

Ordinance No. 123546

Council Bill No. 117048

AN ORDINANCE relating to habitable and vacant buildings; amending Sections 22.206.040, 22.206.090, 22.206.130, 22.206.160, 22.206.200, and 23.91.002 of the Seattle Municipal Code to update habitable and vacant building regulations and related enforcement provisions.

CF No. 311119

Date Introduced:	<u>Nov. 15, 2010</u>	
Date 1st Referred:	<u>Nov. 15, 2010</u>	To: (<u>Built Environment</u>)
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>Feb. 28, 2011</u>	Full Council Vote: <u>8-0</u>
Date Presented to Mayor:	<u>March 1, 2011</u>	Date Approved: <u>3.9.11</u>
Date Returned to City Clerk:	<u>3.9.11</u>	Date Published: <u>T.O. X</u> F.T. <u> </u>
Date Vetoes by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

JUNK STORAGE

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Samy S. Corrales
Councilmember

Committee Action:

022311 PASS 2-0 SC, SB

2/28/11 Full Council PASSED 8-0 (excused: Burgess)

This file is complete and ready for presentation to Full Council. Committee:
(initial/date)

Law Department

Law Dept. Review

OMP
Review

City Clerk
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ORDINANCE 123546

AN ORDINANCE relating to habitable and vacant buildings; amending Sections 22.206.040, 22.206.090, 22.206.130, 22.206.160, 22.206.200, and 23.91.002 of the Seattle Municipal Code to update habitable and vacant building regulations and related enforcement provisions.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsection 22.206.040.A of the Seattle Municipal Code, which section was last amended by Ordinance 115671, is amended as follows:

22.206.040 Light and ventilation((-))

A. Every habitable room in a housing unit shall have a window or windows with an area of not less than ~~((ten percent (10%)))~~ 8 percent of the floor area of the room, but in no event shall such area be less than ~~((ten (10)))~~ 10 square feet; provided, that an approved system of artificial light may be used in lieu of the window or windows required in kitchens by this section.

* * *

Section 2. Subsection 22.206.090.A of the Seattle Municipal Code, which section was last amended by Ordinance 115671, is amended as follows:

22.206.090 Heating((-))

A. Minimum Heating Equipment. Every housing unit shall have permanently installed, functioning heating facilities and an approved power or fuel supply system which are capable of maintaining ~~((an average room temperature of at least sixty-five (65) degrees Fahrenheit measured at a point three (3) feet above the floor))~~ a minimum room temperature of 68 degrees Fahrenheit measured at a point 3 feet above the floor and 2 feet from exterior walls in all

habitable rooms, baths and toilet rooms, when the outside temperature is ~~((twenty-four (24)))~~ 24 degrees Fahrenheit or higher. When the outside temperature is less than ~~((twenty-four (24)))~~ 24 degrees Fahrenheit, the permanently installed, functioning heating facility and approved power or fuel supply system must be capable of maintaining an average room temperature of at least ~~((fifty-eight (58)))~~ 58 degrees Fahrenheit, measured at a point ~~((three (3)))~~ 3 feet above the floor and 2 feet from exterior walls, in all habitable rooms, baths and toilet rooms.

* * *

Section 3. Subsection 22.206.130.A of the Seattle Municipal Code, which section was last amended by Ordinance 120087, is amended as follows:

Minimum Fire and Safety Standards

22.206.130 Requirements((:))

A. Stair and Stairway Construction.

1. All stairs, except stairs to inaccessible service areas, exterior stairs on grade and winding, circular or spiral stairs shall have a minimum run of ~~((nine (9) inches))~~ 10 inches and a maximum rise of ~~((eight (8) inches))~~ 7¾ inches and a minimum width of ~~((thirty (30) inches))~~ 36 inches from wall to wall. The rise and run may vary no more than ~~((one-half (1/2) inch))~~ 3/8 inch in any flight of stairs.

2. All exterior stairs on grade and winding, circular and spiral stairs shall be in good repair and shall be configured for safe use and travel.

3. Every stairway having more than three ~~((3))~~ risers, except stairs to inaccessible service areas, shall have at least one ~~((1))~~ handrail mounted ~~((at least twenty-eight~~

1 ~~(28) inches but no more than forty-two (42) inches))~~ not less than 34 inches or more than 38
2 inches above the tread nose.

3 4. A landing having minimum horizontal dimension of ~~((thirty (30)))~~ 30 inches
4 shall be provided at each point of access to a stairway; provided, that stairs to an inaccessible
5 service area need not have such a landing. A door that swings away from a stairway is considered
6 to have created a landing in the area of its swing.

7 5. Every required stairway shall have headroom clearance of not less than ~~((six (6)~~
8 ~~feet six (6) inches))~~ 6 feet 8 inches measured vertically from the nearest tread nose to the nearest
9 soffit.

10 6. Stairs or ladders within an individual dwelling unit used to gain access to
11 intermediate floor areas of less than ~~((four hundred (400)))~~ 400 square feet and not containing the
12 primary bathroom or kitchen are exempt from the requirements of this subsection A.

13 * * *

14 Section 4. Subsections A and B of Section 22.206.160 of the Seattle Municipal Code,
15 which section was last amended by Ordinance 123141, are amended as follows:

16 **22.206.160 Duties of owners((:))**

17 A. It shall be the duty of all owners, regardless of any lease provision or other agreement
18 that purports to transfer the owner's responsibilities hereunder to an operator, manager or tenant,
19 to:

20 * * *

* * *

3. Maintain heat in all occupied habitable rooms, baths and toilet rooms at an inside temperature, as measured at a point ~~((three (3)))~~ 3 feet above the floor and 2 feet from exterior walls, of at least ~~((sixty-five (65)))~~ 68 degrees Fahrenheit between the hours of ~~((seven (7:00)))~~ 7:00 a.m. and ~~((ten-thirty (10:30)))~~ 10:30 p.m. and ~~((fifty-eight (58)))~~ 58 degrees



Fahrenheit between the hours of ~~((ten-thirty (10:30)))~~ 10:30 p.m. and ~~((seven (7:00)))~~ 7:00 a.m.
from September 1st until June 30th, when the owner is contractually obligated to provide heat;

4. Install smoke detectors on the ceiling or on the wall not less than ~~((four (4)))~~ 4
inches nor more than ~~((twelve (12)))~~ 12 inches from the ceiling at a point or points centrally
located in a corridor or area in each housing unit and test smoke detectors when each housing
unit becomes vacant;

* * *

Section 5. Subsection 22.206.200.A of the Seattle Municipal Code, which section was
last amended by Ordinance 122397, 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; 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.

* * *

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

a. All windows shall have intact glazing or plywood of at least ~~((one-
quarter (-1/4)))~~ 1/4 inch thickness, painted or treated to protect it from the elements, cut to fit the
opening, and securely nailed using 6D galvanized nails or woodscrews spaced not more than
~~((nine (9)))~~ 9 inches on center.

1 b. Doors and service openings with thresholds located (~~ten (10)~~) 10 feet
2 or less above grade, or stairways, landings, ramps, porches, roofs, or similarly accessible areas
3 shall provide resistance to entry equivalent to or greater than that of a closed single panel or
4 hollow core door (~~(one and three eighths (1 3/8))~~) 1 3/8 inches thick equipped with a (~~(one half (~~
5 ~~1/2))~~) 1/2 inch throw deadbolt. Exterior doors, if openable, may be closed from the interior of the
6 building by toe nailing them to the door frame using 10D or 16D galvanized nails.

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

14
15 d. All debris, combustible materials including vegetation overgrowth, litter
16 and garbage, junk, waste, used or salvageable materials, and inoperable vehicles and vehicle
17 parts, shall be removed from vacant building, their accessory structures, and the premises
18 including but not limited to adjoining yard areas. The building and premises shall be maintained
19 free from such items. The premises also shall be free from parked vehicles.

20
21 e. The Director may impose additional requirements for the closure of a
22 vacant building, including but not limited to installation of (~~((three quarter (3/4))~~) 3/4 inch
23 plywood, brick or metal coverings over exterior openings, when the standards specified in
24



subsections ((A4a)) 22.206.200.A.4.a through ((A4d)) 22.206.200.A.4.d above are inadequate to secure the building:

((i-)) 1) Due to the design of the structure; or

((ii-)) 2) When the structure has been subject to two ((2)) or more unauthorized entries after closure pursuant to the standards specified above; or

((iii-)) 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 ((A4a)) 22.206.200.A.4.a through ((A4d)) 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 ((three-quarter (3/4))) 3/4 inch plywood, or a material of equivalent strength, cut to overlap the hole on all sides by at least ((six (6))) 6 inches. If a hole in a wall presents a hazard, the hole shall be covered with ((one-half (1/2))) 1/2 inch Type X gypsum, or a material of equivalent strength, cut to overlap the hole on all sides by at least ((six (6))) 6 inches. Covers for both floor and wall holes shall be securely attached.

* * *

Section 6. Subsection 23.91.002, of the Seattle Municipal Code, last amended by Ordinance 123209, is amended as follows:

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

1. Junk storage in residential zones (Sections 23.44.006 and 23.44.040, and Chapter 23.45), unless the lot contains a vacant structure subject to the vacant building maintenance standards contained in subsection 22.206.200.A;

2. Construction or maintenance of structures in required yards or setbacks in residential zones (Sections 23.44.014 and 23.44.040, and Chapter 23.45);

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


* * *

Section 7. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person, owner, or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons, owners, or circumstances.

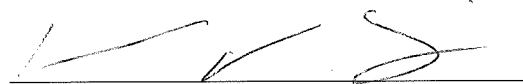
Section 8. This ordinance shall take effect and be in force 30 days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.



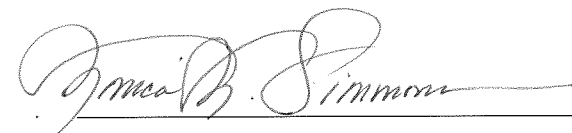
1 Passed by the City Council the 28th day of February, 2010, and
2 signed by me in open session in authentication of its passage this
3 28th day of February, 2010.
4

5 
6 President _____ of the City Council

7
8 Approved by me this 9th day of March, 2010.
9

10 
11 Michael McGinn, Mayor

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13 Filed by me this 9th day of March, 2010.
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15 
16 City Clerk

17 (Seal)
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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Planning and Development	Diane Davis, 233-7873	Kristi Beattie, 684-5266

Legislation Title:

AN ORDINANCE relating to habitable and vacant buildings; amending Sections 22.206.040, 22.206.090, 22.206.130, 22.206.160, 22.206.200, and 23.91.002 of the Seattle Municipal Code to update habitable and vacant building regulations and related enforcement provisions.

Summary of the Legislation: This legislation authorizes administrative changes to the Housing and Building Maintenance Code (HBMC) to make enforcement more streamlined both for DPD inspection staff and for property owners who have code violations on a property with a vacant building. In order to facilitate these changes on parcels containing vacant buildings, all code requirements related to vacant buildings will be located in the Housing and Building Maintenance Code, rather than having some violations in the HBMC and others in Chapter 23.91 of the Land Use code. This legislation also expands the premises maintenance requirements in the HBMC vacant building standards to specifically include removal of junk, vehicles, and hazardous vegetation from the premises. At the same time, enforcement of junk storage and parking on vacant building properties is removed from Land Use Code citation enforcement.

This proposal will also bring certain Housing and Building Maintenance Code requirements in line with current Seattle Building Code standards, which have changed since the HBMC requirements were implemented, so that standards in these two codes will be consistent.

Background: Regarding enforcement of the City's minimum vacant building standards, currently the vacant building inspector must issue multiple documents for various violations located in separate codes for one building. There may be as many as four separate enforcement documents necessary for a single building: a Notice of Violation for any violation of the vacant building standards, an Emergency Order for a building open to entry or otherwise immediately hazardous, a citation for junk storage or unlawful parking on the property, and a citation for weeds and vegetation overgrowth. This multiplicity of documents is administratively burdensome for the inspection staff and confusing for the recipient. It would be more efficient for the City and less confusing for the building owner to have all violations at the property encompassed in a single Notice of Violation, whereby the property owner would have only one set of deadlines and penalties to deal with. It is believed that vacant building violations enforcement will thereby be more effective and more efficient.

The remainder of the amendments are in the nature of administrative "clean-up." Since the HBMC was adopted almost 20 years ago, the Seattle Building Code has been updated and the

standards for residential buildings have changed, while the HBMC provisions have remained the same. These amendments make the HBMC code provisions consistent with current building code standards in the areas of fire and safety standards, light and ventilation standards, heating standards, and owners' duties. Owners of those units that may not be able to meet current standards but were code-compliant when constructed will still have the option, as they do now, of obtaining approval of those obsolete but still serviceable building elements via the variance process.

Please check one of the following:

XX **This legislation does not have any financial implications.** *(Stop here and delete the remainder of this document prior to saving and printing.)*

There will be some small administrative savings in the vacant building enforcement process. The only other anticipated costs will be for minor updating of public information materials and enforcement documents.





City of Seattle
Office of the Mayor

September 28, 2010

Honorable Richard Conlin
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Conlin:

I am pleased to transmit the attached proposed Council Bill that amends the Housing and Building Maintenance Code and the Land Use Code to streamline vacant building enforcement, and aligns housing and building code standards with the Seattle Building Code.

Efficient vacant building enforcement is high on the list of needs expressed by neighborhoods concerned about the health and safety of their community. A vacant building can attract criminal behavior or just detract from the general appearance of a neighborhood working to improve the quality of life of its residents. The changes proposed will make the enforcement process more efficient for the City. In addition, the owners of such buildings should find the code requirements easier to understand and simpler to comply with. Rather than several enforcement documents with different compliance requirements, appeal procedures, and penalties, only one notice of violation will be required for the following violations: building maintenance requirements, junk storage, vegetation overgrowth, and unauthorized parking.

I welcome your support for improving the health and safety of our neighborhoods. Thank you for your consideration of this legislation. Should you have questions, please contact Diane Davis, DPD Code Compliance Manager, at 233-7873.

Sincerely,

Michael McGinn
Mayor of Seattle

cc: Honorable Members of the Seattle City Council



STATE OF WASHINGTON – KING COUNTY

--SS.

268254
CITY OF SEATTLE, CLERKS OFFICE

No. 123546-552

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT: TITLE ONLY ORDINANCE

was published on

03/11/11

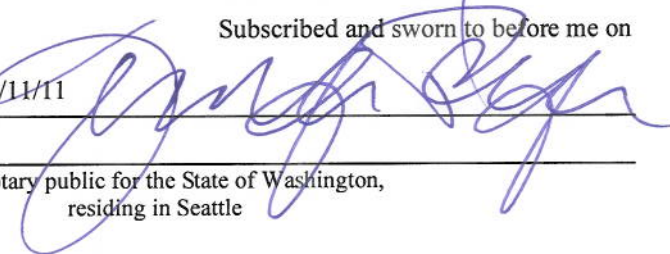
The amount of the fee charged for the foregoing publication is the sum of \$ 109.20, which amount has been paid in full.



Affidavit of Publication


Subscribed and sworn to before me on

03/11/11


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

TITLE-ONLY PUBLICATION

The full text of the following ordinances, passed by the City Council on February 28, 2011, and published here by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For further information, contact the Seattle City Clerk at 684-8344.

ORDINANCE NO. 123546

AN ORDINANCE relating to habitable and vacant buildings; amending Sections 22.206.040, 22.206.090, 22.206.130, 22.206.160, 22.206.200, and 23.91.002 of the Seattle Municipal Code to update habitable and vacant building regulations and related enforcement provisions.

ORDINANCE NO. 123547

AN ORDINANCE related to land use and zoning, adopting new development standards for solid waste transfer stations and utility services uses, amending Seattle Municipal Code Sections 23.44.022, 23.45.504, 23.47A.016, 23.48.024, 23.49.029, 23.50.034, 23.50.036, and 23.50.038, and adopting new Sections 23.44.036 and 23.50.040.

ORDINANCE NO. 123548

AN ORDINANCE relating to grant funds from the US Department of Justice (DOJ), Bureau of Justice Assistance; authorizing the Mayor or his designee to execute related agreements; increasing an appropriation in the 2011 Adopted Budget for the Police Department; and ratifying and confirming certain prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123549

AN ORDINANCE relating to replacing the South Park Bridge; authorizing execution of an Interlocal Agreement between King County and the City of Seattle regarding mutual roles and responsibilities regarding the funding and construction of a new South Park Bridge, and ratifying and confirming prior acts.

ORDINANCE NO. 123550

AN ORDINANCE relating to the Multifamily Housing Property Tax Exemption Program; amending Sections 5.73.040, 5.73.050, 5.73.060, 5.73.065, 5.73.080, 5.73.090, and 5.73.120 of the Seattle Municipal Code; amending Section 2 of Ordinance 121415; and ratifying and confirming certain prior acts.

ORDINANCE NO. 123551

AN ORDINANCE relating to security from terrorism; authorizing the City to partner with the State of Washington and King County to receive financial assistance from the Department of Homeland Security (DHS), Office for State and Local Government Coordination and Preparedness under the Urban Areas Security Initiative Grant for Federal Fiscal Year (FFY) 2010 (UASI FFY '10), authorizing an application for allocation of funds under that agreement, increasing appropriations to the Police Department and Fire Department in the 2011 Budget, and ratifying and confirming prior acts; all by a three-fourths vote of the City Council.

ORDINANCE NO. 123552

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Date of publication in the Seattle Daily Journal of Commerce, March 11, 2011.

3/11(268254)