



Legislation Text

File #: CB 120622, Version: 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to vacant building monitoring and nuisance abatement; amending Sections 22.204.030 and 22.206.200 of the Seattle Municipal Code.

WHEREAS, between 2017 and 2019 the City reviewed and modified its vacant building monitoring program to help prevent neighborhood blight, nuisance, and public safety hazards; and

WHEREAS, the modified program requires monthly monitoring of vacant buildings and charges fees for monitoring and any required closure and cleanup service; and

WHEREAS, the vacant building monitoring program is designed to be self-supporting, based on fee collection; and

WHEREAS, monthly monitoring helps keep sites closed to entry from unauthorized persons and helps keep the premises clear of junk and garbage; and

WHEREAS, follow-up visits and further action after closing and clearing vacant buildings are frequently needed; and

WHEREAS, vacant buildings that are occupied by trespassers or that have had fires can be dangerous to entry for firefighters and other public safety officers; and

WHEREAS, complaints about vacant buildings that are open to entry, marred by graffiti, or subject to illegal dumping of trash and junk remain high, at over 700 per year; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 22.204.030 of the Seattle Municipal Code, enacted by Ordinance 113545, is amended

as follows:

22.204.030 “B”

* * *

I. Building, Vacated. “Vacated building” means a building that is unoccupied and is not used as a legal place of residence or business. At the discretion of the Director, a portion of a vacated building may be occupied if the occupied portion meets the standards for habitable buildings specified in this Code and the vacated and closed portion complies with the standards for vacant buildings in Section 22.206.200.

Section 2. Section 22.206.200 of the Seattle Municipal Code, last amended by Ordinance 125811, is amended as follows:

22.206.200 Minimum standards for vacant buildings

A. Maintenance standards. Every vacant building shall conform to the standards of Sections 22.206.060 and 22.206.070 and subsections 22.206.080.A, 22.206.080.B, 22.206.080.C, 22.206.080.G, 22.206.080.H, ((and)) 22.206.080.I, ((§)) 22.206.130.I, ((§)) 22.206.160.A.1, 22.206.160.A.3, 22.206.160.A.4, 22.206.160.A.5, 22.206.160.A.6, and 22.206.160.A.8, except when different standards are imposed by this Section 22.206.200.

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.

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

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

3. Safety from fire

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

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

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

a. All windows shall have intact glazing or one of the following:

1) plywood of at least ~~((1/2))~~ 3/4-inch thickness, painted or treated to protect it from the elements, cut to fit the opening, and securely glued and fastened with square- or star-headed woodscrews spaced not more than 9 inches on center;

2) impact resistant clear polycarbonate sheets;

3) commercial-quality steel security panels; or

4) other materials approved by the Director as appropriate for preventing entry by unauthorized persons.

b. Doors and service openings with thresholds located 10 feet or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas shall provide resistance to entry equivalent to or greater than that of a closed ~~((single-panel or hollow))~~ solid core door 1-3/8 inches thick equipped with a ~~((1/2))~~ 1-inch throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by toe nailing them to the door frame using 10D or 16D galvanized nails.

c. There shall be at least one operable door into each building and into each housing unit.

If an existing door is operable, it may be used and secured with a suitable lock such as a hasp and padlock or a ((1/2)) 1-inch deadbolt or deadlatch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of 3/4-inch CDX plywood or other comparable material approved by the Director and equipped with a lock as described above.

d. All debris, combustible materials including vegetation overgrowth, litter and garbage, junk, waste, used or salvageable materials, and inoperable vehicles and vehicle parts ((7)) shall be removed from vacant buildings, their accessory structures, and the premises including but not limited to adjoining yard areas. The building and premises shall be maintained free from such items. The premises also shall be free from parked vehicles.

e. The vacant buildings, their accessory structures, and the premises shall be kept free of graffiti. For the purposes of this section “graffiti” shall have the same definition as in subsection 10.07.010.C.

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

- 1) Due to the design of the structure;
- 2) When the structure has been subject to two or more unauthorized entries after closure pursuant to the standards specified above; or
- 3) When the Director determines, in consultation with the Seattle Police Department and the Seattle Fire Department, that the structure may present a substantial risk to the health or safety of the public, or to police or fire personnel if closed to the standards of subsections 22.206.200.A.4.a through 22.206.200.A.4.d above.

5. If a building component of a vacant building or a structure accessory to a vacant building does not meet the standards of Section 22.206.060, the component or a portion thereof may be removed in

accordance with applicable codes, provided the Director determines that the removal does not create a hazardous condition.

6. Interior floor, wall, and ceiling coverings in vacant structures need not be intact so long as the Director determines they do not present a hazard. If a hole in a floor presents a hazard, the hole shall be covered with 3/4-inch plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least 6 inches. If a hole in a wall presents a hazard, the hole shall be covered with 1/2-inch Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all sides by at least 6 inches. Covers for both floor and wall holes shall be securely attached.

* * *

F. Inspection and monitoring of vacant buildings

1. When the Director has reason to believe that a building is vacant, the Director may inspect the building and the premises. If the Director identifies a violation of the minimum standards for vacant buildings, a notice of violation may be issued pursuant to Section 22.206.220. Thereafter the premises shall be inspected monthly to determine whether the building and its accessory structures are vacant, ~~((and))~~ closed to entry, and in conformance with the maintenance standards of this Code.

2. The Director shall inspect and monitor, monthly, vacant buildings and any structures accessory thereto:

a. When a notice of violation has been issued for violating this Section 22.206.200; ~~((and the violation is not fully remedied by the compliance date established in the notice of violation, or the violation is fully remedied by the compliance date but a subsequent violation of this Section 22.206.200 is documented within 365 days from the date the first notice of violations was issued and is communicated to the building owner in writing;))~~

b. That are located on a lot for which there is a Master Use Permit or Building Permit application for new development; or

c. That are ~~((included on a list, maintained))~~ referred to the Director by the Seattle Fire Department or the Seattle Police Department ~~((, of vacant buildings that have generated calls for dispatch))~~ after generating a call for dispatch.

3. Monthly inspections and monitoring shall cease at the earliest of the following:

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

b. When the building meets the maintenance requirements of this Code for three consecutive inspections without violation; or

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

4. A building or structure accessory thereto that remains vacant and open to entry after the closure date in a Director's order or notice of violation is found and declared to be a public nuisance. The Director is hereby authorized to summarily ~~((close))~~ abate the public nuisance by closing the building to unauthorized entry. The costs of ~~((closure))~~ abatement shall be collected from the owner in ~~((the))~~ 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.

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

6. Monthly inspection and monitoring charges shall be assessed and collected as a fee under the

Permit Fee Ordinance (Chapters 22.900A through ~~((22.900G))~~ 22.900H). These fees 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.

7. The property owner and any identifiable mortgage holder 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.

Section 3. The Council requests that the Seattle Department of Construction and Inspections (SDCI) and the City Attorney’s Office (CAO) brief the Public Safety and Human Services Committee by December 12, 2023, on an action plan and any implementation steps by SDCI, the CAO, the Seattle Police Department, and the Seattle Fire Department to address problems associated with those vacant properties identified by the Executive as being the most hazardous. The Council further requests that the briefing identify, to the extent they are known, any gaps in legal authority to address hazards associated with unsecured vacant buildings. As part of the 2024 Budget, the Council intends to consider operational constraints and opportunities to formalize an ongoing interdepartmental team to address ongoing violations of the City’s Vacant Building Monitoring Program.

Section 4. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this ____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Scheereen Dedman, City Clerk

(Seal)