



City Hall  
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## City Council

### Approval of an Ordinance Addressing Chronic Behavioral Public Nuisances on Specific Real Property and Amending Chapters 8.24, 16.06 and 16.18 OMC

**Agenda Date:** 10/17/2017  
**Agenda Item Number:** 4.H  
**File Number:** 17-1012

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**Type:** ordinance **Version:** 2 **Status:** Passed

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**Title**

Approval of an Ordinance Addressing Chronic Behavioral Public Nuisances on Specific Real Property and Amending Chapters 8.24, 16.06 and 16.18 OMC

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve the Ordinance Addressing Chronic Behavioral Public Nuisances on Specific Real Property and Amending Chapters 8.24, 16.06 and 16.18 OMC on second reading.

**Report**

**Issue:**

Whether to adopt the ordinance addressing chronic behavioral public nuisances.

**Staff Contact:**

Amy Stull, Senior Program Specialist, Police Department, 360.753.8049.

Darren Nienaber, Deputy City Attorney, Legal Department, 360.753.8044

**Presenter(s):**

None - Consent Calendar Item.

**Background and Analysis:**

Background and analysis has not changed from first to second reading.

The City's code has certain code provisions under chapter 8.24 OMC that attempt to address crime houses and other nuisances. However, those municipal codes are out of date. Normal zoning and traditional public nuisances are already enforced through other codes, for example OMC 16.10. After researching approaches in other jurisdictions, this ordinance was drafted. If three crimes are committed within 90 days or five crimes within two years, then a violation is committed.

A person who is in charge of the property would be sent a Notice of Violation if the police department believes there are violations of the code. The person in charge is not subject to fines at this point. Rather, they have an opportunity to discuss with the police department and correction violations. If the Department believes the violations are not being addressed, a case may be brought to the Hearing Examiner.

The quasi-judicial Hearing Examiner is the decision maker who determines on behalf of the City about whether violations exist. A person who is in charge of the property may be fined up to \$500 per violation by a Hearing Examiner, and up to \$1000 if the person violates a corrections agreement.

**Neighborhood/Community Interests (if known):**

The neighborhoods have requested additional tools to address structures with a high association with crime.

**Options:**

1. Approve the ordinance.
2. Amend the ordinance.
3. Deny the ordinance.

**Financial Impact:**

Up to \$8000, depending on Hearing Examiner involvement.

**Attachments:**

Ordinance