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Full Council
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Amendment B to CB 121006 Nuisance Property Update Ord

Sponsor: Councilmember Saka and Councilmember Kettle

Refine Criteria for Nuisance Declaration

Effect: This amendment would somewhat narrow the criteria used to reach a nuisance property declaration. The Public Safety Committee supported an amendment that added several civil violations to the list of nuisance activities that can be used to support such a designation. These additional violations focused on risks to public health and safety, including, for example, on-site accumulation of garbage and waste. This amendment would change the approach to addressing such issues under the nuisance property ordinance. Non-criminal violations would not count among the activities that could trigger a chronic nuisance property designation. However, when making such a designation, the Police Chief would work in coordination with other departments to determine whether such nuisance activities were present at the property. This could then provide the basis for a coordinated approach by the City to encourage, and where appropriate and feasible, to force the person in charge and/or the landowner to abate the relevant nuisances.

Double underline indicates language added by this amendment. ~~Double strikethrough~~ indicates language removed by this amendment.

Amend Sections 2, 3, and 5 of CB 121006 as follows:

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~~)):

"Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition ~~which~~ that constitutes a violation of this Chapter 10.09, or that constitute public nuisances that create risk to public health, by such means and in such a manner and to such an extent as the Chief of

Police determines is necessary in the interest of the general health, safety, and welfare of the community.

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

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).~~

"Public health nuisance" means an act or omission that constitutes a nuisance under RCW 7.48.120 and endangers the health or safety of others.

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 and other City or King County departments with knowledge of potential public health nuisances, 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 definitionn 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, and documentation of any public health nuisances that may require abatement;

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 activity and/or public health nuisance;

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Section 5. 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 and any public health nuisance 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 and public health nuisances from occurring on the property, including authorizing the City to take

action to abate nuisance activities and public health nuisances from occurring upon the property if other court orders are not complied with or do not abate nuisance activities and public health nuisances 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.