



Introduced and Read: October 5, 2010

Amended: _____, 2010

Second Reading and Adoption: _____, 2010

Posted: _____ to _____, 2010

**CITY OF MOUNT RAINIER
ORDINANCE 5-2010**

(Drafted by: City Attorney and City Manager)

Introduced by: _____

An Ordinance Amending Chapter 3B of the *Mount Rainier Code* to Add Penalties for the Failure to Register a Vacant Building or to Submit a Vacant Building Plan.

WHEREAS, Section 3B-104 of the *Mount Rainier Code* requires the owner of vacant residential and commercial buildings in the City to register the building with the City and to submit a vacant building plan; and

WHEREAS, Section 3B-104.C of the *Mount Rainier Code* requires the owner or agent registering a vacant building to pay a filing fee and to supply specific information; and

WHEREAS, THE COUNCIL WISHES TO DELETE Section 3B-104.J of the *Mount Rainier Code* WHICH PERMITS A CODE ENFORCEMENT OFFICER TO DEVELOP A VACANT BUILDING PLAN IF THE OWNER FAILS TO DO SO AS THIS IS NOT DONE AND SHOULD NOT BE A CODE ENFORCEMENT FUNCTION [~~refers to the failure to submit a vacant building plan or to comply with the plan, but does not impose a specific penalty for such failure~~]; and

WHEREAS, the Council desires to amend Chapter 3B of the *Mount Rainier Code* to add penalties for the failure to register a vacant building or to submit or comply with a vacant building plan.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOUNT RAINIER that the *Mount Rainier Code* is amended as follows:

Chapter 3B. Vacant Building and Vacant Lot Registration.

Section 3B-104. Vacant Buildings.

* * *

I. City Manager's Review on Appeal.

* * *

[~~a. The presence of any public nuisances on the property.~~]

[J. — Failure to Submit or to Comply With Plan.]

[1. — If an owner of a vacant building fails to submit a vacant building plan, the Code Enforcement Officer shall develop a plan and give notice of the plan to the vacant building owner or agent. If the owner or agent objects to the plan made by the Code Enforcement Officer, such owner or agent shall have the right of appeal to the City Manager for final determination. Such appeal shall be in writing and personally delivered or sent by certified mail, return receipt requested, to the Code Enforcement Officer within fifteen (15) calendar days of the date of the Code Enforcement Officer's notice of modification. If no appeal is filed, then the plan as modified by the Code Enforcement Officer shall constitute the approved vacant building plan.]

[2. — Failure to comply with an approved vacant building plan shall constitute violation of this Section and subject the owner or agent of the building to penalties upon conviction as provided in this Chapter.]

J. [~~K.~~] Change of Ownership.

* * *

K. [~~L.~~] Maintenance Standards.

* * *

Section 3B-105. Penalties.

1. Municipal infraction. The failure of an owner of a vacant building to file a vacant building registration statement when it is due, to pay the filing fee, [~~or~~] to submit a vacant building plan and all information required with registration, OR TO COMPLY WITH AN APPROVED VACANT BUILDING PLAN is a municipal infraction with a fine of \$200. Each additional 60 days a violation exists is a separate violation subject to an additional \$200 fine.

2. Lien on real property. All vacant building filing fees, when overdue, are a lien in favor of the City on the vacant building and may be collected and enforced in the same manner as delinquent real property taxes.

Signature page for Ordinance 5-2010:

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS _____ DAY OF _____, 2010, AND SHALL BE EFFECTIVE 30 DAYS AFTER ADOPTION.

Attest:

Jeannelle B. Wallace, City Manager

Malinda Miles, Mayor

Jimmy Tarlau, Councilmember

William Updike, Councilmember

Bryan Knedler, Councilmember

Ivy R. Thompson, Councilmember

EXPLANATORY NOTE

Asterisks * * * indicate matter unchanged in existing law, but not set forth in this Ordinance.

Underlining indicates matter added to existing law.

~~Strikeouts~~ indicate matter deleted from existing law.

ALL CAPITAL LETTERS AND UNDERLINING indicate matter added to this Ordinance by amendment.

~~[Brackets and strikeouts]~~ indicate matter deleted from this Ordinance by amendment.