



# McCleary City Council Agenda

May 10th, 2017 6:30 PM

## Flag Salute

Roll Call: \_\_\_ Pos. 1- Orffer, \_\_\_ Pos. 2-Richey , \_\_\_ Pos. 3- Peterson, \_\_\_ Pos. 4- Blankenship, \_\_\_ Pos. 5- Ator

## Public Hearing

## Mayor Comments

## Public Comment

## Executive Session

## Minutes

Tab A

Introduction  Action

## Approval of Vouchers

Introduction  Action

## Staff Reports

Tab B Dan Glenn

Tab C Todd Baun

Tab D Staff Reports

## Old Business

Tab D1 Nuisance Ord. draft

## New Business

Tab E ROW Administrative settlement policy

Tab F Tractor Purchase

Tab G Lemay's 30 Gal. Container

Tab H TIB Repair Grant

## Ordinances

Tab H1 Nuisance Ord. draft

## Resolutions

Tab I Tom Heller

Tab J Administrative settlement policy

## Mayor/Council Comments

## Public Comments

## Executive Session

## Adjournment or Recess Meeting

**Please turn off Cell Phones- Thank you**

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**CITY OF MCCLEARY**  
**Regular City Council Meeting**  
**Wednesday, April 26, 2017**

ROLL CALL AND FLAG SALUTE	Councilmembers Orffer, Richey, Peterson, Blankenship and Ator were in attendance.
ABSENT	None.
STAFF PRESENT	Present at the meeting were Todd Baun, Wendy Collins, Chief Blumer and Sharon English was present for Dan Glenn.
PUBLIC HEARING	None.
EXECUTIVE SESSION	None.
MINUTES APPROVED	<b>It was moved by Councilmember Orffer, seconded by Councilmember Peterson to approve the minutes from the meetings on April 12, 2017. Motion Carried 5-0.</b>
VOUCHERS	Accounts Payable checks approved were 42607 - 42657 including EFT's in the amount of \$191,340.70.  <b>It was moved by Councilmember Peterson, seconded by Councilmember Orffer to approve the vouchers. Motion Carried 5-0.</b>
MAYOR'S COMMENTS	Mayor Schiller highly commended the employees for their hard work during the city-wide clean-up last weekend. He joined them and helped unload debris and said it was hard and dirty work, and the crew worked non stop until it was all disposed of. He said it went smoothly and the staff did an awesome job and the day was very successful.  Mayor Schiller announced there will be a Public Hearing on Tuesday, May 16th, 2017 at 6:00 pm at the VFW Hall regarding zoning.
RESOLUTION 703 HONORING RON PITTMAN	Mayor Schiller asked to move the Resolution to the start of the meeting to honor Ron Pittman. Mr. Pittman is present, along with his wife Polly and son Andrew. Mayor Schiller read the Resolution and thanked Mr. Pittman for his years of service on the Fire Department and also for serving as Mayor from 1983 through 1985. He has been a volunteer for over 30 years. Ron is known for always being ready to help and assist anyone in need of roof repair, even during terrible weather conditions. The audience gave a standing ovation for Mr. Pittman and his exemplary service. <b>It was moved by Councilmember Ator, seconded by Councilmember Richey to adopt Resolution 703 RECOGNIZING THE CONTRIBUTIONS OF RON PITTMAN'S SERVICE WITH THE McCLEARY FIRE DEPARTMENT. Resolution Adopted 5-0.</b>
PUBLIC COMMENT	Joy Iverson thanked Ron Pittman for all he has done for the community and stated we are lucky to have him here.
CITY ATTORNEY REPORT	Dan Glenn provided a written report for the Council and is available to address any questions.
DIRECTOR OF PUBLIC WORKS REPORT	Todd Baun provided a written report for the Council.
POLICE CHIEF BLUMER	Chief Blumer provided a written report for the Council. He said with daylight lasting longer, there has been more questionable behavior such as vehicle prowls, thefts and dealing with more people that are not from this area. He recently was informed that someone didn't call the police because the item that was stolen from them was a planter and they didn't think it was significant enough. Chief Blumer asked them to call anyway because criminals target certain areas and if the police know there is a lot of theft happening in one area, they can patrol it more frequently and keep a closer eye out.  Mayor Schiller stated we are currently recruiting a lateral police officer. We can use the new tax to help fund the position. Our target for hire is July but we are running behind on that date.
NUISANCE UPDATE	Tabled.

GHCOG GRANT AWARD	The City received a letter from the Council of Governments that stated we received an award for additional funding for the 3rd Street Project, which we can work on next spring. After receiving the funding, we still have to match it with 13.5 %, which we are working with the TIB for. Hopefully we will get the matching funds so it won't have to come out of the City budget. Mayor Schiller added that Todd has acquired roughly 1.5 million dollars for this project and he gives kudos to Todd for his efforts.
WSDOT LPA-001 FORM	<b>It was moved by Councilmember Orffer, seconded by Councilmember Ator to authorize the Mayor and Director of Public Works to sign the LPA-001 form to allow the Public Works Director to oversee ROW activities for federally funded transportation projects. Motion Carried 5-0.</b>
CRITICAL AREAS ORDINANCE (CAO) UPDATE	Paul has been working with the Department of Ecology representatives to update our critical areas ordinance. A first draft copy has been provided to the Council for review with the proposed updates.
PUBLIC HEARING IN MAY	Todd provided the Public Hearing notice for the Council, which Mayor Schiller mentioned at the start of the meeting. Both Dan Glenn and the Hearing Examiner recommended the Council not attend and provided information to the Council explaining their position.
RATE STUDY FINAL DOCUMENT	Todd Baun provided the final documentation related to the electric rate study and the water and sewer fiscal health reviews. The extended documentation includes the initial rate recommendations, council action and the revised rate strategy to get back to normal operating conditions with our limited capital. This finalizes the scope of services with the FCS Group.
RFP JANITORIAL SERVICES	Mayor Schiller is exercising his right retained in the contract for janitorial services to terminate. He gave notice of termination of the contract for our janitorial services. Staff is asking the Council to authorize them to move forward with Request for Proposals and review the proposals when received. <b>It was moved by Councilmember Orffer, seconded by Councilmember Blankenship to confirm the Mayor's decision to terminate the contract for janitorial services and give authorization for giving of a notice for request for proposal to provide janitorial services for the City. Motion Carried 5-0.</b>
4056-DR-WA PUBLIC ASSISTANCE GRANT CLOSE OUT	The City has an open Public Assistance Grant that is ready to close. <b>It was moved by Councilmember Ator, seconded by Councilmember Peterson to close out the 4056-DR-WA Public Assistance FEMA Grant. Motion Carried 5-0.</b>
RESOLUTION HONORING TOM HELLER	Tabled.
PUBLIC COMMENT	<p>Mayor Schiller reiterated his appreciation for City Staff for their hard work during the City-wide clean-up. He enjoyed working with them and said they did a fantastic job.</p> <p>He also announced there will be a cell tower coming in at the end of Mommsen Road.</p> <p>The City also has six new homes that will be under construction. Building is picking up.</p> <p>Councilmember Richey told Ron Pittman that his service to the community for over 30-years is big commitment and he thinks it is really great to hear someone give that much of themselves to helping others.</p> <p>The Council was asked when someone gets a permit to build a house, do they have to show proof that they have a bond and license. Todd Baun responded, stating that they do not have to because they are on private property and it's up to the property owner to require that. If it's on the public right of way, the City would require a bond and license.</p>
MEETING ADJOURNED	<b>It was moved by Councilmember Ator, seconded by Councilmember Orffer to adjourn the meeting at 7:06 pm. The next meeting will be Wednesday, May 10, 2017 at 6:30 pm. Motion Carried 5-0.</b>

**MEMORANDUM**

TO: MAYOR AND CITY COUNCIL, City of McCleary  
FROM: DANIEL O. GLENN, City Attorney  
DATE: May 4, 2017  
RE: LEGAL ACTIVITIES as of MAY 10, 2017

THIS DOCUMENT is prepared by the City Attorney for utilization by the City of McCleary and its elected officials and is subject to the attorney-client privileges to the extent not inconsistent with laws relating to public disclosure.

1. **CRITICAL AREAS ORDINANCE**: The City is required to update this ordinance. Mr. Morrison has been working on this drafting utilizing the 2016 version desired by DOE. I have had the opportunity to review and comment. I have suggested to Paul that it may be more clear and cost effective to do what our Congress is supposedly going to do with a particular act, repeal and replace the entire chapter so that consistency is certain and the DOE will likely have less concern or objection. However, one way or the other, we will be submitting a draft to DOE for their review.

2. **JAIL SERVICES**: In light of a dispute, since resolved among Yelm and the Nisqually Tribe on one side and the family of a prisoner who died while in custody on the other, Sheriff Scott has indicated he will not have his deputies take Oakville defendant's to the Chehalis Tribal Jail. Also, recently both Elma and Oakville received a replacement contract from the Chehalis Tribe which makes a number of changes, including the daily confinement rate and increasing the level of insurance. However, for whatever reason, McCleary does not yet seem to have received such a document. However, I have spoken to the Mayor and Chief Blumer about the matter of correctional facility utilization.

At this stage, so as to bring the issues to a better point of resolution I have taken certain steps.

A. I forwarded the draft contract with the Tribe received by Elma to the Washington Cities Insurance Authority (WCIA), our insurer. The logic was so their legal consultant can provide us her/his opinion on the terms and, most importantly, the issue of lack of authority to contract with Tribes for this service. He has done so and I have had a discussion with him as to his view on the potential legal issues, both in terms of authority to contract, which was the Yelm issue, and other issues tied to waiver of sovereignty, insurance coverage, and the like.

B. I have contacted Sheriff Scott and requested that he provide us a draft of a written contract under which his agency would provide jail services to the City. We currently do not have a formal contract for those services.

Hopefully, I will be able to provide you a summary of both responses at your June meeting.

### 3. RIGHT OF WAY ADMINISTRATIVE ACQUISITION/SETTLEMENT

**POLICY:** Since the City is moving forward with a project which is governmentally funded, in part, and might require the temporary or permanent acquisition of privately owned property in the right of way, the state and federal agencies require the City to have in place a policy which will allow under certain circumstances the acquisition of these rights administratively. Mr. Baun did a search and found a format with which he felt comfortable. He provided to me and I, of course, have prepared a draft resolution which is a bit longer and more detailed. However, there are certain details, primarily fiscal, which remain to be decided by you. It is also my opinion that since it is granting authority to expend City funds, as the SAO will confirm the devil will be in the detail, such as the limits on authority and the duty to report settlements to the Council.

As an associated matter, I contacted Mr. Starks, Elma's Director of Public Works, about what they had to do to satisfy WADOT on a project they have in place. He was kind enough to provide that to me. Thanks to that courtesy, I have provided Todd with the policy which was adopted by Elma at WADOT's suggestion governing this same type of issue. It is a lot longer, but is certain to meet the approval of WADOT. Hopefully, by Wednesday we will have this area quite a bit more clear as to whether the short approach will satisfy the agency since we certainly do not want to have the project delayed as, I understand, may have happened to another city in this county.

4. RESOLUTION HONORING TOM HELLER: My understanding is that this was set over due to Tom's absence. No changes have been

made other than it is likely I will provide a hard copy showing adopting in May, rather than April.

5. **THE LEGISLATURE:** Well, the special session continues. The hope is that in finalizing their budget, the Legislature will not continue to "transfer" funds previously received by cities from various taxes (liquor, etc.) to the State so as to balance the State's budget. However, we will not know for a bit. If you have not signed up to receive the updates from the Association of Washington Cities (AWC), I would urge you to do so.

The good news is that they have adopted two bills relating to requests for public records that aid the City. (Ms. Collins can tell you about a request she recently received from a firm in Florida and the breadth of it.) Among other steps, the bills include the ability to collect a small fee for records provided electronically, provides a method to deny overly broad requests, create a special fee for requests which are very complex, and to reject the type of computer generated request that is characterized as a "bot" request.

6. **UTILITY BILLING PROVISIONS:** Based upon issues resulting from the current provisions in relation to allowing assignees such as tenants to be initially responsible for payment of utility bills, Ms. Collins, Ms. Hanson and I have had a brief discussion about suggesting changes. At this stage I am reviewing the applicable law on the matter and, after completing that review, anticipate meeting with the Mayor, Ms. Collins and Ms. Hanson to discuss potential changes.

We will keep you informed.

As always, this is not meant to be all inclusive. If you have any questions or comments, please direct them to me.

DG/le

## **STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun, Director of Public Works  
Date: May 5<sup>th</sup>, 2017  
Re: Current Non-Agenda Activity

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### **Fire Hall Expansion**

We have started the Fire Hall expansion. Things have been going well and running smoothly.

# Building and Planning Staff Report

To: Mayor and City Council

From: Paul Morrison

Date: May 1st, 2017

Re: April, Building and Planning Department activities.

## New Permit Activities for April 2017

100 South 3 <sup>rd</sup> Street	Gas line at the fire hall	Total Fee \$ 130.00
1571 North 4 <sup>th</sup> Street	Detached garage	Total Fee \$ 336.15
216 East Cedar Street	New SFR	Total Fee \$ 3,565.90
216 East Cedar Street	New driveway approaches	Total Fee \$ 115.00
226 East Pine Street	Install new gas line	Total Fee \$ 95.00
1504 North 4 <sup>th</sup> Street	Install sidewalk	Total Fee \$ 95.00
160 Wildcat Drive	Install fireplace insert	Total Fee \$ 80.25
403 West Pine Street	Carport	Total Fee \$ 93.00
342 South 1 <sup>st</sup> Street	Freestanding canopy	Total Fee \$ 93.00
160 Wildcat Drive	Install new water line	Total Fee \$ 57.00
225 West Simpson Ave	Install sign	Total Fee \$ 50.00
<b>Building Department Related Revenues</b>	Total fees charged for April \$ 4,710.30	Total fees collected for April \$ 24,728.52

## Permit Activity Totals

New Homes Permitted for 2017 2	All Permits Issued for 2017 18	Total Fees Charged for 2017 \$ 19,202.60
New Homes Permitted for 2016 24	All Permits Issued for 2016 170	Total Fees Charged for 2016 \$ 249,258.60
New Homes Permitted for 2015 2	All Permits Issued for 2015 52	Total Fees Charged for 2015 \$ 52,499.28
New Homes Permitted for 2014 3	All Permits Issued for 2014 89	Total Fees Charged for 2014 \$ 59,695.93
New Homes Permitted for 2013 3	All Permits Issued for 2013 79	Total Fees Charged for 2013 \$ 69,743.57
New Homes Permitted for 2012 6	All Permits Issued for 2012 97	Total Fees Charged for 2012 \$ 123,164.28
New Homes Permitted for 2011 1	All Permits Issued for 2011 37	Total Fees Charged for 2011 \$ 24,803.65



# **Building and Planning Staff Report**

## **Nuisances for the Month of April**

695 North Summit Road

- 8.16.020 (14, 15)

120 Wildcat Drive

- 8.16.020 (11, 14)

541 South 3<sup>rd</sup> Street

- 13.34.020

## **Notice of Abatement Issued for the Month of April**

None

## **Notice of Infractions Issued for the Month of April**

None

## **Criminal Citations Issued for the Month of April**

None

## **Resolved Municipal Code Violations for the Month of April**

427 South Main Street

225 West Simpson Ave

There are several properties that have contacted me and I am currently working with them to comply.  
There are several that have yet to contact me or comply.

City Of McCleary Police Report: Chief Steve Blumer  
 Reporting Officer: Chief Blumer  
 Month Of April  
 2017  
 City Mayor: Brent Schiller



City Council Members:  
 Position 1: Brenda Orffer  
 Position 2: Dustin Richey  
 Position 3: Larry Peterson  
 Position 4: Ben Blankenship  
 Position 5: Pam Ator

**Violent & Property Crimes**

Murder	
Rape	
Aggravated Assault	
Robbery	
Harassment / Domestic	2
Theft	2
Trespass	5
Stalking	
Found Property	2
Warrant Arrest	1
Burglary	2

**TOTAL** 14

**Other Emergent Calls**

FIRE	20
Suicide	1
Missing Person	
Disorderly Conduct	1
Drug Incidents	1
Man Down	

TOTAL 23

**Total Calls For The Month** 135

**Traffic Stops and Violations**

DUI	
Accident	6
Stolen Vehicle	
Abandon Vehicle	
Parking Enforcement	
Motorist Assist	2
Fatal Accident	
Subject Stop	7
Traffic Stop	26

**TOTAL** 41

**Other Non Emergent Calls**

Noises Complaints	1
Code Enforcement	1
Agency Assist	3
Police Referral	9
Citizen Assist	4
Suspicious	6
Juvenile	2
Welfare Check	7
Other	22
Court Order	2

TOTAL 57

**Calls In City Limits** 128

**Overtime Hours** 14.5

LAW OFFICES  
OF  
GLENN & ASSOCIATES, P.S.  
A PROFESSIONAL SERVICES CORPORATION

DANIEL O. GLENN

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**MEMORANDUM**

**TO:** MAYOR SCHILLER & MEMBERS, McCLEARY CITY COUNCIL  
**FROM:** DANIEL O. GLENN *Dan*  
**DATE:** May 9, 2017  
**RE:** NUISANCE ORDINANCE

I must admit that since the work session which was held on this and the zoning matter was so much "hijacked" by the latter, I had assumed that before we went forward there would likely be an additional workshop. Why? In my opinion there are so many issues presented in the existing draft. However, I have been requested to provide a follow up draft put in the more normal format.

In the time period since the work session, I have carried out a certain amount of research on the general area. Some of the results of that action are reflected in the draft. IN any event, attached is the resulting document which largely simply seeks to ordinance format the document. However, it is unusual in a number of respects. They include the following:

A. I have left the text of the sections to be repealed just below the repeal language so that you can easily review what is being repealed.

B. In a number of specific areas, I have referenced specific concerns for your consideration.

C. In at least one location, I have provided an alternative to the language proposed in the draft you were provided.

D. In other areas, I have inserted provision for our normal appeal process since it did not appear that any formal appeal process was present in relation to very significant decisions which can be made by the enforcement officer. Their absence would create due process argument quickly.

E. In terms of formatting, language which is stricken is surround by the ususal brackets and stricken through. New language added to an existing code section is underlined. New sections are left clear.

In any event, attached is my "C" version, representing a third take at seeking to develop the document. I have scanned it in so that the formatting remains more constant so as to mitigate the situation too often faced when documents are converted from one format to another. However, I will be continuing to review and likely, modify language and/or formatting.

Please review and if there are questions or suggestions, direct them to me.

DG/le

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO GOVERNMENTAL OPERATION, REPEALING VARIOUS SECTIONS OF CHAPTER 8.16 MMC, AMENDING AND ADDING NEW SECTIONS TO CHAPTER 8.16 MMM, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**R E C I T A L S:**

1. The City staff have undertaken a review of various problems in relation to encouragement of proper maintenance of properties within the City.

2. As a result, it has been found appropriate to update various portions of the Municipal Code relating to such matters.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Section 8.16.010 is amended to read as follows:

1. General Standard for Interpretation:

A. Unless otherwise expressly stated or the context otherwise requires, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

B. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies

2. Definitions:

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in

such a manner and to such an extent as the enforcement officer determines is necessary in the interest of the general health, safety and welfare of the community.

B. "APPROVED" means, approved by the public works director, enforcement officer or designated person.

C. "CONDEMN" means, to adjudge unfit for occupancy or use.

D. "Officer," "enforcement officer," or "designated person": the Public Works Director, Police Chief or his/her designee, is charged with the administration and enforcement of this code.

E. "EXTERIOR PROPERTY" means, the open space on the premises and on adjoining property under the control of owners or operators of such premises.

F. "EXTERMINATION" means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison, spraying, fumigating, and trapping or by any other approved pest elimination methods.

G. "Fire hazard" means anything or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which may obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

H. "IMMINENT DANGER" means, a condition which could cause serious or life-threatening injury or death at any time.

I. "INFESTATION" means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

J. "INOPERABLE MOTOR VEHICLE" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of

disrepair, or incapable of being moved under its own power, including but not limited to automobile, trailer, truck, or other such vehicle, or any vehicle hulk, motorcycles, snowmobiles or other motorized recreational vehicles.

K. "LET FOR OCCUPANCY OR LET" means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

L. "MMC" means, McCleary Municipal Code.

M. "Noxious Weed" means a plant identified as such upon the listing developed by the Grays Harbor County Noxious Weed Board.

N. "OCCUPANT" means, any individual living or sleeping in a building, or having possession of a space within a building and/or any person who has charge, care or control of a structure or premises and/or a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

O. "STRICT LIABILITY OFFENSE" means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

P. "STRUCTURE" means that which is built or constructed or a portion thereof.

Q. "Junk" includes, but is not limited to, all motor vehicles not currently licensed, old or unusual motorized or nonmotorized vehicle or vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances, or parts thereof, old iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.

R. "Person" means a natural person, firm, partnership, association or corporation, whether he is acting for himself or as representative or agent of another.

~~B. "Person in charge of property" means an agent, lessee, contract purchaser or other person having possession or control of property or the supervision of any construction project.~~

S. "OWNER" means, any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

T. "Person responsible" means:

1. (~~The owner;~~
2. ~~The person in charge of property, as defined in subsection B of this section;~~
3. ~~The person who caused to come into or continue in existence a nuisance as defined in the ordinance codified in this chapter or another ordinance of this city.))~~

1. The owner, as defined in subsection O of this section;

2. The owner and/or occupant who caused to come into or continue in existence a violation in the ordinance codified in this chapter or another ordinance of this city.

U. "Premises" means and includes property, landscaping, plantings, trees, bushes, fences, buildings, fixtures and exterior storage of personal property, equipment, supplies and vehicles, including any structures thereon.



V. "Public place" means a building, public street, alley or right-of-way, place or accommodation, whether publicly or privately owned, open and available to the general public.

~~E. "Premises" means and includes property, landscaping, plantings, trees, bushes, fences, buildings, fixtures and exterior storage of personal property, equipment, supplies and vehicles.~~

~~F. "Officer," "enforcement officer," or "designated person": the officer or designated person for the purpose of the ordinance codified in this chapter shall mean either the public works director or police chief, as may be applicable under the circumstances and subject to the provisions of RCW 35A.12.100.~~

W. "Nuisance": unless the context of the use of the term in a particular section or the specific language of this code otherwise provides or requires, for purposes of this code a "nuisance" or a "public nuisance" consists in an occupation, use of property, a thing, unlawfully doing an act, or omitting to perform a duty, which occupation, use, thing, act or omission:

1. Unreasonably annoys, injures or endangers the comfort, repose, health or safety of the public or others; or

2. Unreasonably offends decency; or

3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage or use, any lake, stream, canal or basin, or any public park, square, street, alley or highway; or

4. In any way renders other persons unreasonably insecure in life or the use of property; or

5. Unreasonably obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property.

SECTION II: There shall be added to Chapter 8.16 a new section to read as follows:

A. GENERAL PRINCIPAL OF LIABILITY: Principal of Liability:

Every successive owner of property who neglects to abate any continuing nuisance upon or in the use of such property caused by a former owner, is liable therefor in the same manner as the owner who created it.

B. Administration.

1. The enforcement officer charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The enforcement officer or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

2. The enforcement officer shall enforce the provisions of this code and shall have authority as necessary in the interest of public health, safety and general welfare, to

adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

3. The enforcement officer shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

4. The enforcement officer shall issue all necessary notices or orders to ensure compliance with this code and shall keep records of all notices or orders specified in the provisions of this code.

SECTION III: Section 8.16.020 is amended to read as follows:

PUBLIC NUISANCE: DEFINITION & ENFORCEMENT

A. General Definitions of Public Nuisance.

Every act unlawfully done and every omission to perform a duty, which act or omission:

1. Unreasonably annoys, injures or endangers the safety, health, comfort or repose of the citizens of the city;

2. Unlawfully interferes with, distracts, or tends to obstruct or renders dangerous for passage, a public park, street, alley, highway or other public area; or

3. In any way renders any citizens of the city insecure in life or use of property, shall constitute a public nuisance.

B. Specific Violations.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the enforcement officer determines that any of these conditions exist upon any premises or structure, the enforcement officer may require or provide for the abatement thereof pursuant to this chapter.

1. The construction, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private or public lot, building, structure, or premises, on, in or upon any street, avenue, alley, park, parkway, or other public or private place in the city, any one or more of the following places, conditions, things or acts to the prejudice, danger or annoyance of others:

2. Accumulations of manure, rubbish or other solid waste: provided that, a compost pile so covered or concealed as not to affect the health, safety or value of adjacent property shall not be so deemed.

3. The presence of insect or rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. The owner of any structure shall be responsible for extermination in the public or shared areas of the property. The occupant shall be responsible for the continued rodent and pest-free condition of the premises.

4. Limbs or trees overhanging a public sidewalk which are less than nine feet above the surface of said sidewalk or overhanging a city street which are less than fourteen feet above the surface of said street.

5. Any violation of the McCleary Municipal Code which

results in a violation of the conditions set forth in the general definitional section.

6. Causing or allowing garbage, waste, refuse, litter, debris, or other offensive materials, to be collected or deposited, or to remain in any place in the city, to the reasonable annoyance of any person, unless otherwise permitted by law.

7. Premises or residences:

a. Which are in such a state of decay as to cause an offensive odor, or

b. Which are in an unsanitary condition, or

c. Which create or constitute an unreasonable risk of fire or public safety hazard for adjoining property owners, whether public or private.

8.

Alternative #1: "The presence upon premises and exterior property of weeds in excess of \_\_\_ inches of height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses."  
"

Alternative #2: Overgrown, unkempt vegetation of any type, including grasses and weeds more than \_\_\_ inches in height, shrubs, brush, trees, and vines, including vegetation which may pose a fire hazard, harbor rodents or attract transient activity.

If the occupant and/or owner fails or neglects to destroy and remove noxious weeds and rubbish, after notice as issued, the city may go upon or authorize and direct the proper offices to go upon the premises, cut and remove therefrom, noxious weeds and rubbish. Thereafter the jurisdiction shall

institute appropriate action against the owner of the premises or structure for the recovery of such costs.

9. Ponds or pools of stagnant water except those areas of wetlands as designated by city, federal or state laws, rules or regulations;

9. Privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies and rats or which are foul or malodorous;

10. All unused, abandoned or discarded refrigerators, ice boxes, or like containers which are left in any place exposed or accessible to children; or any water closet, bathtub, or other appliance;

11. All places not properly fenced which are used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to unreasonably impact or interfere with the comfortable enjoyment of life or property by others.

~~A. Deposit, keep or leave or to permit to be deposited, kept or left in any place accessible to children, or in any place viewable from a public street or alley, any abandoned, unused, unlicensed, nonrunning or discarded automobile, trailer, truck, or other such vehicle, or any vehicle hulk or any part thereof. For the purposes of this subsection, "abandoned, unused, nonrunning" refers to a vehicle which is not movable under its own power and which has been in a stationary position for more than fourteen days.~~

12. Vehicles of Certain Classifications:

A. Except as specifically authorized in other regulations, including subsection B,

1. No inoperable motor vehicle shall be deposited, kept, left or permitted to be deposited, kept or left in any place accessible to children, nor in any place viewable from a public street or alley,

2. Unless kept within a structure or similarly enclosed are approved for such use, no inoperative, abandoned, unused, non-running or discarded inoperable motor vehicle, or other such vehicle, or any vehicle hulk or any part thereof, shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, damaged to the extent it prevents normal operation, or in the process of being stripped or dismantled.

3. Painting of vehicles is prohibited unless conducted inside an approved spray booth, or disassembling, repair or rebuilding of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof.

B. A vehicle of any type or condition is permitted to undergo repair or overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

This section shall not apply to junk kept in a duly licensed junkyard, automobile wrecking yard, automobile sales lot or automobile repair shop.

The term "junk" as used in this section includes all motor vehicles not currently licensed, old or unusual motorized or nonmotorized vehicle or vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances, or parts thereof, old iron or other metal, glass, paper, lumber, wood, or other waste or discarded material;

13. The depositing or burning of or causing to be deposited or burned in any street, alley, sidewalk, park, parkway, or other public place which is open to travel, any hay, straw, grass, grass clippings, papers, wood, boards, boxes, leaves, manure, or other rubbish or material except by permission of the fire marshal;

14. The existence of any dead, diseased, infested or dying tree that may constitute a danger to property or persons. No tree on property which abuts upon a street or public sidewalk shall interfere with street or sidewalk traffic;

15. All shrubs, bushes, trees or vegetation which have grown and are in such a condition, whether as the result of size, flammability or state of decay, constitute a fire hazard;

16. Any tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, pipe, metal articles, plaster, and all other trash or abandoned material, unless the same is kept in covered bins or metal receptacles approved by the director of public works and further except for recyclables kept in approved containers;

17. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding accessories, packing hay, straw, or other packing material, scrap iron, tin, pipe, and other metal not neatly piled;



18. Lumber, roofing or siding materials, logs, or pilings not so stacked, piled or arranged as to be free from being dangerous to or/and accessible to children;

19. Any of the following not properly secured from access by the public: provided that the building official shall have concurrent jurisdiction in relation to any covered structures:

- a. Any unsightly or dangerous building, billboard, or other structure, or
- b. Any abandoned or partially destroyed building or structure, or
- c. Any building or structure commenced and left unfinished for a period of more than six months from the date of the issuance of any applicable building permit.

20. Repair upon the public streets, alleys or other public property of the city of any automobile, truck, or other motor vehicle or any other device required to possess a license issued by the Department of Motor Vehicle/Licenses of this state or the state of its registration except for emergency repairs not to exceed forty-eight hours in any seven-day period and only so long as it is so located as to not constitute a hazard or unreasonable interference to pedestrian or motor vehicle travel.

21. Any putrid, unsound or unwholesome bones, meat, hides, skins, skeletons, or other whole or part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste, vegetable or animal matter, in any quantity, garbage, human excreta, or other offensive substance, provided nothing contained in this chapter shall prevent the temporary retention of waste in receptacles in the manner approved by the director of public works of the city or the local disposal company.

22. Except to the extent allowed by the lawful terms of a permit issued by the governmental authority having jurisdiction thereof, burning or disposal of refuse, sawdust, or other material in such a manner to cause or permit ashes, sawdust, soot or cinders to be cast upon the streets or alleys of the city, or to cause or permit dense smoke, noxious fumes, ashes, soot or gases arising from such burning to become annoying or injurious to the health, comfort or repose of the general public.

23. The existence of any vines, plants growing into or over any street, sidewalk, public hydrant, pole or electrolier, or the existence of any shrub, vine or plant, growing on, around, or in front of any hydrant, stand pipe, sprinkler system connection, or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto, or obstruct or interfere with the proper diffusion from the light from any street lamp, or obstruct the vision of vehicle or pedestrian traffic.

24. Any poisonous or harmful substance which is reasonably accessible to persons or to animals.

25. The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed, or other dilapidated or unsafe condition.

26. Poultry which create a nuisance.

27. To dispose of animals within the city.

28. All trees, hedges, billboards, fences, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;

29. All explosives, inflammable liquids, and other dangerous substances stored in any manner or in any amount other than that provided by ordinance;

~~30. ((Maintaining within or allowing to be maintained, procuring or keeping within the city any dangerous animal. For purposes of this chapter, a dangerous animal shall mean any animal, other than the common household cat or dog or native bee, that is capable of killing or seriously injuring a human being, whether such injury be inflicted by the utilization of venom, constriction, claw, bite, or otherwise: provided that, this provision shall not apply so long as the animal is located within a facility such as a zoo or wildlife refuge owned and operated by a governmental agency or a nonprofit entity recognized as such under the laws of the state of Washington and the Internal Revenue Code of the United States of America or within a properly licensed veterinary hospital where such animal is confined temporarily for treatment;))~~

For any person to obstruct or encroach upon public highways, streets, private ways, alleys and ways open to the public, including cemeteries, or to unlawfully obstruct or impede the flow of municipal transit vehicles, as defined in RCW 46.04.355, as now existing or hereafter amended or succeeded, or passenger traffic, or to otherwise interfere with the provision or use of public transportation services, or obstruct or impede a municipal transit driver, operator, employee or supervisor in the performance of that individual's duties.

31. For any person to erect, continue or use any building or other structure or place for the exercise of any trade, activity, employment or manufacture, which, by occasioning obnoxious, hazardous or toxic exhausts or emissions, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or the public;.

32. For any person to cause or allow the obstruction of or impeding, without legal authority, of the passage or flow of any stream, canal or body of water;

33. Any place wherein intoxicating liquors or controlled substances are kept for unlawful use, sale or distribution.

Query: Do you wish to have the three following sections added? If so, the new provisions proposed in 8.16.020 (11) and (12) would appear to be redundant.

SECTION IV. A new section shall be added to Chapter 8.16 to read as follows:

A. Wrecked, dismantled or inoperative vehicles - prohibited activity.

1. No person may park, store or abandon a wrecked, dismantled or inoperative vehicle, or part thereof on private property, except where the following conditions apply:

a. A vehicle or vehicle part is completely enclosed within a building in a lawful manner where it is not visible from the street or from other public or private property; or

b. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed auto repair business or licensed vehicle dealer and is fenced as required by state law.

B. Violation Notice required.

1. Whenever a vehicle has been determined to be a wrecked, dismantled or inoperative vehicle or as an abandoned vehicle, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a hearing may be requested before the hearing examiner. If no hearing is requested within ten days

from the certified date of receipt of the notice, the vehicle shall be removed by the city.

2. If a request for hearing is received within ten days, a notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle or vehicles shall be mailed by certified or registered mail, with five-day return receipt requested, to the land owner as shown on the last equalized assessment roll and to the last registered and legal owner of record of each vehicle unless the vehicle identification numbers are not available to determine ownership.

C. Determination of responsibility.

1. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written sworn statement in time for consideration at the hearing. The owner may deny responsibility for the presence of the vehicle on the land stating the reason for such denial. If it is determined by the hearing examiner that the vehicle was placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in its presence, then costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located nor otherwise be collected from the land owner.

2. Nothing in this chapter shall relieve the landowner of any civil penalties which may accrue from any code violation related to the improper placement, parking or storage of vehicles or parts thereof to which the landowner has consented or acquiesced.

D. In addition to determination of responsibility as provided for in paragraph C, the hearing examiner shall receive and examine evidence on other relevant matters, including whether a public nuisance as defined in this chapter exists. The decision

of the hearing examiner shall be final but shall be subject to appeal as provided in Section 17.40.090 MMC.

E. Abatement and removal authorized: The city may remove any abandoned, wrecked, dismantled or inoperative vehicle, automobile hulk or part thereof, after complying with the notice requirements of sub-paragraph B. The proceeds of any such a disposition shall be used to defray the costs of abatement and removal of any such a vehicle, including costs of administration and enforcement.

E. Costs of abatement and removal.

1. The costs of abatement and removal of any such vehicle or remnant part, including costs of administration and enforcement, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner in the transfer of ownership thereof has complied with RCW 46.12.101.

2. If the vehicle owner cannot be established, the costs of abatement and enforcement shall be collected from the land owner on which the vehicle or remnant part is located, unless the landowner has shown as provided in sub-paragraph C.1 that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence.

F. Costs of administration for the removal and disposal of vehicles or remnant parts may be recovered according to the lien and personal obligation provisions as provided in this chapter.

SECTION IV. Section 8.16.030 MMC is amended to read as follows:

A. Bases of Liability:

1. It is unlawful for any responsible person or owner to create, permit, maintain, suffer, carry on or allow upon any premises any of the acts or things declared by the ordinance codified in this chapter to be a public nuisance.

2. Every successive owner of property who neglects to abate any continuing nuisance upon or in the use of such property caused by a former owner, is liable therefor in the same manner as the owner who created it.

SECTION V: There shall be added to Chapter 8.16 a new section to read as follows:

A. The owner of the premises shall maintain the structures, premises and exterior property in compliance with these requirements, ~~except as otherwise provided for in this code.~~ A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

B. It shall be unlawful for the owner of any dwelling unit or structure who has received a notice and order or upon whom a notice and order has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice and order has been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice and order issued by the enforcement officer and shall furnish to the enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and order and fully

accepting the responsibility without condition for making the corrections or repairs required by such notice and order.

C. It is unlawful for any person to enter any unoccupied building and commit a nuisance therein.

SECTION VI: Section 8.16.040 shall be amended to read as follows:

**Enforcement-Notice.**

- ~~1. The enforcement officer, upon receiving a written complaint from any neighbor, person, citizen or other source, or becoming aware that a nuisance may exist, shall investigate the complaint or information with all reasonable dispatch.~~
- ~~2. The enforcement officer, upon finding any condition in violation of the ordinance codified in this chapter, shall cause any owner or other responsible person to be notified in writing of the existence of the public nuisance, including posting of a notice on the premises where the nuisance exists, directing the owner and occupant of the property to abate the condition within ten calendar days after notice or other reasonable period. If not personally served, the written notice shall be mailed to the last known address of the owner or other responsible person, with copies being transmitted by first class post and certified mail.~~
  - ~~A. At the time of posting, if in the determination by the enforcement officer said property appears abandoned, a copy of such notice shall be forwarded by certified mail to the legal owner or designated guardian, postage paid, and if known or disclosed from official public records of the tax assessor's office, to the holder of any other legal interest~~



~~in the building or land created by contract, deed of trust,  
mortgage or deed.~~

A. The enforcement officer having knowledge of any public nuisance shall cause any property owner and occupants to be notified in writing of the existence of a public nuisance on the premises and shall order the owner and occupants to abate the violation within a reasonable period of time. The notice shall be served either personally or by first class and certified mail with return receipt requested.

B. If the condition is not corrected and the violation continues following the time frame indicated in 8.16.040 (1), the enforcement officer shall be authorized to issue and serve a notice of infraction to the owners or persons in control of the subject property,

C. If the condition is not corrected and the violation continues following the notice of infraction or infractions, posting of a notice on the premises where the nuisance exists, directing the owner or occupants in charge of the property to abate the condition within the time given. If not personally served, the written notice shall be mailed at the address of record at the Grays Harbor County assessor's office, or at the discretion of the enforcement officer to such other person in control of the subject property owner or other responsible person, transmitted by first class post and certified mail.

C. The notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

(Name and address of person notified)

As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or premises \_\_\_\_\_ you are hereby notified that the undersigned, pursuant to Ordinance Number/Code Section \_\_\_\_\_ of the City of McCleary has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection \_\_\_\_\_ of Ordinance Number/Code Section \_\_\_\_\_.

You are hereby notified to abate or correct said condition to the satisfaction of the undersigned within ten (10) days of the date of this notice. If you do not abate, correct or appeal such condition within ten (10) days, the City may without further notice to you abate the condition at your expense.

Dated: \_\_\_\_\_.

By

(Name of Enforcement Officer)

SECTION VI: Section 8.16.040 shall be amended to read as follows:

Appeal Process: Within the time allowed after posting and mailing of such notice, as provided in Section 8.16.040 of this chapter, the person responsible shall remove the nuisance or within the same ten-day time period show to the reasonable satisfaction of the enforcement officer that no nuisance exists unless an appeal/protest is taken as provided in this section.

A. An owner or person responsible protesting that no nuisance exists shall file with the public works director a written statement which shall specify the basis for so protesting within the ten-day period allowed for removal pursuant to Section

8.16.040. The statement shall set out with reasonable specificity the factual matters which are the basis of the protest.

B. The statement shall be referred to the mayor for administrative review. In undertaking such a review, the mayor shall consider such materials as are within the file, including those submitted by the party protesting the decision. The mayor may also undertake a personal view of the site or condition at issue. If determined necessary and appropriate by the mayor, an informal conference may be held at which the protestor and all other interested parties and persons may present such factual and legal information as is determined relevant by the mayor. Following such administrative review, the mayor shall determine whether or not a nuisance in fact exists, and the determination shall be issued in writing, shall be entered in the official records of the city, and a copy provided to the appellant. An administrative review shall be required only in those instances where a written statement has been filed as provided within this section. The decision issued by the Mayor shall be subject to judicial review as provided by RCW 36.70C.

C. If the administrative review determines that a nuisance does in fact exist and no appeal is timely filed, the person responsible shall, within the time specified after the administrative determination, abate the nuisance.

If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance, and for the costs incurred by the city in abating the nuisance.

If, within the time allowed, the nuisance has not been abated by the person or persons responsible, the city may cause the nuisance to be abated.

SECTION VII: Sections 8.15.050, 8.16.090, 8.16.100, and 110 shall be repealed.

~~8.16.050 Nuisance by animals.~~

~~It is declared to be a nuisance and unlawful for any owner, keeper or walker of any dog or cat to permit his or her dog or cat to discharge such animal's excreta upon any public or private property, other than the property of the owner of any dog or cat, within the city if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.~~

~~8.16.090 Unattended machinery.~~

~~It is a nuisance and unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.~~

~~8.16.100 Unoccupied buildings to be closed.~~

~~Every agent or owner of any unoccupied building in the city shall keep the same securely closed at all times against persons who may enter and commit a nuisance therein.~~

~~(Ord. 308 § 12, 1973)~~

~~8.16.110 Nuisance in unoccupied building.~~

~~It is unlawful for any person to enter any unoccupied building and commit a nuisance therein.~~

**SECTION VIII:** A new section shall be added to Chapter 8.16 to read as follows:

ORDINANCE -C- 24  
05/09/2017  
DG/le

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98557

Unsafe equipment, machinery

A. It is a nuisance and unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

B. For purposes of this section, the term "unsafe equipment" includes, but is not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or property or safety of the public or occupants of the premises or structure.

SECTION IX: A new section shall be added to Chapter 8.16 to read as follows:

Unsafe, unlawful, unfit structure.

A. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe

or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. A structure is unfit for human occupancy whenever the enforcement officer finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary, heating, drinking or other essential equipment, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

C. An unlawful structure is one found in whole or in part to be occupied by more persons, or was erected, altered or occupied contrary to the McCleary Municipal Code.

D. When a structure or equipment is found by the enforcement officer to be unsafe, or when a structure is found unfit for human occupancy, or when a structure is found be unlawful, such structure shall be condemned pursuant to the provisions of this Chapter.

SECTION X: A new section shall be added to Chapter 8.16 to read as follows:

**Structures, buildings and premises.**

The owner of the premises shall maintain the structures, premises and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe

condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

B. Requirements:

1. Every agent or owner of any unoccupied building in the city shall keep the same securely closed at all times against persons who may enter and commit a nuisance therein.

2. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

3. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Is subsection 4 subject to reasonable interpretation and enforcement?

4. All fences shall be constructed with materials which designed for its purpose.

The matter set forth in #5 is already dealt with in Chapter 12.08. Does it need to present here as a nuisance?

5. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

6. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

7. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

8. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant and/or owner shall keep that part of the exterior property which such occupant and/or owner occupies or controls in a clean and sanitary condition.

The first section of 9 is already dealt with in the criminal code and the violator is not going to be charged with a nuisance but rather malicious mischief..

Should this section be modified to deal only with the duty to correct such action?

9. No person shall damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

10. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.



11. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.

12. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

13. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

14. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

**Is 15 really something which should be in a nuisance code or even subject to city mandate?**

15. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

16. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

17. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

18. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

19. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall

be stabilized and coated to inhibit future rust and corrosion.

20. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

21. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**If you desire to implement the following section, I have inquired of Paul as to what height mandate is present in some other code since this provision does not provide one. In Arizona, the normal requirement is 5 feet.**

22. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool

side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

23. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

24. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the enforcement officer shall require the defects to be corrected to eliminate the hazard.

25. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

26. Dwellings shall be provided with permanently installed, safe, functioning heating facilities and an

approved power or fuel supply system capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating.

27. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

C. Enforcement: When the enforcement officer finds a violation to exist, the enforcement officer will follow the provisions set forth in MMC 8.16.040 unless otherwise deemed as provided in Section IX of this ordinance.

SECTION XI: Section 8.17.170 shall be repealed.

~~8.16.170 Keeping of animals.~~

~~A. Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.~~

~~B. In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer.~~

~~C. Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.~~

SECTION XII: A new section shall be added to Chapter 8.16 to read as follows:

Property on City Right of Way:

I question that subsection A should be present in a nuisance ordinance. If desired, perhaps place it in Chapter 12.04 but should be reviewed with care by Director Baun.

A. The abutting property owner is required to maintain all property outside the lot lines and property lines and inside the curblines or the traveled portion of the public streets, alleys or sidewalks.

B. All property left on the public right-of-way as a result of an eviction or a forcible entry and detainer or unlawful detainer action shall be deemed abandoned and is hereby declared a public nuisance.

C. Any items which remain on the public right-of-way of any street, alley or sidewalk for a period of forty-eight hours , including but not limited to any personal or household items, furniture, appliances, machinery, equipment, building materials, or other items shall be deemed abandoned and to constitute a public nuisance subject to removal by the city with or without notice.

D. The costs of abatement may be assessed against the abutting real estate from which the nuisance was abated for collection in the manner provided in the provisions in this chapter.

SECTION XIII: There shall be added to Chapter 8.16 a new section to read as follows:

Closing of structures, buildings, equipment, premises.

A. Whenever the enforcement officer has condemned a structure or equipment, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person and/or persons responsible for the structure and/or equipment in accordance with Section XVII of this ordinance. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

B. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, any occupied structure, building or equipment shall be vacated as ordered by the enforcement officer. Any person who shall occupy the premises or operate the equipment, any owner or any person responsible for the premises who shall let anyone occupy the premises or operate the equipment, the premises or equipment, that person shall be and/or shall also be responsible and will be liable for any penalties provided in this chapter.

C. The enforcement officer is authorized to enter the structure and/or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the enforcement officer is authorized pursuant to Section 18 of this ordinance.

D. The enforcement officer is authorized to post, as provided in Section 17 of this ordinance, on the premises and order the structure closed up so as not to be a public nuisance. Upon failure of the owner to

close up the premises within the time specified in the order, the enforcement officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any means provided in this chapter.

E. Notwithstanding other provisions of this code, the enforcement officer shall order the necessary work to be done, including the boarding up of openings and/or the fencing of premises, to render such structure/premise temporarily safe.

F. The enforcement officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

SECTION XIV: There shall be added to Chapter 8.16 a new section to read as follows:

Demolition or repair:

A. The enforcement officer shall order, as provided in Section 17 of this ordinance, the owner of any premises upon which is located any structure to take one of the following actions, which in the enforcement officer's judgment, is the most appropriate given the condition of the premises or structure:

1. If so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is



unreasonable to repair the structure, to demolish and remove such structure; or

2. If such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or

3. Where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

B. If the owner of a premises fails to comply with a demolition order, as provided in Section 15, or does not appeal the order pursuant to Section 17.40.090 MMC, the enforcement officer shall cause the structure to be repaired or demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such repair or demolition and removal shall be charged against the real estate upon which the structure is located, the legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises.

C. When any structure has been ordered demolished and removed, the governing body or its designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials, at the highest price obtainable. The net proceeds of such sale, after deducting the expenses

of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION XV: There shall be added to Chapter 8.16 a new section to read as follows:

Notice to Repair or Demolish:

A. Notice of the issuance of an order to repair or demolish a premises or structure or other enforcement action pursuant to this chapter shall be given as follows:

1. Posting of a notice on the premises where the structure exists, directing the owner or occupants in charge of the property to demolish the structures within the time given.

2. In addition to posting as provided by subparagraph 1, the written notice shall be, if not personally served, mailed at the address of record at the Grays Harbor County assessor's office, or at the discretion of the enforcement officer to such other person in control of the subject property owner or other responsible person, transmitted by first class post and certified mail.

B. The contents of the notice of the order shall be as follows;

Notice to Demolish  
Unlawful and/or Unsafe Structure

Name of Owner  
Or Current Resident  
Address

As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or premises located at, Address, you are hereby notified that the undersigned, pursuant to Chapter 8.16.\_\_\_\_ of the City of McCleary has determined that there exists upon said premises the following conditions contrary to the provisions of that Code:

listing of conditions upon which decision is based

You are hereby notified to Demolish the structure by Time on Date unless an appeal of this decision is filed and served as provided by Section 17.40.090 MMC.

**Enforcement Officer**  
**Of The**  
**City of McCleary**  
**Date**

**SECTION XVI:** Section 8.16.100 shall be and is hereby repealed.

~~8.16.180 Noxious weeds and rubbish Abatement cost if done by city.~~

~~The city, by and through the city council, may, if the person, firm or corporation maintaining the nuisance, fails or neglects to destroy and remove noxious weeds and rubbish, after notice as herein provided, go upon or authorize and direct the proper offices to go upon the premises, cut and remove therefrom, noxious weeds and rubbish, and the costs and expenses thereof shall be charged to and taxed against the property, and recovered as a part of the taxes by special assessment, or may be recovered in a civil action.~~

**SECTION XVII:** There shall be added to Chapter 8.16 a new section to read as follows:

**Notice to Vacate**

A. The issuance of an order prohibiting occupancy of the premises, requiring its immediate vacation and enforcement action pursuant to this chapter shall be carried out as follows.

B. Posting of a notice on the premises where the violation exists, directing the owner or occupants

in charge of the property to Vacate the violation within the time given. The written notice shall be, if not personally served, mailed to the address of record at the Grays Harbor County Assessor's office, or at the discretion of the enforcement officer, to such other person in control of the subject property, the owner or other responsible person, by first class post and certified mail.

C. The contents of the order shall be as follows:

Notice to Vacate  
Unlawful Condition

Name of Owner  
Or Current Resident  
Address

As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or premises located at, Address, you are hereby notified that the undersigned, pursuant to Ordinance Number. The City of McCleary has determined that there exists upon said premises the following conditions contrary to the provisions of Ordinance Number.  
You are hereby notified to Vacate by Time on Date

Enforcement Officer  
Of The  
City of McCleary  
Date

SECTION 18: There shall be added to Chapter 8.16 a new section to read as follows:

Right of entry: Warrant Basis

In the event the enforcement officer has been denied, refused and/or not obtained entry to any structure, dwelling unit, building, property/premises, and the enforcement officer having reason to examine the structure, dwelling unit, building, or property/premises pursuant to a violation in the MMC, may apply for a warrant for the structure, dwelling unit, building, property, and/or premises.

A. Before a warrant is issued by the judge, the enforcement officer must set forth by affidavit or declaration under oath the ordinance or ordinances upon which he is proceeding, and state the circumstances upon which he is seeking the warrant.

B. If the judge finds that the enforcement officer is proceeding according to the provisions of the Municipal Code and finds appropriate grounds for the issuance of the warrant exists, he shall issue a warrant for the search of the structure, dwelling unit, building, or property/premises.

C. If a warrant is issued, the enforcement officer shall make a return to the court of issuance. The enforcement officer's return shall consist of;

1. An affidavit stating the time of issuance;
2. The time the structure, dwelling unit, building, or property/premises was searched;
3. The mode of service;

- A. Either by serving a copy of the warrant upon the owner of the premises, occupant or other person having charge of said premises;
- B. And posting notice of the warrant upon the property.

SECTION XIX: Sections 8.16.190, 8.16.200, and 8.16.205 shall be and are hereby repealed.

~~8.16.190 Liability for abatement.~~

~~Every successive owner of property who neglects to abate any continuing nuisance upon or in the use of such property caused by a former owner, is liable therefor in the same manner as the owner who created it.~~

~~8.16.200 Nuisances prohibited.~~

~~It is unlawful for any person to erect, contrive, cause, continue, or maintain a nuisance as herein defined or prohibited.~~

~~(Ord. 308 § 22, 1973)~~

~~8.16.205 Abatement by city.~~

~~In all cases where the city has determined to proceed with abatement, the city shall acquire jurisdiction to abate the condition at the person's expense as provided in this chapter. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such persons~~

~~who have been given notice as provided in this chapter. The debt shall be collectible in the same manner as any other civil debt owing to the city. To the extent allowed by law, whether statute, ordinance, rule or regulation, including, but not limited to, the provisions of the Building Code, Fire Code, or Uniform Code relating to the abatement of abandoned or dangerous buildings, it shall become a lien against the property and may be collected in such manner as may be allowed by law.~~

**SECTION XX:** There shall be added to Chapter 8.16 a new section to read as follows:

Abatement by city. In the absence of any provision of Chapter 8.16 governing the matters set forth below, including an order abatement having been issued pursuant to a different provision of Chapter 8.16, the following provisions shall apply:

A. In all cases where the city has determined to proceed with abatement, the city shall acquire jurisdiction to abate the condition at the person's expense as provided in this chapter. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such persons who have been given notice as provided in this chapter. The debt shall be collectible in the same manner as any other civil debt owing to the city. It shall become a lien against the property and may be collected in such manner as provided in this chapter.

B. The enforcement officer shall order the necessary work to be done, including the boarding up of openings and/or the fencing of premises, to render such structure/premise temporarily safe and shall cause such other action to be taken



as the enforcement officer deems necessary to abate such nuisance.

C. For the purposes of this code, the enforcement officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

D. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule;

Re-inspection fees may be assessed if work is incomplete, corrections not completed or the allotted time is depleted. All City of McCleary fees shall be established by the City of McCleary Development fee schedule. Fees will be assessed at the hourly charge in minimum fifteen (15) minute increments.

E. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or structure for the recovery of such costs pursuant to this chapter.

**SECTION XXI:** Sections 8.16.210 and 8.16.215 of the Municipal Code shall be and are hereby repealed.

~~**8.16.210 Abatement by owner or other responsible person.**~~

~~If and when an owner or other responsible person shall undertake to abate any condition described in the ordinance codified in this chapter, whether by order of the enforcement officer or otherwise, all necessary and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in the ordinance codified in this chapter shall relieve any owner or~~

~~other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement.~~

~~8.16.215 Immediate danger Summary abatement.~~

~~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 enforcement officer shall have the authority to summarily and without notice abate the same to the extent and subject to the provisions of applicable law, including by way of representation, RCW 35A.12.100, as now existing, amended or succeeded. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in Section 8.16.205 of this chapter.~~

SECTION XXII: There shall be added to Chapter 8.16

MMC a new section to read as follows:

Immediate danger.

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 enforcement officer shall have the authority to summarily and without notice abate the same to the extent and subject to the provisions of applicable law, including through an available public agency or by contract or arrangement with private persons. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in this chapter.

B. Whenever, in the opinion of the enforcement officer, there is imminent danger due to an unsafe condition, the enforcement officer shall order the necessary work to be done, including the boarding up of openings and/or the fencing of premises, to render such structure/premise temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the enforcement officer deems necessary to meet such emergency.

C. The enforcement officer, upon approval from the public works director, shall have the authority to authorize disconnection of utility service to the building or structure in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. ~~The enforcement officer shall~~ notify the serving utility and whenever possible, the owner and occupant of the building or structure of the decision prior to taking action. If not notified prior to disconnection the owner or occupant of the building or structure shall be notified in writing as soon as practical thereafter.

D. As soon as is reasonably possible, including to the extent possible, notice of the conclusion reached by the Enforcement Officer of the dangerous conditions creating the immediate danger shall be given to the owner, occupant, and/or manager. Such notice shall be given in the manner set forth in Section 17 of this Ordinance.

SECTION XXIII: Section 8.16.220 shall and is hereby amended to read as follows:

Abatement moneys.

~~All moneys collected for abatement purposes, as provided in this chapter, shall be separately stated and itemized by the clerk of the police court in his report to the~~

~~city clerk-treasurer and shall be credited by the city clerk-treasurer to the department or division of the city government which shall be actually employed in the abatement of the nuisance.~~

A. The governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials, at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

B. All moneys collected for abatement purposes, as provided in this chapter, shall be separately stated and itemized by the enforcement officer in his report and shall be credited by the city clerk-treasurer to the department or division of the city government which shall be actually employed in the abatement by the city.

**SECTION XXIV:** Section 8.16.230 shall be amended to read as follows:

Penalty.

~~A. Any person violating any of the provisions of the ordinance codified in this chapter shall be subject to the following penalty or punishments:~~

~~1. In the event of a first violation within any six-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to two hundred fifty dollars.~~

~~2. In the event of a second violation within any six-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to five hundred dollars, one hundred fifty dollars of which may be neither suspended nor deferred.~~

~~3. In the event of a third and subsequent violation within any six-month period, be subject to issuance of a criminal citation, and upon conviction, be guilty of a misdemeanor and, subject to punishment by a fine not to exceed one thousand dollars, two hundred fifty dollars of which shall be neither suspended nor deferred, by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment.~~

~~B. In addition to any other penalty, fine or imprisonment which may be imposed, the court may direct the correction or elimination of the nuisance and in the event the party fails to timely correct, order such correction to be carried out and require the party to pay the costs related to such correction or elimination. In the event that summary abatement has been carried out pursuant to the authority in Section 8.16.215 of this chapter, the costs incurred by the city in so acting may be imposed.~~

A. Any person violating any of the provisions of this chapter shall be subject to the following penalty or punishments:

1. In the event of a first violation within any twelve-month period, be issued a notice of infraction and, upon

a finding of committed, be subject to a penalty of up to two hundred fifty dollars.

2. In the event of a second violation within any twelve-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to five hundred dollars, one hundred fifty dollars of which may be neither suspended nor deferred.

3. In the event of a third and subsequent violation within any twelve-month period, be subject to issuance of a criminal citation, and upon conviction, be guilty of a misdemeanor and, subject to punishment by a fine not to exceed one thousand dollars, two hundred fifty dollars of which shall be neither suspended nor deferred, by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment. Each day that a violation exists may constitute a separate violation of this chapter.

B. In addition to any other penalty, fine, or imprisonment which may be imposed, the court may direct the correction or abatement of the nuisance and in the event that the party continues to fail to timely correct, order such correction or abatement be performed by the city using any lawful means. The city may enter unsecured property and may remove, correct or abate the nuisance which is subject to abatement. If the person does not consent to entry, the city may seek judicial process from the court, as it deems necessary, to effect the removal, correction or abatement of the nuisance. The costs, including incidental expenses of correcting the violation, may be billed to the owners, persons or occupants in control of the subject property, and if the owners, persons or occupants in control fail to remit payment in a timely manner, the city may file a lien for the cost of any abatement proceedings and all other related and incidental

costs against the real property upon which any of the work of the abatement was performed. A notice of the city's lien, specifying the expenses incurred in abating the nuisance and giving the legal description of the premises sought to be charged, shall be filed with the county auditor within ninety days from the date of the abatement and the same may at any time thereafter be collected in the manner for foreclosure of mechanic's or labor liens under the laws of the state of Washington. In addition to a lien, the debt shall be collectible in the same manner as any other civil debt owing to the city, and the city may pursue collection of the costs of any abatement proceedings under this chapter by any other lawful means, including but not limited to a collection agency. Any person sent a bill or notice of the costs due for an abatement of a nuisance may request a hearing before the court to determine if the costs should be assessed, reduced, or waived. A request for hearing shall be made in writing and filed with the court no later than seven days from the date of mailing of the bill or notice of costs due for the abatement. Each request for a hearing shall contain the address and telephone number of the person requesting the hearing, and shall set out the basis for the appeal. Failure to request a hearing within seven days from the mailing of the bill or notice of costs due for the abatement shall be a waiver of the right to contest the validity of the costs incurred in the abatement of the violation.

**SECTION XXV:** There shall be added to Chapter 8.16 a new section to read as follows:

Injunction as alternative relief.

As an alternative, or in addition to abatement and other proceedings authorized by the Municipal Code, the city

may, at its option, institute civil proceedings as appropriate to enjoin the nuisance.

SECTION XXVI: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION XXVII: This Ordinance shall take effect upon the fifth day following date of publication.

SECTION XXVIII: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017, by the City Council of the City of McCleary, and signed  
in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_,  
2017.

CITY OF McCLEARY:

\_\_\_\_\_  
BRENT SCHILLER, Mayor



ATTEST:

\_\_\_\_\_  
WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON     )  
  : ss.  
GRAYS HARBOR COUNTY     )

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number \_\_\_\_\_ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number \_\_\_\_\_, as it was published, is on file in the appropriate records of the City of McCleary.

\_\_\_\_\_  
WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by WENDY COLLINS.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF  
WASHINGTON, Residing at:  
My appointment expires:

ORDINANCE -C- 54  
05/09/2017  
DG/1e

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98557

## **STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun., Director of Public Works  
Date: May 5, 2017  
Re: ROW Administrative settlement policy and LPA-003

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Attached is the LPA-003 form and proposed policy for Right of Way (ROW) Administrative settlements. This is part of the ROW requirements we have to have for our 3<sup>rd</sup> Street project.

### **Action Requested:**

If in agreeance, please allow the Mayor to sign the ROW Administrative settlement policy and the LPA-003 form

**Appendix B**

**City of McCleary**

**Administrative Settlement Procedures pertaining to Right of Way  
Acquisition Procedures**

Administrative Settlements that are in excess of just compensation shall be prepared by the Acquisition Agent for review by the Program Administrator, Director of Public Works, Todd Baun.

When deemed complete the administrative settlement shall be submitted for approval by the McCleary City Council prior to dispensation.

Approved By:

\_\_\_\_\_ - Mayor

\_\_\_\_\_ -Date

**WAIVER OF APPRAISAL PROCEDURE**

The City of McCleary, hereinafter referred to as “AGENCY”, desiring to acquire Real Property according to 23 CFR, Part 635, Subpart C and State directives, and desiring to take advantage of the \$25,000.00 appraisal waiver process approved by the Federal Highway Administration (FHWA) for Washington State, hereby agrees to follow the procedure approved for the Washington State Department of Transportation (WSDOT) as follows:

Rules

- A. The AGENCY may elect to waive the requirement for an appraisal if the acquisition is simple and the compensation estimate indicated on the Project Funding Estimate (PFE) is \$25,000.00 or less including cost-to cure items. A True Cost Estimate shall not be used with this procedure.
- B. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers \$10,000 or less.
- C. The AGENCY must make the property owner(s) aware that an appraisal has not been completed on the property for offers over \$10,000 and up to \$25,000, and that an appraisal will be prepared if requested by the property owner(s).
- D. Special care should be taken in the preparation of the waiver. As no review is mandated, the preparer needs to assure that the compensation is fair and that all the calculations are correct.

Procedures

- A. An Administrative Offer Summary (AOS) is prepared using data from the PFE.
- B. The AOS is submitted to the Director of Public Works, Todd Baun for approval.
- C. The Director of Public Works, Todd Baun signs the AOS authorizing a first offer to the property owner(s).

AGENCY

APPROVED:

By: \_\_\_\_\_ Mayor

\_\_\_\_\_  
Local Programs Right of Way  
Manager

Date: \_\_\_\_\_

**STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun- Director of Public Works  
Date: May 5th, 2017  
Re: Purchase of Utility Tractor with Attachments

---

We budgeted \$30,000 to purchase a new utility tractor in 2017. This is to replace the old utility tractor that we surplused in 2015. I have been searching on the WA state contract for a utility tractor for purchase. I have found what I think is the best fit for the City. It's a brand new machine that is off the state contract. The utility tractor with attachments bid comes in at \$26,492.65.

This tractor will be coming out of several budgets and will be used for various tasks in the park, cemetery, storm ponds, and on several properties that we own and maintain.

**Action Requested:**

Per Washington State contract #10212 and #00816. Please approve the purchase of the utility tractor with attachments in the estimate from Jennings Equipment Inc. The total cost will be \$26,492.65 with tax included.



## **HAROLD LEMAY ENTERPRISES, INC.**

4201 Olympic Hwy, Aberdeen, WA 98520

**Phone 360-533-1251**

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December 13, 2016

Mayor and Council Members  
City of McCleary  
100 South 3<sup>rd</sup> Street  
McCleary, WA 98557

Re: 30 Gallon Service

Dear Mayor Schiller and Council Members,

The Company would like your consideration in changing the 30 gallon monthly service. At this time the contract reads 65 gallon with a 30 gallon insert monthly. We would like to ask that this be changed to 30 gallon monthly service.

With this change we would use a smaller 30 gallon cart instead of the larger 65 gallon cart with a 30 gallon insert. This we feel would be a huge benefit for the cities residents. The 30 gallon carts would be much easier for the elderly and physically impaired customers.

With the acceptance of this change and after the Company is able to purchase the above mentioned, 30 gallon carts. The company would supply new starts or service change with the smaller 30 gallon carts. We would also change out the existing accounts that are using the 65 gallon carts with insert as needed.

If you have any questions or would like to discuss the change, we would be happy to meet at your convenience. I can be reach at (360) 533-8286 or [rogers@wasteconnections.com](mailto:rogers@wasteconnections.com). It's always a pleasure working with you.

Your consideration is appreciated.

Sincerely,

Roger Swalander  
Lemay Aberdeen – Site Manager  
Cc: Jeff Harwood, Tom Rupert, Delroy Cox

## **STAFF REPORT**

To: Mayor Schiller  
From: Todd Baun, Director of Public Works  
Date: May 5<sup>th</sup>, 2017  
Re: TIB Repair Grant

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The Transportation Improvement Board has approved funding for a one-time 2017 Emergency Repair Program in recognition of state and local emergency proclamations regarding severe winter weather. The program is limited to grants up to \$50,000. Our City does not require any match for this grant.

### **Action Requested:**

We have several areas that need repair that fall under the requirements of this grant. Please allow the Mayor to sign the TIB grant application for the Emergency Repair Program.



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO GOVERNMENTAL OPERATION, REPEALING VARIOUS SECTIONS OF CHAPTER 8.16 MMC, AMENDING AND ADDING NEW SECTIONS TO CHAPTER 8.16 MMM, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

**R E C I T A L S:**

1. The City staff have undertaken a review of various problems in relation to encouragement of proper maintenance of properties within the City.

2. As a result, it has been found appropriate to update various portions of the Municipal Code relating to such matters.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY:

SECTION I: Section 8.16.010 is amended to read as follows:

1. General Standard for Interpretation:

A. Unless otherwise expressly stated or the context otherwise requires, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

B. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies

2. Definitions:

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy the condition in question by such means and in

such a manner and to such an extent as the enforcement officer determines is necessary in the interest of the general health, safety and welfare of the community.

B. "APPROVED" means, approved by the public works director, enforcement officer or designated person.

C. "CONDEMN" means, to adjudge unfit for occupancy or use.

D. "Officer," "enforcement officer," or "designated person": the Public Works Director, Police Chief or his/her designee, is charged with the administration and enforcement of this code.

E. "EXTERIOR PROPERTY" means, the open space on the premises and on adjoining property under the control of owners or operators of such premises.

F. "EXTERMINATION" means the control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison, spraying, fumigating, and trapping or by any other approved pest elimination methods.

G. "Fire hazard" means anything or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which may obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

H. "IMMINENT DANGER" means, a condition which could cause serious or life-threatening injury or death at any time.

I. "INFESTATION" means the presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

J. "INOPERABLE MOTOR VEHICLE" means a vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of

disrepair, or incapable of being moved under its own power, including but not limited to automobile, trailer, truck, or other such vehicle, or any vehicle hulk, motorcycles, snowmobiles or other motorized recreational vehicles.

K. "LET FOR OCCUPANCY OR LET" means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

L. "MMC" means, McCleary Municipal Code.

M. "Noxious Weed" means a plant identified as such upon the listing developed by the Grays Harbor County Noxious Weed Board.

N. "OCCUPANT" means, any individual living or sleeping in a building, or having possession of a space within a building and/or any person who has charge, care or control of a structure or premises and/or a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

O. "STRICT LIABILITY OFFENSE" means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

P. "STRUCTURE" means that which is built or constructed or a portion thereof.

Q. "Junk" includes, but is not limited to, all motor vehicles not currently licensed, old or unusual motorized or nonmotorized vehicle or vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances, or parts thereof, old iron or other metal, glass, paper, lumber, wood, or other waste or discarded material.

R. "Person" means a natural person, firm, partnership, association or corporation, whether he is acting for himself or as representative or agent of another.

~~B. "Person in charge of property" means an agent, lessee, contract purchaser or other person having possession or control of property or the supervision of any construction project.~~

S. "OWNER" means, any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

T. "Person responsible" means:

1. (~~The owner;~~
2. ~~The person in charge of property, as defined in subsection B of this section;~~
3. ~~The person who caused to come into or continue in existence a nuisance as defined in the ordinance codified in this chapter or another ordinance of this city.))~~

1. The owner, as defined in subsection O of this section;

2. The owner and/or occupant who caused to come into or continue in existence a violation in the ordinance codified in this chapter or another ordinance of this city.

U. "Premises" means and includes property, landscaping, plantings, trees, bushes, fences, buildings, fixtures and exterior storage of personal property, equipment, supplies and vehicles, including any structures thereon.

V. "Public place" means a building, public street, alley or right-of-way, place or accommodation, whether publicly or privately owned, open and available to the general public.

~~E. "Premises" means and includes property, landscaping, plantings, trees, bushes, fences, buildings, fixtures and exterior storage of personal property, equipment, supplies and vehicles.~~

~~F. "Officer," "enforcement officer," or "designated person": the officer or designated person for the purpose of the ordinance codified in this chapter shall mean either the public works director or police chief, as may be applicable under the circumstances and subject to the provisions of RCW 35A.12.100.~~

W. "Nuisance": unless the context of the use of the term in a particular section or the specific language of this code otherwise provides or requires, for purposes of this code a "nuisance" or a "public nuisance" consists in an occupation, use of property, a thing, unlawfully doing an act, or omitting to perform a duty, which occupation, use, thing, act or omission:

1. Unreasonably annoys, injures or endangers the comfort, repose, health or safety of the public or others; or

2. Unreasonably offends decency; or

3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage or use, any lake, stream, canal or basin, or any public park, square, street, alley or highway; or

4. In any way renders other persons unreasonably insecure in life or the use of property; or

5. Unreasonably obstructs the free use of property so as to essentially interfere with the comfortable enjoyment of life and property.

SECTION II: There shall be added to Chapter 8.16 a new section to read as follows:

A. GENERAL PRINCIPAL OF LIABILITY: Principal of Liability:

Every successive owner of property who neglects to abate any continuing nuisance upon or in the use of such property caused by a former owner, is liable therefor in the same manner as the owner who created it.

B. Administration.

1. The enforcement officer charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The enforcement officer or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any officer of the department of property maintenance inspection, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

2. The enforcement officer shall enforce the provisions of this code and shall have authority as necessary in the interest of public health, safety and general welfare, to

adopt and promulgate rules and procedures; to interpret and implement the provisions of this code; to secure the intent thereof; and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering methods involving public safety.

3. The enforcement officer shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

4. The enforcement officer shall issue all necessary notices or orders to ensure compliance with this code and shall keep records of all notices or orders specified in the provisions of this code.

SECTION III: Section 8.16.020 is amended to read as follows:

PUBLIC NUISANCE: DEFINITION & ENFORCEMENT

A. General Definitions of Public Nuisance.

Every act unlawfully done and every omission to perform a duty, which act or omission:

1. Unreasonably annoys, injures or endangers the safety, health, comfort or repose of the citizens of the city;

2. Unlawfully interferes with, distracts, or tends to obstruct or renders dangerous for passage, a public park, street, alley, highway or other public area; or

3. In any way renders any citizens of the city insecure in life or use of property, shall constitute a public nuisance.

B. Specific Violations.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the enforcement officer determines that any of these conditions exist upon any premises or structure, the enforcement officer may require or provide for the abatement thereof pursuant to this chapter.

1. The construction, maintaining, using, placing, depositing, causing, allowing, leaving or permitting to be or remain in or upon any private or public lot, building, structure, or premises, on, in or upon any street, avenue, alley, park, parkway, or other public or private place in the city, any one or more of the following places, conditions, things or acts to the prejudice, danger or annoyance of others:

2. Accumulations of manure, rubbish or other solid waste: provided that, a compost pile so covered or concealed as not to affect the health, safety or value of adjacent property shall not be so deemed.

3. The presence of insect or rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation. The owner of any structure shall be responsible for extermination in the public or shared areas of the property. The occupant shall be responsible for the continued rodent and pest-free condition of the premises.

4. Limbs or trees overhanging a public sidewalk which are less than nine feet above the surface of said sidewalk or overhanging a city street which are less than fourteen feet above the surface of said street.

5. Any violation of the McCleary Municipal Code which



results in a violation of the conditions set forth in the general definitional section.

6. Causing or allowing garbage, waste, refuse, litter, debris, or other offensive materials, to be collected or deposited, or to remain in any place in the city, to the reasonable annoyance of any person, unless otherwise permitted by law.

7. Premises or residences:

a. Which are in such a state of decay as to cause an offensive odor, or

b. Which are in an unsanitary condition, or

c. Which create or constitute an unreasonable risk of fire or public safety hazard for adjoining property owners, whether public or private.

8.

Alternative #1: "The presence upon premises and exterior property of weeds in excess of \_\_\_ inches of height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses."  
"

Alternative #2: Overgrown, unkempt vegetation of any type, including grasses and weeds more than \_\_\_ inches in height, shrubs, brush, trees, and vines, including vegetation which may pose a fire hazard, harbor rodents or attract transient activity.

If the occupant and/or owner fails or neglects to destroy and remove noxious weeds and rubbish, after notice as issued, the city may go upon or authorize and direct the proper offices to go upon the premises, cut and remove therefrom, noxious weeds and rubbish. Thereafter the jurisdiction shall

institute appropriate action against the owner of the premises or structure for the recovery of such costs.

9. Ponds or pools of stagnant water except those areas of wetlands as designated by city, federal or state laws, rules or regulations;

9. Privies, vaults, cesspools, sumps, pits, or like places which are not securely protected from flies and rats or which are foul or malodorous;

10. All unused, abandoned or discarded refrigerators, ice boxes, or like containers which are left in any place exposed or accessible to children; or any water closet, bathtub, or other appliance;

11. All places not properly fenced which are used or maintained as junkyards or dumping grounds, or for the wrecking, disassembling, repair or rebuilding of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to unreasonably impact or interfere with the comfortable enjoyment of life or property by others.

~~A. Deposit, keep or leave or to permit to be deposited, kept or left in any place accessible to children, or in any place viewable from a public street or alley, any abandoned, unused, unlicensed, nonrunning or discarded automobile, trailer, truck, or other such vehicle, or any vehicle hulk or any part thereof. For the purposes of this subsection, "abandoned, unused, nonrunning" refers to a vehicle which is not movable under its own power and which has been in a stationary position for more than fourteen days.~~

12. Vehicles of Certain Classifications:

A. Except as specifically authorized in other regulations, including subsection B,

1. No inoperable motor vehicle shall be deposited, kept, left or permitted to be deposited, kept or left in any place accessible to children, nor in any place viewable from a public street or alley,

2. Unless kept within a structure or similarly enclosed are approved for such use, no inoperative, abandoned, unused, non-running or discarded inoperable motor vehicle, or other such vehicle, or any vehicle hulk or any part thereof, shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, damaged to the extent it prevents normal operation, or in the process of being stripped or dismantled.

3. Painting of vehicles is prohibited unless conducted inside an approved spray booth, or disassembling, repair or rebuilding of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind or of any of the parts thereof.

B. A vehicle of any type or condition is permitted to undergo repair or overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

This section shall not apply to junk kept in a duly licensed junkyard, automobile wrecking yard, automobile sales lot or automobile repair shop.

The term "junk" as used in this section includes all motor vehicles not currently licensed, old or unusual motorized or nonmotorized vehicle or vehicle parts, abandoned automobiles, old machinery, old machinery parts, old appliances, or parts thereof, old iron or other metal, glass, paper, lumber, wood, or other waste or discarded material;

13. The depositing or burning of or causing to be deposited or burned in any street, alley, sidewalk, park, parkway, or other public place which is open to travel, any hay, straw, grass, grass clippings, papers, wood, boards, boxes, leaves, manure, or other rubbish or material except by permission of the fire marshal;

14. The existence of any dead, diseased, infested or dying tree that may constitute a danger to property or persons. No tree on property which abuts upon a street or public sidewalk shall interfere with street or sidewalk traffic;

15. All shrubs, bushes, trees or vegetation which have grown and are in such a condition, whether as the result of size, flammability or state of decay, constitute a fire hazard;

16. Any tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire, pipe, metal articles, plaster, and all other trash or abandoned material, unless the same is kept in covered bins or metal receptacles approved by the director of public works and further except for recyclables kept in approved containers;

17. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding accessories, packing hay, straw, or other packing material, scrap iron, tin, pipe, and other metal not neatly piled;

18. Lumber, roofing or siding materials, logs, or pilings not so stacked, piled or arranged as to be free from being dangerous to or/and accessible to children;

19. Any of the following not properly secured from access by the public: provided that the building official shall have concurrent jurisdiction in relation to any covered structures:

- a. Any unsightly or dangerous building, billboard, or other structure, or
- b. Any abandoned or partially destroyed building or structure, or
- c. Any building or structure commenced and left unfinished for a period of more than six months from the date of the issuance of any applicable building permit.

20. Repair upon the public streets, alleys or other public property of the city of any automobile, truck, or other motor vehicle or any other device required to possess a license issued by the Department of Motor Vehicle/Licenses of this state or the state of its registration except for emergency repairs not to exceed forty-eight hours in any seven-day period and only so long as it is so located as to not constitute a hazard or unreasonable interference to pedestrian or motor vehicle travel.

21. Any putrid, unsound or unwholesome bones, meat, hides, skins, skeletons, or other whole or part of any dead animal, fish or fowl, butcher's trimmings and offal, or any waste, vegetable or animal matter, in any quantity, garbage, human excreta, or other offensive substance, provided nothing contained in this chapter shall prevent the temporary retention of waste in receptacles in the manner approved by the director of public works of the city or the local disposal company.

22. Except to the extent allowed by the lawful terms of a permit issued by the governmental authority having jurisdiction thereof, burning or disposal of refuse, sawdust, or other material in such a manner to cause or permit ashes, sawdust, soot or cinders to be cast upon the streets or alleys of the city, or to cause or permit dense smoke, noxious fumes, ashes, soot or gases arising from such burning to become annoying or injurious to the health, comfort or repose of the general public.

23. The existence of any vines, plants growing into or over any street, sidewalk, public hydrant, pole or electrolier, or the existence of any shrub, vine or plant, growing on, around, or in front of any hydrant, stand pipe, sprinkler system connection, or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto, or obstruct or interfere with the proper diffusion from the light from any street lamp, or obstruct the vision of vehicle or pedestrian traffic.

24. Any poisonous or harmful substance which is reasonably accessible to persons or to animals.

25. The existence of any fence or other structure or thing on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed, or other dilapidated or unsafe condition.

26. Poultry which create a nuisance.

27. To dispose of animals within the city.

28. All trees, hedges, billboards, fences, or other obstructions which prevent persons from having a clear view of traffic approaching an intersection from cross streets in sufficient time to bring a motor vehicle driven at a reasonable speed to a full stop before the intersection is reached;

29. All explosives, inflammable liquids, and other dangerous substances stored in any manner or in any amount other than that provided by ordinance;

~~30. ((Maintaining within or allowing to be maintained, procuring or keeping within the city any dangerous animal. For purposes of this chapter, a dangerous animal shall mean any animal, other than the common household cat or dog or native bee, that is capable of killing or seriously injuring a human being, whether such injury be inflicted by the utilization of venom, constriction, claw, bite, or otherwise: provided that, this provision shall not apply so long as the animal is located within a facility such as a zoo or wildlife refuge owned and operated by a governmental agency or a nonprofit entity recognized as such under the laws of the state of Washington and the Internal Revenue Code of the United States of America or within a properly licensed veterinary hospital where such animal is confined temporarily for treatment;))~~

For any person to obstruct or encroach upon public highways, streets, private ways, alleys and ways open to the public, including cemeteries, or to unlawfully obstruct or impede the flow of municipal transit vehicles, as defined in RCW 46.04.355, as now existing or hereafter amended or succeeded, or passenger traffic, or to otherwise interfere with the provision or use of public transportation services, or obstruct or impede a municipal transit driver, operator, employee or supervisor in the performance of that individual's duties.

31. For any person to erect, continue or use any building or other structure or place for the exercise of any trade, activity, employment or manufacture, which, by occasioning obnoxious, hazardous or toxic exhausts or emissions, offensive smells, or otherwise, is offensive or dangerous to the health of individuals or the public;.

32. For any person to cause or allow the obstruction of or impeding, without legal authority, of the passage or flow of any stream, canal or body of water;

33. Any place wherein intoxicating liquors or controlled substances are kept for unlawful use, sale or distribution.

Query: Do you wish to have the three following sections added? If so, the new provisions proposed in 8.16.020 (11) and (12) would appear to be redundant.

SECTION IV. A new section shall be added to Chapter 8.16 to read as follows:

A. Wrecked, dismantled or inoperative vehicles - prohibited activity.

1. No person may park, store or abandon a wrecked, dismantled or inoperative vehicle, or part thereof on private property, except where the following conditions apply:

a. A vehicle or vehicle part is completely enclosed within a building in a lawful manner where it is not visible from the street or from other public or private property; or

b. A vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed auto repair business or licensed vehicle dealer and is fenced as required by state law.

B. Violation Notice required.

1. Whenever a vehicle has been determined to be a wrecked, dismantled or inoperative vehicle or as an abandoned vehicle, the last registered vehicle owner of record and the land owner of record where the vehicle is located shall each be given notice by certified mail that a hearing may be requested before the hearing examiner. If no hearing is requested within ten days



from the certified date of receipt of the notice, the vehicle shall be removed by the city.

2. If a request for hearing is received within ten days, a notice giving the time, location and date of the hearing on the question of abatement and removal of the vehicle or vehicles shall be mailed by certified or registered mail, with five-day return receipt requested, to the land owner as shown on the last equalized assessment roll and to the last registered and legal owner of record of each vehicle unless the vehicle identification numbers are not available to determine ownership.

C. Determination of responsibility.

1. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written sworn statement in time for consideration at the hearing. The owner may deny responsibility for the presence of the vehicle on the land stating the reason for such denial. If it is determined by the hearing examiner that the vehicle was placed on the land without consent of the land owner and that the land owner has not subsequently acquiesced in its presence, then costs of administration or removal of the vehicle shall not be assessed against the property upon which the vehicle is located nor otherwise be collected from the land owner.

2. Nothing in this chapter shall relieve the landowner of any civil penalties which may accrue from any code violation related to the improper placement, parking or storage of vehicles or parts thereof to which the landowner has consented or acquiesced.

D. In addition to determination of responsibility as provided for in paragraph C, the hearing examiner shall receive and examine evidence on other relevant matters, including whether a public nuisance as defined in this chapter exists. The decision

of the hearing examiner shall be final but shall be subject to appeal as provided in Section 17.40.090 MMC.

E. Abatement and removal authorized: The city may remove any abandoned, wrecked, dismantled or inoperative vehicle, automobile hulk or part thereof, after complying with the notice requirements of sub-paragraph B. The proceeds of any such a disposition shall be used to defray the costs of abatement and removal of any such a vehicle, including costs of administration and enforcement.

E. Costs of abatement and removal.

1. The costs of abatement and removal of any such vehicle or remnant part, including costs of administration and enforcement, shall be collected from the last registered vehicle owner if the identity of such owner can be determined, unless such owner in the transfer of ownership thereof has complied with RCW 46.12.101.

2. If the vehicle owner cannot be established, the costs of abatement and enforcement shall be collected from the land owner on which the vehicle or remnant part is located, unless the landowner has shown as provided in sub-paragraph C.1 that the vehicle or remnant part was placed on such property without the landowner's consent or acquiescence.

F. Costs of administration for the removal and disposal of vehicles or remnant parts may be recovered according to the lien and personal obligation provisions as provided in this chapter.

SECTION IV. Section 8.16.030 MMC is amended to read as follows:

A. Bases of Liability:

1. It is unlawful for any responsible person or owner to create, permit, maintain, suffer, carry on or allow upon any premises any of the acts or things declared by the ordinance codified in this chapter to be a public nuisance.

2. Every successive owner of property who neglects to abate any continuing nuisance upon or in the use of such property caused by a former owner, is liable therefor in the same manner as the owner who created it.

SECTION V: There shall be added to Chapter 8.16 a new section to read as follows:

A. The owner of the premises shall maintain the structures, premises and exterior property in compliance with these requirements, ~~except as otherwise provided for in this code.~~ A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

B. It shall be unlawful for the owner of any dwelling unit or structure who has received a notice and order or upon whom a notice and order has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice and order has been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice and order issued by the enforcement officer and shall furnish to the enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice and order and fully

accepting the responsibility without condition for making the corrections or repairs required by such notice and order.

C. It is unlawful for any person to enter any unoccupied building and commit a nuisance therein.

SECTION VI: Section 8.16.040 shall be amended to read as follows:

**Enforcement-Notice.**

- ~~1. The enforcement officer, upon receiving a written complaint from any neighbor, person, citizen or other source, or becoming aware that a nuisance may exist, shall investigate the complaint or information with all reasonable dispatch.~~
- ~~2. The enforcement officer, upon finding any condition in violation of the ordinance codified in this chapter, shall cause any owner or other responsible person to be notified in writing of the existence of the public nuisance, including posting of a notice on the premises where the nuisance exists, directing the owner and occupant of the property to abate the condition within ten calendar days after notice or other reasonable period. If not personally served, the written notice shall be mailed to the last known address of the owner or other responsible person, with copies being transmitted by first class post and certified mail.~~
  - ~~A. At the time of posting, if in the determination by the enforcement officer said property appears abandoned, a copy of such notice shall be forwarded by certified mail to the legal owner or designated guardian, postage paid, and if known or disclosed from official public records of the tax assessor's office, to the holder of any other legal interest~~

~~in the building or land created by contract, deed of trust,  
mortgage or deed.~~

A. The enforcement officer having knowledge of any public nuisance shall cause any property owner and occupants to be notified in writing of the existence of a public nuisance on the premises and shall order the owner and occupants to abate the violation within a reasonable period of time. The notice shall be served either personally or by first class and certified mail with return receipt requested.

B. If the condition is not corrected and the violation continues following the time frame indicated in 8.16.040 (1), the enforcement officer shall be authorized to issue and serve a notice of infraction to the owners or persons in control of the subject property,

C. If the condition is not corrected and the violation continues following the notice of infraction or infractions, posting of a notice on the premises where the nuisance exists, directing the owner or occupants in charge of the property to abate the condition within the time given. If not personally served, the written notice shall be mailed at the address of record at the Grays Harbor County assessor's office, or at the discretion of the enforcement officer to such other person in control of the subject property owner or other responsible person, transmitted by first class post and certified mail.

C. The notice shall be substantially in the following form:

NOTICE TO ABATE UNSAFE OR UNLAWFUL CONDITION

(Name and address of person notified)

As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or premises \_\_\_\_\_ you are hereby notified that the undersigned, pursuant to Ordinance Number/Code Section \_\_\_\_\_ of the City of McCleary has determined that there exists upon or adjoining said premises the following condition contrary to the provisions of subsection \_\_\_\_\_ of Ordinance Number/Code Section \_\_\_\_\_.

You are hereby notified to abate or correct said condition to the satisfaction of the undersigned within ten (10) days of the date of this notice. If you do not abate, correct or appeal such condition within ten (10) days, the City may without further notice to you abate the condition at your expense.

Dated: \_\_\_\_\_.

By

(Name of Enforcement Officer)

SECTION VI: Section 8.16.040 shall be amended to read as follows:

Appeal Process: Within the time allowed after posting and mailing of such notice, as provided in Section 8.16.040 of this chapter, the person responsible shall remove the nuisance or within the same ten-day time period show to the reasonable satisfaction of the enforcement officer that no nuisance exists unless an appeal/protest is taken as provided in this section.

A. An owner or person responsible protesting that no nuisance exists shall file with the public works director a written statement which shall specify the basis for so protesting within the ten-day period allowed for removal pursuant to Section

8.16.040. The statement shall set out with reasonable specificity the factual matters which are the basis of the protest.

B. The statement shall be referred to the mayor for administrative review. In undertaking such a review, the mayor shall consider such materials as are within the file, including those submitted by the party protesting the decision. The mayor may also undertake a personal view of the site or condition at issue. If determined necessary and appropriate by the mayor, an informal conference may be held at which the protestor and all other interested parties and persons may present such factual and legal information as is determined relevant by the mayor. Following such administrative review, the mayor shall determine whether or not a nuisance in fact exists, and the determination shall be issued in writing, shall be entered in the official records of the city, and a copy provided to the appellant. An administrative review shall be required only in those instances where a written statement has been filed as provided within this section. The decision issued by the Mayor shall be subject to judicial review as provided by RCW 36.70C.

C. If the administrative review determines that a nuisance does in fact exist and no appeal is timely filed, the person responsible shall, within the time specified after the administrative determination, abate the nuisance.

If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance, and for the costs incurred by the city in abating the nuisance.

If, within the time allowed, the nuisance has not been abated by the person or persons responsible, the city may cause the nuisance to be abated.

SECTION VII: Sections 8.15.050, 8.16.090, 8.16.100, and 110 shall be repealed.

~~8.16.050 Nuisance by animals.~~

~~It is declared to be a nuisance and unlawful for any owner, keeper or walker of any dog or cat to permit his or her dog or cat to discharge such animal's excreta upon any public or private property, other than the property of the owner of any dog or cat, within the city if such owner, keeper or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.~~

~~8.16.090 Unattended machinery.~~

~~It is a nuisance and unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.~~

~~8.16.100 Unoccupied buildings to be closed.~~

~~Every agent or owner of any unoccupied building in the city shall keep the same securely closed at all times against persons who may enter and commit a nuisance therein.~~

~~(Ord. 308 § 12, 1973)~~

~~8.16.110 Nuisance in unoccupied building.~~

~~It is unlawful for any person to enter any unoccupied building and commit a nuisance therein.~~

**SECTION VIII:** A new section shall be added to Chapter 8.16 to read as follows:

ORDINANCE -C- 24  
05/09/2017  
DG/le

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98557



Unsafe equipment, machinery

A. It is a nuisance and unlawful for any person, firm or corporation to permit any construction, compaction, earth-grading or farm machinery which is self-propelled and moves upon the surface of the earth, and which is owned or controlled by him to stand for any period of time unattended without locking the ignition system or otherwise rendering said machinery inoperable so as to prevent any person unauthorized by the owner or individual in control thereof from starting said machinery.

B. For purposes of this section, the term "unsafe equipment" includes, but is not limited to, any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or property or safety of the public or occupants of the premises or structure.

SECTION IX: A new section shall be added to Chapter 8.16 to read as follows:

Unsafe, unlawful, unfit structure.

A. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe

or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

B. A structure is unfit for human occupancy whenever the enforcement officer finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary, heating, drinking or other essential equipment, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

C. An unlawful structure is one found in whole or in part to be occupied by more persons, or was erected, altered or occupied contrary to the McCleary Municipal Code.

D. When a structure or equipment is found by the enforcement officer to be unsafe, or when a structure is found unfit for human occupancy, or when a structure is found be unlawful, such structure shall be condemned pursuant to the provisions of this Chapter.

SECTION X: A new section shall be added to Chapter 8.16 to read as follows:

**Structures, buildings and premises.**

The owner of the premises shall maintain the structures, premises and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this code. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe

condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

B. Requirements:

1. Every agent or owner of any unoccupied building in the city shall keep the same securely closed at all times against persons who may enter and commit a nuisance therein.

2. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

3. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Is subsection 4 subject to reasonable interpretation and enforcement?

4. All fences shall be constructed with materials which designed for its purpose.

The matter set forth in #5 is already dealt with in Chapter 12.08. Does it need to present here as a nuisance?

5. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

6. All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

7. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

8. All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant and/or owner shall keep that part of the exterior property which such occupant and/or owner occupies or controls in a clean and sanitary condition.

The first section of 9 is already dealt with in the criminal code and the violator is not going to be charged with a nuisance but rather malicious mischief..

Should this section be modified to deal only with the duty to correct such action?

9. No person shall damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

10. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

11. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition.

12. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

13. All overhang extensions including, but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

14. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

**Is 15 really something which should be in a nuisance code or even subject to city mandate?**

15. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 m<sup>2</sup>) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 m<sup>2</sup>) of floor area for each occupant thereof.

16. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

17. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

18. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight.

19. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall

be stabilized and coated to inhibit future rust and corrosion.

20. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

21. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

**If you desire to implement the following section, I have inquired of Paul as to what height mandate is present in some other code since this provision does not provide one. In Arizona, the normal requirement is 5 feet.**

22. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool

side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

23. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.

24. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the enforcement officer shall require the defects to be corrected to eliminate the hazard.

25. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

26. Dwellings shall be provided with permanently installed, safe, functioning heating facilities and an



approved power or fuel supply system capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating.

27. All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

C. Enforcement: When the enforcement officer finds a violation to exist, the enforcement officer will follow the provisions set forth in MMC 8.16.040 unless otherwise deemed as provided in Section IX of this ordinance.

SECTION XI: Section 8.17.170 shall be repealed.

~~8.16.170 Keeping of animals.~~

~~A. Any person, firm or corporation is prohibited from keeping or sheltering animals in such a manner that a condition resulting from same shall constitute a nuisance.~~

~~B. In populous districts, stable manure must be kept in a covered watertight pit or chamber and shall be removed at least once a week during the period from April 1st to October 1st and, during the other months, at intervals sufficiently frequent to maintain a sanitary condition satisfactory to the health officer.~~

~~C. Manure shall not be allowed to accumulate in any place where it can prejudicially affect any source of drinking water.~~

SECTION XII: A new section shall be added to Chapter 8.16 to read as follows:

Property on City Right of Way:

I question that subsection A should be present in a nuisance ordinance. If desired, perhaps place it in Chapter 12.04 but should be reviewed with care by Director Baun.

A. The abutting property owner is required to maintain all property outside the lot lines and property lines and inside the curblines or the traveled portion of the public streets, alleys or sidewalks.

B. All property left on the public right-of-way as a result of an eviction or a forcible entry and detainer or unlawful detainer action shall be deemed abandoned and is hereby declared a public nuisance.

C. Any items which remain on the public right-of-way of any street, alley or sidewalk for a period of forty-eight hours , including but not limited to any personal or household items, furniture, appliances, machinery, equipment, building materials, or other items shall be deemed abandoned and to constitute a public nuisance subject to removal by the city with or without notice.

D. The costs of abatement may be assessed against the abutting real estate from which the nuisance was abated for collection in the manner provided in the provisions in this chapter.

SECTION XIII: There shall be added to Chapter 8.16 a new section to read as follows:

Closing of structures, buildings, equipment, premises.

A. Whenever the enforcement officer has condemned a structure or equipment, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person and/or persons responsible for the structure and/or equipment in accordance with Section XVII of this ordinance. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

B. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, any occupied structure, building or equipment shall be vacated as ordered by the enforcement officer. Any person who shall occupy the premises or operate the equipment, any owner or any person responsible for the premises who shall let anyone occupy the premises or operate the equipment, the premises or equipment, that person shall be and/or shall also be responsible and will be liable for any penalties provided in this chapter.

C. The enforcement officer is authorized to enter the structure and/or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the enforcement officer is authorized pursuant to Section 18 of this ordinance.

D. The enforcement officer is authorized to post, as provided in Section 17 of this ordinance, on the premises and order the structure closed up so as not to be a public nuisance. Upon failure of the owner to

close up the premises within the time specified in the order, the enforcement officer shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any means provided in this chapter.

E. Notwithstanding other provisions of this code, the enforcement officer shall order the necessary work to be done, including the boarding up of openings and/or the fencing of premises, to render such structure/premise temporarily safe.

F. The enforcement officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

SECTION XIV: There shall be added to Chapter 8.16 a new section to read as follows:

Demolition or repair:

A. The enforcement officer shall order, as provided in Section 17 of this ordinance, the owner of any premises upon which is located any structure to take one of the following actions, which in the enforcement officer's judgment, is the most appropriate given the condition of the premises or structure:

1. If so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is

unreasonable to repair the structure, to demolish and remove such structure; or

2. If such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or

3. Where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

B. If the owner of a premises fails to comply with a demolition order, as provided in Section 15, or does not appeal the order pursuant to Section 17.40.090 MMC, the enforcement officer shall cause the structure to be repaired or demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such repair or demolition and removal shall be charged against the real estate upon which the structure is located, the legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises.

C. When any structure has been ordered demolished and removed, the governing body or its designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials, at the highest price obtainable. The net proceeds of such sale, after deducting the expenses

of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

SECTION XV: There shall be added to Chapter 8.16 a new section to read as follows:

Notice to Repair or Demolish:

A. Notice of the issuance of an order to repair or demolish a premises or structure or other enforcement action pursuant to this chapter shall be given as follows:

1. Posting of a notice on the premises where the structure exists, directing the owner or occupants in charge of the property to demolish the structures within the time given.

2. In addition to posting as provided by subparagraph 1, the written notice shall be, if not personally served, mailed at the address of record at the Grays Harbor County assessor's office, or at the discretion of the enforcement officer to such other person in control of the subject property owner or other responsible person, transmitted by first class post and certified mail.

B. The contents of the notice of the order shall be as follows;

Notice to Demolish  
Unlawful and/or Unsafe Structure

Name of Owner  
Or Current Resident  
Address

As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or premises located at, Address, you are hereby notified that the undersigned, pursuant to Chapter 8.16.\_\_\_\_ of the City of McCleary has determined that there exists upon said premises the following conditions contrary to the provisions of that Code:

listing of conditions upon which decision is based

You are hereby notified to Demolish the structure by Time on Date unless an appeal of this decision is filed and served as provided by Section 17.40.090 MMC.

**Enforcement Officer**  
**Of The**  
**City of McCleary**  
**Date**

**SECTION XVI:** Section 8.16.100 shall be and is hereby repealed.

~~8.16.180 Noxious weeds and rubbish Abatement cost if done by city.~~

~~The city, by and through the city council, may, if the person, firm or corporation maintaining the nuisance, fails or neglects to destroy and remove noxious weeds and rubbish, after notice as herein provided, go upon or authorize and direct the proper offices to go upon the premises, cut and remove therefrom, noxious weeds and rubbish, and the costs and expenses thereof shall be charged to and taxed against the property, and recovered as a part of the taxes by special assessment, or may be recovered in a civil action.~~

**SECTION XVII:** There shall be added to Chapter 8.16 a new section to read as follows:

**Notice to Vacate**

A. The issuance of an order prohibiting occupancy of the premises, requiring its immediate vacation and enforcement action pursuant to this chapter shall be carried out as follows.

B. Posting of a notice on the premises where the violation exists, directing the owner or occupants



in charge of the property to Vacate the violation within the time given. The written notice shall be, if not personally served, mailed to the address of record at the Grays Harbor County Assessor's office, or at the discretion of the enforcement officer, to such other person in control of the subject property, the owner or other responsible person, by first class post and certified mail.

C. The contents of the order shall be as follows:

Notice to Vacate  
Unlawful Condition

Name of Owner  
Or Current Resident  
Address

As owner, agent, lessees, or other person occupying or having charge or control of the building, lot, or premises located at, Address, you are hereby notified that the undersigned, pursuant to Ordinance Number. The City of McCleary has determined that there exists upon said premises the following conditions contrary to the provisions of Ordinance Number.  
You are hereby notified to Vacate by Time on Date

Enforcement Officer  
Of The  
City of McCleary  
Date

SECTION 18: There shall be added to Chapter 8.16 a new section to read as follows:

Right of entry: Warrant Basis

In the event the enforcement officer has been denied, refused and/or not obtained entry to any structure, dwelling unit, building, property/premises, and the enforcement officer having reason to examine the structure, dwelling unit, building, or property/premises pursuant to a violation in the MMC, may apply for a warrant for the structure, dwelling unit, building, property, and/or premises.

A. Before a warrant is issued by the judge, the enforcement officer must set forth by affidavit or declaration under oath the ordinance or ordinances upon which he is proceeding, and state the circumstances upon which he is seeking the warrant.

B. If the judge finds that the enforcement officer is proceeding according to the provisions of the Municipal Code and finds appropriate grounds for the issuance of the warrant exists, he shall issue a warrant for the search of the structure, dwelling unit, building, or property/premises.

C. If a warrant is issued, the enforcement officer shall make a return to the court of issuance. The enforcement officer's return shall consist of;

1. An affidavit stating the time of issuance;
2. The time the structure, dwelling unit, building, or property/premises was searched;
3. The mode of service;

- A. Either by serving a copy of the warrant upon the owner of the premises, occupant or other person having charge of said premises;
- B. And posting notice of the warrant upon the property.

SECTION XIX: Sections 8.16.190, 8.16.200, and 8.16.205 shall be and are hereby repealed.

~~8.16.190 Liability for abatement.~~

~~Every successive owner of property who neglects to abate any continuing nuisance upon or in the use of such property caused by a former owner, is liable therefor in the same manner as the owner who created it.~~

~~8.16.200 Nuisances prohibited.~~

~~It is unlawful for any person to erect, contrive, cause, continue, or maintain a nuisance as herein defined or prohibited.~~

~~(Ord. 308 § 22, 1973)~~

~~8.16.205 Abatement by city.~~

~~In all cases where the city has determined to proceed with abatement, the city shall acquire jurisdiction to abate the condition at the person's expense as provided in this chapter. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such persons~~

~~who have been given notice as provided in this chapter. The debt shall be collectible in the same manner as any other civil debt owing to the city. To the extent allowed by law, whether statute, ordinance, rule or regulation, including, but not limited to, the provisions of the Building Code, Fire Code, or Uniform Code relating to the abatement of abandoned or dangerous buildings, it shall become a lien against the property and may be collected in such manner as may be allowed by law.~~

**SECTION XX:** There shall be added to Chapter 8.16 a new section to read as follows:

Abatement by city. In the absence of any provision of Chapter 8.16 governing the matters set forth below, including an order abatement having been issued pursuant to a different provision of Chapter 8.16, the following provisions shall apply:

A. In all cases where the city has determined to proceed with abatement, the city shall acquire jurisdiction to abate the condition at the person's expense as provided in this chapter. Upon the abatement of the condition or any portion thereof by the city, all the expenses thereof shall constitute a civil debt owing to the city jointly and severally by such persons who have been given notice as provided in this chapter. The debt shall be collectible in the same manner as any other civil debt owing to the city. It shall become a lien against the property and may be collected in such manner as provided in this chapter.

B. The enforcement officer shall order the necessary work to be done, including the boarding up of openings and/or the fencing of premises, to render such structure/premise temporarily safe and shall cause such other action to be taken

as the enforcement officer deems necessary to abate such nuisance.

C. For the purposes of this code, the enforcement officer shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

D. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as indicated in the following schedule;

Re-inspection fees may be assessed if work is incomplete, corrections not completed or the allotted time is depleted. All City of McCleary fees shall be established by the City of McCleary Development fee schedule. Fees will be assessed at the hourly charge in minimum fifteen (15) minute increments.

E. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises or structure for the recovery of such costs pursuant to this chapter.

**SECTION XXI:** Sections 8.16.210 and 8.16.215 of the Municipal Code shall be and are hereby repealed.

~~**8.16.210 Abatement by owner or other responsible person.**~~

~~If and when an owner or other responsible person shall undertake to abate any condition described in the ordinance codified in this chapter, whether by order of the enforcement officer or otherwise, all necessary and legal conditions pertinent to the abatement may be imposed by the enforcement officer. It is unlawful for the owner or other responsible person to fail to comply with such conditions. Nothing in the ordinance codified in this chapter shall relieve any owner or~~

~~other responsible person of the obligation of obtaining any required permit to do any work incidental to the abatement.~~

~~8.16.215 Immediate danger Summary abatement.~~

~~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 enforcement officer shall have the authority to summarily and without notice abate the same to the extent and subject to the provisions of applicable law, including by way of representation, RCW 35A.12.100, as now existing, amended or succeeded. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in Section 8.16.205 of this chapter.~~

SECTION XXII: There shall be added to Chapter 8.16

MMC a new section to read as follows:

Immediate danger.

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 enforcement officer shall have the authority to summarily and without notice abate the same to the extent and subject to the provisions of applicable law, including through an available public agency or by contract or arrangement with private persons. The expenses of such abatement shall become a civil debt against the owner or other responsible party and be collected as provided in this chapter.

B. Whenever, in the opinion of the enforcement officer, there is imminent danger due to an unsafe condition, the enforcement officer shall order the necessary work to be done, including the boarding up of openings and/or the fencing of premises, to render such structure/premise temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the enforcement officer deems necessary to meet such emergency.

C. The enforcement officer, upon approval from the public works director, shall have the authority to authorize disconnection of utility service to the building or structure in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. ~~The enforcement officer shall~~ notify the serving utility and whenever possible, the owner and occupant of the building or structure of the decision prior to taking action. If not notified prior to disconnection the owner or occupant of the building or structure shall be notified in writing as soon as practical thereafter.

D. As soon as is reasonably possible, including to the extent possible, notice of the conclusion reached by the Enforcement Officer of the dangerous conditions creating the immediate danger shall be given to the owner, occupant, and/or manager. Such notice shall be given in the manner set forth in Section 17 of this Ordinance.

SECTION XXIII: Section 8.16.220 shall and is hereby amended to read as follows:

Abatement moneys.

~~All moneys collected for abatement purposes, as provided in this chapter, shall be separately stated and itemized by the clerk of the police court in his report to the~~

~~city clerk-treasurer and shall be credited by the city clerk-treasurer to the department or division of the city government which shall be actually employed in the abatement of the nuisance.~~

A. The governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials, at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

B. All moneys collected for abatement purposes, as provided in this chapter, shall be separately stated and itemized by the enforcement officer in his report and shall be credited by the city clerk-treasurer to the department or division of the city government which shall be actually employed in the abatement by the city.

**SECTION XXIV:** Section 8.16.230 shall be amended to read as follows:

Penalty.

~~A. Any person violating any of the provisions of the ordinance codified in this chapter shall be subject to the following penalty or punishments.~~



~~1. In the event of a first violation within any six-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to two hundred fifty dollars.~~

~~2. In the event of a second violation within any six-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to five hundred dollars, one hundred fifty dollars of which may be neither suspended nor deferred.~~

~~3. In the event of a third and subsequent violation within any six-month period, be subject to issuance of a criminal citation, and upon conviction, be guilty of a misdemeanor and, subject to punishment by a fine not to exceed one thousand dollars, two hundred fifty dollars of which shall be neither suspended nor deferred, by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment.~~

~~B. In addition to any other penalty, fine or imprisonment which may be imposed, the court may direct the correction or elimination of the nuisance and in the event the party fails to timely correct, order such correction to be carried out and require the party to pay the costs related to such correction or elimination. In the event that summary abatement has been carried out pursuant to the authority in Section 8.16.215 of this chapter, the costs incurred by the city in so acting may be imposed.~~

A. Any person violating any of the provisions of this chapter shall be subject to the following penalty or punishments:

1. In the event of a first violation within any twelve-month period, be issued a notice of infraction and, upon

a finding of committed, be subject to a penalty of up to two hundred fifty dollars.

2. In the event of a second violation within any twelve-month period, be issued a notice of infraction and, upon a finding of committed, be subject to a penalty of up to five hundred dollars, one hundred fifty dollars of which may be neither suspended nor deferred.

3. In the event of a third and subsequent violation within any twelve-month period, be subject to issuance of a criminal citation, and upon conviction, be guilty of a misdemeanor and, subject to punishment by a fine not to exceed one thousand dollars, two hundred fifty dollars of which shall be neither suspended nor deferred, by imprisonment in jail not to exceed ninety days, or by both such fine and imprisonment. Each day that a violation exists may constitute a separate violation of this chapter.

B. In addition to any other penalty, fine, or imprisonment which may be imposed, the court may direct the correction or abatement of the nuisance and in the event that the party continues to fail to timely correct, order such correction or abatement be performed by the city using any lawful means. The city may enter unsecured property and may remove, correct or abate the nuisance which is subject to abatement. If the person does not consent to entry, the city may seek judicial process from the court, as it deems necessary, to effect the removal, correction or abatement of the nuisance. The costs, including incidental expenses of correcting the violation, may be billed to the owners, persons or occupants in control of the subject property, and if the owners, persons or occupants in control fail to remit payment in a timely manner, the city may file a lien for the cost of any abatement proceedings and all other related and incidental

costs against the real property upon which any of the work of the abatement was performed. A notice of the city's lien, specifying the expenses incurred in abating the nuisance and giving the legal description of the premises sought to be charged, shall be filed with the county auditor within ninety days from the date of the abatement and the same may at any time thereafter be collected in the manner for foreclosure of mechanic's or labor liens under the laws of the state of Washington. In addition to a lien, the debt shall be collectible in the same manner as any other civil debt owing to the city, and the city may pursue collection of the costs of any abatement proceedings under this chapter by any other lawful means, including but not limited to a collection agency. Any person sent a bill or notice of the costs due for an abatement of a nuisance may request a hearing before the court to determine if the costs should be assessed, reduced, or waived. A request for hearing shall be made in writing and filed with the court no later than seven days from the date of mailing of the bill or notice of costs due for the abatement. Each request for a hearing shall contain the address and telephone number of the person requesting the hearing, and shall set out the basis for the appeal. Failure to request a hearing within seven days from the mailing of the bill or notice of costs due for the abatement shall be a waiver of the right to contest the validity of the costs incurred in the abatement of the violation.

**SECTION XXV:** There shall be added to Chapter 8.16 a new section to read as follows:

Injunction as alternative relief.

As an alternative, or in addition to abatement and other proceedings authorized by the Municipal Code, the city

may, at its option, institute civil proceedings as appropriate to enjoin the nuisance.

SECTION XXVI: If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Ordinance should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

SECTION XXVII: This Ordinance shall take effect upon the fifth day following date of publication.

SECTION XXVIII: Corrections by the Clerk-treasurer or Code Reviser. Upon approval of the Mayor and City Attorney, the Clerk-treasurer and the Code Reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors, references to other local, state, or federal laws, codes, rules, or regulations, or ordinance number and section/subsection numbering.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2017, by the City Council of the City of McCleary, and signed  
in approval therewith this \_\_\_\_\_ day of \_\_\_\_\_,  
2017.

CITY OF McCLEARY:

\_\_\_\_\_  
BRENT SCHILLER, Mayor

ATTEST:

\_\_\_\_\_  
WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

\_\_\_\_\_  
DANIEL O. GLENN, City Attorney

STATE OF WASHINGTON     )  
  : ss.  
GRAYS HARBOR COUNTY     )

I, WENDY COLLINS, being the duly appointed Clerk-Treasurer of the City of McCleary, do certify that I caused to have published in a newspaper of general circulation in the City of McCleary a true and correct summary of Ordinance Number \_\_\_\_\_ and that said publication was done in the manner required by law. I further certify that a true and correct copy of the summary of Ordinance Number \_\_\_\_\_, as it was published, is on file in the appropriate records of the City of McCleary.

\_\_\_\_\_  
WENDY COLLINS

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by WENDY COLLINS.

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF  
WASHINGTON, Residing at:  
My appointment expires:

ORDINANCE -C- 54  
05/09/2017  
DG/le

CITY OF McCLEARY  
100 SOUTH 3RD STREET  
McCLEARY, WASHINGTON 98557

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION RECOGNIZING THE CONTRIBUTIONS  
OF TOM HELLER'S SERVICE WITH THE McCLEARY FIRE  
DEPARTMENT.**

**R E C I T A L S:**

1. In January of this year, the City's Fire Department saw two long time members retire from service. One of those members was Thomas "Tom" Heller.

2. Tom began his service as a volunteer with our Fire Department in 1990. During the next twenty-six years, he served the Department and thus the citizens of the City in a variety of roles. Whether it was being present at training sessions, responding to calls for emergency service at fires or medical situations, or simply being a nice person as the Department's membership meetings, Tom was consistently there to do what he could to fulfill the Department's needs.

3. In 2011, the Department created a position of Safety Officer. That was done in recognitions of the dangers the Department's members face in performing their service. Since that time, Tom has carried out his very important task with care and

commitment. Few of us want to be told that how we are doing something is not the correct way. However, as a Department member has indicated, "whenever he observed an issue, he had the best way of approaching the individuals and correcting the situation" thus insuring the safety of not only the Department's personnel on scene but also the citizens. In short, he carried out a difficult task with care and respect.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS BY THE CITY COUNCIL OF THE CITY OF McCLEARY, THE MAYOR SIGNING IN AUTHENTICATION THEREOF:

SECTION I: Upon behalf of all who have benefitted from the volunteer service he has provided over the last twenty-six years, the Council and Mayor wish to express their thanks, appreciation and respect for not only what Tom has done but also how he had done it. We also want to thank Tom's wife, Kim, for tolerating the many hours he was away from the house providing his service to the citizens.

SECTION II: It is our hope that Tom takes advantage the increased amount of free time he has to have fun. We are certain that he will continue to play an active role in the life of our City while enjoying the fact that he no longer has to gently say "maybe you should consider doing this in a little different way."

SECTION III: The Clerk-treasurer shall provide Tom with



a certified copy of this Resolution.

PASSED THIS 10th DAY OF MAY, 2017, by the City Council  
of the City of McCleary, and signed in authentication thereof this  
10th day of May, 2017.

CITY OF McCLEARY:

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BRENT SCHILLER, Mayor

ATTEST:

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WENDY COLLINS, Clerk-Treasurer

APPROVED AS TO FORM:

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DANIEL O. GLENN, City Attorney