

15.20.060 Section 111 amended – Means of appeal

Section 111 of the International Property Maintenance Code is deleted in its entirety and is replaced with the following:

111 Means of appeal. Any person directly affected by a decision of the code official or a notice or order issued under the international property maintenance code shall have the right to appeal the decision, notice, or order, accept notices to correct and the notices described in section 107. The means for appealing shall be that provided in ACC 15.07.130, as hereafter amended.

15.20.070 Sections 112.2 and 112.4 amended – Stop Work Order.

Sections 112.2 and 112.4 of the International Property Maintenance Code are amended to read as follows:

112.2 Issuance. The provisions of Auburn City Code Chapter 1.25 regarding stop work orders shall govern the issuance of a stop work order under this code~~A stop work order shall be in writing and shall be given to the owner of the property, to the owner's authorized agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop~~

~~work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.~~

~~112.4 Failure to comply. The provisions of Auburn City Code Chapter 1.25 shall govern the enforcement of stop work orders and the penalty for failing to comply with an order. Any person who shall continue any work after having been served with a stop work order except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.~~

15.20.080 Vacant property registration.

A. The Vacant Property Registration program is hereby established. All properties shall register their property with the City as a vacant property when it remains vacant for more than thirty (30) days. Failure to register a vacant property shall constitute a violation that is punishable under the terms and procedures of Chapter 1.25. This section shall not apply to properties that are the subject of a current rental business license issued pursuant to ACC 5.22 or are inhabited by the property owner part-time.

B. In addition to registration, vacant properties shall be managed as follows:

1. The property must be kept free of code violations.

2. The structure and property must remain secure from unauthorized access. All doors and windows must be in place and remain locked. Broken doors and windows must be repaired or replaced consistent with all provisions of Title 15.

3. The roof, flashing, rain gutters, and down spouts must be present and functional.

4. Exterior lighting, consistent with the requirements of this code, shall remain functional and shall be set on a timer to provide nighttime illumination.

5. Water service shall be disconnected.

6. All vegetation shall be maintained consistent with Auburn City Code. Additionally, shrubs, ground covers, vines, and trees must be kept trimmed and not encroach into the public right-of-way or onto other neighboring properties.

7. The exterior appearance of all structures shall be kept clean and in good condition, consistent with section 304 of this code. Tarps are not allowed as a means of securing or screening damaged, degraded or moss covered roofs, doors, windows or walls, except as a temporary measure prior to a permanent repair or replacement.

8. Appropriate winterization measures shall be taken to ensure that the structure and property is not further degraded due to extended periods of cold and/or wet weather.

9. Gas, electrical, and plumbing fixtures shall be maintained in a condition that is safe and that avoids risk to public health and safety.

10. A notice shall be placed in a visible location on the property that indicates who the property is registered to and must include contact information for the responsible party.

11. The property must be registered with the City of Auburn Police Department trespass program.

C. The provisions of this section can be applied retroactively. Vacant properties and structures existing on the date of adoption of this section are not vested.

Section 2. New Section to City Code. That a New Section 8.12.100 of the Auburn City Code be and the same hereby created to read as follows:

8.12.100 Summary abatement.

A. Abatement. Whenever any violation of this code poses an imminent threat to the health, safety, or welfare of persons or property, or to the environment, the director of the department of community development and public works, or designee, may summarily and without prior notice order the condition abated. The city, or its agents, may enter upon property and abate the condition to the extent necessary to remedy the immediate threat.

Actions taken to abate imminently dangerous violations may include but are not limited to repair, removal or demolition of the condition creating the danger and/or the restriction from use or occupancy of the property on which the dangerous condition exists or any other abatement action determined by the city to be necessary.

B. Notice. Whenever the director determines that summary abatement is justified the city shall attempt to provide notice to the property owner as to the violation and the need for immediate abatement. If the property owner cannot be located or the owner fails to take prompt appropriate action to abate the violation, the city may proceed to take abatement action authorized in this chapter without further notice or right to a prior hearing.

Regardless of any prior notice, the city shall provide written notice of such abatement to the person responsible for the violation as soon as reasonably possible after the abatement. If the person responsible for the violation is a tenant, notice of such abatement shall also be given to the landlord or owner of the property where the violation is occurring. In addition to the items listed in ACC 1.25(C)(1-4), the notice shall include the reason for the summary abatement, a description of the abatement, and the right to appeal the city's action in the manner described for an appeal in ACC 8.12.080. The notice shall be served according to the service requirements of ACC 8.12.080.

C. Appeal. The abatement may be appealed in the manner described in ACC 8.12.080. No right of action shall lie against the city or its agents, officers, or employees for actions reasonably taken to prevent or cure any such immediate threats, or the failure to take such actions.

D. Cost Recovery. The necessary and reasonable charges and costs of summary abatement, including legal and administrative costs and charges, shall be collected according to ACC 8.12.080, unless the property owner, tenant, or person responsible for the violation prevails in an appeal.

Section 3. New Section to City Code. That a New Section 8.20. 060 of the Auburn City Code be and the same hereby created to read as follows:

8.20.060 Appeal of abatement determination

A. Request of an Appeal. Notices of abatement may be appealed to the director of the department of community development and public works within ten (10)

Ord. No. 6615
August 2, 2016

calendar days of the date of mailing or service. The appeal may contest the determination that a violation exists and the reasonableness of the corrective action ordered. An appeal shall be filed by providing a written request to and shall contain the address that is the subject of the violation, the property owner's name, phone number, and address, and a description of the reason(s) for contesting the abatement.

B. Notice of meeting. If an appeal is properly and timely filed, the director shall set a meeting for a date within thirty (30) calendar days of the date the city received the request for an appeal. The notice of hearing shall contain the file number of the case, the date & place of the meeting, and a statement of who may participate in the appeal. The notice shall be placed in the mail at least 10 calendar days prior to the date of the meeting and sent to the last known address of the property owner and to the subject property.

C. Meeting. At the appeal meeting, the property owner may submit a written document to the director or make an oral statement providing any facts and reasons supporting the person's position. Any written document may be provided to the director prior to the meeting date. The director may reasonably limit the extent of comments at the meeting to facilitate the orderly and timely conduct of the meeting. A code enforcement officer shall be present at the meeting to answer questions and the director shall electronically record the meeting. The property owner shall have the burden of proof by a preponderance of the evidence that a violation has not occurred at the subject property and/or that the corrective action is unreasonable.

D. Ruling. In response to an appeal, the mayor may rescind the abatement notice, affirm it, or may modify the notice. Additionally, the mayor may vacate or reduce any penalties pending, or previously imposed, for any violations related to the nuisance that is the subject of the abatement. If previously imposed penalties are vacated or reduced, any liens for those amounts shall be released or modified accordingly as well.

E. Continuances – Communication of the Ruling. The director may continue the meeting if he or she is unable to hear all the statements, or for other good cause. If the meeting is continued, announcement of the new time, date and location of the next meeting is sufficient and no further notice of the meeting need be given by the city.

After the appeal meeting, the director will issue its final determination, in writing, within ten (10) calendar days of the meeting. The determination shall be sent by certified mail, return receipt requested, or served, to the property owner's last known address.

F. Stay. The timely filing of an appeal shall stay the abatement during the pendency of the appeal, but an appeal does not lift or stay a stop work order. Monetary penalties shall accrue during the appeal period unless the appellant prevails on appeal. In addition to ruling upon the issues presented by the appellant, the director may vacate or reduce any penalties pending, or previously imposed, for any violations related to the vegetation nuisance that is the subject of the abatement. If previously imposed penalties are vacated or reduced, any liens for those amounts shall be released or modified accordingly.

If the examiner denies the appellant's request for relief, the appellant shall pay the hearing fee as set forth in the city of Auburn fee schedule within 14 calendar days of the hearing. Failure to pay the fee shall be a cost of the abatement subject to cost recovery under this section.

Section 4. New Section to City Code. That a New Section 8.20.070 of the Auburn City Code be and the same hereby created to read as follows:

8.20.070 No city liability for violations

It is the specific intent of this chapter to place the obligation of complying with its requirements upon the property owner or owners and no provisions nor term used in this chapter is intended to impose any duty whatsoever upon the City or any of its officers and employees, for whom the implementation or enforcement of this chapter shall be discretionary and not mandatory.

Nothing contained in this chapter is intended to be, nor shall be, construed to create or form the basis for any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from the failure of a property owner to comply with the provisions of this chapter, or by reason or in consequence of any inspection, notice, order, certificate, permission or approval authorized or issued or done in connection with the implementation or enforcement of this chapter, or by reason of any action or inaction on the part of the City related in any manner to the enforcement of this chapter by its officers, employees or agents.

Section 5. Amendment to City Code. That Section 1.25.030 of the Auburn City Code be and the same hereby is amended to read as follows:

1.25.030 Notice to correct violation.

A. Authority to Issue.

1. Whenever the code enforcement official or other authorized enforcement official, or his/her designee, determines that a violation is occurring or has occurred, he/she may issue a notice to correct the violation, in a form pursuant to subsection C of this section, to the property owner(s) and/or tenant(s) and/or to any person(s) causing or allowing or participating in the violation.

2. If a notice to correct the violation has been issued, the code enforcement official shall require the violation to be corrected within one to 15 working days from the issuance of the notice to correct. The length of time to correct shall be determined, in the sole discretion of the code enforcement official or other authorized enforcement official, or his/her designee, by the scope of violation, the history of prior violations by the same persons and/or at the same location and method needed to correct violation. All violations, in any event, shall be corrected expediently.

B. Receipt of Correction Notice.

1. Upon receipt of notice to correct violation, the violator shall either correct the violation or ask the code enforcement official for a reconsideration of the notice to correct within the time frame set out in subsection (B)(3) of this section.

2. If the violator corrects the violation, the code enforcement official shall close the violation file and notify violator of compliance.

3. The property owner and/or tenant may request reconsideration of the notice to correct violation by the code enforcement official. This request must be made in writing prior to the date on which corrections are to be completed as specified in the notice. The code enforcement official shall respond to the request for reconsideration, if

timely received, no later than seven calendar days from the date the request for reconsideration was received. The code enforcement official may amend the notice (i) to correct the notice, (ii) for good cause to allow for a longer time to correct the violation, (iii) to amend the scope of violation, or (iv) to rescind the notice. A stay of the time allowed for correction shall be in effect from the date that a request for reconsideration was received, if timely received, until the date a response to the request for reconsideration is sent.

4. If the violator corrects the violation pursuant to the reconsideration determination, the code enforcement official shall close the violation file and notify the violator of compliance.

C. Content. The notice to correct violation shall contain the following:

1. The name and address of the property owner and/or tenant and/or other person to whom the notice to correct violation is directed; and

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring; and

3. A description of the violation and a reference to the Auburn City Code or related provision, standard, regulation, procedure or permit which has been violated; and

4. A statement of the action required to be taken to correct the violation as determined by the code enforcement official and a date or time by which correction is to be completed; and

5. A statement that the property owner and/or tenant may request a reconsideration of the notice to correct violation by the code enforcement official and the procedures required for such request; and

6. A statement that the consequences of failing to correct the violation may result in monetary penalties and/or other enforcement requirements; and

7. A statement that the person to whom the notice to correct violation is directed shall inform the code enforcement official of the correction so an inspector can be sent to the violation premises to confirm the correction.

D. Service of Notice. The code enforcement official shall cause the notice to correct violation to be served on the person(s) to whom it is directed by personal service or by mailing a copy of the notice to correct violation both by regular mail and by certified mail, postage prepaid, return receipt requested, to such person(s) at his/her last known address. If the person's address is unknown, service shall be completed by mailing the notice to the address of the most recent payer of the property tax for the property, as shown in the county's records, and by posting a copy of the notice to correct violation conspicuously on the affected property or structure.

E. Extension. Upon written request received prior to the correction date or time, the code enforcement official may extend the date set for correction for good cause. The code enforcement official may consider but is not limited to the consideration of substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as good cause.

F. Repeat Violations. Notwithstanding the above provisions, in the case of a repeat violation, the code enforcement official or other authorized enforcement official,

or his/her designee, may issue a notice of infraction regardless of whether a notice to correct violation has been issued. For the purposes hereof, "repeat violation" means that the same person or property has been the subject of one or more notice to correct violation within the preceding 12 months. (Ord. 5966 § 3, 2006; Ord. 5677 § 2, 2002; Ord. 5246 § 1 (Exh. B), 1999; Ord. 5212 § 1 (Exh. B), 1999; Ord. 4460 § 1, 1991.)

Section 6. Amendment to City Code. That Section 1.25.050 of the Auburn City Code be and the same hereby is amended to read as follows:

1.25.050 Penalties for infractions.

Unless otherwise specifically provided in connection with particular sections, chapters or titles of the city code, noncriminal violations of the city code shall be infractions and shall carry a maximum penalty of \$250.00. Each day, location, violator and incident shall constitute a separate civil infraction. In addition to this amount, a court of competent jurisdiction may order a person found to have committed a civil infraction to pay restitution, including the city's reasonable enforcement and abatement costs.

It is provided, however, that if the same violator has been found, in any court of competent jurisdiction, to have previously committed an infraction violation for the same or similar conduct three or more separate times, with the infraction violations occurring at the same location and involving the same or similar sections of ACC Titles 5, 6, 8, 10, 12, 13, 15, 16, 17 or 18, or other similar code(s), any further violations shall constitute misdemeanors, punishable as provided in ACC 1.24.010. For the purposes hereof, it shall be prima facie evidence that the same violator has previously been found to have committed any infraction if a certified copy of the judgment, docket or other court document showing that such violation was found committed is filed with the court. (Ord. 5837 § 2, 2004; Ord. 5677 § 2, 2002.)

Section 7. Amendment to City Code. That Section 1.25.065 of the Auburn City Code be and the same hereby is amended to read as follows:

1.25.065 Additional penalty and enforcement provisions.

A. Civil Penalty. In addition to any other enforcement actions available to the city, if the code enforcement official determines that a violation has not been corrected pursuant to ACC 1.25.030 within the time specified in the notice to correct violation, he/she is authorized to impose a civil penalty against the property owner on whose property the violation exists, and/or the person in possession of the property, and/or the person otherwise causing or responsible for the violation. The penalty shall be up to \$500.00 for the first day and \$100.00 per day for each additional full day the violation continues. Each day on which a violation or failure continues shall constitute a separate violation. If unpaid within 14 calendar days of becoming effective, each penalty shall constitute a lien against the property of equal rank with state, county, and municipal taxes.

B. Notice of Penalty. The penalty shall be imposed by serving a notice of penalty. Service of the notice shall be made upon all persons identified in the notice either personally or by mailing a copy of such order by certified mail, postage prepaid,

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return receipt requested. If an address for mailed service cannot be ascertained, service shall be accomplished by posting a copy of the notice conspicuously on the affected property or structure. The initial penalty shall be effective and the recurring daily penalty shall commence on the date service is effective. Service by certified mail shall be effective five calendar days after the date of postmark, unless U.S. postal records show actual receipt prior to that date. If service is by personal service, service shall be deemed effective immediately. If service is made by posting, service shall be effective on the third day following the day the notice is posted. Recurring penalties shall become effective every 24 hours after midnight of the effective date of the initial penalty, if the violation is not corrected.

The notice shall contain all the information required to be placed in a notice to correct violation, under ACC 1.25.030, and in addition the following:

1. The amount of the initial penalty and the amount of the per day penalty for each day the violation(s) continues, and, if applicable, the conditions on which assessment of such civil penalty is contingent.

2. A statement that the recurring penalty accrues each day automatically, without further notice.

3. The procedure for appealing the penalty, as described in this chapter.

4. That if the penalties are unpaid within 10 days of when they become effective, they shall become a lien on the property that shall be of equal rank with state, county and municipal taxes.

C. Withdrawal. The code enforcement officer may withdraw a notice of penalty if compliance is achieved, as determined by the officer, within 14 calendar days of the service date of the notice. The officer shall not withdraw a notice of penalty if it is the second notice issued by the officer to the same person for the same or similar violation committed within six months.

D. Continued Duty to Correct. Payment of a penalty pursuant to this chapter does not relieve a person of the duty to correct the violation as ordered by the enforcement officer. Correction of the violation does not relieve a person of the obligation to pay the penalty assessed, unless dismissed, withdrawn, or modified by the hearing examiner or the code enforcement officer.

E. Appeal of Notice of Penalty.

1. An assessed civil penalty may be appealed to the city hearing examiner within 14 calendar days of the penalty's effective date, in the same manner as determinations of the building official are appealed under ACC 15.07.130. After the 14-day period, penalties shall be final and binding. The hearing examiner may grant an extension of time for filing an appeal if the person establishes that he/she did not receive the notice of penalty due to good cause. The burden of proving such good cause circumstances is on the person making the claim.

2. The appeal shall be processed and the hearing conducted according to the provisions of ACC 15.07.130 and the provisions of that section are adopted by reference for the purpose of this chapter. The person appealing may appeal either the determination that a violation exists or the amount of the civil penalty imposed, or both. The person appealing may appeal all penalties that are not final and binding. The hearing examiner has the authority to affirm, dismiss, or modify the civil penalty. The city shall have the burden of proving by a preponderance of the evidence the

commission of a violation. If the hearing examiner finds that a violation was not committed at the time the notice of penalty was issued, the examiner shall dismiss all penalties before him/her that were imposed for the alleged violation and the city shall dismiss all additional penalties, whether effective or final, that were imposed for the alleged violation.

3. The civil penalties for a continuing violation shall not continue to accrue pending determination of the appeal; however, the hearing examiner may impose a daily monetary penalty, to a maximum of \$100.00 per day, from the date of service of the notice of penalty if the hearing examiner finds that the appeal is frivolous or intended solely to delay compliance. An appeal does not lift or stay a notice to correct violation.

4. A person is precluded from appealing a penalty if the hearing examiner finds that it has determined in a prior appeal all the issues of fact and law raised by the person appealing.

5. At his/her discretion, the hearing examiner may consolidate appeals of penalties imposed on the same property for the same violations.

F. Cost Recovery and Lien.

1. Any monetary penalty imposed under this chapter constitutes a personal obligation of the person served the notice of penalty. The city attorney is authorized to collect the monetary penalty by use of appropriate legal remedies, the seeking of which shall neither stay nor terminate the accrual of additional per day penalties so long as the violation continues.

2. The city may authorize the use of collection agencies to recover monetary penalties, in which case the cost of the collection process shall be assessed in addition to the monetary penalty.

3. Once civil penalties are effective and due, pursuant to this section, the code enforcement officer may file a lien with the county auditor on the property where the violation exists for the amount of the unpaid civil penalties. The lien shall be of equal rank with state, county and municipal taxes. The claim of lien shall contain the following:

- a. The authority for imposing a civil penalty;
- b. A brief description of the civil penalty imposed, including the violations charged and the duration thereof;
- c. A legal description of the property to be charged with the lien;
- d. The name of the known or reputed owner; and
- e. The amount, including lawful and reasonable costs, for which the lien is claimed. (Ord. 6328 § 4, 2010.)

Section 8. Amendment to City Code. That Section 8.08.080 of the Auburn City Code be and the same hereby is amended to read as follows:

8.08.080 Containers – Required.

A. All persons accumulating garbage in the city shall place and accumulate the same in a micro-can, cart, detachable container, drop-box container, or such other collection container that is approved by the city's solid waste service provider(s). Recyclables may be accumulated, for collection by the city service provider(s), in recycling carts or recycling containers, or such other collection container that is

approved by the city's current service provider(s). Compostables may initially be accumulated for collection by the city service provider(s) in compostables carts and, once such cart is full, in such other collection container that is approved by the city's current service provider(s) for overflow volumes. It is a violation of this chapter for any persons who accumulate garbage to maintain garbage and recyclables upon their property uncontained in a city-approved collection container without a permit issued according to ACC 8.08.090.

B. It is the duty of the owner of any dwelling, flat, apartment house or mobile home park to furnish or to see that his/her tenants have adequate garbage service and are adequately supplied with such cans/containers.

C. It is the duty of the property owner of a commercial building to see that his/her tenants have adequate garbage service and are adequately supplied with such cans/containers.

D. All single-family residential garbage shall be placed in a service provider-provided micro-can or wheeled cart. In all cases, customers shall have at least one rigid container as their primary garbage container. Plastic bags or garbage cans may be used for overflow volumes of garbage, but not as a customer's primary container, and may be subject to an additional service charge or fee. All containers shall be packed so that the contents of the container will dump out rapidly when the container is inverted. Containers shall be located at their appropriate storage location as required in ACC Title 18, Zoning, except on the day of scheduled pickup.

E. All multifamily and commercial customer garbage shall be placed in a service provider-provided micro-can, wheeled cart, detachable container or drop-box container. Micro-cans, wheeled carts and detachable containers shall be packed so that the contents of the container will dump out rapidly when the container is inverted. All containers shall be located in conformance with the requirements set forth in ACC Title 18, Zoning.

F. Garbage containers and other approved containers shall not weigh more than the weight limits set forth in their respective definitions in ACC 8.08.030, Definitions. Garbage containers shall not be overloaded beyond the point where covers can be securely replaced. Single-family residential customers shall place all garbage carts, micro-cans, recycling carts, compostables carts or other approved containers at curbside on a public street or private road as provided in ACC 8.08.100, Containers – Set-out of containers – Anti-scavenging. (Ord. 6367 § 3, 2011; Ord. 6160 § 1, 2008; Ord. 6139 § 1, 2007; Ord. 6069 § 1, 2006; Ord. 6054 § 1, 2006; Ord. 5968 § 1, 2006; Ord. 5622 § 1, 2001; Ord. 5243 § 1, 1999; Ord. 5212 § 1 (Exh. D), 1999; Ord. 4500 § 2, 1991.)

Section 9. Amendment to City Code. That Section 8.12.020 of the Auburn City Code be and the same hereby is amended to read as follows:

8.12.020 Nuisances affecting public health and safety.

Acts or omissions, places, conditions and things or uses that injure or endanger the safety, health, welfare, comfort or general well being of the general public or the environment, are declared to be public nuisances. Public nuisances include, but are not limited to, the following:

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A. The erecting, maintaining, using, placing, depositing, causing, allowing, leaving, or permitting to be or remain in or upon any private lot, building, structure, or premises, or in or upon any street, avenue, alley, park, parkway, or other public or private place in the city, any one or more of the following places, conditions, things or acts to the prejudice, danger, or annoyance of others or that interfere with safe travel;

B. Privies, vaults, cesspools, sumps, pits, wells or cisterns or like places which are not securely protected from insects, rodents, or other pests;

C. Filthy, littered or trash-covered premises, including all buildings and structures thereon and areas adjacent thereto;

D. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, metal, articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster and all other trash or abandoned material unless the same are kept in covered bins or metal receptacles approved by the city; provided, that any such receptacles approved by the King County or Pierce County health officer or designee shall be deemed approved by the city;

E. Trash, litter, rags, debris, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, or other material, which provides harborage for insects, rodents, or other pests;

F. Any unsightly and dangerous building, billboard or structure, as determined by the city building official;

G. All places used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to provide harborage for insects, rodents or other pests, excluding properly zoned and licensed wrecking yards, junkyards or machinery being used;

H. Garbage disposed of in any manner other than provided in the solid waste code (Chapter 8.08 ACC);

I. Garbage cans which are not impervious to rodent gnawing or do not have tight-fitting lids;

J. Any putrid, unsound or unwholesome bones, meat, hides, skins or the whole or any part of any dead animal, fish or fowl, butchers' trimmings or offal, or any waste, vegetable or animal matter in any quantity, garbage, human excreta or other offensive substance; provided, nothing in this subsection shall prevent the temporary retention of waste in a manner approved by the mayor or designee;

K. Blackberry vines or any tall grass or weeds which are infested with insects, rodent or other pests;

L. Grass clippings, cut brush or cut weeds which may create an insect or rodent harborage;

M. Nests, colonies, hives or apiaries of bees, Africanized honey bees, yellow jacket, hornets or wasps which are not in full compliance with Chapter 15.60 RCW or Chapter 16-602 WAC, or which are not in full compliance with the city's zoning and land use codes or with the city's business licensing and registration codes;

N. Any accumulation of combustible, explosive or flammable substances which are stored in a way that poses a threat or danger to life or property;

O. Ditches, holes, pits, accumulations of debris, dirt or construction materials or other materials, or breaks in impervious surface in any public right-of-way, or any other condition that obstructs or interferes with safe pedestrian or vehicular travel on or along said right-of-way; and

P. Failure, after reasonable notice, to restore a city street, sidewalk or related infrastructure facility to city standards after having destroyed, disrupted or adversely impacted such street, sidewalk or related infrastructure facility from its use for safe public travel;

Q. It is also a public nuisance to store, keep or allow junk to accumulate unless within a building or outdoor storage yard; provided further, that the building and/or outdoor storage yard must otherwise meet all other applicable requirements of the city including allowing for the storage of junk. For the purposes hereof, "junk" means old, unusable or discarded appliances, furniture, scrap wood, paper, cardboard, glass, demolition debris, rubber, metal, equipment, tires, machinery, toys, building materials (except for materials being used for an immediate construction project on the premises), woody debris, batteries, barrels, cans, motor vehicle parts, rags or similar items. The term junk also includes travel trailers, boats and boat trailers, truck campers, utility trailers, tent trailers or similar vehicles that are in disrepair, in an obvious state of abandonment, or that cannot legally be operated on public streets, roads or highways. The term junk does not include recyclable items that are associated with a permitted recycling industry; provided, that the indiscriminate storage of recyclables in areas not otherwise allowed for storage will be considered junk and a public nuisance.

R. Any and all other violations of the provisions of titles 1, 5, 8, 12, 13, 15, 16, 17, 18, and 20 of the Auburn City Code. (Ord. 5837 § 5, 2004; Ord. 5747 § 1, 2003; Ord. 2904 § 1, 1976; 1957 code § 7.04.280.)

Section 10. Amendment to City Code. That Section 8.12.070 of the Auburn City Code be and the same hereby is amended to read as follows:

8.12.070 Maintaining or permitting nuisance.

Every person who commits or maintains a public nuisance, for which no special punishment is prescribed, or who willfully omits or refuses to perform any legal duty relating to the removal of such nuisance, and every person who lets or permits to be used any building or boat or portion thereof, knowing that it is intended to be or is being used for committing or maintaining any such nuisance, is guilty of a violation of this code and is punishable in accordance with ACC 1.25.040. (Ord. 6461§ 1, 2013; Ord. 5747 § 1, 2003; 1957 code § 7.04.340.)

Section 11. Amendment to City Code. That Section 8.12.080 of the Auburn City Code be and the same hereby is amended to read as follows:

8.12.080 Abatement by city – Costs liability.

A. Abatement. Notwithstanding the existence or use of any other remedy, the city may order the abatement of any nuisance, or seek legal or equitable relief to

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enjoin or abate any nuisance. If within ~~three~~ ten (10) calendar days after service of receiving a proper notice in writing for the abatement of any nuisance detrimental to health and welfare of the public, or source of filth as hereinabove defined, such notice to be signed by the director of community development and public works, or designee, ~~mayor or designee~~, the person owning, occupying or controlling such premises fails, neglects or refuses to remove the same, such nuisance may be repaired, demolished, remedied, removed or abated by order of the ~~director~~ mayor or designee. The director, or designee, may seek judicial process as he or she deems necessary to effect the repair, demolition, remedy, removal, or abatement of such nuisance. and

B. Service. The director shall cause the notice of abatement to be served on the property owner(s) and/or tenant(s) and to any person(s) causing or allowing or participating in the violation. The notice shall be served by personal service or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to such person(s) at his/her last known address, and by posting a copy of the notice conspicuously on the property.

C. Appeal.

1. Notices of abatement may be appealed to the hearing examiner within 10 calendar days of the date of mailing or service. The appeal may contest the determination that a violation exists and the reasonableness of the corrective action ordered. An appeal shall be filed by providing a written request to the City Clerk. The application shall contain the following:

- a. The address that is the subject of the violation.
- b. The person's name, phone number, and address.
- c. A brief description of the legal interest the person has in the real or personal property to be abated.
- d. The reason(s) supporting reversal, modification, or limitation of the proposed abatement, together with any material facts that support those reason(s).
- e. A description of the relief sought.
- f. Signatures of the person(s) submitting the application.

A fee is not required to be paid to file an appeal, unless the examiner denies the appellant any relief regarding the abatement, in which case the fee is that fee set forth in the city of Auburn fee schedule.

2. If an appeal is properly and timely filed, the examiner shall set a date, time, and place for the hearing of the appeal. Such date shall be within 30 calendar days of the date the city received the request for an appeal. Written notice of the time and place of the hearing shall be given at least 7 calendar days prior to the date of the hearing to each appellant by either causing a copy of such notice to be delivered to the appellant personally or by mailing a copy, postage prepaid, to the address shown on the appeal.

3. The effect of failure to appeal, the scope of the hearing, the hearing procedures, the conduct of the hearing, the right to review of the appeal, limitations of the examiner's authority, and the form and effective date of the examiner's decision shall all be governed by the provisions in ACC 15.07.130, as hereafter amended.

The property owner shall have the burden of proof by a preponderance of the evidence that a violation has not occurred at the subject property and/or that the corrective action is unreasonable.

4. The timely filing of an appeal shall stay the abatement during the pendency of the appeal, but an appeal does not lift or stay a stop work order. Monetary penalties shall accrue during the appeal period unless the appellant prevails on appeal. In addition to ruling upon the issues presented by the appellant, the examiner may vacate or reduce any penalties pending, or previously imposed, for any violations related to the nuisance that is the subject of the abatement. If previously imposed penalties are vacated or reduced, any liens for those amounts shall be released or modified accordingly as well.

If the examiner denies the appellant's request for relief, the appellant shall pay the hearing fee as set forth in the city of Auburn fee schedule within 14 calendar days of the hearing. Failure to pay the fee shall be a cost of the abatement subject to cost recovery under this section.

D. Cost recovery -- Lien. ~~†~~The person on whom such notice for the removal of same was served, in addition to incurring the any penalty provided, shall become indebted to the city for the damages, and legal and administrative costs and charges incurred by the city in the repair, demolition, remedy, removal, or abatement of such nuisance.

The city shall bill its costs to the person(s) obligated to perform the work under the notice of failure to correct a violation, an order to stop work or an order of a court, which costs shall become due and payable 30 calendar days after the date of the bill. If unpaid after 30 calendar days, such costs and charges are to be recovered by a civil action brought by the city against the person so served with such notice, which action the mayor or designee is authorized to bring for and on behalf of the city. The mayor or designee is also authorized to file a lien against the property on which the nuisance was abated, whether pursuant to this chapter or by other legal process, or on the adjacent property where the nuisance was located on public property or on public right-of-way and where the nuisance was caused by or on behalf of the owner of the adjacent property. The lien shall be in the amount of the city's damages and costs in abating the nuisance, including administrative and legal costs, the amount of relocation assistance advanced under RCW 59.18.085, in the costs of enforcing the lien, the amount of all outstanding penalties, and all allowable interest. In any such abatement by the city, the city shall also be entitled to interest accruing at the rate of 12 percent per annum from the time of the expenditure of funds by the city for such abatement. The amount of unpaid civil penalties shall constitute a lien against the property that shall be of equal rank with state, county and municipal taxes.

For purposes of this section "administrative costs" shall include, but are not limited to, recording and filing fees, personnel costs incurred in the inspection of the property, preparation of notices, contracts, and other documents necessary for performing the abatement and providing law enforcement during the abatement. In this section, "legal costs" shall include, but not be limited to, attorney fees, expert witness fees, recording and filing fees, and personnel costs incurred in preparing contracts, and notices necessary for performing the abatement.

E. Special assessment. Additionally, the mayor may levy a special assessment on the property on which the nuisance was abated for the amount of the city's damages and costs in abating the nuisance, unless previously paid, and to contract with the county treasurer to collect the assessment pursuant to RCW 84.56.035, including interest at such rates as provided in RCW 84.56.020, as now or hereafter amended. The finance director shall certify to the county treasurer the city's costs, charges, and damages. 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.

F. Salvage -- Any salvage value proceeds resulting from the abatement of the property shall first be applied to the costs of abatement. Any remaining such monies shall be paid to the property owner as shown on the last equalized assessment roll.

G. Obstruction with work prohibited. No person shall obstruct, impede or interfere with the city, its employees or agents, or any person who owns, or holds any interest or estate in any property in the performance of any necessary act, preliminary or incidental to carrying out the requirements of this section. A violation of this provision shall constitute a misdemeanor, and shall be punishable as provided by ACC 1.24.010. (Ord. 6328 § 2, 2010; Ord. 5837 § 6, 2004; Ord. 5747 § 1, 2003; 1957 code § 7.04.330.)

Section 12. Amendment to City Code. That Section 8.12.090 of the Auburn City Code be and the same hereby is amended to read as follows:

8.12.090 Abatement order.

The magistrate before whom there may be pending any proceeding for a violation of maintaining or permitting a nuisance, except as defined hereinabove, shall, in addition to any fine or other punishment which it may impose for such violation, order the defendant to abate such nuisance abated and all property unlawfully used in the maintenance thereof ~~destroyed by the chief of police~~ at the cost of the defendant. (Ord. 5747 § 1, 2003; 1957 code § 7.04.350.)

Section 13. Amendment to City Code. That Section 8.20.030 of the Auburn City Code be and the same hereby is amended to read as follows:

8.20.030 Violation – Penalty.

The code enforcement official, or his designee, pursuant to the provisions of Chapter 1.25 ACC, is authorized and empowered to notify the owner of any ~~open or vacant~~ private property within the city or the agent of such owner to properly cut and remove all grass, weeds, ~~and brush~~ and other vegetation growing in violation of ACC 8.20.010 and 8.20.020 which is dangerous to public health, safety and welfare. The notice shall be sent in the same manner, containing the same contents, and to the same individuals or entities as is required by ACC 1.25.030, as hereafter amended, for notices to correct a violation. A violation of any of the provisions of this chapter by any person, firm or corporation shall be a civil infraction or subject to a civil penalty, punishable in accordance with Chapter 1.25 ACC, except where the violation is designated as a misdemeanor as provided in ACC 1.25.050.

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For purposes of this chapter, a person's property shall include any landscape strip, also known as the parking strip, planting area or planting strip, which is the ground area situated between a roadway edge and the sidewalk, or if there is no sidewalk, the right of way line. (Ord. 6328 § 3, 2010; Ord. 5837 § 7, 2004; Ord. 5747 § 3, 2003; Ord. 4504 § 10, 1991; Ord. 4040 § 2, 1985.)

Section 14. Amendment to City Code. That Section 8.20.040 of the Auburn City Code be and the same hereby is amended to read as follows:

8.20.040 Removal – City action.

Upon the failure, neglect or refusal of any owner or agent so notified to properly cut and dispose of grass, weeds and brush, and any other vegetation dangerous to the public health, safety or welfare within the time specified in the notice provided in ACC 8.20.030, the code enforcement official is authorized and empowered to pay for the disposing of abate such grass, weeds, and brush, and vegetation and to order its disposal by the city. At least ten (10) calendar days prior to abating the nuisance, the code enforcement official shall notify the property owner of the intended abatement. The notice shall be sent in the same manner and to the same individuals as provided in 8.20.030. The notice shall include a statement that the property owner shall be responsible for the costs of the abatement, which shall be a lien upon the property if unpaid, that the property owner may appeal the abatement determination pursuant to ACC 8.20.080 of this ordinance, and the procedures for making such appeal. (Ord. 5747 § 3, 2003; Ord. 4504 § 11, 1991; Ord. 4040 § 3, 1985.)

Section 15. Amendment to City Code. That Section 8.20.050 of the Auburn City Code be and the same hereby is amended to read as follows:

8.20.050 Removal – Cost – Payment.

When the city has effected the removal of said grass, weeds, or brush or vegetation, a code enforcement officer shall render a statement covering the costs of such abatement, including all of the city's expenses, which may include the time of the officer to arrange for and accomplish the abatement, and mail the bill to the property owner at both the last known address and the address listed in the county's property tax records. The cost of such abatement shall be a lien upon the property that is of equal rank with state, county, and municipal taxes. If the property owner fails to pay such bill, or if the owner cannot be found, the officer may cause a lien to be filed against the property. The lien shall be in similar form, be filed with the same county office, filed within the same time and manner, and be enforced and foreclosed in the same way as state law provides for the foreclosure of labor and material liens. Additionally, the city may refer to a collection agency the abatement costs, which shall include the collection agency fee, and any penalty assessed pursuant to Chapter 1.25 ACC shall include the abatement cost city's actual costs. The provisions of this chapter relative to the recovery of abatement costs are not exclusive, and all other rights or remedies of the city, or any citizen thereof, relative to recovering abatement costs are to remain in full force and effect. (Ord. 5747 § 3, 2003; Ord. 4504 § 12, 1991; Ord. 4040 § 4, 1985.)

Section 16. Amendment to City Code. That Section 12.36.050 of the Auburn City Code be and the same hereby is amended to read as follows:

12.36.050 Nuisances – Designated.

Trees, shrubs or vegetation or parts thereof which so overhang any sidewalk or street or which are growing thereon in such manner as to obstruct or impair the free and full use of the sidewalk or street by the public are public nuisances. ~~Grass, weeds, shrubs, bushes, trees or vegetation growing or which has grown and died upon any property and which is a fire hazard or a menace to public health, safety or welfare are likewise public nuisances.~~ It is the duty of the owner of the property wherein or whereon any such nuisances exist to abate the nuisances by destroying, removing or trimming the growth. (1957 code § 8.15.040.)

Section 17. Amendment to City Code. That Section 15.06.010 of the Auburn City Code be and the same hereby is amended to read as follows:

15.06.010 International codes adopted.

There is adopted by reference, upon the effective date of the ordinance codified in this chapter and upon filing with the city clerk one copy thereof, the following described chapters of the Washington Administrative Code, International Codes and standards, and Uniform Plumbing Code and standards together with appendix chapters, amendments, deletions and additions as set forth in this section or in the appropriate chapters in this code.

A. International Building Code adopted. The 2015 edition of the International Building Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-50 WAC, is adopted by reference with amendments, deletions and additions thereto as provided in Chapter 15.08A ACC, Building Code.

B. International Residential Code adopted. The 2015 edition of the International Residential Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-51 WAC is adopted by reference, including Chapter 11, "Energy Efficiency," Chapters 25 through 33, "Plumbing," and Chapters 34 through 43, "Electrical."

C. International Mechanical Code adopted. The 2015 edition of the International Mechanical Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference.

D. International Fire Code adopted. The 2015 edition of the International Fire Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-54A WAC, is adopted by reference with amendments, deletions and additions thereto as provided in ACC Chapter 15.36A Fire Code.

E. National Fuel Gas Code (NFPA 54) adopted. The 2015 edition of ANSI Z223.1/ NFPA 54 National Fuel Gas Code, as published by NFPA, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference.

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F. Liquefied Petroleum Gas Code (NFPA 58) adopted. The 2015 edition of the Liquefied Petroleum Gas Code, as published by NFPA, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference.

G. International Fuel Gas Code adopted. The 2015 edition of the International Fuel Gas Code, as published by the International Code Council, as adopted and hereafter amended by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference.

H. Uniform Plumbing Code adopted. The 2015 edition of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, as adopted and hereafter amended by the State Building Code Council in Chapter 51-56 WAC, is adopted by reference, including Chapter 12, "Fuel Piping," Chapter 15, "Firestop Protection," Appendix A, "Recommended Rules for Sizing the Water Supply System," Appendix B, "Explanatory Notes on Combination Waste and Vent Systems," Appendix C, "Alternate Plumbing Systems," Appendix I, "Installation Standards," and those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and those portions of the code addressing building sewers.

I. International Energy Conservation Code adopted. The 2015 edition of the International Energy Conservation Code, as published by the International Code Council, as amended by the State Building Code Council in Chapters 51-11C and 51-11R. The most current Washington State Energy Code as established under Chapter 19.27A RCW (most recently amended in 2012). The Washington State Energy Code, as adopted and hereafter amended by the State Building Code Council in Chapters 51-11C and 51-11R WAC, is adopted.

J. International Property Maintenance Code adopted. The 2015 edition of the International Property Maintenance Code, as published by the International Code Council, ~~excluding Chapter 1, Section 111, "Means of Appeal,"~~ is adopted by reference subject to the exceptions and conditions of Chapter 15.20.

K. International Swimming Pool and Spa Code adopted. The 2015 edition of the International Property Management Code, as published by the International Code Council, excluding Chapter 4, "Public Swimming Pools," Chapter 5, "Public Spas and Public Exercise Spas," and Chapter 6, "Aquatic Recreation Facilities," is adopted by reference.

L. International Existing Building Code adopted. The 2015 edition of the International Existing Building Code, as published by the International Code Council, and hereafter amended by the State Building Code Council in Chapter 51-50-480101, is adopted.

M. International Green Construction Code adopted. The 2015 edition of the International Green Construction Code, as published by the International Code Council is adopted by reference, as an optional reference for developers who choose to utilize elements of the code for guidance.

Section 18. Repeal of Section in City Code. That Section 1.25.070 of the Auburn City Code be and the same hereby is repealed.

Section 19. Repeal of Section 111 of the International Property Maintenance Code. That Section 111 of the 2015 International Property Maintenance Code be and the same hereby is repealed.

Section 20. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 21. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this Ordinance, or the validity of its application to other persons or circumstances.

Section 22. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval, and publication as provided by law.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

ATTEST:

NANCY BACKUS, MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: _____

TEXT OF REPEALED CODE SECTION

1.25.070 Abatement.

A. Abatement by City. The city may perform the abatement required upon noncompliance with the terms of an order of the court.

1. The city may utilize city employees or a private contractor under city direction to accomplish the abatement. The city, its employees and agents using lawful means are expressly authorized to enter upon the property of the violator for such purposes.

2. The city shall bill its costs, including incidental expenses, of abating the violation to the person(s) obligated to perform the work under the notice of failure to correct a violation, an order to cease activity or an order of the court, which 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 attorney's 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; and the cost of any required printing and mailing.

B. Obstruction with Work Prohibited. No person shall obstruct, impede or interfere with the city, its employees or agents, or any person who owns, or holds any interest or estate in any property in the performance of any necessary act, preliminary or incidental to carrying out the requirements of this section. A violation of this provision shall constitute a misdemeanor, and shall be punishable as provided by ACC 1.24.010.

C. Report to City Council and Hearing on Cost of Abatement. In the event the person(s) responsible fails to pay within the 30-day period set forth in subsection (A)(2) of this section, the enforcement official shall prepare a written itemized report to the city council showing the cost of abatement, including rehabilitation, demolition, restoration or repair of such property, including such salvage value relating thereto plus the amount of any outstanding penalties.

1. A copy of the report and a notice of the time and date when the report shall be heard by the city council shall be served on the person responsible for payment at least five days prior to the hearing before the city council.

2. The city council shall review the report and such other information on the matter as it receives and deems relevant at the hearing. The city council shall confirm or revise the amounts in the report, authorize collection of that amount or, in the case of a debt owed by a property owner, authorize placement of an assessment lien on the property as provided herein.

D. Assessment Lien. Following the hearing and authorization by the city council, the city clerk shall certify to the county treasurer the confirmed amount. 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 or other appropriate fund of the city. The lien shall be of equal rank with the state, county and municipal taxes.

E. 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. (Ord. 5966 § 5, 2006; Ord. 5677 § 2, 2002.)

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Ord. No. 6615

August 2, 2016

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AGENDA BILL APPROVAL FORM

Agenda Subject:

Council Discussion on Retreat Goals (5 Minute Presentation/10 Minute Q&A)

Date:

August 4, 2016

Department:

Administration

Attachments:

[ED Update 8-8-2016](#)

Budget Impact:

\$0

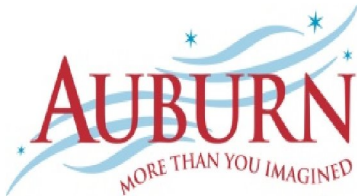
Administrative Recommendation:**Background Summary:****Reviewed by Council Committees:****Councilmember:****Staff:**

Meeting Date: August 8, 2016

Item Number: DI.D

Mid Year 2016 Economic Development Update

***City Council Study Session
August 8th , 2016***



**Douglas Lein Mgr.
City of Auburn,
Office of Economic Development**
'Your Catalyst for Success!'

Auburn by the Numbers

	Mid Year 2016	Mid Year 2015
Single Family	153	105
Single Family Value	\$42,320,481.69	\$27,622,832.32
Commercial	203	207
Commercial Value	\$55,700,684.24	\$26,744,039.22
Business Licenses		220
Real Estate Excise Tax	\$2,100,000.00	\$2,800,000.00
Sales Tax Revenue	\$8,300,000.00	\$8,000,000.00

10 Year Economic Development Strategic Plan Update

- ▶ Our consultants have completed all of their data research and are now moving into their final stage of completing the plan. The Schedule to move for final adoption is as follows.

Upcoming TIP Schedule

- October 24 – City Council Briefings
- October 24 – City council Study Session
- November 7 – City Council Meeting

Updates

- ▶ TREK Apartments have reported to be 95% occupied and have hit their target pro forma.
- ▶ Merrell Gardens is reporting their leasing activity is ahead of their leasing goals. Opening is expected in the 4 Quarter of 2016.
- ▶ Downtown Façade Improvement Grant program has completed or committed all 2016 funds.
- ▶ Multi Care new customer care center on 15th ST SW has staffed up to the target of 350 new jobs. Orion Industries has completed a contract to be their training partner.
- ▶ Green River College - New aerospace and aviation downtown campus will be open for classes at the start of the fall term.

Updates

- ▶ Real Estate management has and is being integrated into a faction of Economic Development. We will support all City Departments with their real estate needs.
- ▶ Tourism management has and is being integrated into a faction of Economic Development.
 - Updated business plan completed
 - 2016 budget updated
 - Currently recruiting for Tourism Coordinator.
 - APEX marketing has been placed under contract.

Goals

- ▶ **Business Workshop Series** www.auburnwa.gov/BizVideos
- ▶ **Market our Community as the “Place to do Business”**
- ▶ **Continue to Recruit and Support**
- ▶ **Downtown Facade Improvement Program**
- ▶ **Promote the City’s Innovation Partnership Zone**
 - **Complete our new Supply Chain Data System**
- ▶ **Weekly Business Networking** www.3noNetworking.com

Questions?

**Douglas Lein Mgr.
Office of Economic development**

253.804.3101

dlein@auburnwa.gov

www.auburnwa.gov

Your Catalyst for Success!

