

1 3. Exterminate insects, rodents and other pests which are a menace to public
2 health, safety or welfare. Compliance with the Director's Rule governing the extermination of
3 pests shall be deemed compliance with this subsection 3;

4 4. Remove from the building or the premises any article, substance or material
5 imminently hazardous to the health, safety or general welfare of the occupants or the public, or
6 which may substantially contribute to or cause deterioration of the building to such an extent that
7 it may become a threat to the health, safety or general welfare of the occupants or the public;

8 5. Remove vegetation and debris as required by ((SMC)) Section 10.52.030;

9 6. Lock or remove all doors and/or lids on furniture used for storage, appliances,
10 and furnaces which are located outside an enclosed, locked building or structure;

11 7. Maintain the building and equipment in compliance with the minimum
12 standards specified in Sections 22.206.010 through 22.206.140 and in a safe condition, except
13 for maintenance duties specifically imposed in Section 22.206.170 on the tenant of the building;
14 provided that this subsection 7 shall not apply to owner-occupied dwelling units in which no
15 rooms are rented to others;

16 8. Affix and maintain the street number to the building in a conspicuous place
17 over or near the principal street entrance or entrances or in some other conspicuous place. This
18 provision shall not be construed to require numbers on either appurtenant buildings or other
19 buildings or structures where the Director finds that the numbering is not appropriate. Numbers
20 shall be easily legible, in contrast with the surface upon which they are placed. Figures shall be
21 no less than two (2) inches high;

1 the notice shall be sent to the owner of the property. Nothing in this section shall be deemed to
2 limit or preclude any action or proceeding to enforce this chapter nor does anything in this
3 section obligate the Director to issue a notice of violation prior to initiation of a civil or criminal
4 enforcement action except as otherwise provided in Director’s rules adopted pursuant to SMC
5 chapter 22.202.

6 * * *

7
8 G. Nothing herein shall hinder or limit in any manner the Director’s authority or ability
9 to bring an action pursuant to ((SMC)) Chapter 22.208 to abate ((a nuisance)) an unfit building
10 or premise or to issue an emergency order pursuant to ((SMC)) Section 22.206.260.

11 * * *

12
13 ~~((J. Unless a request for review by the Director is made in accordance with SMC Section~~
14 ~~22.206.230, a notice of violation shall be the decision of the Director. A copy of the notice of~~
15 ~~violation shall be filed with the King County Department of Records and Elections. The~~
16 ~~Director is not required to file a copy of the notice of violation if the notice is directed only to a~~
17 ~~tenant or tenants.))~~

18
19 Section 5. Subsections A and D of Section 22.206.230 of the Seattle Municipal Code,
20 which section was last amended by Ordinance 120087, is amended as follows:

21 **22.206.230 Review by the Director.**

22 A. Any party affected by a notice of violation issued pursuant to ((SMC)) Section
23 22.206.220 may request a review of the notice by the Director. Such a request must be made in
24 writing within ten (10) days after service of the notice. When the last day of the period so
25

1 computed is a Saturday, Sunday, federal or City holiday, the period shall run until five (5:00)
2 p.m. of the next business day.

3 * * *

4 ~~((D. The Director shall issue a decision within fifteen (15) days after the deadline for~~
5 ~~submittal of additional information. The decision shall be served, posted and filed in the~~
6 ~~manner provided in SMC Section 22.206.220. When the decision affects only a tenant or tenants,~~
7 ~~the Director is not required to file the decision with the King County Department of Records and~~
8 ~~Elections.))~~

9
10 Section 6. A new section 22.206.235 is added to the Seattle Municipal Code as follows:

11 **22.206.235 Order of the Director.**

12
13 A. Where review by the Director has been conducted pursuant to Section 22.206.230, the
14 Director shall issue an order of the Director containing the decision within fifteen (15) days of
15 the date that the review is completed. The decision shall be served and posted in the manner
16 provided by 22.206.220.

17
18 B. Unless a request for review before the Director is made pursuant to Section
19 22.206.230, the notice of violation shall become the order of the Director.

20
21 C. Because civil actions to enforce Chapter 22.206 are brought in Seattle Municipal
22 Court pursuant to Section 22.206.280, orders of the Director issued under this chapter are not
23 subject to judicial review pursuant to chapter 36.70C RCW.

24
25 Section 7. Subsections A through G of Section 22.206.280 of the Seattle Municipal
26 Code, which section was last amended by Ordinance 121076, is amended as follows:

27 **22.206.280 Civil enforcement proceedings and penalties ~~((penalty))~~.**

1 In addition to any other remedy that may be available at law or equity, the following
2 are available:

3 A. ~~((In addition to any other sanction or remedial procedure that may be available, and~~
4 ~~except)) Except for violations of ~~((SMC))~~ Section 22.206.180, any person violating or failing to
5 comply with any requirement of this Code shall be subject to a cumulative civil penalty in ~~((the))~~
6 an amount ~~((of))~~ not to exceed:~~

7
8 1. ~~((Fifteen Dollars (\$15.00)))~~ One Hundred Fifty Dollars (\$150.00) per day for
9 each housing unit in violation, and One Hundred Fifty Dollars (\$150.00) per day for violations in
10 the common area or on the premises surrounding the building or structure, from the date the
11 violation begins, for the first ten (10) days of noncompliance; and Five Hundred Dollars
12 (\$500.00) per day for each housing unit in violation, and ~~((Fifteen Dollars (\$15.00)))~~ Five
13 Hundred Dollars (\$500.00) per day for violations in the common area or on the premises
14 surrounding the building or structure, ~~((from the date set for compliance))~~ for each day beyond
15 ten (10) days of noncompliance until ~~((the person complies with the requirements of this Code;~~
16 ~~or))~~ compliance is achieved. In cases where the Director has issued a notice of violation, the
17 violation will be deemed to begin, for purposes of determining the number of days of violation,
18 on the date compliance is required by the notice of violation.

19
20
21 ~~((2. Seventy-five Dollars (\$75.00) per day for each building in violation of the~~
22 ~~standards contained in SMC Section 22.206.200, from the date set for compliance until the~~
23 ~~person complies with the requirements of that section.))~~

24
25 2.((3.)) One Hundred Dollars (\$100.00) per day from the date a tenant fails to
26 reimburse The City of Seattle for emergency relocation assistance as required by subsection D of
27

1 ((SMC)) Section 22.206.265 until the date the relocation assistance is repaid to The City of
2 Seattle.

3 3. ((4.)) One Hundred Dollars (\$100.00) per day for any person who provides
4 false or misleading information to the Director and as a result of the false or misleading
5 information is paid relocation assistance by the City of Seattle for which the person would not
6 otherwise be eligible, from the date the person receives the emergency relocation assistance until
7 the date the relocation assistance is repaid to The City of Seattle.

8
9 B. Any person who does not comply with an emergency order issued by the Director
10 pursuant to this ((SMC)) Chapter 22.206 shall be subject to a cumulative civil penalty ((in the
11 amount)) of up to ((One Hundred Dollars (\$100.00)) One Thousand Dollars (\$1,000.00)) per day
12 from the date set for compliance until the Director certifies that the requirements of the
13 emergency order are fully complied with.

14
15 C. Any property owner who fails to deposit relocation assistance as required by
16 subsections F and G of ((SMC)) Section 22.206.260 shall be subject to a cumulative civil penalty
17 of:

18
19 1. For each tenant with a household income during the preceding twelve (12)
20 months at or below fifty (50) percent of the median family income for whom the property owner
21 did not deposit relocation assistance as required by subsection G of ((SMC)) Section 22.206.260:

22 a. Three Thousand Three Hundred Dollars (\$3,300.00), plus

23 b. One Hundred Dollars (\$100.00) per day from the date such deposit by
24 the property owner is required until the date the property owner pays to
25 the City the penalty provided for in subsection C1a; or
26

1 2. For each tenant with a household income during the preceding twelve (12)
2 months greater than fifty (50) percent of the median family income for whom the property owner
3 did not deposit relocation assistance as required by subsection G of (~~(SMC)~~) Section 22.206.260,
4 One Hundred Dollars (\$100.00) per day from the date such deposit is required until the date on
5 which the relocation assistance required by subsections F and G of (~~(SMC)~~) Section 22.206.260
6 is deposited with The City of Seattle.

7
8 D. (~~In addition to any other sanction or remedial procedure that may be available, any~~)
9 Any owner of housing units who violates subsection C6 of (~~(SMC)~~) Section 22.206.160 shall be
10 subject to a civil penalty of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

11 E. (~~In addition to any other sanction or remedial procedure that may be available,~~
12 ~~anyone~~) Anyone who obstructs, impedes, or interferes with an attempt to inspect a building or
13 premises pursuant to the authority of an inspection warrant issued by any court or an attempt to
14 inspect a housing unit after consent to inspect is given by a tenant of the housing unit shall be
15 subject to a civil penalty of not more than One Thousand Dollars (\$1,000.00).

16 F. (~~In addition to any other sanction or remedial procedure that may be available, any~~)
17 Any person who violates or fails to comply with subsections A5, A6, or A7 of (~~(SMC)~~) Section
18 22.206.180 shall be subject to a cumulative civil penalty (~~in an amount not less than One~~
19 ~~Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00))~~) of up to Five
20 Hundred Dollars (\$500.00) per violation per day. Each day that a separate action or inaction
21 occurs that is a violation of subsections A5, A6 or A7 of (~~(SMC)~~) Section 22.206.180 constitutes
22 a separate violation.
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1 liability shall be imposed for (~~a violation of Sections 22.206.180 A1, 22.206.180 A2,~~
2 ~~22.206.180 A3, 22.206.180 A4, or of Sections 22.206.190 A or 22.206.190 B of the Seattle~~
3 ~~Municipal Code,~~) such a violation or failure to comply, and none of the mental states described
4 in Section 12A.04.030 need be proved. The Director may request the City Attorney prosecute
5 such violations criminally as an alternative to the civil procedure outlined in this chapter.

- 6
- 7 ~~((1. Be fined in a sum not exceeding Five Thousand Dollars (\$5,000); and/or~~
8 ~~2. Be imprisoned for a term not exceeding one (1) year.~~

9 ~~B. A fine not to exceed One Thousand Dollars (\$1,000.00) per violation and/or a term~~
10 ~~of imprisonment not exceeding thirty (30) days may be imposed:~~

11 ~~1. For violations of Section 22.206.210;~~

12 ~~2. For violations of Section 22.206.260, where the person charged has had a civil~~
13 ~~judgment under Section 22.206.280 or any of its predecessors rendered against him or her during~~
14 ~~the past five (5) years;~~

15 ~~3. For any pattern of willful, intentional, or bad faith failure or refusal to comply with~~
16 ~~the standards or requirements of this Code.~~

17

18

19 C.)) Each day a violation of this title continues and each occurrence of a prohibited
20 activity shall be deemed and considered a separate offense.

21 Section 9. A new section 22.206.315 is added to the Seattle Municipal Code as follows:

22 **22.206.315 Appeal to Superior Court.**

23

24 Final decisions of the Seattle Municipal Court on enforcement actions authorized by this
25 chapter may be appealed pursuant to the Rules for Appeal of Decisions of Courts of Limited
26 Jurisdiction.

1 Section 10. Subsections A and C of Section 22.208.030 of the Seattle Municipal Code,
2 which section was last amended by Ordinance 117861, is amended as follows:

3 **22.208.030 Investigation, notice and hearing.**

4 A. The Director may investigate any building or premises which the director believes to
5 be unfit for human habitation or other use. If the investigation reveals conditions that make the
6 building or premises unfit for human habitation or other use, the Director shall:
7

8 1. Issue a complaint stating the conditions that make the building or premises
9 unfit for human habitation or other use; and

10 2. Serve the complaint by personal service(~~(, registered mail,)~~) or certified mail
11 with return receipt requested, upon all persons who appear on a litigation guarantee from a
12 licensed title insurance company as having any ownership interest in the building or premises;
13 and
14

15 3. Post the complaint in a place on the property conspicuous to persons entering
16 the structure and if practical conspicuous from an abutting public right-of-way.
17

18 * * *

19 C. If the address of the persons appearing on the litigation guarantee identified in
20 ~~((subparagraph))~~ subsection A cannot be ascertained by the Director after a reasonable search,
21 then the Director shall make affidavit to that effect, and the complaint shall be served either by
22 personal service or by mailing a copy of the complaint by first class mail and certified mail,
23 postage prepaid, return receipt requested, to the address appearing on the last equalized tax
24 assessment roll of the County Assessor and to any other address known to the County Assessor.
25 A copy of the complaint shall also be mailed to each person whose address cannot be
26
27
28

1 ascertained, to the address of the building or premises involved in the proceedings. In addition to
2 serving and posting the complaint, the Director shall mail or cause to be delivered to all housing
3 and commercial rental units in the building or on the premises a copy of the complaint.

4 * * *

5 Section 11. Subsection G of Section 22.208.050 of the Seattle Municipal Code, which
6 section was last amended by Ordinance 117861, is amended as follows:

7
8 **22.208.050 Appeal from order of Director.**

9 * * *

10 G. Within fourteen (14) days after the hearing the Hearing Examiner shall issue a written
11 decision containing findings of fact and conclusions and shall mail copies of the decision to the
12 parties of record. The decision of the Hearing Examiner shall be the final decision of the City
13 and shall have the same effect as a decision of the Director issued pursuant to Section
14 ((22.206.230)) 22.206.235. The decision and order of the Hearing Examiner shall be filed by the
15 Director with the King County Department of Records and Elections.
16

17 Section 12. Subsections A, B, and C of Section 22.208.150 of the Seattle Municipal
18 Code, which section was last amended by Ordinance 117861, is amended as follows:

19
20 **22.208.150 Civil enforcement proceedings and penalties.**

21 A. In addition to any other remedy authorized by law or equity, ((Any)) any person
22 failing to comply with an order issued by the Director or Hearing Examiner pursuant to this
23 Chapter shall be subject to a cumulative civil penalty in an amount not to exceed Five Hundred
24 Dollars (\$500) per day from the date set for compliance until the owner or a responsible party
25

1 requests a reinspection and the Director verifies following reinspection that the property is in
2 compliance.

3 B. Any person violating Section 22.208.130 shall be subject to a civil penalty in the
4 amount of Five Hundred Dollars (\$500).

5 C. The Director shall ~~((notify))~~ request in writing that the City Attorney take enforcement
6 action.~~((in writing of the name of any person subject to a penalty.))~~ The City Attorney shall, with
7 assistance of the Director, take appropriate enforcement action. ~~((to collect the penalty.))~~

8 * * *

9
10 Section 13. Section 22.208.160 of the Seattle Municipal Code, which was last amended
11 by Ordinance 117861, is amended as follows:

12 **22.208.160 Alternative ~~((Criminal penalties))~~ criminal penalty.**

13 A. ~~((Anyone))~~ Any person who violates or fails to comply with any of the requirements
14 of this Chapter 22.208 and who has had an Order of Judgment entered against them by a court of
15 competent jurisdiction for violating Titles 22 or 23 within the past seven (7) years from the date
16 the criminal charge is filed ~~((and who within the previous five (5) years has had a civil penalty~~
17 ~~assessed against him or her pursuant to Section 22.208.150 of this Code shall, upon conviction,~~
18 ~~be fined a sum not exceeding Five Thousand Dollars (\$5,000) or imprisoned for a term not~~
19 ~~exceeding one (1) year, or both. Each day that anyone violates or fails to comply with any of the~~
20 ~~foregoing provisions shall be a separate offense.~~

21 B. ~~A fine, not exceeding Five Thousand Dollars (\$5,000) per violation and/or a term of~~
22 ~~imprisonment not exceeding one (1) year may be imposed for any willful, intentional, or bad~~
23 ~~faith failure or refusal to comply with the standards or requirements of this chapter.))~~ shall upon
24

1 conviction be guilty of a gross misdemeanor subject to the provisions of Chapter 12A.02 and
2 12A.04, except that absolute liability shall be imposed for such a violation or failure to comply
3 and none of the mental states described in Section 12A.04.030 need be proved. The Director
4 may request that the City Attorney prosecute such violations criminally as an alternative to the
5 civil procedure outlined in this chapter. Each day a violation of this title continues and each
6 occurrence of a prohibited activity shall be deemed and considered a separate offense.
7

8 Section 14. Sections 22.206.300 and 22.206.310 of the Seattle Municipal Code, which
9 were adopted by Ordinance 113545, are repealed in their entirety.

10 Section 15. Chapter 22.207 of the Seattle Municipal Code, which chapter was adopted
11 by Ordinance 119509, is repealed in its entirety.

12 Section 16. This ordinance shall take effect and be in force thirty (30) days from and
13 after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10)
14 days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.
15
16

17 Passed by the City Council the ____ day of _____, 2007, and signed by me in
18 open session in authentication of its passage this ____ day of _____, 2007.
19

20
21 _____
22 President _____ of the City Council

23 Approved by me this ____ day of _____, 2007.
24

25 _____
26 Gregory J. Nickels, Mayor

27 Filed by me this ____ day of _____, 2007.
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(Seal)

City Clerk