

Chapter 23.20

ABATEMENT OF DANGEROUS BUILDINGS CODE

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Chapter 1

TITLE AND SCOPE

~~SECTION 101—Title.~~ These regulations shall be known as the Abatement of Dangerous Buildings Code and may be cited as such, and hereafter will be referred to as “this code.”

~~SECTION 102—Purpose and Scope.~~

23.20.010 Purpose.

~~102.1 Purpose.~~ It is the purpose of this ~~code~~chapter to provide a just, equitable and practicable method, ~~to be~~ cumulative with and in addition to any other remedy provided by the ~~Building Code, Housing Code Bellevue City Code~~ or otherwise available by law, whereby buildings or structures which from any cause, endanger the life, ~~limb~~, health, ~~morals~~, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

~~The purpose of this code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.~~

~~102.2 Scope.~~

23.20.020 Scope.

The provisions of this ~~code~~chapter shall apply to all dangerous buildings, as herein defined, ~~which are now in existence or which may hereafter become dangerous in this jurisdiction.~~

Commented [A1]: BCC 23.10.010.C includes adoption and application of the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings published by the International Council of Building Officials, except for Section 205 and Chapters 5, 6, 7, 8, and 9. This Code will now be embedded in Chapter 23.20 BCC.

This redline strike-draft shows amendments to the 1997 Code.

Commented [A2]: Deleted as it is no longer needed.

Commented [A3]: Revised for consistency with current codes.

Commented [A4]: Revised for clarity.

~~SECTION 103—ALTERATIONS, ADDITIONS AND REPAIRS~~

~~All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Section 3404 of the Building Code.~~

Commented [A5]: Deleted for consistency with current codes.

23.20.030 Applicability

A. General. Where, in any specific case, different sections of this chapter specify different requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

B. Existing structures. The legal occupancy of any structure existing on the date of adoption of this chapter shall be permitted to continue without change, except as is specifically covered in this chapter, the Bellevue City Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

Commented [A6]: Added to include relevant provisions of Section 103—Administration of the 2004 Abatement of Dangerous Buildings Guide.

~~Chapter 3~~ ~~DEFINITIONS~~

Commented [A7]: Definitions section moved here for consistency with BCC structure.

~~SECTION 301—GENERAL~~

23.20.040 Definitions specific to this chapter.

~~For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.~~

"Authorized representative" shall include the Health Officer, the fire marshal and the Building Official, where applicable, and their authorized inspection personnel.

BUILDING CODE "Building Code" is The ~~Uniform~~International Building Code, promulgated by the International Conference of Building Officials, as adopted by this jurisdiction Code Council, now or as hereafter amended by the City of Bellevue.

"Building Official" means the officer or other designated authority charged with the administration and enforcement of this chapter, or a regularly authorized deputy thereof, including fire marshal, Health Officer, and those individual employees of the City of Bellevue and King County who are designated with the official duties of such positions under the law, or their authorized administrative, inspection, engineering, and review personnel.

~~DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.~~

~~HOUSING CODE is the Uniform Housing Code promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.~~

~~SECTION 302—~~“Dangerous Building” ~~is~~For the purpose of this code, any building or structure which has ~~any or all of the one or more~~ conditions or defects hereinafter described ~~shall be deemed to be a dangerous building~~, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of egress in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of egress is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of egress in case of fire or panic.
3. Whenever the stress or load in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the stress or ~~stresses~~ load allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion, member or appurtenance thereof is likely to fail, ~~or~~ to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion ~~of a building~~, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the ~~working stresses~~ or load permitted in the Building Code for such buildings.
7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the Building Code in the case of similar new construction.

8. Whenever ~~the building or structure, or~~ any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.
9. Whenever, for any reason, ~~the building or structure, or~~ any portion thereof, is manifestly unsafe for the purpose ~~for which~~ it is being used for.
10. Whenever ~~the any~~ exterior walls or other vertical structural members ~~list~~s, ~~lean~~s or ~~buckle~~s to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-~~third~~ of the base.
11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its non-supporting members, enclosing or outside walls or coverings.
12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become ~~(i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts~~ occupied by persons unlawfully in the building or structure.
13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or ~~Housing Code~~Bellevue City Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.
14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any non-supporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.
15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the ~~h~~HHealth ~~e~~Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electrical wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.
17. Whenever any building or structure is in such a condition as to constitute a public nuisance ~~known to the common law or in equity jurisprudence~~ pursuant to Bellevue City Code or state or federal law.
18. Whenever any portion ~~of a building or structure thereof~~ remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building, structure, or portion thereof ~~an attractive~~ nuisance or hazard to the public.

"Health Officer" is the Director of the Seattle-King County Department of Public Health, or the Director's duly authorized representative.

Commented [A8]: This section revised for clarity and consistency with current codes.

CHAPTER 2 ENFORCEMENT

SECTION 201 – GENERAL

23.20.050 Administration.

Commented [A9]: Revised for consistency with current codes.

A. 201.1 Administration. ~~Administration.~~ The ~~b~~Building ~~e~~Official ~~is hereby authorized to enforce the provisions shall be responsible for the administration of this code chapter.~~ The ~~b~~Building ~~e~~Official shall have the power to render interpretations of this ~~code chapter~~, and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this ~~code chapter~~.

B. 201.2 Inspections. ~~Inspections.~~ The ~~health officer, the fire marshal and the b~~Building ~~e~~Official ~~are~~ is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this ~~code chapter~~.

C. 201.3 Right of entry. ~~Right of entry.~~ When it is necessary to make an inspection to enforce the provisions of this ~~code chapter~~, or when the ~~b~~Building ~~e~~Official ~~or the building official's authorized representative~~ has reasonable cause to believe ~~that there exists in a building or on a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous~~ a Dangerous Building, the ~~b~~Building ~~e~~Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this ~~code chapter~~; ~~provided that,~~ if such building or premises ~~be~~ are occupied, ~~that~~ credentials shall be presented to the occupant and entry requested. If such building or premises ~~be~~ are unoccupied, the ~~b~~Building ~~e~~Official shall first make a reasonable

effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the ~~b~~Building ~~e~~Official shall have recourse to the remedies provided by law to secure entry to the building or premises.

~~“Authorized representative” shall include the officers named in Section 201.2 and their authorized inspection personnel.~~

~~SECTION 202—Abatement of dangerous buildings.~~

~~All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.~~

Commented [A10]: This section relocated to 23.20.060.B below for clarity.

~~SECTION 203—Violations.~~

23.20.060 Violations.

- A. Violations – Unlawful. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this ~~code~~chapter.
- B. Public Nuisance. All buildings or portions thereof which are determined after inspection by the Building Official to be dangerous as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in this chapter and Chapter 1.18 BCC.
- C. Civil Violations. A violation of this chapter is a civil violation as provided for in Chapter 1.18 BCC. A person responsible for the violation of any provision of this chapter may be assessed a monetary penalty and may be required to perform abatement as provided for in Chapter 1.18 BCC.

Commented [A11]: Sections B and C added for consistency with Chapter 1.18 BCC.

~~SECTION 204—Inspection of work.~~

~~All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 109 and 1704 of the Building Code.~~

Commented [A12]: Housekeeping item. This section is duplicative of Chapter 23.05 BCC for permit/inspection/occupancy requirements.

~~Chapter 4~~

~~NOTICES AND ORDERS OF BUILDING OFFICIAL—GENERAL~~

~~SECTION 401—GENERAL~~

23.20.070 Enforcement.

A. ~~401.1 Commencement of proceedings~~ Commencement of enforcement. When the ~~b~~Building ~~e~~Official has inspected or caused to be inspected any building and has found and determined ~~a violation of this chapter and~~ that such building is a ~~d~~Dangerous ~~b~~Building, the ~~b~~Building ~~e~~Official shall commence enforcement proceedings to cause the repair, vacation or demolition of the building.

Commented [A13]: Updated for consistency with Chapter 1.18 BCC.

B. ~~401.2 Notice and order~~ Notice. The ~~b~~Building ~~e~~Official shall follow the enforcement procedures provided in Chapter 1.18 BCC, including but not limited to, issuing a request for voluntary compliance and a notice and order directed to the record owner of the building of civil violation to the person(s) responsible for the violation, except that a notice of civil violation may be issued without having attempted to secure voluntary correction. The ~~notice and order shall contain:~~

Commented [A14]: Updated for consistency with current codes.

~~1. The street address and a legal description sufficient for identification of the premises on which the building is located.~~

Commented [A15]: Exception added to ensure that the urgency of the correction is maintained.

~~2. A statement that the building official has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous under the provisions of Section 302 of this code.~~

~~3. A statement of the action required to be taken as determined by the building official.~~

Commented [A16]: Sections 401.2.1 and 2 deleted for consistency with Chapter 1.18 BCC procedures.

~~3.1 If the building official has determined that the building or structure must be repaired, the order shall require that all required permits be secured therefor, and the work physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under all of the circumstances.~~

~~3.2 If the building official has determined that the building or structure must be vacated, the order shall require that the building or structure shall be vacated within a time certain from the date of the order as determined by the building official to be reasonable.~~

~~3.3. If the building official has determined that the building or structure must be demolished, the order shall require that the building be vacated within such time as the building official shall determine is reasonable (not to exceed 60 days from the date of the order); that all required permits be secured therefor within 60 days from the date of the order; and that the demolition be completed within such time as the building official shall determine is reasonable.~~

Commented [A17]: Sections 401.2.3 and 3.1 – 3.3 moved to BCC 23.20.070.C.

C. Commencement of work, vacation or demolition. If the Building Official has determined that the building or structure must be repaired, vacated, or demolished, the request and notice shall require that all required permits be secured thereof, and the work physically commenced within such time (not to exceed 60 days from the date of the order); the building or structure vacated within a time certain from the date of the order as determined by the Building Official to be reasonable; and all work or demolition completed within such time as the Building Official shall determine is reasonable under all of the circumstances.

Commented [A18]: Section 401.2.3 notice portion moved here and revised for clarity.

D. Vacate and do not occupy order. If any required repair or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official (i) may require the building vacated and posted to prevent further occupancy until the work is completed, and (ii) may proceed to cause the work to be done and charge the costs thereof against the property or its owner as provided for in BCC 1.18.060.

Commented [A19]: Section 401.2.4 vacate and do not occupy order moved here and revised for clarity

5. Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the building official to the board of appeals, provided the appeal is made in writing as provided in this code and filed with the building official within 30 days from the date of service of such notice and order; and (ii) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

Commented [A20]: Removed for consistency with Chapter 1.18 BCC.

401.3 Service of notice and order. The notice and order, and any amended or supplemental notice and order, shall be served on the record owner and posted on the property; and one copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease of record; and the holder of any other estate or legal interest of record in or to the building or the land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

Commented [A21]: Removed for consistency with Chapter 1.18 BCC.

401.5 Proof of service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the time, date and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the building official.

Commented [A22]: Removed for consistency with Chapter 1.18 BCC.

SECTION 402—RECORDATION OF NOTICE AND ORDER.

E. Recording of Dangerous Building Certificate. If compliance is not had with the order notice of civil violation within the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file in the office of the county recorder with the King

County Recorder's Office a ~~e~~Certificate describing the property and certifying (i) that the building is a ~~d~~Dangerous ~~b~~B~~uilding~~ and (ii) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a ~~d~~Dangerous ~~b~~B~~uilding~~ on the property described in the ~~e~~Certificate, the ~~b~~B~~uilding~~ ~~e~~O~~fficial~~ shall file a termination of the new eCertificate with the ~~county recorder~~ King County Recorder's Office certifying that the building has been demolished or all required corrections have been made so that the building is no longer dangerous, whichever is appropriate.

Commented [A23]: Section 402 moved to Section 23.20.070.E and revised for clarification and consistency with current codes.

~~SECTION 403 – REPAIR, VACATION AND DEMOLITION~~ 23.20.080 Repair, vacation and demolition.

Commented [A24]: Revised for clarity and consistency with current codes.

The following standards shall be followed by the ~~b~~B~~uilding~~ ~~e~~O~~fficial~~ (and by the hearing examiner if an appeal is taken) in ordering the repair, vacation or demolition of any ~~d~~Dangerous ~~b~~B~~uilding~~ ~~or structure~~:

A1. Any building declared a ~~d~~Dangerous ~~b~~B~~uilding~~ under this ~~chapter~~code shall be made to comply with one of the following:

~~1.~~1. The building shall be repaired in accordance with ~~the current Building Code or other current code applicable to the type of substandard conditions requiring repair all applicable codes;~~~~or~~

~~1.~~2. The building shall be demolished at the option of the building owner; or

~~1.~~3. If the building does not constitute an immediate danger to the life, ~~limb~~health, property or safety of the public, it may be vacated, secured and maintained against entry.

B2. If the building or structure is in such condition as to make it immediately dangerous to the life, ~~limb~~health, property or safety of the public or its occupants, it shall be ordered to be vacated.

~~SECTION 404 – NOTICE TO VACATE~~ 23.20.090 Notice to vacate.

Commented [A25]: Revised for clarity and consistency with current codes.

A. 404.1 Posting~~Posting~~. Every notice to vacate shall, in addition to being ~~served~~issued as provided in ~~Section 401.3~~this chapter and Chapter 1.18 BCC, be posted at or on each exit of the building and shall be in substantially the following form:

**DO NOT ENTER
UNSAFE TO OCCUPY**

It is a misdemeanor to occupy this building, or to remove or deface this notice.

Building Official
City of Bellevue

B. ~~404.2 Compliance~~ Entry after posting. Whenever such notice is posted, the ~~b~~Building Official shall include a notification thereof in the notice ~~and order~~ issued under ~~this Section 404.2~~ chapter and Chapter 1.18 BCC, reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the Building Code.