

**CITY OF WHITE SALMON
ORDINANCE NO.2013-07-921**

AN ORDINANCE AMENDING AND REPLACING WSMC CH. 8.07 REGARDING NUISANCES AND NUISANCE ABATEMENT, AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City Council of the City of White Salmon wishes to maintain the safety and welfare of city residents and protect against public and private nuisances, including public health and safety hazards, blight, fire hazards, the proliferation of noxious weeds, and impaired visibility; and

WHEREAS, WSMC conducted public hearings to consider numerous revisions to the existing nuisance ordinance, including the addition of derelict, abandoned and degraded structures to the enumerated nuisances of WSMC 8.07.030 and

WHEREAS, the City wishes to include Voluntary Abatement Plans and Cooperative Abatement Plans to facilitate property owners' ability and willingness to complete abatement projects on their own, thereby increasing their properties' value and livability;

WHEREAS, the City finds that additional provisions are necessary to insure the health and safety of City residents and to ensure the City's livability and economic viability;

NOW, THEREFORE, the City of White Salmon do ordain as follows:

SECTION 1. REPEALER. *Ord. 1996-6-631 §1(part) and Ord. No. 2009-09-840, § 1 are hereby repealed and amended as set forth herein.*

SECTION 2. AMENDMENT TO WSMC CH. 8.07:

Key: Existing code standard print, New Code Italics

Chapter 8.07 - NUISANCES

8.07.001. Purposes of Nuisance Ordinance City of White Salmon

The purposes of this chapter are

- A. To exercise police power to public nuisances and abatement of such nuisances;*
- B. To protect public health, safety and welfare.*

8.07.010 - Definitions.

For purposes of this chapter, the following terms are defined as follows:

- A. "Auxiliary parking" or "auxiliary driveway" means any area excluding the required minimum improved surfaces for parking or driveways that provides for the parking or driving of vehicles.*
- B. "Building Official" shall mean the City of White Salmon City Administrator/Public Works Director or his/her designee*

- C. *“Improved surface” means an area that is covered by a permanent hard surface, including concrete, asphalt, or pavers, or any combination of materials with pervious features, such as ribbon driveways, that has been permitted by that department as a functionally equivalent hard surface.*
- D. *“Inoperative vehicle” is defined as any vehicle or recreational vehicle that may not be operated or towed behind a vehicle on a public roadway due to the condition of the vehicle or the status of the ownership, registration, or license of the vehicle.*
- E. *“Maintained surface” means a surface that consists of gravel contained in a defined area of the property without spilling into the street, sidewalk, or adjoining property and that has no more than 50 percent of its surface area comprised of exposed soil or plant material, unless the surface has otherwise been permitted as an improved surface.*
- F. *“Motor vehicle” means any car, truck, van or motorcycle used for the transportation of passengers, but not including recreational vehicles or utility vehicles.*
- G. *“Nuisance.” shall mean a thing, act, omission, condition or use of private property or adjacent public property improved or unimproved, which is created, maintained or allowed to exist that injures, endangers, or obstructs the life, health, or safety of others, and shall further include all conditions enumerated in Sections 8.07.020 and 8.07.030, below.*
- H. *“Person” means every individual, firm, company, association, partnership and corporation.*
- I. *“Person in charge of property” means an agent, occupant, lessee, contract purchaser, or person other than an owner, having possession or control of the property.*
- J. *“Person responsible” means the person responsible for abating a nuisance and shall include:*
 - a. *The owner;*
 - b. *The person in charge of property, as defined in this section;*
 - c. *In the case of sidewalks in the city, the owner of the abutting property as defined in Section 12.16.010*
 - d. *The person who causes a nuisance to come into or continue in existence.*
- K. *“Recreational or utility vehicle” means a vehicular-type unit primarily designed for recreation, camping, travel, or hauling, which is designed for human habitation and has its own motor power or is typically mounted or towed by another vehicle, including but not limited to: motor homes, campers, travel trailers, boats over 14 feet in length, horse trailers, and utility trailers.*
- L. *“Unimproved surface” means a soil and/or planted surface.*

8.07.020 - Acts constituting nuisances.

A public nuisance is any act or omission of any act which is determined by the mayor, clerk-treasurer, chief of police, city public works director or their designees, to be injurious or detrimental to the public health, safety or welfare of the residents of the city.

8.07.030 - Specific nuisances designated.

In addition to any act or omission of any act determined to be a nuisance pursuant to Section 8.07.020, the following are declared to be a public nuisance:

- A. To place any debris or junk offensive to the public and allow the same to remain for a longer period than twelve hours upon any public street or public premises or any private premises;
- B. To construct or maintain any structure upon any city-owned premises without permission from the city;
- C. To place upon any public thoroughfare any substance tending to mar the appearance or detract from the cleanliness or safety of such thoroughfare;

- D. To tolerate or permit the accumulation of any snow, ice, sleet, rainwater, gravel, garbage or other debris on any sidewalk for a period longer than twenty-four hours, *including, without limitation*:
 - a. *Accumulations of dirt or debris not removed from a public sidewalk.*
 - b. *Any protrusion, awning, or overhang that inhibits or obstructs use of a public walkway or sidewalk;*
 - c. *Any object, construction, or damage that inhibits or obstructs the surface use of a public walkway or sidewalk;*
- E. To place any part of an animal carcass or any other offensive substance into any stream, well, spring, brook, ditch, pond or other waters within the city;
- F. *To permit any portion of any premises to become or continue to be in a state which causes an unsafe condition, offensive odors, or unsanitary conditions;*
 - a. *To permit storage of garbage, recyclables, and compost without providing adequate safeguards;*
 - i. *Garbage not kept in a proper receptacle with a tight-fitting lid;*
 - ii. *Recyclables not properly stored and regularly disposed of;*
 - iii. *Compost not kept in a manner to prevent it from attracting infestations of insects or emitting foul odors.*
 - b. *To permit storage of any appliance, machinery, equipment, structure or device of any kind which is likely to attract children without providing adequate safeguards, including, without limitation;*
 - i. *Any accessible refrigeration appliances not having the doors secured or removed, or any enclosure that can entrap humans or animals.*
 - ii. *Any broken or discarded household furniture, furnishings or equipment, or any appliances not in an approved enclosed structure, in the front, side, or back yard of a property;*
 - c. *To allow any pit, quarry, cistern, open well or excavation of any kind to exist on any premises without adequate safeguards;*
 - d. *To permit accumulations, stacks, or piles of building or construction materials not associated with a current in-progress project including metal, wood, wire, electrical or plumbing materials in disarray or exposed to the elements on the property.*
 - e. *Fire Hazards. To permit stacks or accumulations of newspapers, cardboard, or other paper, clothes, or wood products left in a manner that could pose a substantial risk of combustion or the spread of fire;*
 - f. *Toxic or Caustic Substances. To permit improper storing or keeping of any toxic, flammable, or caustic substances or materials;*
 - g. *Smoke, Soot, or Odors. To cause or permit the escaping or emitting of any unnecessary or harmful smoke, soot, fumes, or gases or odors offensive or harmful to persons of ordinary sensibilities;*
 - h. *Insect or Vermin Attractions. Creating or maintaining accumulations of matter, including food stuffs, that harbors or is an attraction for the infestation of insects or vermin or failing to eliminate such infestations, including nests, colonies, hives or apiaries of bees, hornets or wasps not in compliance with RCW Chapter 15.60 or WAC Chapter 16-602.*
- G. To fail to keep lots of one acre or less free and clear of weeds, brush and any other materials that may create a fire hazard, create a nuisance in the neighborhood, or constitute any other hazard, including, without limitation, the following:
 - a. In lots of one acre or less, to allow vegetation to exceed ten inches (10") in height without removing said overgrowth.

- b. To allow noxious vegetation between May 15 and September 30 of any year, defined as follows:
 - i. Grass more than ten inches (10") high and not within the exception stated in Section(f).
 - ii. Poison Oak.
 - iii. Poison Ivy.
 - iv. Scotch Broom
 - v. Vegetation that is:
 - 1. A health hazard;
 - 2. A fire hazard because it is near other combustibles; or
 - 3. A traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.
 - vi. *Trees, plants, shrubs or vegetation, or parts thereof which so overhang any sidewalk or street, or which are growing thereof in any such manner as to obstruct or impair the free and full use of the sidewalk or street by the public or obstruct the view of pedestrians or users of vehicles thereon or interfere with the wires, poles, fixtures lawfully maintained thereon.*
 - vii. *Grass, weeds, shrubs, bushes, refuse, trees or other types of vegetation that is left growing in an unmaintained or uncontrolled manner or which left in pile or piles or scattered about on any property and becomes a fire hazard or a gathering place for rodents, skunks, wasps, or other animals pests or insects,*
 - viii. *Noxious weeds, left growing uncontrolled or left growing where no action is taken to eliminate or eradicate, and have, or are, expected to spread to properties in the immediate vicinity.*
- H. The term "noxious vegetation" does not include vegetation that constitutes an agricultural crop or decorative residential landscaping, unless that vegetation is a health hazard, safety hazard or impairs visibility required for safe traffic movement. To permit any water from any ditch, canal, flume, reservoir, pipe or conduit, above or below the ground, to leak, seep, flow, overflow or run upon any public property and thereby endanger the public health, safety, welfare or convenience;
- I. To place or allow on any public thoroughfare any article or structure which obstructs a public thoroughfare; provided, however, that this subsection shall not apply to goods or merchandise placed for less than five hours upon a public thoroughfare or public place in the process of delivery to or from any business or residence.
- J. *Vacant and abandoned buildings*
 - a. *The City of White Salmon defines a vacant or abandoned building as:*
 - i. *an abandoned/vacant building or portion of the building that is unoccupied and secured by means other than used in the design of the building for more than thirty (30) days,*
 - ii. *Or declared a dangerous building under the uniform code for the abatement of dangerous buildings,*
 - iii. *Or unoccupied and unfit for occupancy,*
 - iv. *Or unoccupied and unsafe to occupy due to building code violations.*
 - b. *Unoccupied or vacant building standards*
 - i. *Intent. It is the intent of this section that buildings which are unoccupied or vacant shall present a neat and orderly appearance, and, as much as possible, will appear occupied, or ready for occupancy. If a building is to remain unoccupied or vacant in excess of thirty (30) days, it shall meet the following standards:*

- ii. *Standards for Secure Buildings: All exterior openings shall be properly secured as outlined below, To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent third-party entry, to the satisfaction of the Building Official.*
1. *Openings shall be secured by the normal building amenities including but not limited to doors, shutters, grills, and window glazing which can be considered appropriate for securing an unoccupied building.*
 2. *If it becomes necessary to temporarily secure openings by covering them with structural paneling, the use of the paneling shall be limited to a maximum of 30 calendar days.*
 - a. *Where it becomes impractical to secure buildings using the normal security measures, the Building Official may permit the use of medium density overlay or other approved materials, installed in the window frames and painted with a glossy paint of such color to simulate glazing.*
 - b. *In such case, the paneling or other approved materials shall blend with the exterior finish of the building, to provide the building with a neat and tended appearance as determined by the Building Official.*
 3. *The building shall be properly weather-protected to prevent deterioration of the building.*
 4. *All miscellaneous debris which constitutes a fire hazard shall be removed from the building and property. The property shall remain nuisance free at all times.*
 5. *All buildings which have automatic fire sprinklers systems and/or fire alarm systems shall have such systems maintained in operable condition at all times.*
 6. *Adequate heat shall be maintained within an unoccupied or vacant building to prevent plumbing and automatic fire sprinkler systems from freezing, or alternatively the plumbing, or any other element in the building sensitive to freezing may be winterized in an approved manner.*
 7. *All sewer lines shall be capped. (When approved by Planning and Development Services, this may be accomplished by providing an approved plug at the fixtures within the building.)*
 8. *The owner shall inspect the property periodically to assure that the property remains in compliance with this chapter. In the event that the unoccupied building does not conform to this standard, the Building Official may order the owner to inspect the property, according to a specific schedule, and to provide written reports that the inspections have been performed and that the property is in compliance with these standards.*

c. *Procedures for Securing Buildings.*

i. *Vacant Buildings.*

1. *Once a building is determined to be vacant and is open to unauthorized third-party entry, the Building Official shall make reasonable effort to contact the owner to have the building secured. If the owner cannot be contacted with reasonable effort, the City of White Salmon shall secure the building.*
2. *If such building is presenting an immediate danger to the health, safety and welfare of the public, or is requested to be immediately secured by the Building Official, the City of White Salmon Police Department, the City of White*

Salmon Fire Department and/or the Klickitat County Health Department, the Building Official shall immediately cause the building to be secured.

3. *In the event that the City of White Salmon secures the building, all costs incurred shall be assessed to the owner of the property, and shall be considered subject to a nuisance abatement as provided herein..*

ii. *Occupied Buildings.*

1. *If a building is occupied by unauthorized third parties and determined by the City of White Salmon to be in violation of this chapter and presents an immediate danger to the health, safety, and welfare of the occupants or the public, the building shall be ordered vacated by the Building Official, and the Building Official shall cause the building to be immediately secured from unauthorized third-party entry.*
2. *In the event that the City of White Salmon secures the building, all costs incurred shall be assessed to the owner of the property, and shall be considered subject to a nuisance abatement as provided herein.*

K. *Graffiti: Graffiti or unauthorized defacement of any surface located on a private property must be removed within 10 days of discovery or notification by the Bingen-White Salmon Police Department.*

L. *Recreational, utility and motor vehicles.*

- a. *Motor vehicle repair, sales, storage or otherwise operating a vehicle-oriented business is prohibited unless all zoning and licensing requirements have been met and conditions maintained.*
- b. *Motor vehicles parked on private property shall meet the following criteria:*
 - i. *All motor vehicles that are junk as defined in WSMC 8.06.020 shall be stored inside a fully enclosed structure.*
 - ii. *Recreational vehicles shall not extend onto public property or public right-of-way, or obstruct the view of traffic or traffic control devices.*
 - iii. *No more than two recreational vehicles may be parked anywhere on a property.*
 - iv. *Recreational or utility vehicles may be parked:*
 1. *On an unimproved surface that is mowed and tended to; or*
 2. *On a maintained surface; or*
 3. *On an improved surface.*
 - v. *Recreational or utility vehicles parked outside of a building shall be maintained in a clean, stable and well-kept state, which means that they shall have none of the following: a broken window, body damage or rust affecting more than 10 percent of the vehicle's exterior surface excluding the vehicle's undercarriage.*
 - vi. *Recreational or utility vehicles equipped with liquefied petroleum gas containers shall meet the standards of the Interstate Commerce Commission. Valves or gas containers shall be closed when the vehicle is parked or stored. In the event of leakage, immediate corrective action must be taken.*
 - vii. *Any vehicle, including a recreational or utility vehicle, parked in a side yard shall be at least three feet away from the structure, and shall allow for at least five feet of clear access on one side or the other between the structure and the property line.*
- c. *All stored vehicles must be maintained in a safe manner.*
- d. *All vehicle parts and accessories including, but not limited to, containers of oils and fluids must be appropriately stored in an approved structure.*
- e. *Repairing of any vehicles on private property is prohibited unless:*
 - i. *It is maintenance or repair of a vehicle where the repair is taking place and the repairs may not exceed 30 days; and*

- ii. *The repair is not in association with any licensed or unlicensed vehicle repair or modification business unless the property is authorized and licensed by the City of White Salmon for such business; and*
- iii. *The repair is conducted in a manner that does not violate noise regulations; and*
- iv. *The repair is conducted in a manner so as not to allow any vehicle fluids to saturate the ground or enter any drainage system or body of water.*
- v. *Leaving vehicles visibly unattended on blocks, jacks, ramps or otherwise elevated above the ground for more than 72 hours is prohibited.*

8.07.040 - Abatement-Remedies not exclusive.

The procedures provided in Section 8.07.050 to 8.07.090 are not exclusive, but are in addition to any other procedure provided by any other city ordinance or applicable state law including RCW Chapter 9.66 (for public nuisances) and RCW Chapter 46.55 (for vehicle abatement). The mayor, clerk-treasurer, chief of police, building official, City Administrator/Public Works Director, fire chief or their designees may proceed summarily to abate any nuisance which is apparent and from which there is imminent danger to human life or property.

8.07.050 - Abatement of nuisance notification.

- A. Upon determination by the mayor, clerk-treasurer, chief of police, *City Administrator/Public Works Director* or their designees, that a nuisance exists, personal notice shall be given to the person responsible for property to abate the nuisance immediately. If immediate abatement of the nuisance is not practical or if personal notice cannot be served on the person responsible, a notice shall be posted on the premises where the nuisance exists, directing the person responsible to abate the nuisance.
- B. At the time of posting, notice shall be sent by registered mail, postage prepaid, to the person responsible at the person's last known address, *according to the city's water/sewer billing records.*
- C. The notice to abate shall contain:
 - a. A description of the real property, by street address or otherwise, on which the nuisance exists;
 - b. A description of the nuisance;
 - c. A direction to abate the nuisance within five days from the date of the notice;
 - d. A statement that unless the nuisance is abated, the city may abate the nuisance and the cost of abatement will be charged to the person responsible;
 - e. A statement that the person responsible may protest the notice of abatement by giving written notice to the clerk-treasurer within five days from the date of the notice.
- D. If the person responsible is not the owner, an additional notice shall be sent to the owner stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien against the property.
- E. Upon completion of the posting and mailing, the person posting and mailing the notice shall execute and file a certificate with the clerk-treasurer stating the date and place of the mailing and posting.
- F. An error in the name or address of the owner or person responsible, *the absence of a current valid mailing address in the city's records*, or the use of a name other than that of the owner or person responsible shall not make the notice void, and in such a case the posted notice shall be sufficient.

8.07.060 Abatement options for nuisance properties and activities.

To meet the intent of this chapter for properties demonstrating one or more definitions of nuisances for unoccupied, vacant, derelict, deteriorating, or involved in illegal community activity but failing to meet the imminent danger to health and safety conditions, the City of White Salmon, upon mutual agreement with the owner or responsible person for such property may enter into a cooperative plan for property

improvement that when satisfactorily concluded may avoid fines and property liens for city initiated abatements.

- A. Within five days after the posting and mailing of the notice as provided in Section 8.07.050, the person responsible shall:
 - a. remove the nuisance or
 - b. provide written objection to the notice to abate with the clerk-treasurer. The written objection shall specify the basis for the objection; or
 - c. *enter into a Level 1, Voluntary Abatement Plan, or, if applicable, a Level 2 Cooperative Abatement Plan.*
- B. At the time set for consideration of the written objection to the notice to abate, the person protesting may appear and be heard by a *Hearings Examiner*, and the *Hearings Examiner* shall determine whether or not a nuisance in fact exists and whether or not the nuisance should be abated. The *Hearings Examiner's* determination shall be entered in the official minutes of the council. *Hearings Examiner* determination shall be required only after written notice of objection to the notice to abate has been filed with the clerk-treasurer.
- C. If the *Hearings Examiner* determines that a nuisance does in fact exist and should be abated, the person responsible shall, within five days after council determination, *either abate the nuisance or enter into a Level 1, Voluntary Abatement Plan, or, if applicable, a Level 2 Cooperative Abatement Plan. The decision of any Hearings Examiner may be appealed under a substantial evidence standard to the Superior County of Klickitat County by filing a written pleading with the court not later than twenty-one (21) calendar days after notice of the Hearings Examiner's determination. Thereafter, the decision of the Hearing Examiner shall not be subject to appeal.*
- D. *Level 1- Voluntary Abatement Plan. Under this abatement procedure, the responsible person or owner shall agree to take individual initiative to abate nuisance under an Abatement Plan, signed by the property owner with entry of the property upon a Registry, allowing inspections and providing reports until abatement is documented by a building inspector or other city official preapproved by the City Administrator/Public Works Director.*
 - a. *The responsible person or owner shall apply for the property to be placed on the City of White Salmon Registry of Properties requiring nuisance abatement. The responsible party shall pay a fee as determined by resolution of the city council payable to the City of White Salmon Inspection Reserve Fund.*
 - b. *The responsible person or owner shall enter into an Abatement Plan (the "Plan") with the City, and shall sign the Plan;*
 - c. *The applicant shall pay all inspection fees as determined by resolution of the city council and prepare and submit all reporting required by the building inspector, and shall permit periodic examination and measurement of the abatement progress as set forth in the abatement plan at a minimum schedule of once every 180 days.*
 - d. *The City Administrator/Public Works Director or his/her designee shall schedule inspections and shall otherwise administer Level 1 abatement plans. Inspection fees shall be payable to the City of White Salmon Inspection Reserve Fund.*
 - e. *Upon approval of the abatement following a final examination and payment of all fees, the property shall be removed from the register.*
 - f. *The property owner shall have a maximum 24-month period to complete abatement with required inspection and reporting every 180 days at a minimum. In the event the property owner fails or refuses to complete abatement within the 24-month period, the property shall be subject to a Level 3 abatement procedure.*

E. *Level 2 – Cooperative Abatement Plan: in properties zoned C (commercial) or RD (riverfront district) where estimated abatement costs exceed ten percent (10 %) of the property’s current tax appraised value, or where significant logistical obstacles impede a property owner’s ability to abate the nuisance, under an agreement between the responsible person or owner and the City of White Salmon, the parties may agree an “Cooperative Abatement Plan”, wherein the property is actively registered on the city’s Abatement Registry, and procedures set forth in a Level 1 abatement procedure are met, but the parties establish a cooperative agreement with outside organizations to participate in the Abatement Plan, including using outside labor and/or funding. In that event, the 24-month period for abatement completion may be extended by approval of the city council upon application by the City Administrator/Public Works Director*

g. *Cooperative planning may involve but may not be limited to the following:*

i. *Loans or grants*

ii. *Organized volunteer aid*

iii. *In-kind contribution through volunteer hours to leverage financing*

h. *Except for the inclusion of outside labor, materials and/or financing and the possibility of an extended abatement period, a Level 2 Cooperative Abatement Plan shall follow the identical procedures of a Level 1 Voluntary Abatement Plan and those procedural provisions are incorporated herein by this reference.*

F. *Level 3 – Involuntary Abatement. In the event a property owner fails or refuses to fully abate the nuisance apply for or complete a Level 1 Voluntary Abatement Plan or Level 2 Cooperative Abatement Plan, the city shall proceed with a Level 3 Involuntary Abatement and all abatement costs and penalties shall apply.*

i. *Level 3 Abatement. Abatement by the City:*

i. *If, within the time allowed under either the city’s initial notice letter described in Section 8.07.050 or under a Level 1 or 2 Abatement Plan, the nuisance has not been abated by the owner or person in charge of the property, the public works director may cause the nuisance to be abated.*

ii. *The city employee or designee charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.*

iii. *The clerk-treasurer shall keep an accurate record of the total cost of abatement which shall include any expenses incurred by the city in investigating and abating the nuisance, including total personnel services, costs, materials, and an additional charge of twenty percent for administrative overhead.*

iv. *Failure to abate a nuisance shall be punishable under section 8.07.100, below.*

8.07.090 Emergency summary abatement.

A. *Whenever any condition on or use of property causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the public or a significant portion thereof, the Building Official shall have the authority to summarily and without notice abate the same without having attempted to secure voluntary correction.*

B. *The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in Sections 8.07.110-.120, below. The phrases “costs and expenses” or “the expenses of abatement” or the word “expenses” as used herein includes, but is not limited to:*

- a. *Personnel costs, both direct and indirect, including attorneys fees and costs, including costs of trial and any appeal;*
- b. *Costs incurred in documenting the violation;*
- c. *Hauling, storage and disposal expenses;*
- d. *Actual expenses and costs of the City in preparing notices, specifications and contracts, Hearings Examiner fees and costs, and in accomplishing and/or contracting and inspecting the work; and*
- e. *The costs of any required printing and mailing.*

8.07.100 - Penalties for Violation.

- A. *Any person who fails or refuses to abate a nuisance, shall be guilty of a violation and shall be punished by fines and penalties. Violation of, or failure to comply with, any provision of this chapter shall constitute a continuing civil offense subject to civil penalties. Each separate nuisance act constitutes a separate violation and each day that the act or thing that constitutes a nuisance continues constitutes a separate violation. The monetary penalty for each day or part thereof the public nuisance is permitted to continue after the date set for abatement by the enforcement officer shall be as follows:

 - i. *First week per day: \$100.00*
 - ii. *Second week per day: \$200.00*
 - iii. *Third week per day: \$300.00*
 - iv. *Fourth week per day: \$400.00*
 - v. *Each additional day beyond four weeks: \$500.00 per day.*
 As the term "week" is used herein, it shall mean seven calendar days.*
- B. *Any person or entity cited for violation under this ordinance may request an administrative hearing by notifying the City of White Salmon City Administrator or Mayor in writing within 15 days of the issuance of the citation. The requested hearing shall be brought before a Hearing Examiner in accordance with and pursuant to §8.07.060.*
- C. *A continued offense or subsequent violation of the same or like provision committed within a 24-month period shall constitute a misdemeanor crime and shall be punishable by a fine not to exceed \$1,000 or 90 days in jail, or both such fine and jail, and shall be in addition to any civil penalties and remedies for abatement, and for collection for the cost and expense thereof.*
- D. *Collection of Monetary Penalties and Continuing Duty to Correct.*
 - a. *The monetary penalties constitute a personal obligation of the person to whom the notice of abatement is directed or issued.*
 - b. *Any monetary penalty assessed must be paid to the City within ten (10) calendar days from the date set by the enforcement officer for abatement of the nuisance or within ten calendar days from either the date of mailing of the violations hearing examiner's decision following a hearing, or the date of mailing the violations hearing examiner's default order if the person responsible for the violation failed to appear for the hearing.*
 - c. *Any such monetary penalties also constitute a lien against the affected real property.*
 - d. *The City attorney or his/her designee is authorized to take appropriate action to collect the monetary penalty, plus reasonable attorney's fees and costs of suit incurred in collecting the monetary penalties.*
 - e. *Payment of monetary penalties pursuant to this chapter does not relieve the person to whom the notice of abatement was issued of the duty to correct the alleged violation.*

8.07.110 - Assessment of costs and penalties.

Notice shall be sent to the owner and the person responsible stating:

- A. The total cost of abatement, *plus any penalties assessed pursuant to Section 8.07.200, above*;
- B. That the total cost of abatement *and penalties* will be assessed against and become a lien on the property unless paid within thirty days from the date of notice of assessment of costs *and penalties*.

8.07.115 - Objection to assessment of costs *and penalties*.

- G. If the owner or person responsible objects to the total cost of abatement *and any penalties assessed*, a notice of objection may be filed with the city recorder not more than ten days from the date of the notice of assessment of costs.
- H. Upon expiration of ten days after the date of the notice of assessment, *a Hearings Examiner* shall hear any objections to the notice of assessment of costs *and penalties*. The *Hearings Examiner* may amend the amount to be charged the person responsible for the total cost of abatement for good cause shown in the written notice of objection or at the hearing before the council.
- I. *The decision of any Hearings Examiner may be appealed under a substantial evidence standard to the Superior County of Klickitat County by filing a written pleading with the court not later than twenty-one (21) calendar days after notice of the Hearings Examiner's determination. Thereafter, the decision of the Hearing Examiner shall not be subject to appeal.*

8.07.120 - Assessment as lien against property.

- A. If the total cost *and penalties* of abatement, *or as amended by a Hearings Examiner*, is not paid within thirty days from the date of notice of assessment, the council shall assess the total cost of abatement as amended against the real property by resolution and shall enter the assessment resolution in the docket of city liens and record the same in the real property records of the Klickitat County auditor. From the date of filing the assessment resolution in the real property records of the Klickitat County auditor, the assessment shall constitute a lien upon the real property from which the nuisance was removed or abated.
- B. Interest shall accrue on the amount of the assessment at the rate of twelve percent per year from the date the assessment is filed in the real property records of Klickitat County.
- C. The lien shall be enforced in the same manner as a sewage lien or as a mechanics or material men's lien pursuant to RCW 60.04, in the discretion of the city.
- D. An error in the name of the owner or person responsible shall not void the assessment, nor shall a failure to receive the notice of the proposed assessment *when mailed to the property owner's last-known address as set forth in Section 8.07.050, above*, render the assessment void, but it shall remain a valid lien against the property.

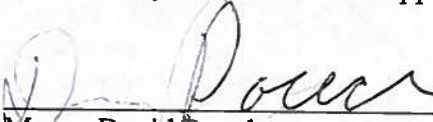
SECTION 3: EFFECTIVE DATE

This ordinance shall become effective five days after publication as provided by law.


SECTION 4: SEVERABILITY

If any part of this ordinance is declared unconstitutional or otherwise invalid for any reason, the remaining provisions shall be construed to be effective after removing the objectionable provision(s).

PASSED by the Council and approved by the Mayor on July 17th, 2013.

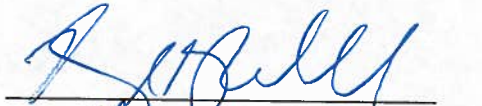


Mayor David Poucher



Leana Johnson, Clerk/Treasurer

APPROVED AS TO FORM:



Kenneth B. Woodrich, City Attorney