

ORDINANCE NO. 2012 - 14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, AMENDING TITLE 15 OF THE SUNNYSIDE MUNICIPAL CODE, BY ADDING NEW CHAPTER 15.46 PERTAINING TO THE MINIMUM STANDARDS FOR VACANT BUILDINGS



WHEREAS, the City Council of the City of Sunnyside has encouraged the study of issues pertaining to the standards for vacant buildings; and

WHEREAS, the Sunnyside Planning Commission has held a public hearing on such issues, including a public hearing on July 10, 2012, and has received and considered all evidence and testimony offered therein; and

WHEREAS, the Sunnyside Planning Commission has thereafter recommended adoption of a minimum standards for vacant buildings ordinance by the City Council of the City of Sunnyside, which ordinance would amend Title 15 of the Sunnyside Municipal Code ("SMC" herein) by adding new Chapter 15.46; and

WHEREAS, in accordance with the provisions and procedures of Title 19 SMC, the City Council has received the recommendation of the Sunnyside Planning Commission, who has scheduled and held a hearing on such recommendation, and having received all evidence and testimony therein, adopts the following findings: and

WHEREAS, the City Council finds and determines that Title 15 SMC should be amended to add new Chapter 15.46 SMC pertaining to the Minimum

standards for vacant buildings as set forth in Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, the City Council finds and determines that such enactment is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, as follows:

Section 1. Title 15 SMC is hereby amended to add new Chapter 15.46 SMC, as set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

Section 2. The effective date for such new Chapter 15.46 SMC shall be August 20, 2012.

Section 3. Except as amended herein, Title 15 SMC shall remain unchanged.

Section 4. This Ordinance shall be effective five (5) days after passage, approval and publication as required by law.

PASSED this 13th day of August, 2012.



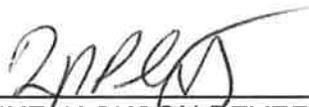
MIKE FARMER, MAYOR

ATTEST:



DELILAH SAENZ, CITY CLERK

APPROVED AS TO FORM:



MENKE JACKSON BEYER EHLIS HARPER & PLANT, LLP
Attorneys for the City of Sunnyside

EXHIBIT "A"

Chapter 15.46 MINIMUM STANDARDS FOR VACANT BUILDINGS

Sections:

- 15.46.010 Definition of vacant building.
- 15.46.020 Public nuisance—Vacant building.
- 15.46.030 Inspections.
- 15.46.040 Annual inspections; maintenance standards.
- 15.46.050 Occupying or renting vacant buildings.
- 15.46.060 Notice of civil infraction; continuing offense.
- 15.46.070 Remedies not exclusive.
- 15.46.080 Severability.

15.46.010 Definition of vacant building.

"Vacant building" as used herein means a building that: 1) is unoccupied, unattended, and is not actively used as a place of residence or business or 2) is frequently open or unsecured so that unauthorized admittance may be gained without damaging any portion of the property. At the discretion of the building official, a portion of a vacant building may be occupied if the occupied portion meets the standards specified in the Sunnyside Municipal Code and the vacant and closed portion complies with the minimum maintenance standards for vacant buildings specified in this chapter.

15.46.020 Public nuisance—Vacant building.

Any vacant building that is not maintained in compliance with the minimum standards for vacant buildings imposed by this chapter is deemed and hereby declared to be a public nuisance, which the building official is authorized to abate in accordance with the provisions provided for by applicable law. Such abatement may include, without limitation, securing the building against unauthorized third-party entry as may be necessary in the interests of the health, safety and welfare of the public. In the event that the city secures the building, all costs incurred may be assessed against the owner of the property pursuant to applicable law.

15.46.030 Inspections.

Upon presentation of proper credentials to the owner or occupant of any vacant building, and with the consent of the owner or occupant, the building official or a representative of the building official may enter at a reasonable time any vacant building, structure, or premises in the city to perform any duty provided for under this chapter. The building official or the building official's representative may also simultaneously conduct inspections of buildings in the manner provided for by law, including as set forth in the Fire Code, the Building Code, or other applicable provision of the Sunnyside Municipal Code. In any case where entry is denied by the owner or occupant, the building official or the building official's representative shall not enter without a warrant or other appropriate judicial process first having been obtained after reasonable grounds have been

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shown that a condition exists on the premises that is dangerous or presents a hazard to health or safety, or that the inspection sought is a part of a comprehensive program to have all buildings in the city comply with minimum standards as prescribed by this chapter, or other sufficient grounds under the circumstances then existing.

15.46.040 Annual inspections; maintenance standards.

Every vacant building shall conform to the standards of this chapter. Each and every owner of a vacant building shall cause his or her property to be inspected not less frequently than annually by a duly licensed and capable private inspector, engineer, or other consultant, who shall, within thirty days after said inspection, submit a written inspection report to the building official verifying that the building is in compliance with this chapter. In the event a vacant building does not conform to these standards or no such report is timely submitted, the building official may order the owner to inspect the property and present satisfactory evidence of compliance with these standards in the form of an inspection report created by a duly licensed and capable private inspector, engineer, or other consultant, verifying that the building is in compliance herewith. The building official or the building official's representative may utilize expertise of other governmental or private inspectors or agencies, as necessary, to ensure compliance with the following standards.

a. Sanitary Facilities.

- i. All plumbing fixtures connected to an approved water system, sewage system, or natural gas utility system shall be installed in accordance with applicable codes and ordinances and maintained in sound condition and good repair.
- ii. All plumbing fixtures connected to an approved water system, sewage system, or natural gas system not installed or maintained in accordance with applicable codes and ordinances shall be removed and the service terminated and the pipes capped in the manner prescribed by applicable codes and ordinances.

b. Electrical System.

- i. Every existing outlet and fixture shall be properly connected and wiring and service lines shall be installed and maintained in accordance with applicable codes and ordinances.
- ii. Outlets and fixtures not installed or maintained in accordance with applicable codes and ordinances shall be removed and the services terminated in the manner prescribed by applicable codes and ordinances.

c. Safety from Fire.

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- i. No vacant building or premises on which a vacant building is located shall contain any space used for the storage of flammable liquids or any other materials that could constitute a safety or fire hazard.
 - ii. Heating facilities or heating equipment in vacant buildings shall be removed or maintained in accordance with applicable codes and ordinances and any fuel supply shall be removed or terminated in accordance with applicable codes and ordinances.
- d. All vacant buildings shall be properly weather-protected to prevent deterioration of the exterior and interior of the building. This weather protection shall be approved by the building official and shall include all roof and wall assemblies.
- e. All vacant buildings shall be closed to unauthorized entry according to the following standards:
- i. All windows or similar openings shall be protected by intact glazing (glass). All windows or similar openings lacking intact glazing (glass), the sills of which are located ten feet or less above grade, stairway, landing, ramp, porch, roof, or other similarly accessible area, shall provide resistance to entry equivalent to or greater than that of a solid sheet of one-half-inch plywood. Any such material used to protect window or similar openings shall be painted in a color matching the existing structure to protect it from weather deterioration, cut to completely cover the opening, and securely fastened by minimum one and one-quarter-inch long sheetrock screws at six inches on center.
 - ii. Doors and service openings with thresholds located ten feet or less above grade, a stairway, landing, ramp, porch, roof or similarly accessible area, shall provide resistance to entry equivalent to or greater than that of a closed single panel or hollow core door one and three-eighths inches thick equipped with a half-inch throw deadbolt. Exterior doors, if openable, may be closed from the interior of the building by securing them to the doorframe using minimum one and one-quarter-inch long sheetrock screws at six inches on center.
 - iii. There shall be 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 one-half-inch deadbolt or dead latch. All locks shall be kept locked. When a door cannot be made operable, a door shall be constructed of three-quarter-inch CDX plywood painted in a color matching the existing structure to protect it from weather deterioration and shall be equipped with a lock as described above.
- f. All debris, combustible materials, hazardous or noxious vegetation, litter and garbage shall be removed from vacant buildings and premises on which a vacant building is located and further accumulation of the same prevented. Further, each and every owner of any vacant building shall remove or destroy all grass, weeds, shrubs, bushes, trees or vegetation growing or which has

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grown and died upon property owned or occupied by such owner, and which are a fire hazard or a menace to public health, safety and welfare.

g. All vacant buildings shall have plainly visible house numbers or address numbers as required by the Fire Code or other applicable law.

h. All vacant buildings with store front windows shall install a form of art or window dressing that is aesthetically pleasing. Design proposals must be submitted for approval to the Community Development Department prior to installation.

i. The building owner shall refer to SMC 15.36.100 for the removal of signs advertising previous businesses

15.46.050 Occupying or renting vacant buildings.

After a notice of violation, order or emergency order is issued in accordance with any applicable code with respect to any vacant building, no one shall use, occupy, rent, or cause, suffer, or allow any person to use or occupy or rent said vacant building, unless written approval from the building official has been first obtained.

15.46.060 Notice of civil infraction; continuing offense.

When the building official, or the building official's designee, determines that a violation of this chapter has occurred or is occurring, and is unable to secure voluntary correction, the building official or designee may issue a notice of civil infraction to the person responsible for the violation. Said notice shall be in the form prescribed by Chapter 7.80 RCW or applicable Sunnyside Municipal Code provisions. The notice of civil infraction shall be prosecuted and heard in the manner required by law as set forth in Chapter 7.80 RCW or in other applicable provisions of the Sunnyside Municipal Code. A person is guilty of a separate offense for each day or any portion thereof in which a violation of any provision of this chapter is committed, continued, or permitted, and may be cited accordingly.

15.46.070 Remedies not exclusive.

Nothing herein shall be construed to limit any other remedy available to the city for noncompliance with applicable codes or other law, including, without limitation, the power of condemnation and sale as provided by Chapter 35.80 RCW, or as the same may be hereafter amended.

15.46.080 Severability.

The provisions of this chapter are declared to be separate and severable, and the invalidity of any section, subsection, provision, clause, or portion of this chapter, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this chapter or the validity of its application to other persons or circumstances.