

Repealed by 954

ORDINANCE

No. 510

AN ORDINANCE RELATING TO PUBLIC SAFETY AND TO PREMISES, BUILDINGS AND STRUCTURES DANGEROUS OR HAZARDOUS THERETO, DECLARING CERTAIN DANGEROUS AND HAZARDOUS PREMISES, BUILDINGS AND STRUCTURES A NUISANCE, PROVIDING FOR THE ABATEMENT OF SAME, DEFINING OFFENSES IN RELATION THERETO AND PRESCRIBING PENALTIES.

THE CITY COUNCIL OF THE CITY OF KIRKLAND DO ORDAIN:

SECTION 1. Unless contrary to or clearly inconsistent with the context the word "building" as herein used shall be construed to mean any edifice or fabric erected on or over the soil, of whatsoever material composed and for whatsoever purpose erected, and the term shall include any house, church, shop, store, barn, shed, premises, building or structure erected or partially erected and intended for use or convenience in the sheltering of persons, animals, materials or property; and the word "person" shall include natural persons of either sex, associations, co-partnerships and corporations, whether acting for themselves or by servant, agent, or employee, and words in the present tense shall include the future tense, and in the masculine shall include the feminine and neuter genders, and in the singular shall include the plural and in the plural shall include the singular.

SECTION 2. Any building in the City of Kirkland which now is or may hereafter become dangerous or hazardous to persons or property by reason of fire, age, decay, deterioration, unsafe construction, or by other cause whatsoever, and any building which for any reason constitutes an imminent fire risk is hereby declared to be a public nuisance.

SECTION 3. It shall be the duty of the Fire Chief or the Building Inspector, whenever the attention of either is called to such a building, to make investigation thereof and file with the City Council his findings thereon.

SECTION 4. Whenever the City Council shall deem that any building is a nuisance, they shall cause the owner, occupant or agent of the same to be notified by mail of its condition and specify what must be done to render the same safe, or in the event that said building cannot be put into a safe condition, such notice shall specify that the same shall be razed or removed; and such notice shall further specify a reasonable time for compliance therewith.

SECTION 5. Upon failure to comply with the notice in Section 4 provided, the City Council shall cause a citation to issue to the occupant of the building, if the same be occupied, and also to the owner thereof, requiring them to appear before such City Council at the regular or special meeting on the day and time stated in the citation, and then and there show cause, if any there be, why the building should not be rendered safe, or condemned and removed, and any nuisance in relation thereto abated at the cost and expense of the owner. Such citation shall be served at least three (3) days prior to the hearing in the same manner as a summons in a civil action; provided, however, that if the owner be a non-resident of the City of Kirkland such notice shall be served by posting a copy thereof upon the building and by mailing a like copy to the owner, directed to his last known address, at least ten (10) days prior to the hearing; provided further, that notice to the person named on the rolls of the Treasurer of King County as the owner of the realty, mailed to the address on such rolls appearing, shall be considered and treated as full compliance herewith.

SECTION 6. At the time of the hearing or continuance thereof, the City Council shall hear testimony relative to the facts and shall enter written findings thereon; and if any building is found to be a nuisance as herein defined, such City Council shall order the owner to abate the nuisance; whereupon it shall become the duty of the occupant to vacate the building and cease its use for any purpose whatsoever; and it shall become the duty of the owner to proceed promptly and continuously to comply with all orders of the City Council relating to abatement.

SECTION 7. In the event that the owner shall fail to fully comply with any order of abatement, the City Council shall, without notice, order the Street Commissioner to comply therewith and make return of the cost and expense thereof to the City Council; and such cost and expense if approved by the City Council shall constitute a debt due to the City of Kirkland from the owner, and shall also constitute a lien upon the building and building material and the real estate upon which the building is situated, which lien shall be enforced by proper proceedings at law or equity.

SECTION 8. Any person failing to vacate a building or to abate any nuisance as ordered by the City Council pursuant to this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding Three Hundred Dollars (\$300.00) or by imprisonment in the city jail not to exceed thirty (30) days, or by both such fine and imprisonment. Each day on which said building is occupied after the order to abate the same and each day of failure of the owner to abate said building shall constitute a separate offense under this ordinance.

SECTION 9. This ordinance is necessary for the preservation of the public safety.

Introduced this 5th day of November, 1945.

Passed and approved this 19th day of Nov, 1945.

Harry M. Everett
Harry M. Everett, Mayor

Attest:

C. F. Trent
C. F. Trent, City Clerk

Published this _____ day of _____, 194 .

Approved by:

L. N. Ostrander
L. N. Ostrander, City Attorney