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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; amending Sections 22.206.200, 22.208.020, 23.40.006, and 23.91.002 of the Seattle Municipal Code (SMC); to modify maintenance and demolition standards related to vacant buildings.

..body

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.206.200 of the Seattle Municipal Code, last amended by Ordinance 124167, is amended as follows:

SMC 22.206.200 Minimum standards for vacant buildings

A. Maintenance Standards. Every vacant building shall conform to the standards of Sections 22.206.060; 22.206.070; 22.206.080.A, B, C, G, H and I; 22.206.130.I; 22.206.160.A.1, 3, 4, 5, 6 and 8 except when different standards are imposed by this section.

1. Sanitary Facilities.

a. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system shall be installed in accordance with applicable codes and be maintained in sound condition and good repair.

b. Plumbing fixtures connected to an approved water system, an approved sewage system, or an approved natural gas utility system, not installed or maintained in compliance with applicable codes, shall be removed and the service terminated in the manner prescribed by applicable codes.

1 c. Plumbing fixtures not connected to an approved water system, an
2 approved sewage system, or an approved natural gas utility system shall either be connected to
3 an approved system or the fixtures shall be removed and the pipes capped in accordance with
4 applicable codes.

5 2. Electrical Systems. Electrical service lines, wiring, outlets or fixtures not
6 installed or maintained in accordance with applicable codes shall be repaired, or they shall be
7 removed and the services terminated in accordance with applicable codes.

8 3. Safety From Fire.

9 a. No vacant building or premises or portion thereof shall be used for the
10 storage of flammable liquids or other materials that constitute a safety or fire hazard.

11 b. Heating facilities or heating equipment in vacant buildings shall be
12 removed, rendered inoperable, or maintained in accordance with applicable codes. Any fuel
13 supply shall be removed or terminated in accordance with applicable codes.

14 4. All vacant buildings and their accessory structures shall meet the following
15 standards:

16 a. All windows shall have intact glazing or plywood of at least ~~((1/4))~~ 1/2
17 inch thickness, painted or treated to protect it from the elements, cut to fit the opening, and
18 securely ~~((nailed using 6D galvanized nails or))~~ glued and fastened with square- or star-headed
19 woodscrews spaced not more than 9 inches on center.

20 b. Doors and service openings with thresholds located 10 feet or less
21 above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall
22 provide resistance to entry equivalent to or greater than that of a closed single panel or hollow
23 core door 13/8 inches thick equipped with a 1/2 inch throw deadbolt. Exterior doors, if openable,

1 may be closed from the interior of the building by toe nailing them to the door frame using 10D
2 or 16D galvanized nails.

3 c. There shall be at least one operable door into each building and into
4 each housing unit. If an existing door is operable, it may be used and secured with a suitable lock
5 such as a hasp and padlock or a 1/2 inch deadbolt or deadlatch. All locks shall be kept locked.
6 When a door cannot be made operable, a door shall be constructed of 3/4 inch CDX plywood or
7 other comparable material approved by the Director and equipped with a lock as described
8 above.

9 d. All debris, combustible materials including vegetation overgrowth, litter
10 and garbage, junk, waste, used or salvageable materials, and inoperable vehicles and vehicle
11 parts, shall be removed from vacant buildings, their accessory structures, and the premises
12 including but not limited to adjoining yard areas. The building and premises shall be maintained
13 free from such items. The premises also shall be free from parked vehicles.

14 e. The Director may impose additional requirements for the closure of a
15 vacant building, including but not limited to installation of 3/4 inch plywood, brick or metal
16 coverings over exterior openings, when the standards specified in subsections 22.206.200.A.4.a
17 through 22.206.200.A.4.d above are inadequate to secure the building:

- 18 1) Due to the design of the structure; or
- 19 2) When the structure has been subject to two or more
20 unauthorized entries after closure pursuant to the standards specified above; or
- 21 3) When the Director determines, in consultation with the Seattle
22 Police Department and the Seattle Fire Department, that the structure may present a substantial

1 a. When the building is repaired pursuant to the requirements of this Code
2 and reoccupied;

3 b. When the building is repaired pursuant to the requirements of this Code
4 and has subsequently been subject to three (3) consecutive quarterly inspections without further
5 violation; or

6 c. When the building and any accessory structures have been demolished.

7 3. A building or structure accessory thereto that remains vacant and open to entry
8 after the closure date in a Director's order or notice of violation is found and declared to be a
9 public nuisance. The Director is hereby authorized to summarily close the building to
10 unauthorized entry. The costs of closure shall be collected from the owner in the manner
11 provided by law.

12 4. A premise that contains a vacant building or accessory structure that fails to
13 comply with 22.206.200.A.4 after the compliance date in a Director's order or notice of violation
14 is found and declared to be a public nuisance. The Director is hereby authorized to summarily
15 abate the public nuisance by removing all debris, combustible materials including vegetation
16 overgrowth, litter and garbage, junk, waste, used or salvageable materials, and inoperable
17 vehicles and vehicle parts, from the vacant building, accessory structures, and the premises
18 including but not limited to adjoining yard areas. The costs of abatement shall be collected from
19 the owner in the manner provided by law.

20 ((4-)) 5. Quarterly inspection charges shall be assessed and collected as a fee
21 under the Permit Fee Ordinance (Chapters 22.900A through 22.900G).

22 Section 2. Section 22.208.020 of the Seattle Municipal Code, last amended by Ordinance
23 117861, is amended as follows:

1 **22.208.020 Standards for demolition, repair or vacation and closure ((:))**

2 A. Whenever the Director determines, ~~((pursuant))~~ according to the procedures
3 established in Section 22.208.030 of this Code, that all or any portion of a building and/or
4 premises is unfit for human habitation or other use, the Director shall order that the unfit building
5 and/or premises or unfit portion ~~((thereof))~~ of the building or premises be:

6 1. Repaired, or demolished and removed, if the estimated cost of repairing the
7 conditions causing the building or structure to be unsafe or unfit for human habitation or other
8 use ~~((exceeds))~~ is more than ~~((fifty percent (50%)))~~ 50 percent of the replacement value of a
9 building or structure of similar size, design, type and quality, provided that the Director may
10 order a building or structure, for which the estimated cost of such repairs ~~((do not exceed))~~ is
11 ~~((fifty percent (50%)))~~ 50 percent or less than ~~((of))~~ such replacement value, to be repaired, or
12 demolished and removed, if the degree of structural deterioration is as described in 22.208.010
13 A, D or E, and the owner has failed three ~~((3))~~ or more times in the last five ~~((5))~~ years to
14 correct the conditions by compliance dates as ordered by the Director; or

15 2. Demolished and removed, at the owner's expense, if the building has been the
16 subject of an emergency order to close pursuant to SMC 22.206.260, and the building has also
17 been subject to two or more unauthorized entries in the preceding 12 months, and the Director
18 has received written notice from the Seattle Fire Department or the Seattle Police Department
19 that the building presents a danger to the general public or to City staff who might be required to
20 enter the building; or

21 ~~((2-))~~ 3. Repaired, and/or vacated and closed ~~((pursuant to))~~ according to the
22 minimum standards for vacant buildings in Section 22.206.200 of this Code, if the estimated cost
23 of repairing the conditions causing the building or structure to be unsafe or unfit for human

1 habitation or other use ~~((does not exceed))~~ is ~~((fifty percent (50%)))~~ 50 percent or less than ~~((of))~~
2 the replacement value of a building or structure of similar size, design, type and quality; or
3 ~~((3-))~~ 4. Corrected or improved as specified in the Order of the Director as to the
4 conditions that caused the premises other than buildings and structures to be unfit.

5 Nothing in this section shall limit the authority of the City to condemn and resell
6 property pursuant to RCW 35.80A.

7 * * *

8 Section 3. Section 23.40.006 of the Seattle Municipal Code, last amended by Ordinance
9 123963, is amended as follows:

10 **23.40.006 - Demolition of housing**

11 ~~((No))~~ A demolition permit for a structure containing a dwelling unit ~~((shall))~~ may only
12 be issued ~~((unless))~~ if one of the following conditions is ~~((satisfied))~~ met, ~~((and))~~ provided that
13 no permit for demolition of a structure containing a dwelling unit may be issued if the new use is
14 for non-required parking:

15 A. The structure ~~((is a residential use in a single family zone and was not))~~ has not been
16 occupied as rental housing during the prior ~~((12))~~ 4 months, ~~((unless such))~~ and the demolition
17 does not ~~((aid))~~ aid expansion of an adjacent non-residential use in a single-family or lowrise
18 zone; or

19 B. A permit or approval has been issued by the Director according to the procedures set
20 forth in Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions, to
21 change the use of the structure or the premises; or

1 C. A permit or approval has been issued by the Director to relocate the structure
2 containing a dwelling unit to another lot, whether within the City limits or outside the City limits,
3 to be used, on the new lot, as a dwelling unit; or

4 D. A complete building permit application for construction of a new principal structure
5 on the same lot as the structure to be demolished has been submitted to the Director, the
6 demolition permit application and the building permit application are categorically exempt from
7 review under Chapter 25.05, Environmental Policies and Procedures, the issuance of some other
8 approval is not required by Title 23 or Title 25 as a condition to issuing the demolition permit,
9 and the Director has approved a waste diversion plan pursuant to Section 23.40.007;

10 E. Demolition of the structure is ordered by the Director for reasons of health and safety
11 under Chapter 22.206 or Chapter 22.208 of the Housing and Building Maintenance Code, or
12 under the provisions of the Seattle Building Code; or

13 F. The structure is in the MPC-YT zone.

14 Section 4. Section 23.91.002 of the Seattle Municipal Code, last amended by Ordinance
15 124750, is amended as follows:

16 **23.91.002 - Scope of Chapter 23.91**

17 A. Violations of the following provisions of Title 23 shall be enforced under the citation
18 or criminal provisions set forth in this Chapter 23.91:

19 1. Junk storage in residential zones Chapter 23.43, Chapter 23.44, Chapter 23.45,
20 Chapter 23.46, Chapter 23.49 Subchapter IV, and Chapter 23.49 Subchapter VII), unless the lot
21 contains a vacant structure subject to the vacant building maintenance standards contained in
22 subsection 22.206.200.A and a notice of violation has been issued requiring compliance with
23 22.206.200.F;

1 2. Construction or maintenance of structures in required yards or setbacks in
2 residential zones Chapter 23.43, Chapter 23.44, Chapter 23.45, Chapter 23.46, Chapter 23.49
3 Subchapter IV, and Chapter 23.49 Subchapter VII);

4 3. Parking of vehicles in a single-family zone (Section 23.44.016), unless the lot
5 contains a vacant structure subject to the vacant building maintenance standards contained in
6 subsection 22.206.200.A; and

7 4. Keeping of animals (Section 23.42.052).

8 [5. Reserved.]

9 6. The following violations of the Shoreline district, Chapter 23.60A:

10 a. Discharging, leaking, or releasing solid or liquid waste and untreated
11 effluent, oil, chemicals, or hazardous materials into the water (subsection 23.60A.152.R);

12 b. Releasing debris and other waste materials from construction,
13 maintenance, repair, or in operation, or management of a property, into any water body
14 (subsections 23.60A.152.H, 23.60A.152.I, 23.60A.152.T, and 23.60A.152.U).

15 c. Conducting activity in or over water outside the allowed work windows
16 (subsection 23.60.152.J); and

17 d. Closing required public access (Section 23.60A.164).

18 B. Any enforcement action or proceeding pursuant to this Chapter 23.91 shall not affect,
19 limit or preclude any previous, pending or subsequent enforcement action or proceeding taken
20 pursuant to Chapter 23.90.

21 Section 6. This ordinance shall take effect and be in force 30 days after its approval by
22 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
23 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

1 Passed by the City Council the _____ day of _____, 2016,
2 and signed by me in open session in authentication of its passage this ____ day of
3 _____, 2016.

4 _____
5 President _____ of the City Council

6 Approved by me this _____ day of _____, 2016.

7 _____
8 Edward B. Murray, Mayor

9 Filed by me this _____ day of _____, 2016.

10 _____
11 Monica Martinez Simmons, City Clerk

12 (Seal)