

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 374

AN ORDINANCE relating to unfit dwellings, buildings and structures; establishing standards; providing for the repair, vacation or demolition of such dwellings, buildings and structures; providing for the administration and enforcement thereof; and fixing penalties for the violation thereof.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Bellevue, Washington, does hereby find that there exist within the City dwellings which are unfit for human habitation, and buildings and structures which are unfit for other uses, due to the existence of one or more of the conditions of the character described in R.C.W. 35.80.010.

Section 2. Unfit Buildings. Provisions of "Uniform Housing Code" adopted. The provisions of the Uniform Housing Code, 1958 Edition, published by the International Conference of Building Officials, of which three (3) copies are on file in the office of the City Clerk, are hereby adopted and by this reference made a part hereof.

Section 3. Any building or portion thereof used, designed or intended to be used for human habitation which in any one or more respects does not meet the requirements of the aforesaid Uniform Housing Code is hereby declared to be unfit for human habitation; and said building shall hereafter be referred to as an "unfit building."

Section 4. Dangerous Buildings. Any building or structure or portion thereof which has any one or more of the following defects is hereby declared to be a dangerous building; and said building shall hereafter be referred to as a "dangerous building":

(a) Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

(b) Those which, exclusive of the foundation, show thirty-three per centum (33%), or more, of damage or deterioration of the supporting member or members, or fifty per centum (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.

(c) Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

(d) Those which have become damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the City of Bellevue.

(e) Those which have become or are so dilapidated or decayed or unsafe or insanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein.

(f) Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live or may live therein.

(g) Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.

(h) Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

(i) Those which because of their condition are unsafe or insanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

Section 5. Standards for repair, vacation or demolition. The following standards shall be followed in substance by the City Engineer and the Building Code Board of Appeals in ordering the repair, vacation or demolition of unfit buildings and dangerous buildings:

(a) If the building can reasonably be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be ordered repaired by the City Engineer or the Building Code Board of Appeals.

(b) If the building is in such condition as to make it dangerous to the health, morals, safety or general welfare of its occupants, it shall be ordered to be vacated by the City Engineer or the Building Code Board of Appeals.

(c) If the building is fifty per centum (50%) damaged or decayed or deteriorated in value, it shall be demolished. Value as used herein shall be the valuation placed upon the building for purposes of general taxation.

(d) If the building cannot be repaired so that it will no longer exist in violation of the terms of this ordinance, it shall be demolished.

(e) If the cost of repairing the building is in excess of fifty per centum (50%) of the present-day fair market value of the building, exclusive of lot, such building shall be made to conform to the requirements of this ordinance, or demolished.

(f) If the building is a fire hazard existing or erected in violation of the terms of this ordinance or any ordinance of this City or statute of the State of Washington, it shall be demolished,

providing the said fire hazard is not eliminated by the owner or other interested persons within a reasonable time.

Section 6. Nuisance declared. All unfit buildings and all dangerous buildings within the terms of Sections 3 and 4 are hereby declared to be public nuisances; are declared to be unfit for human habitation and unfit for use, respectively, within the meaning of R.C.W. 35.80.010; and shall be repaired, vacated or demolished as hereinbefore and hereinafter provided.

Section 7. Duties of City Engineer. The City Engineer and/or his authorized representative shall:

(a) Inspect or cause to be inspected all buildings including, but not limited to, schools, halls, churches, theaters, hotels, all family, commercial, manufacturing or loft buildings which may be brought to his attention by the Police Chief, the Planning Officer, the Fire Chief of King County Fire District No. 14, or their duly authorized representatives, for the purpose of determining whether any conditions exist which render such places a dangerous building or unfit building within the terms of this ordinance.

(b) Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall or structure is, or may be, existing in violation of this ordinance.

(c) Find after preliminary investigation, if it be a fact, that it is a dangerous building or unfit building.

(d) Post in a conspicuous place on such property a copy of the complaint setting forth the information required under Section 8 of this ordinance.

(e) Appear at all hearings conducted by the Building Code Board of Appeals and testify as to the condition of the dangerous building or unfit building.

(f) Hold a hearing at the time and place specified in the complaint, in which all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony; if after said hearing he determines that said structure is in fact a dangerous building or unfit building, he shall reduce to writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest, in the manner provided herein for the serving of the complaint, an order which requires the owner or party in interest, within the time specified in the order, to repair, alter or improve such dwelling, building or structure to render it fit for human habitation or other use, or to vacate and close the dwelling, building or structure, if such course of action is deemed proper, or require the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building or structure; and if no appeal is filed in the manner hereinafter provided, he shall file a copy of such order with the Auditor of King County.

(g) The City Engineer shall have power to administer oaths and affirmations, examine witnesses and receive evidence.

(h) The City Engineer and/or his authorized representative shall be empowered to investigate the dwelling and other use conditions in the City and to enter upon premises for the purpose of making examinations when the City Engineer has reasonable ground for believing they are unfit for human habitation, or for other use, provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and to obtain an order for this purpose after submitting evidence in support of an application which is adequate to justify such an order from a court of competent jurisdiction in the event entry is denied or resisted.

Section 8. Complaint by City Engineer. The complaint issued by the City Engineer must be in writing, and shall be served either personally or by registered mail upon all persons having any interest in and to said property, as shown upon the records of the King County Auditor, and shall post in a conspicuous place on such property, a copy of the complaint stating in what respects such dwelling, building, or structure is unfit for human habitation or other use. If the whereabouts of such persons is unknown and the same cannot be ascertained by the City Engineer in the exercise of reasonable diligence, and the City Engineer shall make an affidavit to the effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two consecutive weeks in a newspaper published in the City.

(a) Said complaint shall contain, among other things, the following information: (1) Name of owner or other persons interested, as provided hereinabove; (2) street address and legal description of the property on which said building is located; (3) general description of type of dwelling, building or structure deemed unsafe or unfit; (4) a complete, itemized statement or list of particulars which caused the dwelling, building or structure to be a dangerous building or unfit building as defined herein; (5) whether or not said dwelling, building or structure should be vacated by its occupants, and the date of such vacation; (6) whether or not the list of particulars, as provided for in paragraph (4) above, can be repaired; (7) whether or not the said dwelling, building or structure constitutes a fire menace; and (8) whether or not it is unreasonable to repair the said dwelling, building or structure, and whether or not the said dwelling, building or structure should be demolished.

(b) Such complaint shall contain a notice that a hearing will be held before the City Engineer, at a place therein fixed, not less than ten days nor more than thirty days after the service of said complaint; or in the event of publication or posting, not less than fifteen days nor more than thirty days from the date of the first publication and posting; that all parties in interest shall be given the right to file an answer to the complaint, and to appear in person, or otherwise, and to give testimony at the time and place fixed in the complaint. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the City Engineer or Board. A copy of such complaint shall also be filed with the King County Auditor, and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law.

Section 9. Appeals Commission. The Building Code Board of Appeals of the City of Bellevue is hereby designated as the appeal board for the purposes of this ordinance.

Section 10. Duties of Building Code Board of Appeals. The Building Code Board of Appeals, (sometimes called herein the "Board"), shall:

(a) Upon receipt of a notice of appeal from the decision and order of the City Engineer filed by the owner or party in interest within thirty days from the date of the service of said decision or order, the Board shall entertain such appeal, conduct a hearing thereon, as provided in subsection (b) hereof, or upon receipt of a request in writing from the City Engineer to review his decision, the Board shall entertain such request and conduct a hearing as herein provided.

(b) Hold a hearing to hear such testimony as may be presented by any department of the City of Bellevue, or by any other municipality or quasi-municipality of King County, Washington, or the owner, occupant, mortgagee, lessee or any other person having an interest in said building, as shown by the records of the King County Auditor, with relation to the dangerous building or unfit building.

(c) Make written findings of fact within sixty days from the date of filing of the appeal as to whether or not the building in question is a dangerous building or unfit building within the terms of this ordinance.

(d) Issue an order based upon the findings of fact made pursuant to subsection (c).

(e) Upon demand, make available to the owner or other party in interest, a transcript of the findings of fact.

(f) The findings and orders of the appeals commission shall be reported in the same manner and shall bear the same legal consequences as if issued by the board, and shall be subject to review only in the manner and to the extent provided in subdivision (2) of this section.

(g) If the owner or party in interest fails to comply with the order issued by either the Board, or in the event of the exhaustion of the rights to appeal, then and in that event, either the Board or City Engineer, as the case may be, may direct or cause such dwelling, building or structure to be repaired, altered, improved, vacated, closed, removed or demolished as the facts may warrant under the standards hereinabove provided, and the cost of such repairs, alterations or improvements, or vacating and closing, or removal or demolition, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. The City Treasurer shall determine the amount of the assessment due and owing, and shall certify the same to the King County Treasurer, who shall enter the amount of such assessment upon the tax rolls against the property, all in the manner provided by law and particularly, Chapter 82 of the Laws of 1959.

(h) If the building or structure is removed or demolished by the City Engineer or Board, the City Engineer or Board shall, if possible, sell the materials of such building or structure and shall credit the proceeds of such sale against the cost of the removal or demolition, and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the City Engineer or Board, after deducting the costs incident thereto.

(i) Report to the City Attorney the names of all persons not complying with the order provided for in subsection (d), hereof.

Section 11. Duties of the City Attorney. The City Attorney shall:

(a) Prosecute all persons failing to comply with the terms of the notices and orders provided for herein.

(b) Appear when requested to do so at hearings before the Building Code Board of Appeals in regard to dangerous or unfit buildings.

(c) Bring suit to collect costs incurred by the City Engineer or Board in repairing or causing to be vacated or demolished said dangerous or unfit buildings.

Section 12. Any person affected by an order issued by the Board may, within thirty days after the posting and service of the order, petition the Superior Court for an injunction restraining the City Engineer or members of the Board from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order and such trial shall be heard de novo.

Section 13. Report of dangerous or unfit buildings--Contents. The Police Chief and the Planning Officer shall, and the Fire Chief of King County Fire District No. 14 shall be requested, to make a report in writing to the City Engineer of all buildings or structures which are, may be or are suspected to be dangerous or unfit buildings within the purview of this ordinance. Such written reports, among other things, shall contain the following information:

(a) Name of owner or other persons interested, as provided hereinabove.

(b) Street address and legal description of the property on which said building is located.

(c) General description of type of building, wall or structure deemed unsafe.

(d) A complete, itemized statement or list of particulars which cause the building to be a dangerous or unfit building as defined herein.

(e) Whether or not said building should be vacated by its occupants, and the date of such vacation.

(f) Whether or not the conditions set forth in the list of particulars can be removed or repaired.

(g) Whether or not the said building constitutes a fire menace.

(h) Whether or not it is unreasonable to repair the said building and whether or not the said building should be demolished.

Section 14. Emergency cases. In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous or unfit building as defined herein is immediately repaired, vacated or demolished, the City Engineer shall cause the immediate repair, vacation or demolition of such dangerous or unfit building. The costs of such emergency repair, vacation or demolition of such building shall be collected in the same manner as provided in this ordinance.

Section 15. Act not exclusive. Nothing in this ordinance shall be construed to abrogate or impair the power of the City of Bellevue or any department thereof to enforce any provision of its ordinances or regulations, nor to prevent or punish violations thereof, and any powers conferred by this ordinance shall be in addition to and supplemental to powers conferred by other laws, nor shall this ordinance be construed to impair or limit in any way the power of the City of Bellevue to define and declare nuisances and to cause their removal or abatement by summary proceedings, or in any other manner provided by law.

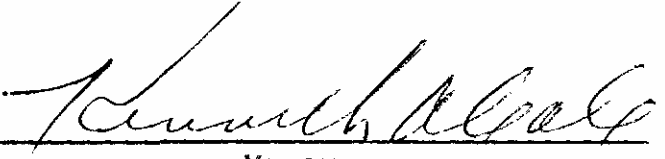
Section 16. Administrative liability. No officer, agent or employee of the City of Bellevue shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this ordinance. Any suit brought against any officer, agent or employee of the City of Bellevue, as a result of any act required or permitted in the discharge of his duties under this ordinance, shall be defended by the City Attorney until the final determination of the proceedings therein.

Section 17. Violations--Penalties. That every person violating any of the provisions of this ordinance shall be punishable by a fine not exceeding Three Hundred Dollars, or by imprisonment not exceeding ninety days, or by both such fine and imprisonment, and each day's violation shall constitute a separate offense punishable under this ordinance.

Section 18. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.


Section 19. This Ordinance shall take effect and be in force five (5) days after its passage, approval and legal publication.

PASSED by the City Council on this 3rd day of May,
1960, and signed in authentication of its passage this 3rd day of
May, 1960.

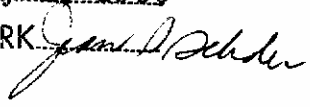



Mayor

Approved as to Form:



City Attorney

FILED
CITY OF BELLEVUE
DATE May 4, 1960
CITY CLERK 



City Clerk

Published May 12, 1960