

**ORDINANCE NO. 350**

AN ORDINANCE OF THE CITY OF WOODINVILLE, WASHINGTON, ADOPTING NEW CODE ENFORCEMENT PROCEDURES AND MECHANISMS INCLUDING PROCEDURES FOR ISSUING CIVIL INFRACTIONS, DEFINING CERTAIN CIVIL VIOLATIONS, IMPOUNDING JUNK VEHICLES, AND ABATING NUISANCES AND UNFIT STRUCTURES.

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WHEREAS, the City of Woodinville has been using the code enforcement procedures adopted by Ordinance No. 230; and

WHEREAS, these code enforcement procedures have occasionally proved to be inadequate and/or inefficient; and

WHEREAS, the Woodinville City Council desires that the City's code enforcement program have a broad variety of tools sufficient to meet the City's various code enforcement needs; and

WHEREAS, this Ordinance accomplishes that goal NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF WOODINVILLE, WASHINGTON,  
DO ORDAIN AS FOLLOWS:

Section 1. A new chapter 1.05, entitled "Definitions," is hereby added to the Woodinville Municipal Code to read as set forth in Attachment A, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 2. Chapter 1.06 of the Woodinville Municipal Code, entitled "Enforcement," is hereby repealed.

Section 3. A new chapter 1.06, entitled "Civil Infractions," is hereby added to the Woodinville Municipal Code to read as set forth in Attachment B, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 4. A new chapter 1.07, entitled "Civil Violations," is hereby added to the Woodinville Municipal Code to read as set forth in Attachment C, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 5. A new chapter 1.08, entitled "Junk Vehicles," is hereby added to the Woodinville Municipal Code to read as set forth in Attachment D, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 6. A new chapter 1.09, entitled, "Unfit Structures and Nuisances," is hereby added to the Woodinville Municipal Code to read as set forth in Attachment E, which is attached hereto and incorporated herein by this reference as if set forth in full.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

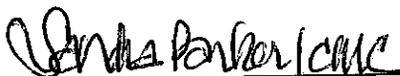
Section 8. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Woodinville this tenth day of November, 2003.

APPROVED:

  
\_\_\_\_\_  
MAYOR SCOTT HAGEMAN

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, SANDRA PARKER

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY  \_\_\_\_\_

PASSED BY THE CITY COUNCIL: 11-10-2003  
PUBLISHED: 11-17-2003  
EFFECTIVE DATE: 11-22-2003  
ORDINANCE NO. 350

## Chapter 1.05 DEFINITIONS

Sections:

- 1.05.010      Scope
- 1.05.020      Definitions

1.05.010 Scope. This chapter contains definitions of technical and procedural terms used in Woodinville Municipal Code Chapter 1.06, 1.07, 1.08 and 1.09.

1.05.020 Definitions

1. "Abandoned Vehicle" as used in all sections of this chapter means any abandoned vehicle, any abandoned automobile hulks and any other vehicle or parts thereof not defined as or amounting to abandoned vehicle or automobile hulk, whether on public or private property, whether or not so left with or without the permission of the property owner thereof.
2. "Abandoned Junk Vehicle" or "Junk Vehicle" shall mean a vehicle meeting any two of the following:
  - a. Is three years or older;
  - b. Is extensively damaged, such damage including but not limited to any of the following: a broken window or windshield, missing wheels, tires, motor or transmission;
  - c. Is apparently inoperable;
  - d. Is without a valid, current registration plate;
  - e. Has an approximate fair market value equal only to the approximate value of the scrap in it; and
  - f. Excluding farm tractors and farm vehicles.
3. "Code" shall mean the Woodinville Municipal Code
4. "Code Enforcement Officer" shall mean a person authorized to enforce the provisions of Title 1 of the WMC.
5. "Dangerous Machine" shall mean any machine that has the potential to cause serious bodily harm to any person.
6. "Director" shall mean the City Manager, Director of Administrative Services, Director of Community Development (Planning), Director of Public Works, Director of Parks and Recreation or Permit Center Director, and his or her duly authorized representative(s), including the Code Enforcement Officer.
7. "Discarded" shall mean cast off, thrown away or abandoned

8. "Enforcement Officer" means a person authorized to enforce the provisions of Title 1 of the WMC.
9. "Garage keeper" means a person, firm, partnership, association or corporation whose business it is to store vehicles for compensation
10. "Household Equipment" shall mean any apparatus, tool or similar item that is intended for a use in a dwelling, including but not limited to cooking utensils, appliances, and furniture.
11. "Motor Vehicle Wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of the City of Woodinville or of this State, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of any motor vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts.
12. "Neglected Equipment" shall mean any machinery, tool or similar item that is left in a state of disrepair.
13. "Person" shall mean any natural person, any corporation, any unincorporated association or partnership, or any other business entity.
14. "Scrap Processor" means any person, firm or corporation legally and currently licensed to demolish or destroy automobiles or automobile hulks by lawful means including but not limited to, crushing, shearing, hydraulic baling or shredding, for recycling automobile salvage.

**Chapter 1.06**  
**CIVIL INFRACTIONS**

Sections:

1.06.010	Purpose.
1.06.020	Applicability.
1.06.030	Violations.
1.06.040	Enforcement authority
1.06.050	Investigation and right of entry
	<b>1.06.060 Notice of Infraction</b>
	<b>1.06.070 Service</b>
	<b>1.06.080 Response To Notice</b>
1.06.090	[reserved]
1.06.100	[reserved]
1.06.110	Penalties
1.06.120	Separate Offense
1.06.130	Time to Comply
1.06.140	Stop Work Order
1.06.150	Emergency Order
1.06.160	Additional Relief

1.06.010 Purpose.

This chapter provides a means for the enforcement of the Woodinville Municipal Code. The purposes of this chapter include: to prevent harm to the public and the environment by ensuring compliance with the development regulations, building codes, public facility, health, safety and welfare, and other regulations of the City of Woodinville; to provide for restoration/restitution where damage has occurred; and to provide for penalties where violations have occurred to deter future violations and prevent unjust enrichment of those who violate these regulations. This chapter also provides for the protection of the public and the environment by providing for appropriate enforcement tools.

The City of Woodinville's primary goal is to achieve compliance with its regulations, codes and ordinances. The City of Woodinville strives to work cooperatively with affected residents, businesses and property owners to resolve potential violations in a manner that respects the rights and, where possible, the interests of all parties. The City of Woodinville also strives to be responsive to public complaints related to potential violations.

1.06.020 Applicability.

(1) The enforcement authority of this chapter shall apply to all the ordinances, codes and regulations of the City of Woodinville.

(2) The procedures for notification and enforcement set forth in this chapter are intended to apply in addition to any other procedures or courses of action provided by law. The use of the procedures set forth herein shall not require or preclude the use of any other procedures allowed by the Woodinville Municipal Code or State law.

1.06.030 Violations.

(1) It is unlawful to violate any applicable provision of the Woodinville Municipal Code.

1.06.040 Enforcement authority.

(1) The Director may call upon the Police, Fire, Permit Center, Public Works or other appropriate City Departments to assist in enforcement.

(2) This chapter shall be enforced for the benefit of the health, safety, and welfare of the general public, and not for the benefit of any particular person or class of persons.

(3) It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier and/or other person responsible for any violation of the Woodinville Municipal Code, and for compliance with the City's Shoreline Master Program.

(4) No provision of or any term used in this chapter is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

(5) The City's Code Enforcement Officer, in addition to any other City employee who may be authorized by the Director, is hereby specifically authorized to investigate code violations, issue and serve notices of infraction to enforce such violations, and to take any other enforcement action consistent with this chapter, chapter 7.80 RCW, and the Infraction Rules for Courts of Limited Jurisdiction.

1.06.050 Investigation and right of entry

(1) Investigation and Right of Entry. The Director shall investigate any structure, condition activity, or use, which the Director reasonably believes does not comply with the applicable standards and requirements of the Woodinville Municipal Code. Upon presentation of proper credentials, the Director may, with the consent of the occupant/tenant of a building or premises, or pursuant to a lawfully issued inspection warrant, enter, at reasonable times, any building or premises subject to the consent or warrant, in order to perform the duties imposed by this chapter.

(2) Other Actions May Be Taken. Nothing in this section shall be deemed to limit, enforce or preclude any action or proceeding pursuant to any other lawful authority, including but not limited to the following: issuance of a stop work order; emergency order; abatement order, notice of penalty, or cease and desist order under the City's Shoreline Master Program; criminal prosecution and/or action for injunctive relief.

1.06.060 Notice of Infraction

(1) The following Notice of Infraction provisions are based upon and, in some cases, supplement chapter 7.80 RCW and the Infraction Rules for Courts of Limited Jurisdiction (IRLJ). These provisions should be construed, whenever possible, to eliminate any conflict between this chapter, chapter 7.80 RCW and the IRLJs.

(2) A notice of infraction may be issued by the Director upon certification that the issuer has reasonable cause to believe, and does believe, that a person has committed an infraction contrary to law.

(3) The notice of infraction form shall contain the following information on the copy given to the defendant:

- (A.) The name, address, and phone number of the court where the notice of infraction is to be filed;

- (B.) The infraction, which the defendant is alleged to have committed, including the accompanying code citation or ordinance number;
- (C.) The date, time, and place the infraction occurred;
- (D.) The date the notice of infraction was issued;
- (E.) The name of the code enforcement officer or other person issuing the infraction;
- (F.) A statement that the defendant must respond to the notice of infraction within 15 days of issuance;
- (G.) A statement of the options provided for responding to the notice and the procedures necessary to exercise these options;
- (H.) A space for entry of the monetary penalty which the respondent may pay in lieu of appearing in court
- (I.) A statement that the mailed response must be mailed and postmarked no later than midnight on the day the response is due;
- (J.) A statement that the notice of infraction represents a determination that a civil infraction has been committed by the person named in the notice and that the determination is final unless contested;
- (K.) A statement that a civil infraction is a non-criminal offense for which imprisonment may not be imposed as a sanction;
- (L.) A statement that at any hearing to contest the determination the city has the burden of proving, by a preponderance of the evidence, that the civil infraction was committed and that either party may subpoena witnesses including the person who issued the notice of infraction;
- (M.) A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the defendant will be deemed to have committed the civil infraction and may not subpoena witnesses;
- (N.) A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the defendant in the amount of the penalty and that this failure may be referred to the city prosecutor for criminal prosecution for failure to respond or appear;
- (O.) A statement that failure to respond to a notice of infraction as promised or to appear at a requested hearing is a misdemeanor and may be punished by a fine or imprisonment in jail.

(4) A Notice of Infraction may be issued in conjunction with, or for any violation of, a stop work order or emergency order.

1.06.070 Service and filing.

(1) A notice of infraction may be served either by:

- (A.) The Code Enforcement Officer serving the notice of infraction on the person named in the notice of infraction at the time of issuance;
- (B.) The Code Enforcement Officer affixing the notice of infraction to the property, or posting the notice of infraction on the property, in a conspicuous location on the property, if the offense is occurring on that property at the time of issuance; or

- (C.) The Code Enforcement Officer, city prosecutor or city attorney filing the notice of infraction with the court, in which case the court shall have the notice served either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her address. If a notice of infraction served by mail is undeliverable, the court shall issue a summons.

(2) The Code Enforcement Officer shall have the authority to require those receiving infractions to identify themselves by giving their name, address, and date of birth, and shall further have the authority to require the presentation of a driver's license or other reliable identification. If a defendant refuses to identify himself or herself, the Code Enforcement Officer shall request assistance from the police.

(3) When a notice of infraction has been issued, the notice shall be filed with a court having jurisdiction over the infraction. The notice must be filed within two days (forty-eight hours) of issuance of the notice, excluding Saturdays, Sundays, and holidays. A notice of infraction not filed within the time limits of this section may be dismissed without prejudice.

#### 1.06.080 Response to Notice

(1) A person served with a notice of infraction must respond to the notice within 15 days of the date the notice is served or posted or, if the notice is served by mail, within 18 days of the date the notice is mailed.

(2) A person must respond to a notice of infraction by either:

- (A.) Paying the amount of the monetary penalty, in which case the court shall enter a judgment that the defendant has committed the infraction;
- (B.) Contesting the determination that an infraction occurred by requesting a hearing;  
or
- (C.) Requesting a hearing to explain mitigating circumstances surrounding the commission of the infraction.

1.06.090 [reserved]

1.06.100 [reserved]

#### 1.06.110 Penalties.

(1) Civil Penalty.

- (a) Any person violating or failing to comply with the applicable provisions of the Woodinville Municipal Code shall be subject to a penalty in the amount specified in 1.06.110 (b), for each violation. Each day that a person continues to violate the Woodinville Municipal Code shall constitute a separate violation for which a notice of infraction may be issued subjecting the violator to an additional penalty.

(b) Penalties.

The following general penalties shall be assessed and shall supersede any penalties set forth in any other chapter of the Woodinville Municipal Code except those special penalties set forth in subsection (e), below.

1. First offense \$125
2. Second offense \$175
3. Third offense \$250

4. Greater than 3 offenses \$250

- (c) In addition to any penalty which may be imposed, any person violating or failing to comply with the applicable provisions of the Woodinville Municipal Code, unless otherwise provided in the code, shall make restitution for any and all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.
- (d) The defendant may show the following as mitigating circumstances:
  - (i) That the violation giving rise to the infraction was caused by the willful act, or neglect, or abuse of another; or
  - (ii) That correction of the violation was commenced promptly upon receipt of the first notice of infraction, but that full and timely compliance was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.
- (e) Special penalties.
  - (i) The penalty schedule set forth in IRLJ 6.2(d) is hereby adopted by reference and incorporated herein as if set forth in full.

1.06.120 [reserved]

1.06.130 [reserved]

1.06.140 Stop Work Order

(1) Whenever a violation of the Woodinville Municipal Code will materially impair the City's ability to secure compliance with the code, or when the continuing violation threatens the health, safety or welfare of the public, the Director may immediately issue a stop work order specifying the violation and prohibiting any work or other activity at the site. A failure to comply with a stop work order shall constitute a violation of this chapter. (Ord. 230 § 2, 1999)

(2) A Notice of Infraction may be issued in conjunction with or for any violation of a stop work order.

1.06.150 Emergency order

Whenever any use or activity threatens the immediate health, safety and welfare of the occupants of a premises or any member of the public, the Director may immediately issue an emergency order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The emergency order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. Failure to comply with an emergency order shall constitute a violation of this chapter. Any condition described in the emergency order which is not corrected within the time specified is hereby declared to be a public nuisance and the City Manager, with the assistance of the City Attorney, is authorized to abate such nuisance summarily by any available legal means. The cost

of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law. (Ord. 230 § 2, 1999)

1.06.160 Additional Relief.

(1) The provisions of this chapter are in addition to and not in lieu of any other penalty, sanction or right of action provided by law.

(2) The City may at any time seek legal or equitable relief to enjoin any acts or practices and seek to abate any condition which constitutes or will constitute a violation of the applicable provisions of the Woodinville Municipal Code and/or the City's Shoreline Master Program.

**Chapter 1.07**  
**CIVIL VIOLATIONS**

Sections:

- 1.070.010 Definitions
- 1.07.020 Purpose
- 1.070.30 Violations
- 1.07.040 Nuisance Section
- 1.07.050 Severability

1.07.010 Definitions

Definitions are set forth in Chapter 1.05 of the Woodinville Municipal Code.

1.07.020 Purpose

The purpose of this chapter is to preserve the public health and the character and safety of the City's neighborhoods rendering certain conduct unlawful. The violations set forth in this chapter may be enforced using any of the means set forth in Title 1 WMC.

1.07.030 Violations.

(1) It is unlawful to violate any applicable provision of the Woodinville Municipal Code.

(2) It is unlawful for any person to initiate, maintain or cause to be initiated or maintained the use of any structure, land or property within the City without first obtaining any and all permits or authorizations required for its use by the applicable provisions of the Woodinville Municipal Code and/or the City's Shoreline Master Program.

(3) It is unlawful for any person to use, construct, erect, enlarge, alter, repair, move, improve, convert, equip, occupy, maintain, locate, demolish or cause to be used, constructed, located, or demolished, any structure, land or property within the City in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the applicable provisions of the Woodinville Municipal Code and/or the City's Shoreline Master Program.

(4) It is unlawful to:

(a) Remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;

(b) Materially misrepresent any fact or information in any application, plan or other document submitted to obtain any permit or other authorization from the City;

(c) Fail to comply with any of the requirements of a stop work order or emergency order issued under this chapter;

(d) Fail to conform to the terms of a shoreline substantial development permit, conditional use permit, variance or other permit issued pursuant to the City's Shoreline Master Program, or undertake a development or use on shorelines of the state without first obtaining the necessary shoreline permits or approvals, or fail to comply with a cease and desist order issued pursuant to the City's Shoreline Master Program. (Ord. 230 § 2, 1999)

(5) Subdivision Violations. Any person or any agent of any person who violates any provision of Chapter 58.17 RCW or WMC Title 20, which relates to the sale, offer for sale, lease, or transfer of any lot, tract, or parcel of land, shall be subject to prosecution under this chapter for a gross misdemeanor. Each sale, offer for sale, lease or transfer of each separate lot, tract, or parcel of

land in violation of any provision of Chapter 58.17 RCW or WMC Title 20 shall be deemed a separate and distinct offense.

(6) Shoreline Master Program Violations.

(a) Pursuant to RCW 90.58.210, the City may impose penalties for Shoreline Master Program violations in an amount not to exceed \$1,000 for each violation. Each day of violation shall constitute a separate violation.

(b) Any person who, through an act of commission or omission, aids or abets in a violation shall be considered to have committed a violation for the purposes of the civil penalty.

(c) When a penalty is imposed jointly by the Department of Ecology and the City, it may be mitigated only upon such terms as both the Department and the City agree.

(7) It is unlawful for any person to discharge or allow to be discharged any contaminants into surface and storm water or ground water. Contaminants include, but are not limited, to the following:

- a. trash or debris;
- b. construction materials;
- c. petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;
- d. antifreeze and other automotive products;
- e. metals in either particulate or dissolved form;
- f. flammable or explosive materials;
- g. radioactive material;
- h. batteries;
- i. acids, alkalis, or bases;
- j. paints, stains, resins, lacquers, or varnishes;
- k. degreasers and/or solvents;
- l. drain cleaners;
- m. pesticides, herbicides, or fertilizers;
- n. steam cleaning wastes;
- o. soaps, detergents, or ammonia;
- p. swimming pool backwash;
- q. chlorine, bromine, and other disinfectants;
- r. heated water;
- s. domestic animal wastes;
- t. sewage;
- u. recreational vehicle waste;
- v. animal carcasses;
- w. food wastes;
- x. bark and other fibrous materials;
- y. collected lawn clippings, leaves, or branches;
- z. silt, sediment, or gravel;
- aa. chemicals, not normally found in uncontaminated water;
- bb. any other hazardous material or waste, not listed above.

(8) It is unlawful to:

- a. Fail to maintain Erosion and Sedimentation Control (ESC) measures in a proper manner.
- b. Park any vehicle in the front yard, side yard or rear yard areas, except upon legally established driveways.

**Chapter 1.08**  
**JUNK VEHICLES**

Sections:

- 1.08.020 Abatement and removal of unauthorized junk motor vehicles or parts thereof from private property.
- 1.08.030 Owner of record presumed liable for costs when vehicle abandoned - Exceptions.
- 1.08.040 Owner or agent required to pay charges - Lien.
- 1.08.050 Written impound authorization form.
- 1.08.060 Hearing Examiner to hear impound.

1.08.020 Abatement and removal of unauthorized junk motor vehicles or parts thereof from private property.

(1) The storage or retention of an abandoned or unauthorized junk motor vehicle or parts thereof, as defined herein, on private property is declared to constitute a public nuisance subject to removal and impoundment. The Code Enforcement Officer shall inspect and investigate complaints relative to unauthorized junk motor vehicles, or parts thereof on private property. Upon discovery of such nuisance, the Code Enforcement Officer shall give notice in writing to the last registered owner of record, if identifiable, and to the property owner on whose land it is located, of the violation of the nuisance provisions and demand that either or both of them abate the nuisance or subject the vehicle to removal at their expense. Notice shall also be posted at the property where the vehicle is located. The notice shall also inform both that a hearing before the Hearing Examiner may be requested in writing, directed to the City Clerk within 10 days of said notice, and that if no hearing is requested within 10 days, the vehicle will be removed at either or both of their expense.

(2) If a request for a hearing is 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 mailed, by certified mail with a five-day return receipt requested, to the owner of the land as shown on the last assessment role and to the vehicle's last registered and legal owner of record unless the vehicle is in such condition that the identification numbers are not available to determine ownership.

(3) The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for the denial and that he has not given consent for the vehicle to be there. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced to its presence, then the court shall not assess costs of administration or removal of the vehicle against the owner of the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner of the property.

(4) Costs of removal of vehicles or parts thereof under this section shall be assessed against the last registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of 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, unless the property owner establishes the facts set forth above in subsection (3) above.

(5) This section shall not apply to:

(a) A vehicle or part thereof that is kept within a building in a lawful manner where it is not visible from the street or other public or private property except through an open garage door; or  
(b) 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.

(6) After notice has been given of the city's intent to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or parts thereof shall be removed at the request of the Code Enforcement Officer and disposed of to a licensed motor vehicle wrecker or hulk hauler with written notice being provided to the Washington State Patrol and the Department of Licensing that the vehicle has been wrecked

1.08.030 Owner of record presumed liable for costs when vehicle abandoned - Exceptions.

(1) The abandonment of any junk vehicle or parts thereof shall constitute a prima facie presumption that the last owner of record is responsible for such junk vehicle and thus liable for any costs incurred in removing, storing and disposing of said vehicle less amounts realized at auction.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this chapter if within five days of the transfer he transmits to the department a seller's report of sale on a form prescribed by the director to show that the vehicle had been transferred prior to the date notice was given to him of the need to abate.

1.08.040 Owner or agent required to pay charges - Lien.

(1) Any costs incurred in the removal and storage of an impounded vehicle shall be a lien upon the vehicle. All towing and storage charges on such vehicle impounded shall, to the extent authorized by law, be paid by the owner or his agent if the vehicle is redeemed. In the case of abandoned vehicles, all costs of removal and storage shall be paid by the owner or his agent if the vehicle is redeemed, but if not redeemed, such costs shall be received from the proceeds of sale and deficiencies assessed against the registered owner of the vehicle.

(2) Either a registered or legal owner may claim an impounded vehicle by payment of all charges that have accrued to the time of reclamation. If the vehicle was impounded at the direction of a law enforcement agency, the person in possession of the vehicle prior to the time of reclamation shall notify such agency of the fact that the vehicle has been claimed, and by whom.

1.08.050 Written impound authorization form.

Whenever the Code Enforcement Officer impounds a vehicle pursuant to the provisions of this chapter, the officer shall complete an authorization form approved by the Chief of Police which specifies the section of this chapter or Chapter 46.55 RCW authorizing the impound. In the alternative, a notice of infraction or citation for an offense which authorizes the impound may be substituted.

1.08.060 Hearing Examiner to hear impound.

All abatement hearings required under this section shall be conducted by the Hearing Examiner. A decision made by the Hearing Examiner under this chapter regarding abatement shall be final, as to abatement.

## CHAPTER 1.09 – UNFIT STRUCTURES AND NUISANCES

### Sections:

1.09.010	Intent
1.09.020	Delegation of Authority
1.09.030	Service
1.09.040	Alternative Service
1.09.050	Complaint and Hearing
1.09.055	Recording
1.09.060	Unfit Determination
1.09.065	Minimum Standards
1.09.070	Nuisance Declaration – Nuisance Determination
1.09.080	Order
1.09.090	Appeal to Hearing Examiner
1.09.100	Failure to Comply
1.09.110	Costs Assessed Against Property
1.09.120	Injunction
1.09.130	Alternative Enforcement
1.09.140	Alternative Abatement

1.09.010 Intent. (1) It is hereby found that there sometimes exist, within the City of Woodinville, dwellings which are unfit for human habitation, and buildings, structures, and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of such municipalities and counties. It is the intent of this chapter to address such problems.

(2) It is hereby found that nuisances sometimes exist within the City of Woodinville. It is the intent of this chapter to address such problems.

1.09.020 Delegation of Authority. The Code Enforcement Officer is hereby designated and appointed to exercise the powers specified in this chapter. The City Council hereby authorizes the Code Enforcement Officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this chapter. These powers shall include the following in addition to others herein granted: (a)(i) to determine which dwellings within the City are unfit for human habitation; (ii) to determine which buildings, structures, or premises are unfit for other use; (iii) to determine when conditions on property constitute a nuisance, as declared below; (b) to administer oaths and affirmations, examine witnesses and receive evidence; and (c) to investigate the dwelling and other property conditions in the City and to enter upon premises, with the consent of the occupant, for the purpose of making examinations when the Code Enforcement

Officer has reasonable ground for believing they are unfit for human habitation, or for other use, or for believing that conditions on property constitute a nuisance: PROVIDED, That such entries shall be made in such manner as to cause the least possible inconvenience to the occupant, and PROVIDED FURTHER that in the event entry is denied or resisted an order for this purpose be obtained after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction.

1.09.030 Service. If, after a preliminary investigation of any dwelling, building, structure, or premises, the Code Enforcement Officer finds that it is unfit for human habitation or other use, or that conditions thereon constitute a nuisance, he shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the auditor's office of the county in which such property is located, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building, structure, or premises is unfit for human habitation or other use, or in what respect the conditions thereon constitute a nuisance.

1.09.040 Alternative Service. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the Code Enforcement Officer in the exercise of reasonable diligence, and the Code Enforcement Officer makes an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and by mailing a copy of the complaint and order by first class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located and by posting such complaint and order in a conspicuous place on such property.

1.09.050 Complaint and Hearing. Such complaint shall contain a notice that a hearing will be held before the Code Enforcement Officer, at a place therein fixed, not less than ten days nor more than thirty days after the serving of said complaint; and that all parties in interest shall be given the right to file an answer to the complaint, to appear in person, or otherwise, and to give testimony at the time and place in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the Code Enforcement Officer.

1.09.055 Recording. A copy of such complaint shall also be filed with the auditor of the county in which the dwelling, building, structure, premises or property is located, and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

1.09.060 Unfit Determination. The Code Enforcement Officer may determine that a dwelling, building, structure, or premises is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, structure, or premises which

are dangerous or injurious to the health or safety of the occupants of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of the City. Such conditions may include the following, without limitation: defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanness, overcrowding, or inadequate drainage.

1.09.065 Minimum Standards. (1) The 2003 International Property Maintenance Code are hereby declared to be the reasonable and minimum standards with respect to the conditions listed in the section above. The Code Enforcement Officer shall refer to these standards in determining the fitness of a dwelling for human habitation, or building, structure, or premises for other use.

(2) The determination of whether a dwelling, building, structure, or premises should be repaired or demolished, shall be based on the specific standards above on the degree of structural deterioration of the dwelling, building, structure, or premises or upon the extent to which the dwelling, building, structure, or premises violates the above standards.

#### 1.09.070 Nuisance Determination

(1) The following activities and conditions are unlawful and constitute a public nuisance:

(a) owning, leasing, renting, occupying or having charge or possession of any property in the city, including vacant lots, except as may be allowed by any other city ordinance upon which exists any of the following:

1. Junk, trash, garbage, litter, discarded lumber and/or salvage materials in front yard, side yard, rear yard or vacant lot, which is visible from the public right of way or other private property;

2. Attractive nuisances dangerous to children including but not limited to the following items when located in any front yard, side yard, rear yard or vacant lot:

1. Abandoned, broken or neglected equipment;

2. Potentially dangerous machinery;

3. Refrigerators and freezers and other appliances;

4. Excavations, wells or shafts that are not properly fenced or covered.

3. Broken or discarded furniture or household equipment, in any front yard, side yard or vacant lot, which is visible from the public right of way or other private property;

4. Graffiti on the exterior of any building, fence or other structure in any front yard, side yard, rear yard or on any object in a vacant lot, which is visible from the public right of way or other private property;

5. Vehicle parts or other articles of personal property which are discarded or left in a state of disrepair in any front yard, side yard, rear yard or vacant lot, which is visible from the public right of way or other private property.

6. Distribute or possess for the purpose of sale, exhibition or display, in any place of business from which minors are not excluded, any devices, contrivances, instruments, or paraphernalia which are primarily designed for or intended to be used for smoking, ingestion, or consumption of marijuana, hashish, PCP, or any controlled substance other than prescription drugs and devices.

(2) The Code Enforcement Officer may determine that conditions on a property constitute a nuisance whenever such conditions are found to be within the scope of at least one of the nuisances declared in the subsection above or by state law.

1.09.080 Order. If, after the required hearing, the Code Enforcement Officer determines that the dwelling is unfit for human habitation, that the building, structure or premises is unfit for other use, or that the conditions on the property constitute a nuisance, he shall state in writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner or occupant thereof, as is provided above, and shall post in a conspicuous place on said property, an order which (i) requires the owner or occupant, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper on the basis of the standards set forth above; or (ii) requires the owner or occupant, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper on the basis of said standards; or (iii) otherwise requires the owner or occupant, within the time specified in the order, to abate the nuisance. If no appeal is filed, a copy of such order shall be filed with the auditor of the county in which the dwelling, building, structure, or premises is located.

1.09.085 Time to comply

(1) Determination of Time. When calculating a reasonable time for abating a nuisance, the Director shall consider the following criteria:

- (a) The type and degree of violation cited in the notice as it relates to public health, safety and welfare;
- (b) The stated intent, if any, of a responsible party to take steps to abate the nuisance;
- (c) The procedural requirements for obtaining a permit to carry out corrective action;
- (d) The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
- (e) Any other circumstances beyond the control of the responsible party.

1.09.090 Appeal to Hearing Examiner. (1) The owner or any occupant, within thirty days from the date of service and posting of an order issued by the Code Enforcement Officer under the provisions of this chapter, may file an appeal with the Hearing Examiner.

(2) The City Council hereby designates and establishes the Hearing Examiner to serve as the administrative appeals body for the purposes of this chapter. The City Council also hereby establishes the following rules of procedure to assure a prompt and thorough review of matters submitted to the Hearing Examiner: (i) all matters submitted to the Hearing Examiner must be resolved by the Hearing Examiner within sixty days from the date of filing therewith and (ii) a transcript

of the findings of fact of the Hearing Examiner shall be made available to the owner or other occupant upon demand.

(3) The findings and orders of the Hearing Examiner shall be the final administrative ruling, shall be reported in the same manner and shall bear the same legal consequences as if issued by the Code Enforcement Officer, and shall be subject to review only before a court of competent jurisdiction.

1.09.100 Failure to Comply. If the owner or occupant, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building, structure, or premises, or to otherwise abate the nuisance, the Code Enforcement Officer may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed, or demolished, or may direct or cause the nuisance to be abated.

1.09.110 Costs Assessed Against Property. (1) The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal, demolition or abatement under the direction of the Code Enforcement Officer, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid.

(2) The Finance Director shall certify the amount of any assessment to the county treasurer who then, pursuant to RCW 35.80.030 and/or pursuant to RCW 35.23.440(10), enters 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 and in such manner as provided for in RCW 84.56.020, as now or hereafter amended, for delinquent taxes. When collected, such assessment is to be deposited in the City's general fund.

(3) If the dwelling, building, structure, or premises is removed or demolished under the direction of the Code Enforcement Officer, the Code Enforcement Officer shall, if possible, sell the materials of such dwelling, building, structure, or premises in accordance with procedures set forth below, and shall credit the proceeds of such sale against the cost of the removal, demolition, or abatement and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the City Attorney, after deducting the costs incident thereto.

1.09.120 Injunction. (1) Any person affected by an order issued by the Hearing Examiner pursuant to the provisions of this chapter, within thirty days after the posting and service of the order, may petition to the superior court for an injunction

restraining the Code Enforcement Officer from carrying out the provisions of the order.

(2) In the event that the Hearing Examiner overturns the Code Enforcement Officer's determination on appeal, the City Attorney may, pursuant to permission from the City Council, bring an action in superior court to overturn the Hearing Examiner's decision, to obtain an injunction requiring abatement of the unfit structure or other nuisance and/or to seek any other appropriate legal or equitable relief available.

1.09.130 Alternative Enforcement. Nothing in this chapter shall be construed to abrogate or impair the powers of any department of the City to enforce any provisions of its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law.

1.09.140 Alternative Abatement. (1) Nothing in this section shall be construed to impair or limit in any way the power of the City to cause nuisances to be removed or abated, by summary proceedings in the case of emergency or through any other lawful means.

(2) One alternative procedure that is hereby specifically reserved is that procedure referred to in RCW 7.48.260 whereby the City would seek a warrant of abatement from superior court along with an order awarding all costs and expenses to the City over and above any fine imposed by the court.