Ordinance No. 2423

["Beginning July 1, 1998"]

(Amending or Repealing Ordinances)

Amended by Ord. 3658 (Sec. 15.07.070)
ORDINANCE NO. 2423

AN ORDINANCE of the City of Kent, Washington, relating to landscaping regulations, removing the performance bonding requirements; amending Sections 15.07.030, 15.07.070 Kent City Code and repealing Section 15.08.200 Kent City Code.

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Kent City Code Section 15.07.030 Landscape Performance Bonding, is amended as follows:

Section 15.07.030 Landscape Performance Bonding (Bonding) Requirements

(A. A bond shall be required to guarantee the completion of the landscaping per the approved plan. The bond shall be posted with the City of Kent prior to issuance of the building permit. The bond shall be in the amount of $1.50 per square foot of the required landscape areas.

B. Types of landscape bonds which are acceptable:

1. Cash bond

2. Assignment of savings account

3. Insurance company performance bond

4. Letter of guarantee from lender with attached approved plan

C. Bonding forms shall be as follows:

1. Cash bond: City of Kent cash bond form

2. Assignment of savings: City of Kent bond form

3. Insurance company performance bond: Bond form as prescribed by the bonding company. This form must include the—
-a. The amount of the bond.

-b. The name of the project and address as assigned by the Kent Building Department.

-c. The following statement of purpose:

   "Landscaping required by the City of Kent Zoning Code and in accordance with approved landscape plan on file with the City of Kent."

-d. All applicable signatures.

-e. Name, address and telephone number of the party to whom the bond is to be released.

4. City of Kent lender guarantee form)

   (D) A. Failure to complete all of the required landscaping or any part of it within six (6) months of the building occupancy, issuance of the Certificate of Occupancy or the Planning Department final inspection, shall constitute a zoning violation (and the City shall use the bond to complete the required landscaping under Kent City Code 15.09.100.)

   (B) B. It shall be the responsibility of the project manager or business owner to contact the Planning Department upon completion of the landscaping work and request an inspection.

   C. The Planning Department may inspect the landscaping upon request of the project manager or business owner or at any time after the six month expiration date.

   Section 2. Kent City Code 15.07.070 is amended as follows:

   15.07.070 MAINTENANCE REQUIREMENTS

A. Whenever landscaping is or has been required in accordance with the provisions of this code, any addition or
amendments hereto, or in accordance with the provisions or any
previous code or ordinance of the City, the landscaping shall be
permanently maintained in such a manner as to accomplish the
purpose for which it was initially required.

B. The Planning Director or his designated representa­
tive is hereby authorized and empowered to notify the owner of any
property required to be landscaped or the agent, tenant, lessee,
or assignee of any such owner that said landscaping is not being
adequately maintained and the specific nature of such failure to
maintain. The notice shall specify the date by which said mainte­
nance must be accomplished and shall be sent by (registered)
certified mail, addressed to the owner at his last known address.

C. Action Upon Noncompliance. Upon the failure, neglect
or refusal of any owner or agent so notified to perform the
required maintenance within the time specified in the written
notice, or within fifteen (15) days after the date of such notice
in the event the same is returned to the City by the Post Office
Department because of inability to make delivery thereof, provided
the same was properly addressed to the last known address of said
owner or agent, the Planning Director or his designated represent­
ative is hereby authorized and empowered to cause the required
maintenance to be done and provide for payment of the cost there­
of, with said cost to be collected or taxed against the property
affected as hereinafter provided.

Nothing in this section shall prevent the Planning
Director or a designated representative from taking action as
provided in Kent City Code 15.09.090 and 15.09.100.

D. Charge Included in Tax Bill. When the City has
performed landscape maintenance or has paid for such maintenance,
the actual cost thereof, plus accrued interest at the rate of
eight (8) percent per annum from the date of the completion of
work, if not paid by such owner prior thereto, may be charged to
the owner of such property on the next regular tax bill forwarded
to such owner by the City, and if so charged shall be due and
payable by said owner at the time of payment of such bill.

E. Recorded Statement Constitutes Lien. If the full
amount due the City is not paid by such owner within thirty (30) days after performance of the maintenance, as provided for in subsection C above, then, in that case, the Planning Director, or his designated representative may cause to be recorded in the office of the Supervisor of Treasury Accounting, a sworn statement showing the cost and expense incurred for the work, the date the work was done and the legal description of the property on which said work was done. The recording of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus court costs if any, until final payment has been made. Said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of eight (8) percent per annum in the event the same are not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent. Sworn statements recorded in accordance with the provisions hereof shall be prime facie evidence that all legal formalities have been complied with and that the work has been done properly and satisfactorily, and shall be full notice to every person concerned that the amount of the statement plus interest constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

F. Alternative Methods of Collection of Charges. In addition to, or in lieu of the provisions of subsection D and E, the City may, at its option, commence a civil action in any court of competent jurisdiction to collect for any charges incurred by the City for performance of maintenance as provided in subsection C.

Section 3. Kent City Code 15.08.200 entitled "Landscaping" is deleted in its entirety.

Section 4. Effective Date. This ordinance shall take effect and be in force five (5) days from and after its passage, approval and publication as provided by law.

ISABEL HOGAN, MAYOR
I hereby certify that this is a true copy of Ordinance No. 243, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.