

ORDINANCE NO. 1617

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to municipal finance, creating a "Nuisance Property Abatement Fund" in chapter 3.48 DMMC, and codifying a new section in chapter 3.48 DMMC.

**WHEREAS**, the Des Moines City Council, at its Council Retreat on November 15, 2014, established as its Short Term and Long Term Strategic Objectives to "Aggressively remediate nuisance properties", and

**WHEREAS**, the establishment by ordinance of a special purpose fund for the purpose of tracking abatement monies for nuisance properties received from, including but not limited to fines, penalties, agreed orders, voluntary settlement agreements, civil debt collections, and lien foreclosures and settlements shall be dedicated to the abatement of nuisance properties in the City and to the reimbursement of the City's costs and expenses in carrying out the abatement procedures established by law; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** There is hereby established a "Nuisance Property Abatement Fund." The purpose of this fund is to provide for the receipt and expenditure of monies to abate nuisances.

**Sec. 2.** The City Council may provide for initial and ongoing funding of the nuisance property abatement fund as it deems necessary for the effective abatement of nuisance properties. Furthermore, the City Council may provide for the return to the General Fund of any funds previously contributed.

**Sec. 3.** The City Manager shall have the responsibility for the administration of the "Nuisance Property Abatement Fund." The City Manager may establish rules and regulations for the administration of the funds.

**Sec. 4.** Revenue generated from the City's code enforcement of nuisance properties, including but not limited to fines, penalties, agreed orders, voluntary settlement agreements, civil debt collections, applicable administrative fees, and lien foreclosures under the following Chapters of the

Code and any other applicable state statute or City Code shall be dedicated to the abatement of nuisance properties in the City and to the reimbursement of the City's costs and expenses in carrying out the abatement procedures established by law.

**Des Moines Municipal Code**

7.08	Solid Waste Disposal and Collection
7.16	Maximum Environmental Noise Levels
7.32	Junk Vehicles
7.36	Public Disturbance Noises
9.04	Preliminary Articles
9.64	Nuisance
12.05	Use and Maintenance of Public Rights of Way
14.05	Building Code, Additional Requirements and Amendments
14.10	Fire Code, Additional Requirements and Amendments
14.15	Electrical Code, Additional Requirements and Amendments
14.20	Land Filling, Clearing and Grading Code
14.25	Sewage Disposal Systems Code
18.01	Zoning General Provisions

**Revised Code of Washington**

7.48	Nuisances
------	-----------

Eligible expenses shall include all costs for abatement actions, education and outreach beyond the normal scope and budget of the code enforcement division, and one-time expenses associated with a specific case necessary for obtaining compliance.

**Sec. 5. Codification.** Sections 1 through 4 of this Ordinance shall be codified as a new section in chapter 3.48 DMMC, entitled "Nuisance Property Abatement Fund."

**Sec. 6. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 7. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its passage, approval, and publication in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 22nd day of January, 2015 and signed in authentication thereof this 22nd day of January, 2015.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: January 27, 2015

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1617, Adopted January 22, 2015.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to municipal finance, creates a "Nuisance Property Abatement Fund" in chapter 3.48 DMMC, and codifies a new section in chapter 3.48 DMMC.

The full text of the ordinance will be mailed without cost upon request.

Bonnie Wilkins  
City Clerk

Published: January 27, 2015