

Amendment C to CB 120777 – SFD Dangerous Buildings ORD

Sponsor: Councilmember Kettle

Summary abatement protocols

Effect: This amendment directs SFD, SDCI, and the City Attorney’s office to work together to develop guidance to implement SFD summary abatement powers.

Double underline indicates language added by this amendment.

Amend Section 2 of CB 120777 as follows:

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

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

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

[S][A] **111.1.1 Unsafe conditions.** Structures, premises, or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress*, that constitute a fire hazard, that involve illegal or improper occupancy or inadequate maintenance, or that are

otherwise dangerous to human life or public welfare, shall be deemed an unsafe condition.

Unsafe structures shall be taken down and removed or made safe, as the *fire chief* or *fire code official* deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

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

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

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

[A] 111.3 Summary abatement. Where conditions exist that are deemed ((~~hazardous~~)) an imminent danger to life and property, and issuing an order or notice that provides a compliance deadline is not practical, the *fire code official* or fire department official in charge of the incident

is authorized to declare the conditions a public nuisance and abate summarily such hazardous conditions that are in violation of this code. Such summary abatement may include, but is not limited to, demolition. The cost of such abatement shall be recovered from the *owner or person* responsible or both in any manner provided by law, including through a special assessment under RCW 35.21.955 against the property filed as a lien with the King County Recorder.

[A] 111.4 Abatement. The *owner*, the owner's authorized agent, operator or occupant of a building or premises deemed unsafe by the *fire code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action. Where the *owner*, or the *owner's* authorized agent, operator or occupant, fails to abate or cause to be abated or corrected such unsafe conditions, the *fire code official* is authorized to abate such unsafe conditions that are in violation of this code. The cost of such abatement shall be recovered from the *owner or person* responsible or both in any manner provided by law, including through a special assessment under RCW 35.21.955 against the property filed as a lien with the King County Recorder.

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

[S] 111.6 Abatement costs. Whenever the *fire code official*, or fire department official in charge of an incident, is authorized to abate summarily such hazardous conditions that are in violation of this code, the Fire Chief or the Fire Chief's designee is authorized to seek reimbursement for the actual costs of incurred services, including City labor costs, together with a charge equal to 15% of the City's actual incurred costs to cover administrative expenses. These charges shall be a cost

Tamaso Johnson
Full Council
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of abatement and shall be collected from the owner in any manner provided by law, including through a special assessment under RCW 35.21.955 against the property filed as a lien with the King County Recorder. The property owner shall be notified in the manner required by RCW 35.21.955 prior to the filing of a lien that the costs of abatement and associated fees may be assessed against the property as authorized by RCW 35.21.955.

[S] 111.7 Abatement protocols. The Fire Department shall, in consultation with the Law Department and the Seattle Department of Construction and Inspections, develop operational protocols regarding the use of summary abatement authority. These protocols shall address practices necessary to ensure the proper application of summary abatement authority, including but not limited to: adequate documentation of conditions requiring summary abatement, and specific guidance on the use of demolition during a summary abatement.