



PUBLIC WORKS DEPARTMENT POLICY AND PROCEDURES

PUBLIC NUISANCES PW-201

1.0 PURPOSE

- 1.1 To establish and clearly define the procedures of the Public Works Department for administration of the City's Public Nuisance Ordinance.

2.0 ORGANIZATIONS AFFECTED

- 2.1 Engineering Division of Public Works
- 2.2 City Attorney
- 2.3 Police Department

3.0 POLICY

- 3.1 The Engineering Division personnel shall enforce the City's Public Nuisance and Abatement of Junk Vehicles Ordinance using the procedures contained herein.

- 3.2 Public nuisances shall be investigated when initiated by a complaint of the following:

- A. Weed, vegetable or horticultural growth which:
 1. Overhangs, encroaches upon, obstructs, or interferes with full use of street, sidewalk, or sidewalk areas.
 2. Grown and died on premises with detriment to public health, safety, or welfare, including fire hazard.
 3. Overgrown, causing degradation of neighborhood (average length 12" or more).
- B. Existence of junk, litter or refuse on premises (two or more written complaints needed).
- C. Depositing, leaving, or throwing away of junk, litter or refuse.
- D. Cause or permit discharge, placement or throwing into or upon premises or public street or alley any nauseous, foul or putrid liquor or substances.
- E. Maintaining, permitting, or existence of unsightly and unsafe, partially destroyed building or structure.
- F. Junk vehicles, or parts thereof, on private property.

- 3.3 3.2(B) requires complaints from two residents in the area of the nuisance. 3.2(A), (C), (D), (E) and (F) require a single complaint.

4.0 DEFINITIONS

- 4.1 "Enforcement Officer" means the City Manager or any City official or employee designated by him.
- 4.2 "Junk" includes the storage of all oil, appliances, equipment, or parts thereof, all old iron or other scrap metal, automobile tires, cardboard, old lumber, old wood and mattresses, which items are not being used for their intended purpose, and does not include orderly stacked firewood.
- 4.3 "Litter" means and includes all waste material, including but not limited to disposable packages or containers thrown or deposited on public or private property, including the depositing on public property or cars of handbills, but not including the waste or primary process of mining, logging, sawmilling, farming, or manufacturing.
- 4.4 "Premises" means any building, lot, parcel, real estate, land, or portion of land whether

improved or unimproved, including adjacent sidewalks and parking strips.

- 4.5 **"Refuse"** means vegetable offal, animal offal, discarded food, cans, bottles, waste paper, large tree limbs and all other waste substances from private and public establishments and from residences; but shall not include small amounts of weeds, twigs, grass or other material resulting from the normal tending of lawns and gardens.
- 4.6 **"Responsible Person"** means any agent, lessee, owner or other person occupying or having charge or control of any premises.
- 4.7 **"Weed", "vegetable growth" and "horticultural growth"** mean and include but are not limited to trees, plants, shrubs, bushes, flowers, garden vegetables and grasses and further include all growths of every kind and character, whether domestic or wild, causing the obstruction or interference or detriment prohibited by this Chapter.
- 4.8 **"Junk Vehicle"** means any vehicle substantially meeting all of the following requirements: (RCW 46.55.010(4))
- A. is three years old or older;
 - B. is extensively damaged, such damage including, but not limited to, any of the following: a broken window or windshield or missing wheels, tires, motor or transmission;
 - C. is apparently inoperable;
 - D. is without a valid, current registration plate;
 - E. has an approximate fair market value equal only to the approximate value of the scrap in it.

5.0 PROCEDURES

- 5.1 A telephone (no anonymous calls) or written complaint concerning a possible public nuisance shall be received by employees and logged on the Complaint Form (Form 201.01).
- 5.2 Complaint forms shall be filed together at an appropriate location in the office. Anyone wanting the name of a person that made a complaint shall make the request in writing, stating the reason for wanting the name. The decision to release the name of complainant will be made by the Public Works Director. Denial of the request and the justification will be made in writing in accordance with Ordinance 2754 (the Public Disclosure Ordinance) (PAMC Chapter 2.74).
- 5.3 Inspections shall be made on a routine basis concerning complaints received and a determination made on the validity of the complaint using the following steps:
- A. Inspection report filled out with photo and/or sketch, noting property condition.
 - B. Inspect for traffic hazard/public nuisance/fire hazard.
 - C. Take at least one photo of the area.
 - D. Obtain name and address of property owner and/or resident and legal description.
- 5.4 If a public nuisance is not found to exist, then inform complaining party either verbally or in writing.
- 5.5 Upon finding a reported junk vehicle, the Enforcement Officer shall follow the procedures for Abatement of Junk Vehicles.
- 5.6 If a public nuisance is found to exist, and the proper number of complaints have been received, the Enforcement Officer shall notify, in person or in writing, the responsible person of the existence of the public nuisance and request that it be cleaned up within a reasonable time.
- 5.7 If the public nuisance is not cleaned up in the requested time, the Enforcement Officer shall send a letter of notification to the owner and occupant (if not the owner) at least five (5) days prior to the date set for a hearing before an Administrative Hearings Officer to consider abatement. [Form 201.02] An Affidavit of Mailing shall be completed for every letter of

notification. [Form 201.05]

- 5.8 Documentation of the nuisance complaint, a copy of the notification letter and an Application for Initiation of Abatement Proceedings [Form 201.04] and any other appropriate documentation, shall be provided to the Administrative Hearings Officer.
- 5.9 On the day of the administrative hearing, an inspection shall be made of all property to be considered for abatement to verify if the owner has resolved the complaint. The Application for Abatement shall be withdrawn for each property that has been resolved.
- 5.10 If the Administrative Hearings Officer determines that a nuisance exists, the owner and tenant shall be notified by a copy of the Application for Initiation of Abatement Proceedings, with the Order attached, to resolve the nuisance within ten (10) days of the date of the Order. [Form 201.04]. An Affidavit of Mailing shall be completed for every Order delivered by mail.
- 5.11 An inspection of the property shall be scheduled ten (10) days after the date of the Order. Upon reinspection, if the nuisance is not resolved, the enforcement officer shall:
- A. Schedule a contractor to clear the nuisance.
 - B. Request the Police Department to issue a citation for a civil infraction, showing a penalty of \$250.00.
- 5.12 The Enforcement Officer shall cause the property owner to be billed for the work performed to clear the nuisance. A copy of the billing and all information required to prosecute the citation and to file a mechanic's lien shall be given to the City Attorney so that a claim of lien for the costs of removal and disposal may be filed with the Clallam County Auditor within thirty (30) days after the completion of the abatement work, or other collection action as deemed appropriate may be taken.

6.0 APPENDIX

6.1	Complaint	PW-201.01 [11/93]
6.2	Letter of Notification for Public Nuisance [11/93]	PW - 201.02
6.3	Letter of Notification for Junk Vehicle	PW-201.03 [11/93]
6.4	Application for Initiation of Abatement Proceedings (includes Written Findings and Order)	PW-201.04 [11/93]
6.5	Affidavit of Mailing	PW-201.05 [11/93]

REFERENCES:

- A. Ordinance No. 2469
- B. Ordinance No. 2698
- C. Ordinance No. 2773

Disk: Policy & Procedure Manual:\201



**PUBLIC NUISANCE COMPLAINT FORM
CITY OF PORT ANGELES**

COMPLAINANT(S): Two complaints required for junk, only.

1) NAME _____ 2) NAME _____ COMPLAINT: _____
 ADDRESS _____ ADDRESS _____
 PHONE # _____ PHONE # _____
 TIME/DATE REC: _____ TIME/DATE REC: _____
 BY _____ BY _____

INITIAL INSPECTION NOTES: INSPECTED: DATE _____ TIME _____ BY _____
 REMARKS: _____ PHOTO(S) _____

CATEGORY OF COMPLAINT: PUBLIC NUISANCE TRAFFIC HAZARD FIRE HAZARD JUNK VEHICLE

OWNER NAME _____ RENTER NAME _____ REPEAT OFFENDER: _____
 ADDRESS _____ ADDRESS _____ NO. _____ DATE _____
 _____ NO. _____ DATE _____
 PHONE # _____ PHONE # _____ NO. _____ DATE _____
 _____ NO. _____ DATE _____
 LEGAL DESCRIPTION: _____ NO. _____ DATE _____

PUBLIC NUISANCE FOUND: OWNER/RENTER NOTIFIED BY LETTER DATED: _____

ADMINISTRATIVE HEARING REQUESTED: _____ HEARING DATE: _____

ADDITIONAL INSPECTIONS:
 DATE _____ TIME _____ BY _____ COMMENTS: _____

FINAL INSPECTION NOTES: INSPECTED: DATE _____ TIME _____ REMARKS _____

NUISANCE RESOLUTION ISSUE	DATE	TIME	BY
OWNER CLEARED NUISANCE:			
CONTRACTOR CLEANUP APPROVED BY:			
CONTRACTOR CONTACTED TO CLEAR NUISANCE:			
CONTRACTOR CLEARED NUISANCE ON SITE:			
OWNER CITED:			
LIEN INFORMATION TO CITY ATTORNEY:			

LETTER OF NOTIFICATION FOR PUBLIC NUISANCE

December 7, 1993

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Re: Public Nuisance -

Dear Property Owner:

This letter is to inform you that, based upon information which we have received, an inspection and review was performed of your property. As a result of that review, an Administrative Hearings Officer of the City of Port Angeles will consider an Application for Initiation of Abatement Proceedings which would declare the above referenced lots, tracts, or parcels to be a public nuisance in accordance with City of Port Angeles Municipal Code, Chapter 8.04. The hearing will be held on Thursday, _____ at 1:30 P.M., in the Public Works Conference Room in City Hall.

The property is to be declared a public nuisance for the following reasons:

FIRE HAZARD/PUBLIC NUISANCE -

It is the responsibility property owners to maintain their property in a manner that will not require implementation of public nuisance regulations. Public nuisance regulations include provisions for issuance of a civil infraction with a penalty of \$250.00 and filing a lien against property for the costs of abatement, or other collection action as deemed appropriate. For further information regarding our inspection and findings, if you would like a list of local contractors who perform clean up work, or if you no longer own or have control of the property, please contact Kirk Johnson, 457-0411, ext. 279.

The owner and/or occupant may appear before the Administrative Hearings Officer on the date set for the hearing shown above and show good cause why an Order to clear the nuisance should not be issued. A copy of the Order will be delivered to you providing a time frame for the clean up of the lot. If you have cleaned the property prior to the hearing date, no further action will be taken, and we thank you for your cooperation.

Sincerely yours,

Gary W. Kenworthy, P.E.
City Engineer
cc: J. Pittis, PW Director
PW-201.02 [11/93]

LETTER OF NOTIFICATION FOR JUNK VEHICLE

December 7, 1993

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RE: Inoperative Junk Vehicle at *
License No. *, Description *

Dear Vehicle/Property Owner:

This letter is to inform you that, based upon information which we have received, an inspection was performed by the Public Works Department and the Port Angeles Police Department of the vehicles(s*) described above. As a result of that inspection, the vehicle has been determined to be a junk vehicle as defined in RCW 46.55.010(4).

Keeping junk vehicles on private property constitutes a public nuisance subject to abatement by removal and disposal. Public nuisance regulations include provisions for issuance of a civil infraction with a penalty of \$250.00 and filing a lien claim against property for the costs of abatement, or other collection action as deemed appropriate.

If you wish to contest this finding, you may request a public hearing. Your request must be in writing, and it must be received by the Public Works Department within ten (10) days following your receipt of this notice. If a hearing is not requested and the junk vehicle is not removed within ten (10) days, the City will remove and dispose of the vehicle. Costs for removal and disposal will be assessed to the legal owner of the property on which the vehicle is stored.

For further information regarding our inspection and findings, please contact **Kirk Johnson** at **(206) 457-0411, ext. 279**.

Thank you for your cooperation in this matter.

Sincerely yours,

Gary W. Kenworthy, P.E.
City Engineer

cc: J. Pittis, Director
PW-201.03 [11/93]
GWK:pr
Disk:
File: Public Nuisance



APPLICATION FOR INITIATION OF ABATEMENT PROCEEDINGS PAMC 8.04

1. Public nuisances shall be investigated when initiated by a complaint of the following:

- A. Weed, vegetable or horticultural growth which:
1. Overhangs, encroaches upon, obstructs, or interferes with full use of street, sidewalk, or sidewalk areas.
2. Grown and died on premises with detriment to public health, safety, or welfare, including fire hazard.
3. Overgrown, causing degradation of neighborhood (average length 12" or more).
B. Existence of junk, litter, or refuse on premises (two or more written complaints needed).
C. Depositing, leaving, or throwing away of junk, litter or refuse.
D. Cause or permit discharge, placement or throwing into or upon premises or public street or alley any nauseous, foul or putrid liquid or substances.
E. Maintaining, permitting, or existence of unsightly and unsafe, partially destroyed building or structure.

NOTE: Complaints of "Junk vehicles or parts thereof on private property" SEE: PAMC 8.05.

2. _____ A complaint(s) was received regarding the property located at:

The Public Works Inspector performed an inspection on _____ and found the conditions noted on Complaint No. _____.

3. Responsible persons:

Property Owner:

Tenant:

4. Notice was given to the Property Owner/Tenant:

on _____ by _____

on _____ by _____

5. An Administrative Hearing is requested for _____

6. A follow-up inspection was made on _____ (Date) at _____ (time) by _____ (Inspector).

The public nuisance has not been abated.

At the hearing held on _____ the undersigned Administrative Hearings Officer found the following:

- A public nuisance does not exist.
- A public nuisance exists as described in A, B, C, D, E, on page 1.
- A fire hazard exists as described in A2, on page 1.
- A traffic hazard exists as described in A1, D, E, on page 1.
- Abatement of the above is required by PAMC 8.04.050.
- Abatement of the above is necessary to insure the public health, safety and welfare.
- The above public nuisance interferes with the enjoyment of public and private property.

ORDER

1. The public nuisance found to exist at:

 shall be abated by _____
 not later than _____ [ten (10) days from the date of this Order].
2. If the public nuisance continues to exist on the abatement date stated in (1) above, it shall be abated by the City and the costs shall become a charge collectible by any legally available means against the responsible person(s); in addition, a citation for a civil infraction, with a penalty of \$250.00 shall be issued.
3. An extended abatement period, not to exceed 90 days from the date of this order, shall/shall not be allowed to the Owner to pursue unlawful detainer proceedings if a Tenant fails to accomplish the abatement within the ten-day period.

DATED this _____ day of _____ 19__.

Administrative Hearings Officer

cc: Owner:

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The responsible person(s) may appeal the written report of findings and order of the Administrative Hearings Officer to City Council by filing a Notice of Appeal with the City Clerk within ten (10) days of the date of the written report of findings and order. Any appeal taken to the City Council shall be heard at the next regularly scheduled meeting of City Council. Any legal action challenging the Council's decision on appeal shall be brought in Clallam County Superior Court within ten (10) days of the decision by Council.

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