

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5897

AN ORDINANCE amending the Bellevue City Code relating to reducing impacts in single-family land use districts associated with vacant residences, abandoned construction sites, and construction-related noise; specifically amending Sections 9.10.030 and 9.18.020.B, and adopting a new Chapter 9.13 to provide maintenance standards for vacant residences and abandoned construction sites; providing for severability and establishing an effective date.

WHEREAS, on September 25, 2006, the City Council initiated a strategy to address areas of neighborhood concern identified by residents, which is otherwise known as the Neighborhood Livability Action Agenda; and

WHEREAS, on December 3, 2007, the City Council adopted Ordinance No. 5791 implementing Phase 1 of the Neighborhood Livability Action Agenda.

WHEREAS, the City seeks to modify the Bellevue City Code to implement Phase II of the Neighborhood Livability Action Agenda and otherwise address the impacts related to abandoned construction sites and vacant dwellings on the character of single-family neighborhoods; and

WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this proposal will not result in any probable, significant, adverse impacts and as such a final threshold determination of non-significance (DNS) was issued on April 23, 2009; and

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

Section 1. Section 9.10.030 of the Bellevue City Code is hereby amended as follows:

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the applicable department director determines that any of these conditions exist upon any premises, the applicable department director may provide for the abatement thereof and monetary penalties may be assessed pursuant to Chapter 1.18 BCC, Civil Violations:

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I. Any violation of Chapter 9.13 BCC, Minimum Maintenance Standards for Vacant Residences and Abandoned Construction Sites in Single Family Residential land use districts.

Section 2. There is hereby adopted a new Chapter 9.13 to Title 9 of the Bellevue City Code to read:

Chapter 9.13 Minimum Maintenance Standards for Vacant Residences and Abandoned Construction Sites in Single Family Residential land use districts.

9.13.010 Purpose.

It is the purpose of this chapter to preserve neighborhood character, property values, enjoyment of property, and safety in single-family residential land use districts by establishing minimum maintenance standards for vacant residences and abandoned single-family construction sites.

9.13.015 General.

A. Applicability.

The provisions of this chapter shall apply to all Single Family Residential Land Use Districts (R-1 – R-7.5), as defined in the Bellevue Land Use Code. If there is conflict between this chapter and other applicable chapters of the Bellevue City Code, the more stringent provision shall apply.

B. Fire Inspections.

The City may periodically inspect vacant residences and abandoned construction sites to determine compliance with applicable fire codes and other requirements.

9.13.020 Definitions.

The following definitions are specific to this chapter and shall have the following meaning:

“Abandoned Construction Site” means a lot or group of lots, including subdivisions, building or buildings, or other development located in a Single Family Residential Land Use District (R-1 – R-7.5), where the Responsible Person has ceased work for any reason for a period of 90 days. Circumstances indicating abandonment of a construction site include, but are not limited to, failure to call for inspections, absence of workers, or removal of equipment and supplies. A valid building permit or other permit or approval issued by the City does not alter the status of a construction site deemed abandoned. For the purposes of this chapter, construction does not include temporary repairs, additions, remodels, or maintenance projects on existing single-family homes.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

“Emergency Work” means work required to restore property to a safe condition following natural disasters or events, fire, a public calamity, or work required to protect persons or property from imminent exposure to danger.

“Erosion” means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep.

“Owner” means any person, agent, firm, or corporation having a legal or equitable interest in the property.

“Premises” means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips and any lake, river, stream, or critical area or critical area buffer.

“Repair” means the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

“Responsible Person(s)” means any person, multiple persons, or all of the following person(s): owner(s), lessor(s), tenant(s), agent(s), contractor(s), operator(s), developer(s), applicant(s), occupant(s) of property, or other person(s) entitled to control, use and/or occupy property, or any other person(s) causing or contributing to a violation of the provisions of this chapter.

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Vacant Residence” means any dwelling unit as defined in LUC 20.50.016, now or as hereafter amended that is or remains unoccupied or unused for 90 or more consecutive days. Vacant residences do not include those dwellings where emergency work is being undertaken.

“Vegetation” means any organism of the vegetable kingdom, including grasses, herbs, shrubs, and trees. Weeds are excluded from the definition of vegetation.

“Weed” means plants considered unwanted, undesirable, or troublesome.

9.13.030 Vacant Residence or Abandoned Construction Site Owner Obligations.

Responsible Person(s) shall maintain Vacant Residences and associated premises and Abandoned Construction Sites in a clean, safe, and sanitary condition consistent with the provisions of this chapter and other applicable provisions of the Bellevue City Code. Responsible Persons shall bear all costs associated with maintaining Vacant Residences and Abandoned Construction Sites. Responsible Person(s) shall also comply with the provisions of Chapter 9.04 BCC.

9.13.040 Minimum Maintenance Standards for Vacant Residences and Associated Premises.

A. Premises. The premises shall be clean, safe, and sanitary, free from waste, garbage, excessive vegetation, and shall not pose a threat to the public health, welfare, or safety. Effective measures shall be taken to protect against the breeding or presence on the premises of vermin. The premises or yard shall be maintained free from weeds and turf grasses in excess of 8 inches. Owners shall also comply with the provisions of Chapter 14.06 BCC.

B. Building or Structure. Building or structures shall be maintained in good repair and be structurally sound. Structural members shall be free of deterioration and shall be free from safety, health, and fire hazards, and shall not pose a hazard to public health, safety, and welfare.

C. Building Openings. All doors, windows, and other openings shall be weather-tight and secured against entry by birds, vermin, and trespassers. Missing or broken doors, windows, and other openings shall be covered by glass, plywood, or other weather-resistant materials and tightly-fitted and secured to the opening.

D. Foundation Walls. Foundation walls shall be animal and vermin proof and be maintained in a structurally sound and sanitary condition so as not to pose a threat to the public health, safety and welfare.

E. Exterior Walls. Exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust.

F. Exterior Features. All chimneys, decks, balconies, canopies, awnings, exhaust ducts cornices, corbels, trim, wall facings, drains, gutters, down spouts, and similar features shall be safely anchored.

G. Roofs. The roof and flashings shall be maintained in good repair and be structurally sound, so as not to pose a threat to the public health, safety and welfare.

H. Automobiles and Litter. Owners shall comply with Chapters 9.09 (Abatement of Junk Vehicles) and 9.11 (Anti-litter) of the Bellevue City Code. Parking or storage of recreational vehicles, watercraft (whether mounted on trailers or unmounted), or utility trailers, is prohibited within a Residential Land Use District (R-1 – R-7.5); except in compliance with LUC 20.20.720 and 20.20.890.

9.13.050 Minimum Maintenance Standards for Abandoned Construction Sites.

A. Owners shall ensure that abandoned construction sites are secure and pose no health or safety hazard to the public and do not constitute a public nuisance as set forth in Chapter 9.10.030 BCC.

B. Any structure or partially-constructed structure shall comply with applicable provisions of 9.13.040 BCC.

C. Erosion Control. Abandoned construction sites shall be stabilized to prevent erosion and sediment from leaving the site in accordance with Chapter 23.76 BCC, now or hereafter amended.

9.13.060 Violations.

Any violation of any provision of Chapter 9.13 BCC is declared a public nuisance as set forth in Chapter 9.10 BCC, and constitutes a civil violation as provided in Chapter 1.18 BCC, for which a monetary penalty may be assessed and abatement may be required as provided therein.

Section 3. Section 9.18.020.B of the Bellevue City Code is hereby amended as follows:

B. The following sounds are exempt from the provisions of this chapter at all times if the receiving property is in Class B and Class C EDNAs, and between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends if the receiving property is located in a Class A EDNA (except as noted below):

1. Sounds created by bells, chimes and carillons not operating continuously for more than five minutes in any one hour; and

2. Sounds created by the repair or installation of essential utility services and streets; and

3. Construction sounds relating to temporary repairs, additions, remodels, or maintenance projects on existing single-family homes, grounds and appurtenances. Construction sounds related to the above activities must cease by 8:00 p.m., (except that sounds created by heavy equipment will be regulated pursuant to the construction noise exemption contained in subsection C of this section); and

4. Sounds emanating from discharge of firearms on legally established shooting ranges; and

5. Sounds created by repairing, rebuilding, modifying, operating or testing any motor vehicle or internal combustion engine (except for portable and stationary generators located in a Class A EDNA which are exempt only during the hours of 9:00 a.m. to 6:00 p.m. daily when electrical service is available from the primary supplier and except for heavy equipment, which will be regulated pursuant to the construction noise exemption contained in subsection C of this section); and

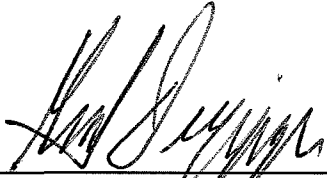
6. Sounds created by commercial business activity including, but not limited to: handling containers and materials; or sweeping parking lots and streets (except sweeping parking lots of businesses engaged in retail trade as defined in the Standard Industrial Classification Manual is exempt until 12:00 midnight); or boarding domestic animals (except expanded hours of operation may be authorized by the applicable department director).

Section 4. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 5. This ordinance shall take effect and be in force 30 days after passage and legal publication.

Passed by the City Council this 3rd day of August, 2009
and signed in authentication of its passage this 3rd day of August,
2009.

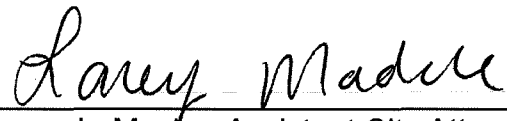
(SEAL)



Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney



Lacey L. Mache, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published _____