

**ORIGINAL**

**ORDINANCE 2010 - 23**

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, WASHINGTON, AMENDING  
CHAPTER 9.35 OF THE SUNNYSIDE MUNICIPAL CODE TO  
CORRECT CERTAIN CLERICAL ERRORS**

**WHEREAS**, the City Council adopted Ordinance 2010-19 pertaining to Chronic Nuisance Properties on August 9, 2010;

**WHEREAS**, the City has determined that the Ordinance should to be amended to correct four minor technical errors;

**WHEREAS**, the amendment of Sunnyside Municipal Code sections 9.35.020, 9.35.040 and 9.35.060 is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF SUNNYSIDE, WASHINGTON, as follows:**

**Section 1.** Sunnyside Municipal Code section 9.35.020(F)(1) is hereby amended to read as follows:

F. "Nuisance activity" means:

1. Any of the following activities, behaviors or conduct:
  - a. Harassment offenses as defined in Chapter 9.28 SMC.
  - b. Assault or reckless endangerment as defined in Chapter 9.10 SMC.
  - c. Disorderly conduct as defined in SMC 9.60.010.
  - d. Indecent exposure/conduct and prostitution offenses as defined in Chapter 9A.88 RCW and Chapter 9.62 SMC.
  - e. Liquor-related offenses as defined in Chapters 66.28 and 66.44 RCW and in Chapter 9.26 SMC.
  - f. Littering as defined in Section 9.34.010 SMC.
  - g. Fraud-related offenses as defined in Chapter 9A.60 RCW.
  - h. Possession, manufacture or delivery of a controlled substance or related offenses as defined in Chapter 69.50 RCW.
  - i. Precursor drug-related offenses as defined in Chapter 69.43 RCW.
  - j. Marijuana and drug paraphernalia offenses as defined in Chapter 9.14 SMC.
  - k. Violation of felony drug off-limits orders as defined in Chapter 10.66 RCW.

- l. Gambling-related offenses as defined in Chapter 9.46 RCW and Chapter 9.47 RCW.
- m. Firearms and dangerous weapons offenses as defined in Chapters 9.41 RCW and Chapter 9.20 SMC.
- n. Public disturbance noises as defined in Chapter 9.60 SMC.
- o. Any attempt, solicitation or conspiracy to commit any of the above activities, behaviors or conduct, as defined in Chapter 9.04 SMC.

**Section 2.** Sunnyside Municipal Code section 9.35.040(B) is hereby amended to read as follows:

B. Any person in charge of property that is a chronic nuisance property is in violation of this chapter and subject to the remedies described herein, and to the enforcement procedures, remedies and penalties set forth in Chapters 8.32, 9.02 unless he/she can show that he/she is in compliance with a written plan of action that he/she has entered into with the city to abate the nuisance, as described in Section 9.35.070.

**Section 3.** Sunnyside Municipal Code section 9.35.040(E) is hereby amended to read as follows:

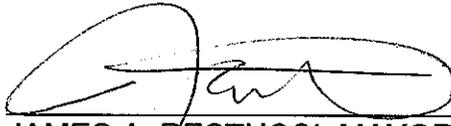
E. It shall be a defense to permitting a chronic nuisance if the person in charge of the property can show that he/she is in compliance with a written plan of action that he/she has entered into with the city to abate the nuisance, as described in Section 9.35.070.

**Section 4.** Except as amended herein, Chapter 9.35 of the Sunnyside Municipal Code shall remain unchanged.

**Section 5.** 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.

**Section 6.** This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 11<sup>th</sup> day of October, 2010.

  
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JAMES A. RESTUCCI, MAYOR

ATTEST:

  
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DEBORAH ESTRADA, CITY CLERK

APPROVED AS TO FORM:



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MENKE JACKSON BEYER EHLIS & HARPER, LLP  
ATTORNEYS AT LAW