



Legislation Details (With Text)

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On agenda: 6/4/2024

Final Action: 6/6/2024 **Ord. No.** Ord 127037

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.

Sponsors: Robert Kettle, Tammy J. Morales

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo, 3. Amendment 1, 4. Amendment 2, 5. Amendment A, 6. Amendment B, 7. Amendment C, 8. Amendment D, 9. Amendment E, 10. Signed Ordinance 127037

Date	Ver.	Action By	Action	Result
6/6/2024	3	City Clerk	attested by City Clerk	
6/6/2024	3	Mayor	returned	
6/6/2024	3	Mayor	Signed	
6/6/2024	3	City Clerk	submitted for Mayor's signature	
6/4/2024	2	City Council	passed as amended	Pass
5/14/2024	1	Public Safety Committee	pass as amended	Pass
4/30/2024	1	City Council	referred	
4/22/2024	1	Council President's Office	sent for review	
4/17/2024	1	City Clerk	sent for review	
4/17/2024	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

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 occupants lost their lives in such buildings; and

WHEREAS, the intent of this ordinance is to permit the Seattle Fire Department to abate unsafe conditions on premises and/or property which includes construction sites, and to summarily abate conditions on such sites where there is an imminent danger to life and property; and

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.

D. These buildings represent a safety risk to the communities they are located in and the general public because they create opportunities for unauthorized trespass or occupancy, which may enable illegal or unsafe behavior and create additional fire risks. Unauthorized access to these buildings and the potential for drug use or other illegal behavior inside them may lead to further structural damage, decrease community safety, and endanger first responders.

E. Vacant buildings pose additional risks to firefighters beyond those that are inherent in fire

suppression and extinguishment, for instance because these buildings tend to be in disrepair and can be missing features such as staircases and portions of floors; and fires in vacant buildings are also more likely to involve the entire building and to spread beyond the building of fire origin.

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

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

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

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

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

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

L. Each of Seattle's eight designated historic districts are regulated by a citizens board and/or the Landmarks Preservation Board in accordance with processes and criteria detailed in Title 25 of the Seattle Municipal Code, which also sets forth the limited conditions under which a landmarked building may be demolished, and nothing in this ordinance supersedes those existing provisions and requirements.

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. Only the Fire Chief, or the Assistant Chief serving as Fire Marshal, may abate summarily, or cause to be abated, via 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 summary abatement is performed as authorized in Section 111.3 or Section 111.4, 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 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.

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

SECTION 202

GENERAL DEFINITIONS

* * *

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.

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

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

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2024.

Scheereen Dedman, City Clerk

(Seal)