



SEATTLE CITY COUNCIL

Public Safety Committee

Agenda

Tuesday, July 8, 2025

9:30 AM

Council Chamber, City Hall
600 4th Avenue
Seattle, WA 98104

Robert Kettle, Chair
Rob Saka, Vice-Chair
Joy Hollingsworth, Member
Sara Nelson, Member

Chair Info: 206-684-8807; Robert.Kettle@seattle.gov

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SEATTLE CITY COUNCIL

Public Safety Committee

Agenda

July 8, 2025 - 9:30 AM

Meeting Location:

Council Chamber, City Hall , 600 4th Avenue , Seattle, WA 98104

Committee Website:

<https://www.seattle.gov/council/committees/public-safety>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business. Pursuant to Council Rule VI.C.10, members of the public providing public comment in Chambers will be broadcast via Seattle Channel.

Members of the public may register for remote or in-person Public Comment to address the Council. Speakers must be registered in order to be recognized by the Chair. Details on how to register for Public Comment are listed below:

Remote Public Comment - Register online to speak during the Public Comment period at the meeting at <https://www.seattle.gov/council/committees/public-comment>. Online registration to speak will begin one hour before the meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting.

In-Person Public Comment - Register to speak on the public comment sign-up sheet located inside Council Chambers at least 15 minutes prior to the meeting start time. Registration will end at the conclusion of the Public Comment period during the meeting.

Please submit written comments no later than four business hours prior to the start of the meeting to ensure that they are distributed to Councilmembers prior to the meeting. Comments may be submitted at Council@seattle.gov or at Seattle City Hall, Attn: Council Public Comment, 600 4th Ave., Floor 2, Seattle, WA 98104. Business hours are considered 8 a.m. - 5 p.m. Comments received after that time will be distributed after the meeting to Councilmembers and included as part of the public record.

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

D. Items of Business

1. [CB 120995](#) **AN ORDINANCE** relating to a new civil cause of action against graffiti taggers for illegal graffiti on public and private property and requiring restitution; adding a new Section 10.07.055 to the Seattle Municipal Code; and amending Section 10.07.010 of the Seattle Municipal Code.

Supporting
Documents:

[Summary and Fiscal Note](#)

[Presentation](#)

[Central Staff Memo](#)

[Amendment 1](#)

[Amendment 2](#)

[Amendment 3](#)

Briefing, Discussion, and Possible Vote (45 minutes)

Presenter: Greg Doss, Central Staff

2. [CB 121006](#) **AN ORDINANCE** relating to chronic nuisance properties; allowing, under certain circumstances, an off-property nuisance activity to count toward determining that a property is a chronic nuisance; amending Sections 10.09.010 and 10.09.030 of the Seattle Municipal Code.

*Supporting
Documents:*

[Summary and Fiscal Note](#)

[Presentation](#)

[Central Staff Memo](#)

[Amendment 1](#)

[Amendment 2](#)

[Amendment 3](#)

[Amendment 4](#)

[Amendment 5](#)

[Amendment 6](#)

Briefing, Discussion, and Possible Vote (45 minutes)

Presenter: Ben Noble, Director, Central Staff

E. Adjournment



Legislation Text

File #: CB 120995, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to a new civil cause of action against graffiti taggers for illegal graffiti on public and private property and requiring restitution; adding a new Section 10.07.055 to the Seattle Municipal Code; and amending Section 10.07.010 of the Seattle Municipal Code.

WHEREAS, illegal graffiti on public and private property is a significant public nuisance that costs public and private property owners in Seattle millions of dollars per year to abate; and

WHEREAS, the proliferation of illegal graffiti across Seattle has caused substantial public blight that detracts from the natural beauty and character of Seattle; and

WHEREAS, in 2024, illegal graffiti was reported at 29,946 City-owned properties, including traffic signs, traffic control stations, parking pay stations, libraries, parks, and public utility facilities; and

WHEREAS, in 2024, the City spent approximately \$5.9 million on the abatement of illegal graffiti from public property, after spending approximately \$6.3 million in 2023; and

WHEREAS, in 2024, there were a total of 28,816 reports of illegal graffiti sent to the Find-It, Fix-It app, and other sources; the most significant number of reports of illegal graffiti were in Council District 7 (7,611); followed by 6,463 in Council District 1; 5,210 in Council District 3; 2,769 in Council District 2; 2,721 in Council District 6; 2,625 in Council District 4; and 1,391 in Council District 5; and

WHEREAS, in 2024, 1,845 incidents of illegal graffiti were reported at Port of Seattle, King County Metro, Sound Transit, and Washington State Department of Transportation sites within Seattle; and

WHEREAS, Washington law has long recognized the authority of municipalities to abate public nuisances through civil actions; and

WHEREAS, establishing an appropriate civil cause of action in the Seattle Municipal Code will allow the City Attorney to bring these civil actions in the Seattle Municipal Court; and

WHEREAS, the intent of authorizing these civil actions is to discourage future illegal graffiti and renumerate the City for the substantial costs of abatement; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 10.07.010 of the Seattle Municipal Code, enacted by Ordinance 118082, is amended as follows:

10.07.010 Definitions

* * *

E. "Graffiti tagger" means any person or entity who applies illegal graffiti to public or private property, or who assists or encourages another person or entity to do the same.

F. "Graffiti violation" means a single piece of graffiti, including but not limited to a graffiti tagger name or design, in a single location.

~~((E-))~~ G. "Hearing Examiner" means The City of Seattle Hearing Examiner and the office thereof established pursuant to Seattle Municipal Code~~((;))~~ Chapter 3.02.

~~((F-))~~ H. "Owner" means any entity or entities having a legal or equitable interest in real or personal property, including but not limited to the interest of a tenant or lessee.

~~((G-))~~ I. "Premises open to the public" means all public spaces, including but not limited to streets, alleys, sidewalks, parks, and public open space, as well as private property onto which the public is regularly invited or permitted to enter for any purpose.

~~((H-))~~ J. "Property" means any real or personal property and that which is affixed, incidental or appurtenant to real property, including but not limited to any structure, fence, wall, sign, or any separate part thereof, whether permanent or not.

~~((I-))~~ K. "Responsible party" means an owner, or an entity or person acting as an agent for an owner by

agreement, who has authority over the property or is responsible for the property's maintenance or management. Irrespective of any arrangement to the contrary with any other party, each owner shall always be a responsible party for the purposes of this ~~((chapter))~~ Chapter 10.07. There may be more than one responsible party for a particular property.

~~((J.))~~ L. "Unauthorized" means without the consent of a responsible party.

Section 2. A new Section 10.07.055 is added to the Seattle Municipal Code as follows:

10.07.055 Civil actions against graffiti taggers

A. In addition to any other civil or criminal penalties or other remedies authorized by law or equity, a graffiti tagger shall be subject to a civil penalty of up to \$1,000 per illegal graffiti violation, and shall further be liable to the City for restitution of costs incurred by the City, including but not limited to all labor and materials costs of removing the illegal graffiti.

B. In cases involving graffiti on private property, it is a complete defense that the graffiti tagger obtained the express permission of the property owner prior to applying the graffiti. The graffiti tagger has the burden of establishing this defense.

C. The City Attorney is authorized to enforce this Section 10.07.055 through a civil action commenced in the Seattle Municipal Court within three years of the graffiti violation. The City has the burden of proving by a preponderance of the evidence that a graffiti violation was committed.

D. Monetary penalties and restitution imposed pursuant to this Section 10.07.055 are payable immediately. On motion of the graffiti tagger supported by a showing of financial hardship, the court may convert some or all of the monetary penalty to community restitution pursuant to the procedure established in RCW 7.80.130(2), provided that the community restitution is performed for the purposes of graffiti abatement. Any penalties, restitution, and other costs ordered pursuant to this Section 10.07.055 that go unpaid may be referred to a collection agency, or the City Attorney may pursue collection in any other manner allowed by law.

Section 3. 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 its application to any person or circumstance, does not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 4. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2025, and signed by
me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Legislative	Greg Doss	TBD

1. BILL SUMMARY

Legislation Title:

An Ordinance relating to a new civil cause of action against graffiti taggers for illegal graffiti on public and private property and requiring restitution; adding a new Section 10.07.055 to the Seattle Municipal Code; and amending Section 10.07.010 of the Seattle Municipal Code.

Summary and Background of the Legislation:

This ordinance would make graffiti taggers who cause property damage: (1) subject to a civil penalty of up to \$1,000 per illegal graffiti violation; and (2) liable to the City for restitution of labor and material costs incurred to remove illegal graffiti. Graffiti taggers would not be subject to these provisions if the tagger obtained the express permission of a private property owner prior to applying the graffiti.

The City Attorney's Office (CAO) is authorized to enforce restitution and penalties through a civil action commenced in the Seattle Municipal Court, within three years of the graffiti violation. The City has the burden of proving by a preponderance of the evidence that a graffiti violation was committed.

State law recognizes the authority of municipalities to abate public nuisances through civil actions. CAO staff have indicated that establishing an appropriate civil cause of action in the Seattle Municipal Code will allow City prosecutors to bring civil actions that would discourage future illegal graffiti and remunerate the City for the substantial costs of abatement.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? **Indeterminate**

If the CAO is successful in bringing civil actions against prolific taggers, it is likely that the City would receive some restitution and fine revenue for the graffiti related property destruction that occurs in Seattle. Between 2023-2025, the One Seattle Graffiti Program has provided to the City Attorney's Office and the King County Prosecuting Attorney's Office estimated costs for approximately 134 abatements, many of which surpass the \$750 cost threshold necessary for a felony property destruction charge. The costs for many of these abatements may be mitigated by restitution orders and penalties brought under the authority of the proposed legislation.

However, Executive and City Attorney staff have indicated that they are currently unable to determine how much revenue might be collected from restitution orders or penalty fines. The lack of any comparable civil penalties for other crimes have led the Executive to conclude that “It would be wise to assume no net revenue from this ordinance, at least not in the first year of its effectiveness.”

Executive and CAO staff also indicate that they do not expect any additional programmatic costs to result from the civil enforcement actions that would be authorized in this ordinance. Additional civil enforcement activities will be completed with existing personnel, many of which are already spending time documenting, investigating and pursuing criminal enforcement against prolific taggers.

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

Per the Executive and CAO, this legislation has no such financial impacts.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

See above.

Please describe any financial costs or other impacts of *not* implementing the legislation. It is possible that the civil actions authorized in this legislation would provide a deterrence against graffiti related destruction of city and private property. If so, the City may spend less to remediate graffiti related damage.

4. OTHER IMPLICATIONS

- a. Please describe how this legislation may affect any department besides the originating department.**

The ordinance could affect workload at the Seattle Police Department and the Executive’s One Seattle Graffiti Program. Representatives of the Executive’s Graffiti Program have indicated that any additional workload will be handled within existing resources.

- b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

N/A

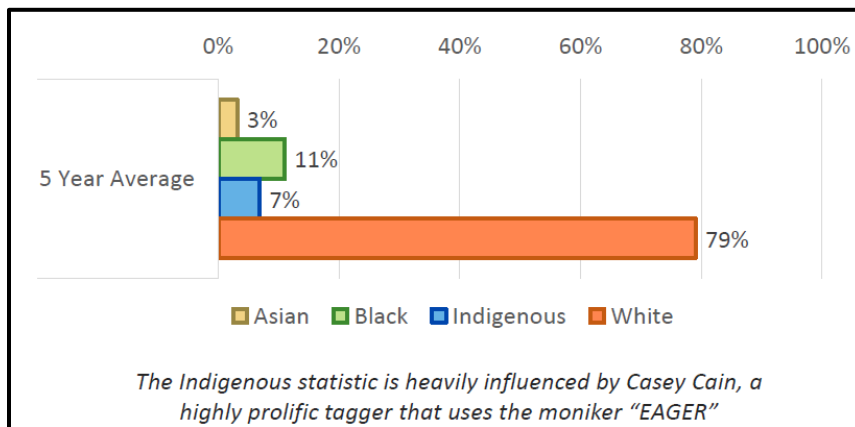
c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

The legislation's restitution and penalty provisions may result in legal and financial obligations that can create a significant financial hardship on low-income individuals, who are disproportionately represented among vulnerable populations and people of color.

The legislation allows a Court to convert some or all monetary penalties to community restitution. Such conversions may be made upon motion of a graffiti offender or their attorney. Because public defenders are not provided for civil actions in the Seattle Municipal Court, the cost of retaining legal defense must be borne by the tagger. Low-income individuals may have difficulty retaining or paying for effective legal representation.

According to an analysis conducted by the CAO, graffiti offenders are primarily male (85%) and white (79%). The CAO does not have information on the income status of graffiti offenders.

Chart 1. Demographics of Graffiti Offenders referred to the Seattle City Attorney



d. Climate Change Implications - N/A

e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals? N/A

5. CHECKLIST

Please click the appropriate box if any of these questions apply to this legislation.

None of the following items apply to this resolution.

- ☐ **Is a public hearing required?**
- ☐ **Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- ☐ **If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- ☐ **Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**



SEATTLE CITY
ATTORNEY'S
OFFICE
ANN DAVISON

Illegal Graffiti Restitution Legislation CB 120995

June 2025

1. Illegal graffiti is a major problem in Seattle that costs the City, State, and property owners millions of dollars per year.
2. Current criminal enforcement efforts are resource-intensive and provide insufficient deterrence.
3. Many illegal graffiti taggers are known to police and promote themselves on social media but it can be difficult to hold them accountable through the criminal justice system.
4. The Illegal Graffiti Restitution legislation would provide the City Attorney with new authority to bring civil actions against the most prolific illegal graffiti taggers in circumstances where criminal charges might not be possible.



1. Illegal Graffiti a Major Problem

Slide 3



28,816

2024 saw 28,816 reported instances of graffiti vandalism



35

Only 35 were referred for misd. prosecution (~0.1%)



\$6 Million

The City spends approximately \$6 million annually on cleaning up graffiti



Property owners spend \$ millions more in graffiti abatement



Seattle City Attorney's Office

Ann Davison, City Attorney

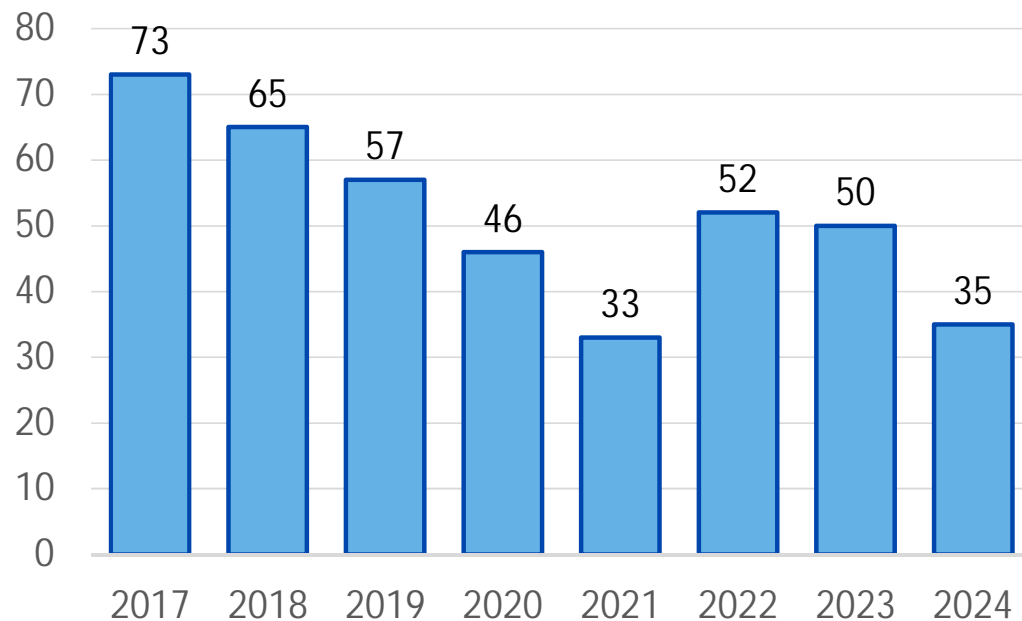
June 2025

2. Current Enforcement Insufficient

Slide 4

The number of referrals for graffiti prosecution has been dropping despite significant volume of graffiti

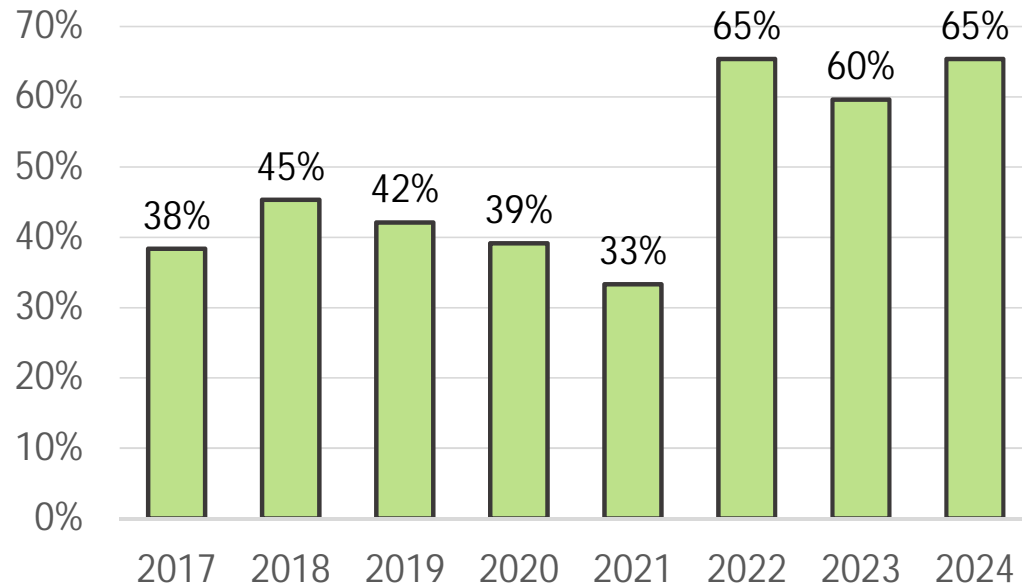
Graffiti Referrals



Graffiti charge rates have nearly doubled but the total number of cases remains low

Graffiti Charge Rates

(by year report was received)



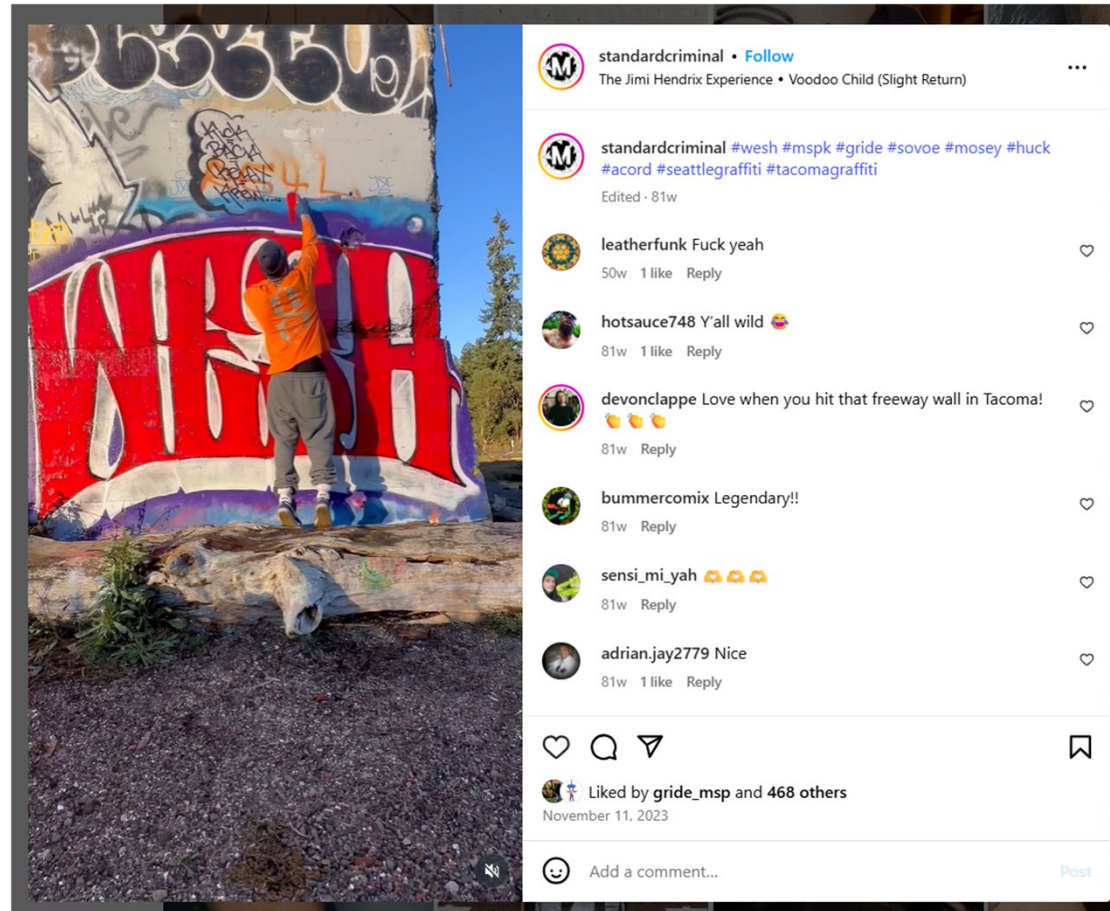
Seattle City Attorney's Office Ann Davison, City Attorney

June 2025

3. Graffiti Tagger's Self-Promotion

Slide 5

- Many illegal graffiti taggers who are known to the City post their work on Instagram and other social media sites.
- For example, the prolific graffiti tagger WESH is an individual named Kyle McClaughlin, who uses the Instagram handle @standardcriminal.
- WESH is responsible for dozens of significant illegal graffiti tags on WSDOT, Sound Transit, City, and private property over the past several years. Many of these incidents are posted to social media but only a small percentage of them have been criminally charged.



Seattle City Attorney's Office Ann Davison, City Attorney

June 2025

4. New Civil Enforcement Tool

Slide 6

- Authorizes the City Attorney to bring a civil action against illegal graffiti taggers in Seattle Municipal Court
- \$1,000 fine per illegal graffiti violation plus restitution (City labor and material costs to abate the damage)
- Allows monetary damages and restitution to be converted to community service doing graffiti abatement work
- Standard of proof in civil cases is a 'preponderance of the evidence' -- does the evidence prove it is more likely than not that the defendant committed the violations
- City Attorney's Office would prioritize bringing actions against the most prolific illegal graffiti taggers and crews – individuals responsible for tens of thousands of dollars in property destruction



Seattle City Attorney's Office Ann Davison, City Attorney

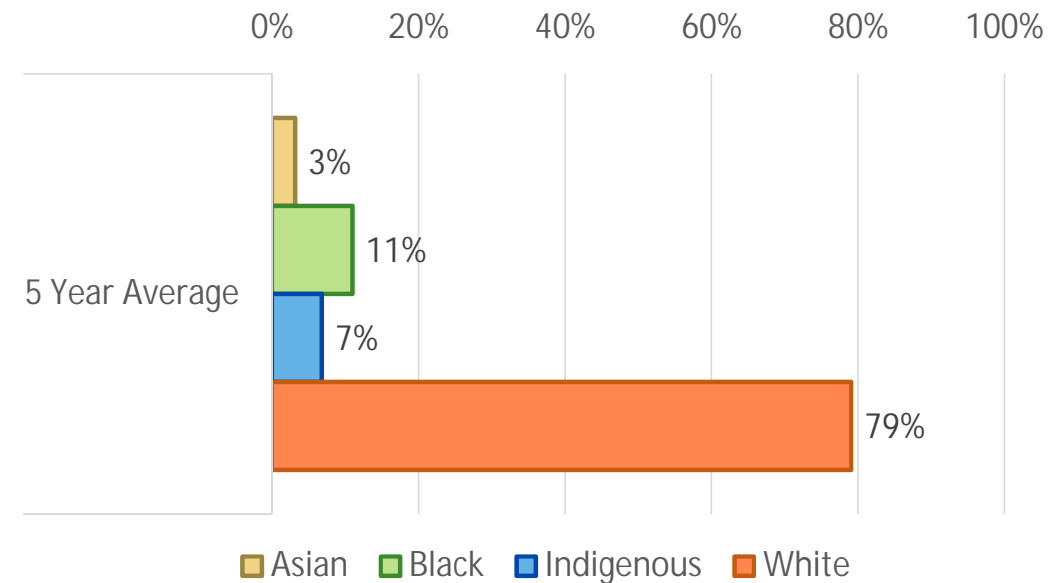
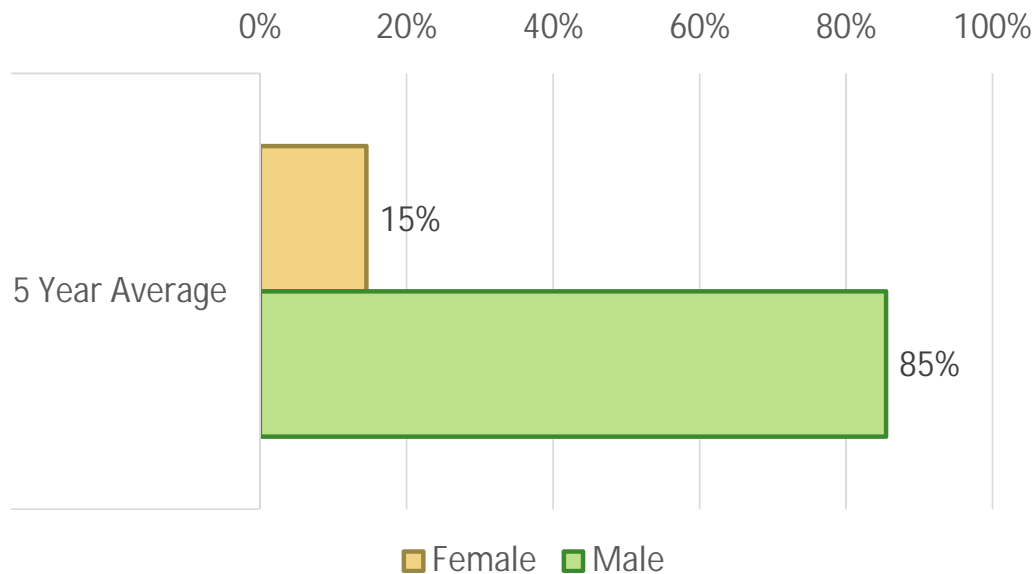
June 2025

Illegal Graffiti Tagger Demographics

Slide 7

85% Male

79% White



Graffiti Referrals to the City Attorney's Office



Seattle City Attorney's Office

Ann Davison, City Attorney

June 2025

An aerial photograph of the Seattle skyline at sunset. The city's buildings are silhouetted against a sky filled with soft, orange and yellow clouds. The water of the harbor is visible on the right, with a few ships and cranes. The overall mood is calm and scenic.

Questions?



Seattle City Attorney's Office

Ann Davison, City Attorney

June 2025

June 10, 2025

MEMORANDUM

To: Public Safety Committee
From: Greg Doss, Analyst
Subject: CB 120995 – Graffiti Restitution and Penalty Ordinance

On June 10, 2025, the Public Safety Committee will discuss [Council Bill \(CB\) 120995](#), which would make graffiti taggers who cause property damage subject to a civil penalty and liable to the City for restitution of labor and material costs incurred to remove illegal graffiti.

The Public Safety Committee Chair has indicated that today’s hearing will be the first of two hearings on CB 120995. The second hearing is scheduled for June 24, 2025, and a vote by the Full Council is anticipated on or before July 8, 2025.

Background

The City Attorney’s Office (CAO) and Executive have indicated that Graffiti abatement places a significant financial strain on city resources. The city spends approximately \$6.0 million annually on abatement services, which includes its contractor (Uplift NW) and department abatement teams that are coordinated as one resource through Mayor Harrell’s One Seattle Graffiti Plan (OSGP).¹

The OSGP Director and Seattle Police Department (SPD) detectives report is that tagging is the most problematic illegal graffiti, which is the application of a “signature” as a boast to other taggers. Tagging is sophisticated and often involves individuals who travel up and down the West Coast applying their tag. According to the Mayor’s Office and SPD, these individuals have resources and are engaged in a long-term pattern of criminal behavior.

The City Attorney’s Office has indicated that cleanup costs for a single graffiti “tag” will often exceed \$750.² Many incidents cost considerably more to abate. As an example, the City and the Washington State Department of Transportation recently collaborated to abate graffiti tags in the Mercer Street tunnel from I-5. The combined cost of these incidents was approximately \$24,000.

As part of the abatement process, the OSGP team will at times photograph and document major illegal graffiti tags created by known offenders. The team then shares the documentation with SPD and the CAO for potential prosecution. Felonious level graffiti tags, which are those that involve damage that exceeds \$750, are referred to the King County Prosecuting Attorney’s Office (KCPAO) for prosecution in Superior Court. Last year, the OSGP and OCA coordinated with the KCPAO to bring felony charges against 17 prolific taggers who collectively caused more than \$100,000 in property damage in the Seattle area.

¹ [One Seattle Graffiti Plan - Mayor | seattle.gov](#)

² According to the [U.S. Department of Justice Office of Community Oriented Policing Services](#), there are four main types of graffiti: gang, ideological, spontaneous and tagger. In most cases, tag graffiti reflects a moniker of the artist or offender who creates the tag.

The CAO has indicated that many of these taggers plead guilty to lesser charges, potentially diminishing the deterrent value that might otherwise have resulted from felony-level convictions. The taggers in these cases were primarily white, adult men with sufficient financial means to hire legal representation and eventually pay for court-ordered restitution.

The CAO has indicated that misdemeanor graffiti enforcement under [Seattle Municipal Code 12A.08.020.B](#) often fails to produce meaningful outcomes and that case resolution can take many years. CAO data shows that SPD has made an average of 43 referrals per year, and the number of referrals for graffiti prosecution has been dropping despite increased graffiti citywide.³ The CAO data shows that only 11 percent of graffiti cases result in a conviction. All other cases are either dismissed or unresolved. Attachment 1 to this memo shows the CAO data on misdemeanor charges, referrals and case outcomes.

Private property owners have the ability, under state law provisions, to seek reimbursement for costs related to illegal graffiti. However, it is rare for businesses to invest the time and effort required to pursue restitution. Most property owners self-abate as required by [SMC 10.07](#) or request the services of the OSGP Graffiti Rangers.

CB 120995

CB 120995 would make graffiti taggers who cause property damage: (1) subject to a civil penalty of up to \$1,000 per illegal graffiti violation; and (2) liable to the City for restitution of labor and material costs incurred to remove illegal graffiti. Graffiti taggers would not be subject to these provisions if the tagger obtained the express permission of a private property owner prior to applying the graffiti.

The bill defines a “graffiti tagger” as any person or entity who applies illegal graffiti to public or private property, or who assists or encourages another person or entity to do the same. A “Graffiti violation” is defined as a single piece of graffiti, including but not limited to a graffiti tagger name or design, in a single location.

The CAO would be authorized to enforce restitution and penalties through a civil action commenced in the Seattle Municipal Court, within three years of a graffiti violation. The City has the burden of proving by a preponderance of the evidence that a specific graffiti violation was committed by the individual charged. The legislation allows a Court to convert some or all monetary penalties to community restitution.

State law recognizes the authority of municipalities to abate public nuisances through civil actions. CAO staff have indicated that establishing an appropriate civil cause of action in the Seattle Municipal Code will allow City prosecutors to bring civil actions that would discourage future illegal graffiti and remunerate the City for the substantial costs of abatement.

³ Five-year average 2020-2024.

Civil Restitution, Penalties and the Preponderance of the Evidence Standard

As noted above, the CAO has indicated that it has had limited success enforcing misdemeanor graffiti crimes at the Seattle Municipal Court. CAO prosecutors have found that, unless the defendant was caught in the act, criminal graffiti cases are difficult to prove beyond the reasonable doubt standard. Consequently, the CAO is unable to prove guilt even when prosecutors have identified known graffiti taggers, images of their graffiti tag (signature) on Instagram, and can show that the act occurred after a recently documented abatement. CAO staff believe that such cases would be more viable under the civil preponderance of the evidence standard, which for practical purposes, means “more likely than not,” or that there is a greater than 50 percent likelihood.

Restitution and Fine Revenue

If the CAO is successful in bringing civil actions against prolific taggers, it is likely that the City would receive some restitution and fine revenue for the graffiti-related property destruction that occurs in Seattle. Between 2023-2025, the OSGP provided to the CAO and the KCPAO estimated costs for approximately 134 abatements, many of which surpass the \$750 cost threshold necessary for a felony property destruction charge. The costs for many of these abatements could potentially be mitigated by restitution orders and penalties brought under the authority of the proposed legislation.

The CAO has indicated that it would, in some cases, consider expenses incurred by private parties for removing illegal graffiti and ensure that the Court directs restitution funds to the private party under court order.

The CAO has indicated that the principal purpose of a civil action is to create a deterrence to high-volume graffiti tagging. The CAO does not expect to collect a significant amount of revenue, partly because the bill authorizes the court to convert fines and restitution into community service hours for graffiti-related abatement. The Executive has concluded that “It would be wise to assume no net revenue from this ordinance, at least not in the first year of its effectiveness.”

Executive and CAO staff also indicate that they do not expect any additional programmatic costs to result from the civil enforcement actions that would be authorized in this ordinance. Additional civil enforcement activities will be completed with existing personnel.

Issues for Council Consideration

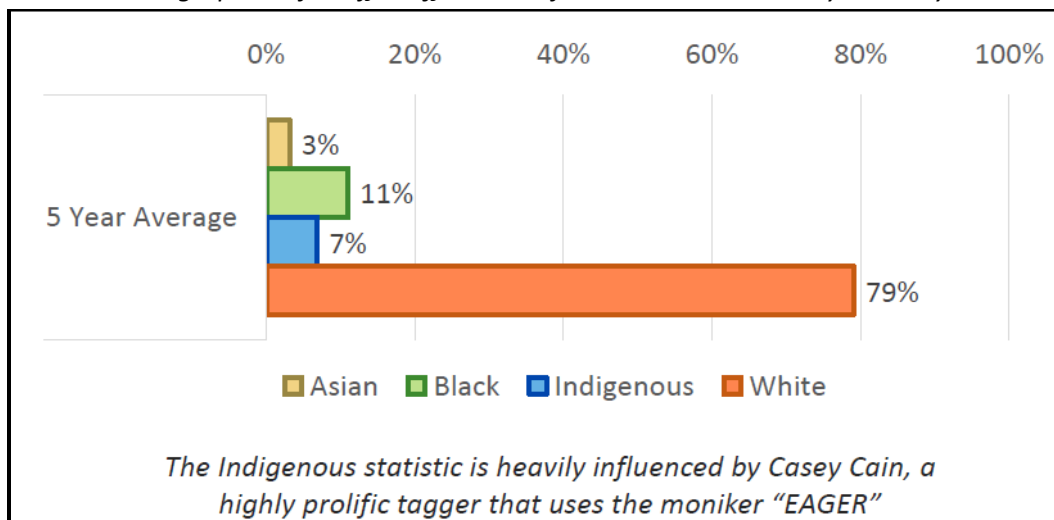
Impacts on low income and vulnerable individuals

The legislation's restitution and penalty provisions may result in legal and financial obligations that can create a significant financial hardship on low-income individuals, who are disproportionately represented among vulnerable populations and people of color.

As noted above, the legislation allows a Court to convert some or all monetary penalties to community restitution. Such conversions may be made upon motion of a graffiti offender or their attorney or CAO attorneys. Because public defenders are not provided for civil actions in the Seattle Municipal Court, the cost of retaining legal defense must be borne by the tagger. Low-income individuals may have difficulty retaining or paying for effective legal representation.

According to an analysis conducted by the CAO, known graffiti offenders are primarily male (85 percent) and white (79 percent). The CAO does not have specific data on the income status of graffiti offenders, but has indicated that recent experience prosecuting 17 prolific taggers showed that most were white, adult men with sufficient financial means to hire legal representation and eventually pay for court-ordered restitution.

Chart 1: *Demographics of Graffiti Offenders referred to the Seattle City Attorney*



Reporting Requirements

CB 120995 currently contains no reporting requirements for the CAO or the Executive. The Council may wish to add an annual reporting requirement that includes the number of cases that have been brought under this legislation, the case outcomes and any penalties and/or restitution received from offenders. The Council may also wish to know whether civil fines and restitutions have an impact on reoffending.

Clarifying the definition of Graffiti Offenders

As noted above, CB 120995 defines Graffiti Offenders as “any person or entity who applies illegal graffiti to public or private property, or who assists or encourages another person or entity to do the same.” The CAO has indicated that this provision is intended to allow it to seek restitution and penalties from on-line graffiti promoters, who incentivize tagging and publish graffiti on Instagram. The Council may consider asking the CAO to elaborate on how this provision might work in Court, and whether any additional clarity should be provided to ensure successful case resolution.

Attachments:

1. Summary of Graffiti Prosecution in Seattle – from the City Attorney’s Office

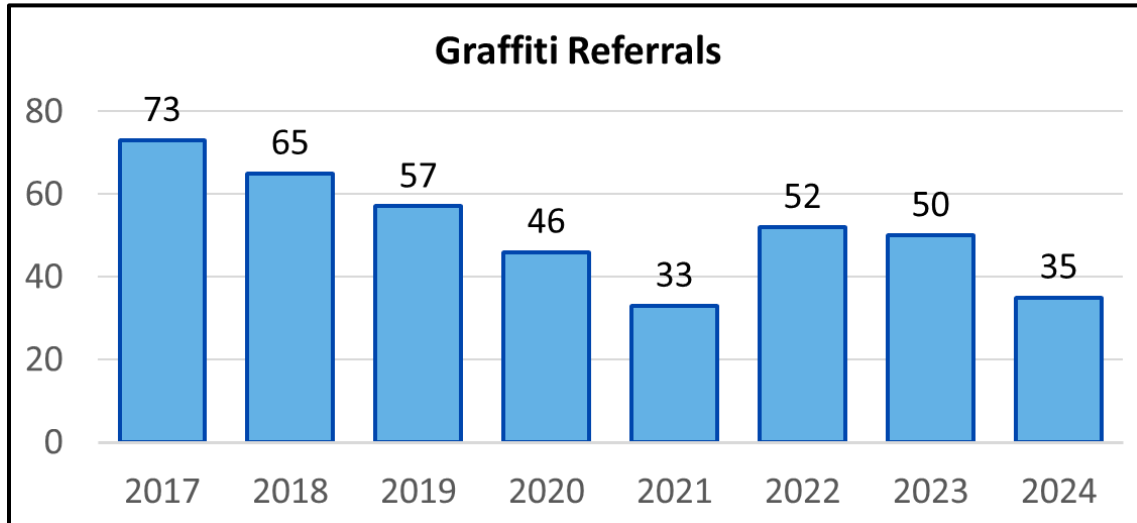
cc: Ben Noble, Director

Seattle Graffiti Prosecution

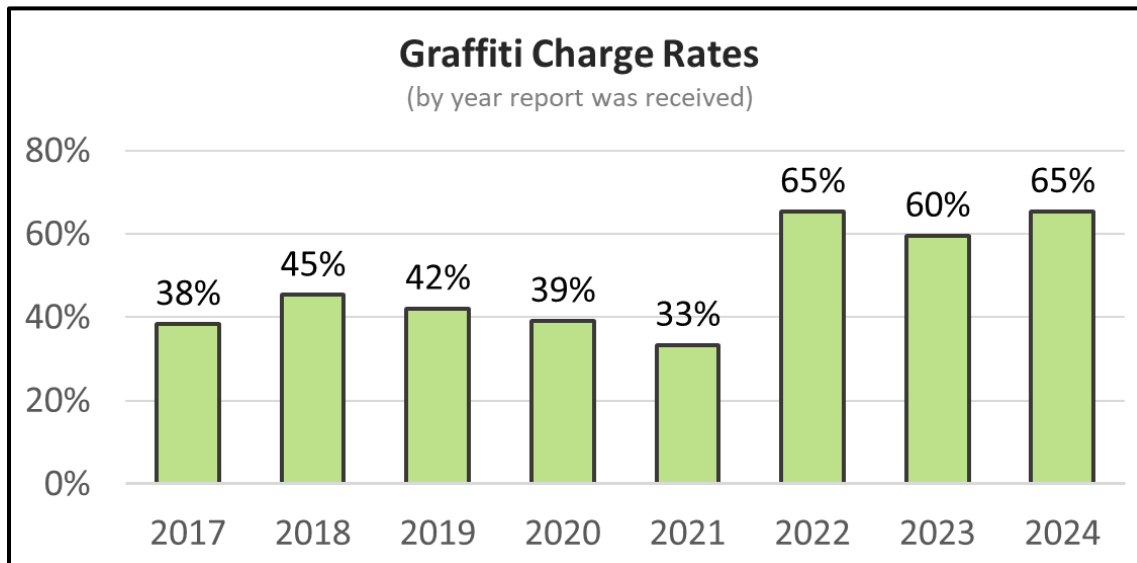
May 2025



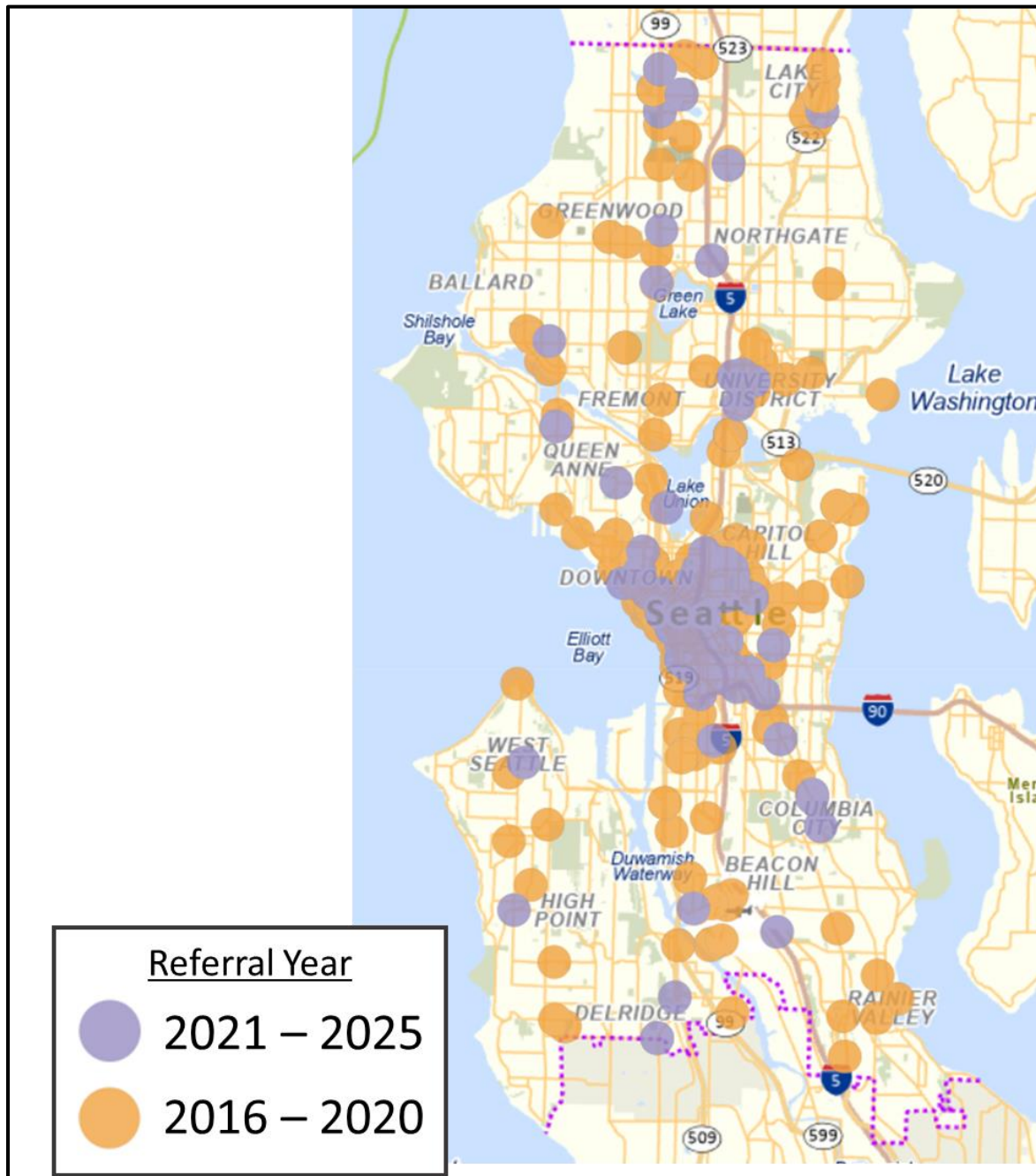
The number of SPD referrals for graffiti prosecution has been dropping despite increased graffiti citywide, primarily due to inadequate detective capacity.



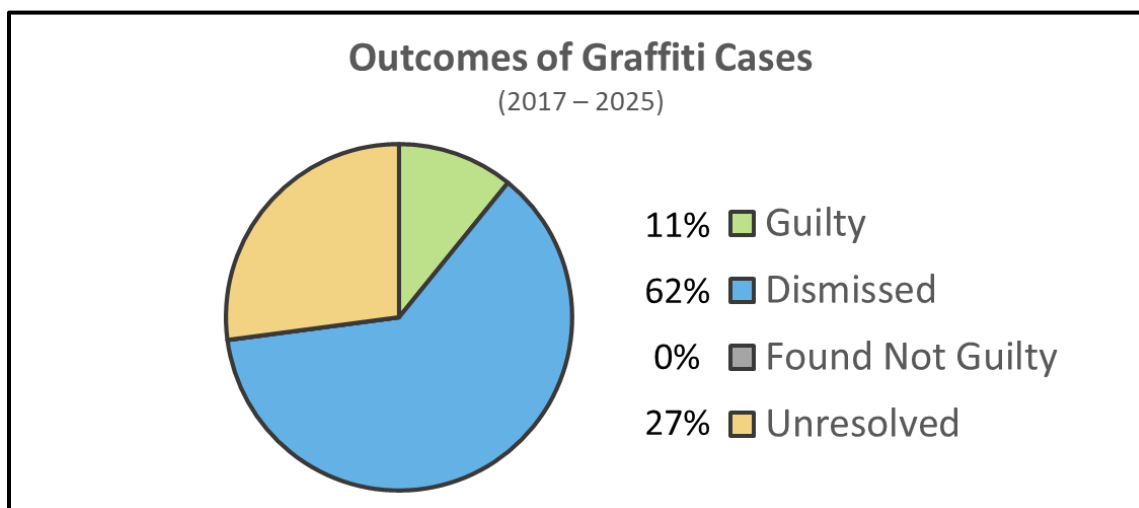
Graffiti charge rates have nearly doubled in recent years, but total number of cases remains low.



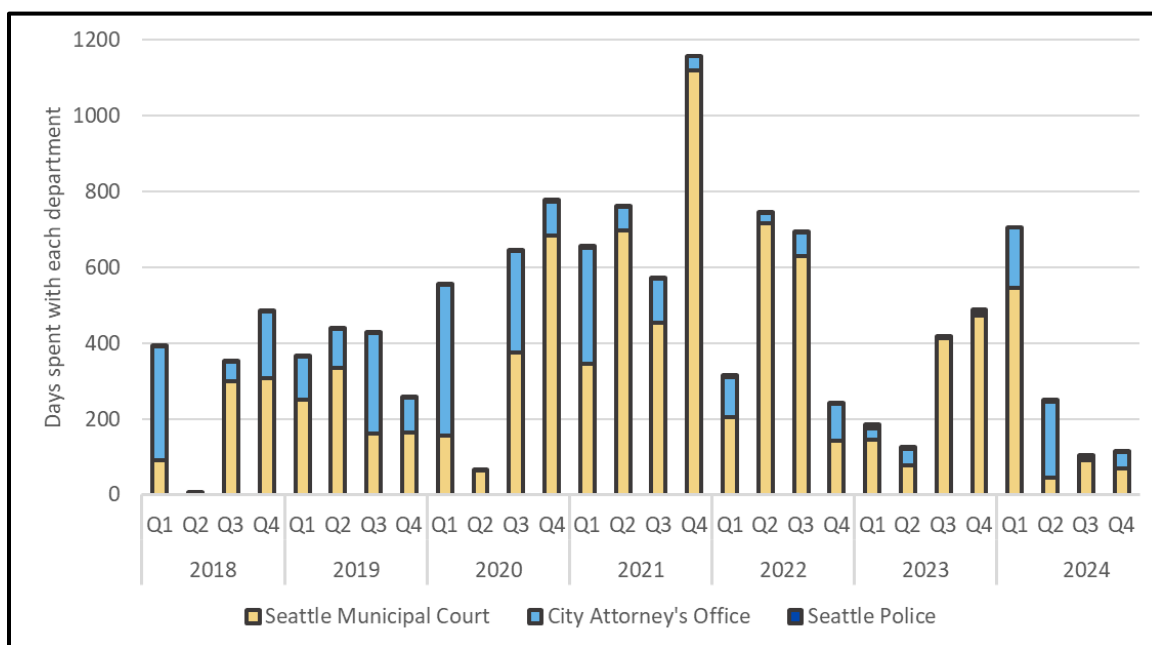
Graffiti Referrals have been largely limited to the downtown core in recent years



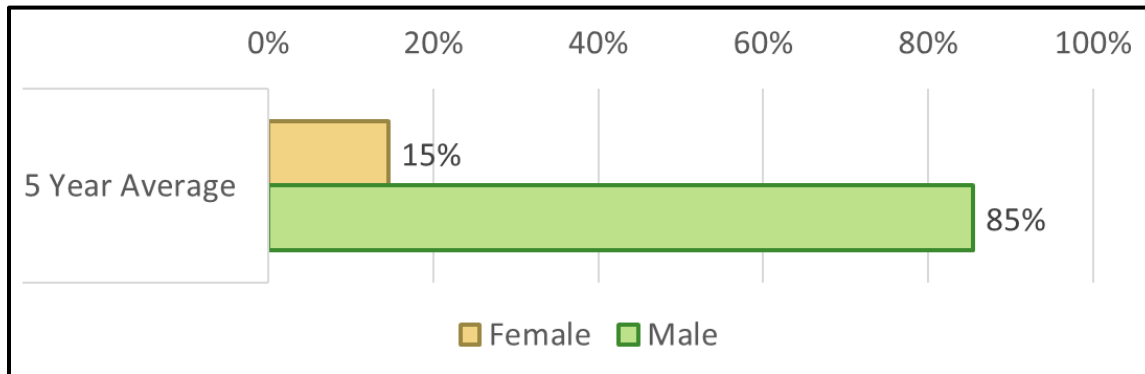
Few graffiti cases have meaningful outcomes



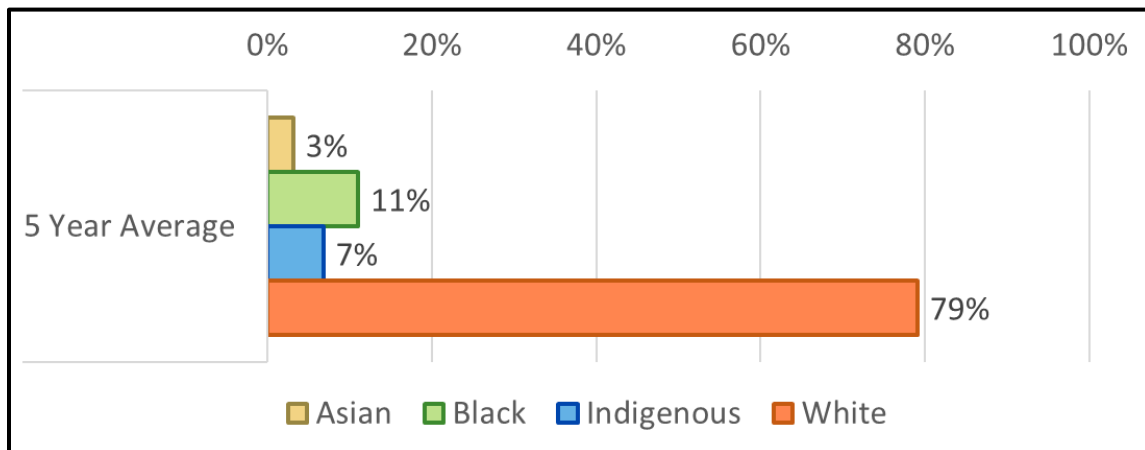
Many cases are in warrant status for a long time and resolution often takes years



Graffiti Suspects are more likely to be male.



Graffiti Suspects are more likely to be white compared to most other crimes.



The Indigenous statistic is heavily influenced by Casey Cain, a highly prolific tagger that uses the moniker "EAGER"

Amendment 1 to CB 120995 Graffiti Restitution and Penalty Ordinance

Sponsor: Councilmember Saka

Add Reporting Requirements

Effect: This amendment would require, for the next ten years, the City Attorney's Office to include in its annual report to the City Council information on civil cases filed against graffiti taggers, including the number of cases filed, case outcomes, penalties or restitution ordered by a Court, and the number of civil defendants who have been arrested for prior graffiti related property damage or have been the subject of prior graffiti related court orders.

Add a new Section 3 as follows and renumber subsequent sections:

Until December 31, 2035, the City Attorney shall include in the annual reports required under Seattle Municipal Code subsection 3.46.020.B information on civil cases filed against graffiti taggers, to include the number of cases filed, case outcomes, penalties or restitution ordered by a Court, and the number of civil defendants who have been arrested for prior graffiti related property damage or have been the subject of prior graffiti related court orders.

Amendment 2 to CB 120995 Graffiti Restitution and Penalty Ordinance

Sponsor: Councilmember Saka

Increase Civil Penalty from \$1,000 to \$1,500

Effect: This amendment would increase from \$1,000 to \$1,500 the civil penalty that a court may order when a tagger is found responsible for an illegal graffiti violation.

Amend Section 2, subsection A, as follows:

A. In addition to any other civil or criminal penalties or other remedies authorized by law or equity, a graffiti tagger shall be subject to a civil penalty of up to ~~(((\$1,000))~~ \$1,500 per illegal graffiti violation, and shall further be liable to the City for restitution of costs incurred by the City, including but not limited to all labor and materials costs of removing the illegal graffiti.

Amendment 3 to CB 120995 Graffiti Restitution and Penalty Ordinance

Sponsor: Councilmember Hollingsworth

Eliminate “enourage graffiti” from the new civil cause of action

Effect: This amendment would eliminate “encouraging” the act of applying graffiti from the civil cause of action established by this ordinance. This language was intended to provide recourse against those who are involved in the online promotion of graffiti art. The concern is that the current wording could conflict with the free speech rights guaranteed by the First Amendment, which should not preclude sharing images and information online, even if some find the material objectionable. Retention of the language that refers to “providing assistance” should ensure that anyone actively involved in creating the art, for example, filming an individual while they apply graffiti, could still be subject to the new civil remedies.

Amend Section 1, as follows:

10.07.010 Definitions

* * *

E. “Graffiti tagger” means any person or entity who applies illegal graffiti to public or private property, or who assists ~~((or encourages))~~ another person or entity to do the same.



Legislation Text

File #: CB 121006, **Version:** 1

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to chronic nuisance properties; allowing, under certain circumstances, an off-property nuisance activity to count toward determining that a property is a chronic nuisance; amending Sections 10.09.010 and 10.09.030 of the Seattle Municipal Code.

WHEREAS, on November 30, 2009, the City Council adopted Ordinance 123188, commonly referred to as the Chronic Nuisance Properties Ordinance, to address specific properties that present serious health, safety, and welfare concerns, interfere with the quality of life, and impose a financial and operational burden on city government due to the numerous calls for emergency services related to illegal activities that repeatedly occur on or adjacent to such properties. The Mayor signed Ordinance 123188 on December 3, 2009; and

WHEREAS, in the 16 years since its adoption, the City has effectively and prudently utilized the Chronic Nuisance Properties Ordinance only 17 times to compel property owners to abate the nuisance activities occurring on their property, thereby reducing criminal behavior and enhancing public safety; and

WHEREAS, successful abatement of chronic nuisance activities has occurred at commercial and residential properties, including motels and nightclubs, where homicides, assaults, prostitution, robberies, weapons violations, and ongoing drug trafficking have taken place; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City finds and declares:

A. Providing safe, peaceful, and accessible neighborhoods, including public streets and sidewalks, is a vital priority of city government.

B. Nuisance activities, as defined in Seattle Municipal Code Chapter 10.09, including homicides and aggravated assaults, have occurred on or near specific properties in the city, including recently in the Pioneer Square neighborhood on March 13, 2025, May 4, 2025, May 10, 2025, and May 17, 2025.

C. Currently, a high frequency of nuisance activities only leads to a chronic nuisance property declaration if those activities occur directly on the property. This creates situations where a property is connected to nuisance activities around it but cannot be classified as a chronic nuisance property, meaning the city government cannot pursue abatement of the nuisances through the authority and procedures of the Chronic Nuisance Properties Ordinance.

D. To maintain the peace and welfare of the city and to abate chronic nuisance activities, it is necessary to expand, under some circumstances, the geographic area to which this ordinance applies.

Section 2. Section 10.09.010 of the Seattle Municipal Code, last amended by Ordinance 126098, is amended as follows:

10.09.010 Definitions

For purposes of this Chapter 10.09(~~(, the following words or phrases shall have the meaning prescribed below~~)):

* * *

"Chronic nuisance property" means:

1. A property on which three or more nuisance activities as defined in this Section 10.09.010 exist or have occurred during any 60-day period or seven or more nuisance activities have occurred during any 12-month period(~~(, or~~)). A nuisance activity off the property may be considered in determining that a property is a chronic nuisance if it:

- a. Occurs adjacent to or in proximity to the property; and
- b. Involves a person associated with the property, including either a person in charge of the property, or a guest or invitee of the person in charge, and facts and circumstances establish a

nexus between the property and the nuisance activity.

2. A property which, upon a request for execution of a search warrant, has been the subject of a determination by a court two or more times within a 12-month period that probable cause exists that illegal possession, manufacture or delivery of a controlled substance or related offenses as defined in chapter 69.50 RCW has occurred on the property.

* * *

"Nuisance activity" (~~((includes))~~) means any of the following activities, behaviors, or conduct that result in a police incident report being written and filed:

1. A "most serious offense" as defined in chapter 9.94A RCW;
2. A "drug related activity" as defined in RCW 59.18.130;
3. Any of the following activities, behaviors, or criminal conduct:
 - a. Assault, fighting, menacing, stalking, harassment, or reckless endangerment, as defined in Chapter 12A.06 or in RCW provisions adopted by Chapter 12A.09;
 - b. Promoting, advancing, or profiting from prostitution as defined in chapter 9A.88 RCW;
 - c. Prostitution, as defined in Section 12A.10.020;
 - d. Permitting prostitution, as defined in Section 12A.10.060;
 - e. Obstructing pedestrian or vehicular traffic, as defined in subsection 12A.12.015.A.4;
 - f. Failure to disperse, as defined in Section 12A.12.020;
 - g. Weapons violations, as defined in Chapter 12A.14; (~~((or))~~)
 - h. Gang related activity, as defined in RCW 59.18.030(13)(~~(-)~~) ; or
 - i. Liquor offenses, whether violations of chapter 66.44 RCW or Chapter 12A.24.

* * *

Section 3. Section 10.09.030 of the Seattle Municipal Code, enacted by Ordinance 123188, is amended as follows:

10.09.030 Declaration of chronic nuisance property and procedure

A. After consulting with the City Attorney, the ((The)) Chief of Police may declare that a property is a chronic nuisance property, as defined in this Chapter 10.09, when there are specific facts and circumstances documenting ~~(((1) the occurrence of three or more nuisance activities on a property within 60 days or seven or more nuisance activities within a 12-month period, or (2)))~~ activity ~~((on a property))~~ as described in subsection 1 or 2 of the definition for chronic nuisance property. The Chief of Police shall provide written notice of this declaration to the persons in charge of the property. The notice shall be sent by first class mail or personally served, and a copy shall be sent by certified mail. The notice shall contain:

1. The street address or a legal description sufficient for identification of the property;
2. A declaration that the Chief of Police has determined the property has become a chronic nuisance property with a concise description of the nuisance activities that exist or that have occurred;
3. A notice that the owner and other persons in charge of the property are subject to monetary penalties as set forth in Section 10.09.050.
4. A demand the owner and other persons in charge respond to the Chief of Police within seven days of service of the notice to discuss a course of action to correct the nuisance;
5. A notice that, if the person in charge does not respond to the Chief of Police as required in this Section 10.09.030, or if the matter is not voluntarily corrected to the satisfaction of the Chief of Police, the City may file an action to abate the property as a chronic nuisance property pursuant to Section 10.09.060 and/or take other action against the property or person in charge.

* * *

Section 4. This ordinance shall take effect as provided by Seattle Municipal Code Sections 1.04.020 and 1.04.070.

Passed by the City Council the _____ day of _____, 2025, and signed by
me in open session in authentication of its passage this _____ day of _____, 2025.

President _____ of the City Council

___ Approved / ___ returned unsigned / ___ vetoed this ___ day of _____, 2025.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2025.

Scheereen Dedman, City Clerk

(Seal)

SUMMARY and FISCAL NOTE

Department:	Dept. Contact:	CBO Contact:
Mayor's Office	Tim Burgess	Adam Schaefer

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to chronic nuisance properties; allowing, under certain circumstances, an off-property nuisance activity to count toward determining that a property is a chronic nuisance; amending Sections 10.09.010 and 10.09.030 of the Seattle Municipal Code.

Summary and Background of the Legislation: This legislation amends Ordinance 123188, commonly referred to as the Chronic Nuisance Properties Ordinance (codified as Chapter 10.09 of the Seattle Municipal Code), by (1) adding liquor violations to the list of criminal offenses that can be included in the determination that a specific property is a chronic nuisance and (2) allowing nuisance activity off the property to be considered in determining that a property is a chronic nuisance if it occurs adjacent to or in proximity to the property and the activity involved a person associated with the property or a guest or invitee of the person associated with the property and facts and circumstances establish a nexus between the property and the nuisance activity.

Since the Chronic Nuisance Properties Ordinance was adopted by the City Council in November 2009 and signed by the Mayor in December 2009, the City has effectively used the authority and procedures of the ordinance 17 times to abate nuisance activities at commercial and private residential properties. However, recent gun violence at or near nightclubs and other nightlife venues requires the adoption of the proposed amendments.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ☐ Yes ☒ No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City? ☐ Yes ☒ No

3.d. Other Impacts

Does the legislation have other financial impacts to The City of Seattle, including direct or indirect, one-time or ongoing costs, that are not included in Sections 3.a through 3.c? If so, please describe these financial impacts.

No financial impacts to the City are anticipated.

If the legislation has costs, but they can be absorbed within existing operations, please describe how those costs can be absorbed. The description should clearly describe if the absorbed costs are achievable because the department had excess resources within their existing budget or if by absorbing these costs the department is deprioritizing other work that would have used these resources.

N/A

Please describe any financial costs or other impacts of *not* implementing the legislation.

Please describe how this legislation may affect any City departments other than the originating department.

The Seattle Police Department, City Attorney's Office, and the Department of Finance and Administrative Services enforce the Chronic Nuisance Properties Ordinance.

4. OTHER IMPLICATIONS

Is a public hearing required for this legislation?

No.

a. Is publication of notice with The Daily Journal of Commerce and/or The Seattle Times required for this legislation?

No.

Does this legislation affect a piece of property?

No.

b. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

The ordinance affects property, property owners, and individuals responsible for specific properties. Some properties that may be subject to the Chronic Nuisance Properties Ordinance are frequented by BIPOC community members, such as nightclubs. However, the ordinance focuses on individuals who own or control a property, not the population visiting or using the property.

- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

N/A

- iii. What is the Language Access Plan for any communications to the public?**

N/A

c. Climate Change Implications

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

N/A

- ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

No.

- d. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

- e. Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

No.

5. ATTACHMENTS

Summary Attachments: None.

Chronic Nuisance Amendments

June 24, 2025

Background - History

The Chronic Nuisance Properties ordinance—first adopted in 2009—has been used 17 times.

- Seven motels, five nightclubs, three private residences, one apartment building, and one commercial event space.

A property may be declared a chronic nuisance:

- If three or more **nuisance activities** are documented in a 60-day period, OR seven or more occur in any 12-month period.

Background – Current Qualifying Offenses

- **“Most Serious Offense”** as defined in 9.94A RCW; these are generally Class A felonies.
- **“Drug Related Activity”** as defined in 59.18.130 RCW.
- **Assault, fighting, menacing, stalking, harassment, or reckless endangerment** as defined in Seattle Municipal Code Chapter 12A.06 or in RCW provisions adopted in SMC Chapter 12A.09.
- **Promoting, advancing, or profiting from prostitution** as defined in 9A.88 RCW.
- **Obstructing pedestrian or vehicular traffic** as defined in 12A.12.015.A.4.
- **Failure to disperse** as defined in 12A.12.020.
- **Weapons violations** as defined in Chapter 12A.14.
- **Gang-related activity** as defined in 59.18.030(13) RCW.

Background – Ordinance Application

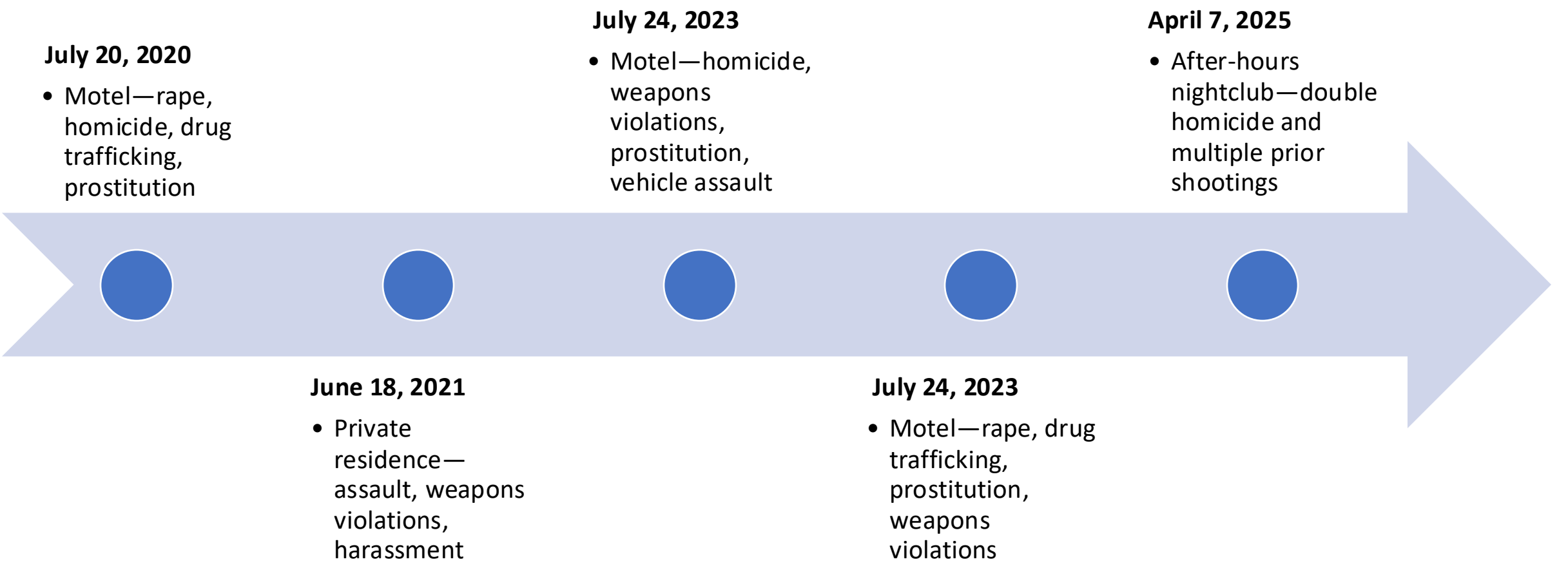
The Chief of Police, in coordination with the City Attorney, may declare a property a chronic nuisance and require a "corrections agreement."

Property owners must respond within seven days and work to abate or mitigate the nuisance.

Penalties for Non-Compliance

Civil fines of \$500 per day and a one-time penalty of \$25,000 may be imposed.

Five Most Recent Declarations of Chronic Nuisance



Proposed Amendment 1: Liquor Violations

- Adding **liquor violations** to the list of offenses considered when determining whether a property is a chronic nuisance.
- This change addresses after-hours venues and other establishments that continually violate liquor laws.

Proposed Amendment 2: Geographic Expansion

- Allowing **off-property nuisance activity** to be considered when determining that a property is a chronic nuisance.
- Requires meeting a **three-part test**.
 1. Occurs adjacent to or in proximity to the property,
 2. Involves a person associated with the property, including guests, *and*
 3. Facts and circumstances establish a nexus between the nuisance activity and the property.

Washington cities with similar off-property provisions—**Bremerton, Everett, Fife, Renton, Spokane, Sunnyside, and Tacoma.**

Stakeholder Outreach

- Washington Nightlife & Music Association
- Approximately 40 nightlife owners
- Teams Q&A Session for nightlife owners
- Business Improvement Areas
- Professional Sports Stadiums

Questions?

June 18, 2025

MEMORANDUM

To: Public Safety Committee
From: Ben Noble, Central Staff Director
Subject: Council Bill 121006 - Chronic Nuisance Properties

On June 24th, the Public Safety Committee (Committee) will have an initial discussion and briefing on [Council Bill \(CB\) 121006](#), which would amend the Seattle Municipal Code's (SMC) provisions regarding "chronic nuisance properties." In particular, the proposed legislation would: (i) expand the set of actions which constitute potential nuisance activity, and; (ii) allow actions that occur off-site, but in proximity to a specific property, that involve a person associated with the property, *and* that can be shown have a connection (nexus) to the property, to serve as justification for a chronic nuisance property designation.

This memorandum (1) provides background on the City's existing regulation of nuisance properties, (2) describes the effect of CB 121006, and (3) discusses next steps.

Background

Nuisance Property Regulation

This is the second legislative proposal regarding nuisance properties that Council has taken up in just over a year. Recall that in May 2024, the Council approved [Ordinance 120777](#), granting the Fire Chief expanded authority to abate unsafe buildings. That legislation amended the City's Fire Code and most specifically focused on building conditions, and the potential for vacant or abandoned buildings to become fire risks or general public health hazards. In contrast, CB 121006 primarily focuses on potential nuisance activities at or near active commercial businesses and occupied residential properties.

[Chapter 10.09](#) of the SMC, which was comprehensively amended in 2009, sets out the City's approach to identifying, regulating, and, as necessary, abating chronic nuisance properties. The basic regulatory framework empowers the Chief of Police, under specified circumstances, to declare a property a chronic nuisance and to seek abatement under threat of potential penalties and, in the extreme, suspension or revocation of a business license.

The SMC describes a process of engagement that begins with the Police Chief (Chief) providing written documentation to the "person in charge"¹ of the property and the property owner declaring the property a chronic nuisance, explaining the basis for that designation, and identifying steps the Chief identifies as necessary to abate the nuisance. If the person in charge responds cooperatively, a "correction agreement" is negotiated between (among) the City and the person in charge (and the property owner, if different than the person in charge). This

¹ This term is defined in the SMC.

agreement sets out the actions needed to abate the nuisance and the timeline for implementation. If the abatement actions are taken and the nuisance is addressed “to the satisfaction of the Chief,” the matter is resolved. As detailed later in the memorandum, penalties and other punitive measures are available when the person in charge of the property and/or the owner is not cooperative, and the nuisance persists.

While the authority to designate properties and negotiate these agreements is vested in the Chief, as a matter of practice, the Seattle Police Department (SPD) works closely with the City Attorney’s Office (CAO) in documenting the nuisance activity, identifying appropriate abatement measures, drafting the initial letter, and crafting a correction agreement. The CAO’s precinct liaison attorneys are specifically available to assist in this work. To formalize this process and emphasize the important role of the CAO, the proposed legislation would add language that says the Chief’s designation of a chronic nuisance property can be made only “after consulting with the City Attorney.”

What Constitutes a Nuisance?

Per [SMC 10.09.010](#) , a property can be designated a chronic nuisance property if:

1. Three or more nuisance activities have occurred during any 60-day period, or seven or more activities have occurred in any 12-month period; or
2. A court has found probable cause to issue a search warrant for the property related to the possession, manufacture, or delivery of a controlled substance two or more times within a 12-month period.

Regarding the first of these situations, “nuisance activities” are defined in the SMC to include a wide range of criminal activity, such as physical violence, drug manufacturing, distribution, and possession, prostitution, the promotion of prostitution, weapons violations, and gang-related activity, the latter as defined in state law.

Enforcement, Penalties, Burden of Proof, and the Role of the Court

The Chief works with the CAO in ensuring that the terms of the “correction agreements” are met. Faced with ongoing chronic nuisance activity where the person in charge is not cooperative and the nuisance(s) persist, the Chief may refer the matter to the CAO, who may file a court action for immediate abatement. The court can provide a range of remedies, including orders “that will reasonably abate the nuisance activity,” fines of \$500 per day against the person in charge, and a civil penalty of up to \$25,000 on the property owner. Lastly, the court can suspend or revoke a City business license as part of an enforcement effort.

In pursuing such enforcement actions, the City bears the burden of proof “by a preponderance of the evidence” that the property is a chronic nuisance. Per [SMC 10.09.070](#), “Copies of police incident reports and reports of other city departments documenting nuisance activity shall be admissible in such actions.” There is no requirement for an arrest, formal charges, or adjudication. This is consistent with the approach taken in other jurisdictions with comparable laws.

Practice to Date

As noted in the bill's recitals, the City has invoked its regulatory and enforcement powers under SMC 10.09 seventeen times since adopting the ordinance in 2009. I have reviewed 13 of the associated initial enforcement letters. Five were associated with nightclubs, five with motels, and three with residential properties. Cited nuisance activities included drug sales, robbery, assault, domestic violence, and weapons violations, among others. The requested abatement included actions such as changing the locks, barring previous tenants, cleaning up garbage and debris, increased security, installation of security cameras, limitations on visitation, limitations on hours of operation, and a commitment to allowing ongoing inspections by the Seattle Police Department. The most significant required abatement was the immediate closure and eviction of the tenant business. To date, none of these chronic nuisance property designations and abatement demands have required court intervention to resolve.

CB 121006 – Policy Motivation and Proposed Legislative Changes

The proposed legislation would make two significant changes: (i) add liquor offenses to the list of potential nuisance activities; and (ii) expand the definition of nuisance activities to include actions that “occur adjacent to or in proximity to the property” if they “involve a person associated with the property, including either a person in charge of the property, or a guest or invitee of the person in charge,” and if “facts and circumstances establish a nexus between the property and the nuisance activity.”

The addition of liquor offenses includes the sale of alcohol without a license, alcohol sales outside authorized hours, underage consumption of alcohol, public consumption of alcohol where prohibited, etc. From a policy perspective, this provides a basis for applying the chronic nuisance ordinance to businesses that operate without a liquor license and/or sell alcohol after authorized hours.

Per the findings set out in Section 1 of the bill, the proposed expansion of nuisance activities to actions in proximity to a given property is in response to recent shootings and assaults associated with nightlife businesses. At least some of these violent actions have occurred outside the facilities in question and off their property, and thus these activities cannot currently be used as evidence of a chronic nuisance.

If this legislation is adopted, such “off-site” actions could become the basis for a nuisance property declaration. To play such a role, three key elements would all need to be demonstrated:

1. *The activities must have occurred “adjacent to or in proximity to” the property in question.* “Proximity” is not defined, but it is not the only condition that must be met.
2. *The activities involve a person associated with the property.* The language regarding guests or invitees can be read to include the customers of a given business.

3. *Facts and circumstances establish a nexus between the property and the nuisance activity.* Nexus is the key notion here, and while it is not defined in the ordinance, it is a term of art in law implying a tie or connection.

If all three aspects are met, the associated activities could be considered in the Chief's designation of the property as a chronic nuisance. This would then trigger the notification, compliance, and potential enforcement steps described above. As proposed, off-site nuisance activity could be the sole basis for nuisance property designation, as long as the number of activities per time period threshold is met under SMC 10.09.010.

Potential Policy Considerations

The most fundamental underlying issue raised by the proposed changes to the City's nuisance property regulatory structure is whether it is reasonable to hold a business operator, landlord, and/or property owner responsible for off-premise activity, and what actions can reasonably be demanded to address such situations. While violent activity associated with a specific business or a particular location can create a real public safety hazard, what share of the responsibility for addressing this hazard falls on the business operator and property owner, and what share is the responsibility of local law enforcement? As described in this memorandum, the proposed legislation would extend the current regulatory structure so that the City could force private parties to accept some direct responsibility and to undertake abatement actions for off-site activity. The existing authority has been invoked infrequently, requires significant process, and ultimately relies on the judgment of a court to enforce. This legislation would significantly expand this existing authority but not change the City's basic regulatory approach.

Next Steps

The Committee will have an initial briefing and discussion on June 24th. At its meeting on July 8th, the committee may vote on a recommendation to the Full Council.

Amendment 1B to CB 121006 Nuisance Property Update Ord

Sponsor: Councilmember Saka

Add two findings

Effect: This amendment would add two legislative findings designed to provide further rationale for this legislation.

Amend Section 1 of CB 121006 as follows by adding new findings B and C and relettering subsequent findings:

Section 1. The City finds and declares:

* * *

B. Ordinance 127037, passed in 2024, expanded the Fire Chief's authority to address public safety risks created by abandoned or neglected buildings, but it did not address the risks associated with ongoing nuisance activities at active commercial and residential properties.

C. Additional regulatory tools are needed to address the negative community impacts and very real public safety risks associated with residential properties that have become chronic nuisances to their neighborhoods.

* * *

Amendment 2 to CB 121006 Nuisance Property Update Ord

Sponsor: Councilmember Saka

Increase maximum penalties

Effect: This amendment would increase the maximum penalties for non-compliance that can be assessed to the person in charge of the nuisance property and the owner of the nuisance property to adjust for the impacts of inflation since 2009, when they were first established.

Amend the title and add a new section 4 to CB 121006 as follows, renumbering subsequent sections:

Title:

Amend the title to add a reference to changes being made to Section 10.09.050 of the SMC.

(e.g. AN ORDINANCE relating to chronic nuisance properties; allowing, under certain circumstances, an off-property nuisance activity to count toward determining that a property is a chronic nuisance; increasing penalties; amending Sections 10.09.010 ~~((and))~~, 10.09.030, and 10.09.050 of the Seattle Municipal Code.)

New Section 4:

Section 4. Section 10.09.050 of the Seattle Municipal Code, enacted by Ordinance

123188, is amended as follows:

10.09.050 Penalties

- A. Except as provided in this Section 10.09.050, in addition to any other sanction or remedial procedure that may be available, the person in charge is subject to a penalty of up to ~~((\$500))~~ \$750 per day from the date of the notice issued pursuant to subsection 10.09.030.A until the Chief of Police confirms that the property is no longer a chronic nuisance property.
- B. If the agreed course of action results in the abatement of nuisance activities to the satisfaction of the Chief of Police within 30 days of the notice issued pursuant to subsection 10.09.030.A, or such longer period allowed by the Chief of Police pursuant to subsection 10.09.030.D, the matter shall not be referred to the City Attorney and the person in charge shall not be subject to any penalty pursuant to this Chapter 10.09.
- C. An owner who fails to comply with Section 10.09.035 is subject to a civil penalty of up to ~~((\$25,000))~~ \$37,500.

Amendment 3 to CB 121006 Nuisance Property Update Ord

Sponsor: Councilmember Saka

Expand definition of nuisance to include other activities

Effect: This amendment would expand the set of activities that would constitute a nuisance that can be the basis for the Police Chief to declare a property a chronic nuisance. The specific activities to be added include:

1. Possession or trafficking in stolen goods;
2. Violations of the RCW that prevents cruelty to animals;
3. Violations of the City and King County health regulations related to the disposal of garbage and waste;
4. Violations of the King County health regulations related to rodent control; and
5. Violations of the City's noise control regulations.

Amend Section 2 of CB 121006:

Section 2. Section 10.09.010 of the Seattle Municipal Code, last amended by Ordinance 126098, is amended as follows:

10.09.010 Definitions

For purposes of this Chapter 10.09(~~(, the following words or phrases shall have the meaning prescribed below))~~):

* * *

"Nuisance activity" (~~((includes))~~) means any of the following activities, behaviors, or conduct that result in a police incident report ~~being~~ or documentation of the offense that is written and filed by other City departments or Public Health – Seattle and King County:

1. A "most serious offense" as defined in chapter 9.94A RCW;
2. A "drug related activity" as defined in RCW 59.18.130;

3. Any of the following activities, behaviors, or criminal conduct:

- a. Assault, fighting, menacing, stalking, harassment, or reckless endangerment, as defined in Chapter 12A.06 or in RCW provisions adopted by Chapter 12A.09;
- b. Promoting, advancing, or profiting from prostitution as defined in chapter 9A.88 RCW;
- c. Prostitution, as defined in Section 12A.10.020;
- d. Permitting prostitution, as defined in Section 12A.10.060;
- e. Obstructing pedestrian or vehicular traffic, as defined in subsection 12A.12.015.A.4;
- f. Failure to disperse, as defined in Section 12A.12.020;
- g. Weapons violations, as defined in Chapter 12A.14; ~~((\&))~~
- h. Gang related activity, as defined in RCW 59.18.030(13)(-); ~~&~~
- i. Liquor offenses, whether violations of chapter 66.44 RCW or Chapter 12A.24-;
- j. Possessing stolen property and trafficking in stolen property offenses as defined in chapters 9A.56 and 9A.82 RCW, or in Sections 12A.08.090 or 12A.08.160; or
- k. Violations of chapter 16.52 RCW (Prevention of cruelty to animals);

4. Violations of Sections 21.16.366 (Public nuisance) or 21.36.420 (Unlawful dumping of solid waste) or of Chapter 25.08 (Noise control); or

5. Violations of the following chapters of the Code of the King County Board of Health: 8.06 (Rodent control); 10.11 (Unlawful dumping); 11.01 (Contaminated properties); or Chapter 13.04 (General provisions).

Amendment 4B to CB 121006 Nuisance Property Update Ord

Sponsor: Councilmember Saka

Clarify Authority for the City to Recover Abatement Costs by a Property Lien

Effect: This amendment would clarify that the City has the authority to impose a property lien to recover the costs of court-directed abatement in situations where the person in charge did not follow through with the ordered abatement and the City did so instead.

Amend the title and add a new section 4 to CB 121006 as follows, renumbering subsequent sections:

Title Change:

Amend the title to add a reference to changes being made to Section 10.09.080 of the SMC.

(e.g. AN ORDINANCE relating to chronic nuisance properties; allowing, under certain circumstances, an off-property nuisance activity to count toward determining that a property is a chronic nuisance; clarifying the City's remedies relating to chronic nuisance properties; amending Sections 10.09.010 ~~((and))~~, 10.09.030, and 10.09.080 of the Seattle Municipal Code.)

New Section 4:

Section 4. Section 10.09.080 of the Seattle Municipal Code, enacted by Ordinance

123188, is amended as follows:

10.09.080 Remedies

- A. If the Court determines a property is a chronic nuisance property pursuant to this Chapter 10.09 the court may order any of the following: (1) order the person in charge to immediately abate nuisance activity from occurring on the property, (2) order that the Chief of Police shall have the right to inspect the property to determine if the court's orders have been complied with, (3) impose a penalty of up to \$500 per day against the person in charge for each day from the date the notice pursuant to subsection 10.09.030.A was issued until the Chief of Police confirms that the property is no longer a chronic nuisance property, (4) make any other order that will reasonably abate nuisance

activities from occurring on the property, including authorizing the City to take action to abate nuisance activities from occurring upon the property if other court orders are not complied with or do not abate nuisance activity on the property and providing that the costs of such City action are to be paid for by the person in charge of the property. Any unpaid costs of abatement shall become a lien upon the property and may be collected by the City as authorized by law.

* * *

Amendment 5 to CB 121006 Nuisance Property Update Ord

Sponsor: Councilmember Hollingworth

Require the City Attorney to Consider Information Provided by the Person in Charge or Property Owner Before Pursuing Court Enforcement of Nuisance Abatement

Effect: This amendment would require the City Attorney to consider any documentation provided by the person in charge or the property owner that contests the designation as a chronic nuisance or challenges the reasonableness of any specific abatement requested by the Police Chief, *before* pursuing a court action in support of enforcement.

Amend the title, add a new section 4 to CB 121006 as follows, renumbering subsequent sections:

Title Change:

Amend the title to add a reference to changes being made to Section 10.09.060 of the SMC.
(e.g. AN ORDINANCE relating to chronic nuisance properties; allowing, under certain circumstances, an off-property nuisance activity to count toward determining that a property is a chronic nuisance; amending Sections 10.09.010 ~~((and))~~, 10.09.030, and 10.09.060 of the Seattle Municipal Code.)

New Section 4:

Section 4. Section 10.09.060 of the Seattle Municipal Code, enacted by Ordinance

123188, is amended as follows:

10.09.060 Commencement of Action—Enforcement

Upon referral pursuant to Section 10.09.030, the City Attorney may initiate an action in any court of competent jurisdiction to abate a chronic nuisance property, to impose penalties pursuant to this Chapter 10.09, to seek alternative remedies under city or state laws and seek any other relief authorized by law. The City Attorney shall consider any documentation provided by the person in charge or the property owner that contests the designation as a chronic nuisance or challenges the reasonableness of any specific abatement requested by the Police Chief, before initiating an action in court to abate a chronic nuisance property.

Amendment 6 to CB 121006 Nuisance Property Update Ord

Sponsor: Councilmember Kettle

Refining the requirement of a connection between the potential nuisance property and associated off-site activities

Effect: This amendment seeks to tighten the requirement that off-site activities associated with a chronic nuisance designation have a nexus to the property in question. As written, the ordinance requires that “facts and circumstances establish a nexus between the property and the nuisance activity”. This would be modified to require a “clear” nexus.

Nexus is a legal term of art implying a connection, and to some degree, a causal connection. The term is purposefully vague and designed to be interpreted within the context in which it is invoked. Adding the modifier “clear” to nexus will require a stronger connection, but that relative strength is not one that can be easily quantified.

Amend section 2 of CB 121006 as follows:

10.09.010 Definitions

For purposes of this Chapter 10.09(~~(, the following words or phrases shall have the meaning prescribed below))~~):

* * *

"Chronic nuisance property" means:

1. A property on which three or more nuisance activities as defined in this Section 10.09.010 exist or have occurred during any 60-day period or seven or more nuisance activities have occurred during any 12-month period(~~(, or~~)). A nuisance activity off the property may be considered in determining that a property is a chronic nuisance if it:
 - a. Occurs adjacent to or in proximity to the property; and
 - b. Involves a person associated with the property, including either a person in charge of the property, or a guest or invitee of the person in charge, and facts and circumstances establish a **clear** nexus between the property and the nuisance activity.