

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to unsafe building abatement; amending Section 111 and Section 202 of the 2018 Seattle Fire Code as adopted by Section 22.600.020 of the Seattle Municipal Code and as regulated and allowed by the State Building Code Act, Chapter 19.27 of the Revised Code of Washington; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

..body

WHEREAS, vacant and derelict buildings that are occupied by trespassers or that have had fires can present dangers and hazards to neighboring residents, firefighters, other public safety officers, and those trespassing; and

WHEREAS, the Seattle Fire Department is aware of over 40 buildings that are potentially unsafe and during 2023, three of them lost their lives in building fires;

WHEREAS, the Seattle Fire Department and the Seattle Fire Code Advisory Board have reviewed and approved the additions and revisions to the 2018 Seattle Fire Code contained in this ordinance; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City finds and declares:

A. The Seattle Fire Department is tracking over 100 buildings in the city that are vacant, and either derelict, unsafe, or a public nuisance.

B. The City's Vacant Building Monitoring program provides inspection and enforcement actions, including requiring property owners to secure their vacant property to prevent unauthorized access and restore it to a safe condition.

C. Many of these buildings have been determined by the City to be unsafe for entry because of significant structural damage.

1 D. Many of these vacant buildings are being repeatedly illegally occupied by trespassers,
2 as reported to the City by neighbors, members of the public, firefighters, and police officers, a
3 circumstance that has become much more frequent since synthetic narcotics, including fentanyl
4 and methamphetamine, have become widely available in recent years.

5 E. A number of these buildings have experienced fires that required fire department
6 emergency suppression responses. One of the buildings monitored by the City has had 18 calls to
7 911 for fire-related incidents in the last 12 months.

8 F. On February 26, 2023, March 27, 2023, and July 24, 2023, three people died in fires in
9 these buildings.

10 G. In January 2024, another vacant building was slated for demolition but then had a
11 significant fire that required nearly 100 firefighters for fire ground operations, shut down a major
12 arterial for weeks, displaced residents in a neighboring building, and disrupted businesses in the
13 area.

DRAFT

14 H. Fires in vacant buildings have increased dramatically in recent years, indicating an
15 escalating emergency requiring the city government's action. Incident officers reported 77 fires
16 related to vacant buildings in 2021, 91 in 2022, and 130 in 2023.

17 I. The safety of Seattle firefighters and police officers is put at significant risk when
18 responding to fire, medical, or criminal emergencies in these derelict and unsafe buildings,
19 especially if trespassers are inside and require rescue.

20 J. As the incident in January 2024 demonstrated, these fires can increase in scale and
21 create lengthy and ongoing threats to the public peace, health, and safety. This ordinance is
22 necessary to take effect immediately to prevent more such threats.

1 Section 2. Section 111 of the Seattle Fire Code, enacted by Ordinance 126283, is
2 amended as follows:

3 **SECTION 111**
4 **UNSAFE BUILDINGS, PREMISES, VEHICLES, AND VESSELS**

5 **[S][A] 111.1 General.** If a premises, a *building or portion thereof*, or a structure or portion
6 thereof, or any building system, vehicle or vessel, in whole or in part, endangers any property or
7 the health or safety of the occupants of the property or of neighboring premises, buildings, motor
8 vehicles, *vessels*, or the health and safety of the public or fire department personnel, the *fire code*
9 *official* shall issue such notice or orders to remove or remedy the conditions as shall be deemed
10 necessary in accordance with this section. The *fire code official* may refer the building to the
11 Seattle Department of Construction and Inspections for any repairs, *alterations*, remodeling,
12 removing or demolition required

DRAFT

13 **[S][A] 111.1.1 Unsafe conditions.** Structures, premises, or existing equipment that are or
14 hereafter become ~~unsafe~~ deficient because of inadequate *means of egress*, that constitute a fire
15 hazard, that involve illegal or improper occupancy or inadequate maintenance, or that are
16 otherwise dangerous to human life or public welfare, shall be deemed an unsafe condition.
17 Unsafe structures shall be taken down and removed or made safe, as the *fire chief* or *fire code*
18 *official* deems necessary and as provided for in this section. A vacant structure that is not secured
19 against unauthorized entry as required by Section 311 shall be deemed unsafe.

20 **[S][A] 111.1.2 Structural hazards.** Where an apparent structural hazard is caused by the
21 faulty installation, operation or malfunction of any of the items or devices governed by this code,
22 the *fire code official* is authorized to immediately notify the building code official in accordance
23 with Section 111.1.

1 **[S] 111.1.3 Public nuisance.** A building or portion thereof, or premises, that is deemed
2 unsafe under this section is found and declared to be a *public nuisance*. The *fire code official* is
3 authorized to abate the *public nuisance*. The cost of such abatement shall be recovered from the
4 *owner or person* responsible or both in any manner provided by law.

5 **[S][A] 111.2 Evacuation.** The *fire code official* or the fire department official in charge of an
6 incident shall be authorized to order the immediate evacuation of any occupied premises,
7 building or portion thereof, vehicle, or *vessel* deemed unsafe where such premises, building or
8 portion thereof, vehicle, or *vessel* has hazardous conditions that present imminent danger to
9 premises, building or portion thereof, vehicle, or *vessel* occupants. Persons so notified shall
10 immediately leave the structure or premises, vehicle, or *vessel* and shall not enter or re-enter until
11 authorized to do so by the *fire code official* or the fire department official in charge of the
12 incident.

13 **[A] 111.3 Summary abatement.** (Where conditions exist that are deemed ~~hazardous~~) an
14 imminent danger to life and property, and issuing an order or notice that provides a compliance
15 deadline is not practical, the *fire code official* or fire department official in charge of the incident
16 is authorized to declare the conditions a public nuisance and abate summarily such hazardous
17 conditions that are in violation of this code. Such summary abatement may include, but is not
18 limited to, demolition. The cost of such abatement shall be recovered from the *owner or person*
19 responsible or both in any manner provided by law, including through a special assessment under
20 RCW 35.21.955 against the property filed as a lien with the King County Recorder.

21 **[A] 111.4 Abatement.** The *owner*, the owner's authorized agent, operator or occupant of a
22 building or premises deemed unsafe by the *fire code official* shall abate or cause to be abated or
23 corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved*

1 corrective action. Where the *owner*, or the *owner's* authorized agent, operator or occupant, fails
2 to abate or cause to be abated or corrected such unsafe conditions, the *fire code official* is
3 authorized to abate such unsafe conditions that are in violation of this code. The cost of such
4 abatement shall be recovered from the *owner* or *person* responsible or both in any manner
5 provided by law, including through a special assessment under RCW 35.21.955 against the
6 property filed as a lien with the King County Recorder.

7 **[S] 111.5 Notification.** The *fire code official* shall serve the responsible party with a copy of
8 violations, correction letters, and orders issued. The property owner shall be notified in the
9 manner required by RCW 35.21.955 prior to the filing of a lien that the costs of abatement may
10 be assessed against the property as authorized by RCW 35.21.955.

11 **[S] 111.6 Abatement costs.** Whenever the *fire code official*, or fire department official in charge
12 of an incident, is authorized to abate summarily such hazardous conditions that are in violation of
13 this code, the Fire Chief or the Fire Chief's designee is authorized to seek reimbursement for the
14 actual costs of incurred services, including City labor costs, together with a charge equal to 15%
15 of the City's actual incurred costs to cover administrative expenses. These charges shall be a cost
16 of abatement and shall be collected from the owner in any manner provided by law, including
17 through a special assessment under RCW 35.21.955 against the property filed as a lien with the
18 King County Recorder. The property owner shall be notified in the manner required by RCW
19 35.21.955 prior to the filing of a lien that the costs of abatement and associated fees may be
20 assessed against the property as authorized by RCW 35.21.955.

21 Section 3. Section 202 of the Seattle Fire Code, enacted by Ordinance 126283, is
22 amended as follows:

23 **SECTION 202**
24 **GENERAL DEFINITIONS**

1
2
3
4
5
6
7
8

* * *

PUBLIC NUISANCE. A public nuisance is one which affects equally the rights of an entire community or neighborhood, although the extent of the damage may be unequal. See RCW 7.48.130.

* * *

Section 4. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

DRAFT

1 Section 5. By reason of the findings set out in Section 1, and the emergency that is hereby
2 declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4
3 vote of the City Council and its approval by the Mayor, as provided by Article 4, subsection 1.I
4 of the Charter of the City.

5 Passed by a 3/4 vote all the members of the City Council the _____ day of
6 _____, 2024, and signed by me in open session in authentication of its
7 passage this _____ day of _____, 2024.

8 _____
9 President _____ of the City Council

Approved / Returned unsigned / Vetoes this _____ day of _____, 2024.

DRAFT

Bruce A. Harrell, Mayor

12 Filed by me this _____ day of _____, 2024.

13 _____
14 Scheereen Dedman, City Clerk

15 (Seal)