

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6535

AN ORDINANCE amending the Bellevue City Code to incorporate the Uniform Housing Code, with conformance and consistency amendments, as chapter 23.22 in the Bellevue City Code; providing for severability; and establishing an effective date.

WHEREAS, the Bellevue City Council adopted the 1997 Edition of the Uniform Housing Code through BCC 23.10.010.D; and

WHEREAS, the Uniform Housing Code provides minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the use, occupancy, and maintenance of all residential buildings and structures within the City; and

WHEREAS, the Uniform Housing Code was published by the International Council of Building Officials; and

WHEREAS, the 1997 Edition of the Uniform Housing Code was the last edition published by the International Council of Building Officials; and

WHEREAS, the Uniform Housing Code is no longer published; and

WHEREAS, pursuant to RCW 19.27.060, the Bellevue City Council is, parallel with consideration of this Ordinance, adopting an Ordinance to repeal the various construction codes, including the Building Code, chapter 23.10 BCC, and replacing these codes to include corollary amendments based on various statewide amendments (2018 editions); and

WHEREAS, the parallel Ordinance for corollary amendments will not include adoption of the 1997 Edition of the Uniform Housing Code; and

WHEREAS, because the City relies on the Uniform Housing Code to regulate and control the use, occupancy, and maintenance of all residential buildings and structures within the City, there continues to be a need to have this Code as part of the City's regulatory program; and

WHEREAS, because the Uniform Housing Code has not been updated and is no longer in publication subsequent to the 1997 Edition, there are nonconformities and inconsistencies between this Code and other City Codes; and

WHEREAS, to address this continuing need to have a code to regulate and control the use and occupancy, and maintenance of all residential buildings and structures within the City in order to safeguard life, health, property, and public

welfare, it is necessary to incorporate the applicable contents, with conformance and consistency amendments, of the Uniform Housing Code into the BCC; and

WHEREAS, the City Council has a compelling interest in the protection of the health and safety of all of its residents; now, therefore,

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

Section 1. Title 23 of the Bellevue Construction Codes shall be amended to add a new Chapter 23.22 as follows:

## **Chapter 23.22**

### **UNIFORM HOUSING CODE**

Sections:

- 23.22.010 Purpose.
- 23.22.020 Scope.
- 23.22.030 Definitions specific to this uniform housing code chapter.
- 23.22.040 Responsibilities defined.
- 23.22.050 Unsafe structures, premises or equipment.
- 23.22.060 Violations.
- 23.22.070 Sanitation.
- 23.22.080 Structural requirements.
- 23.22.090 Mechanical requirements – heating, electrical and ventilation.
- 23.22.100 Exits.
- 23.22.110 Fire protection.
- 23.22.120 Unsafe buildings.

#### **23.22.010 Purpose.**

The purpose of this chapter is to provide minimum standards to safeguard life, health, property, and public welfare by regulating and controlling the use and occupancy, and maintenance of all residential buildings and structures within the City of Bellevue.

#### **23.22.020 Applicability.**

The provisions of this chapter shall apply to all residential uses, buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as legally permitted or as provided by the International Existing Building Code, except such structures as are found to be Unsafe as defined in this chapter.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this chapter shall apply to the separate portions as if they were separate buildings.

Congregate Residences and Lodging Houses shall comply with all the requirements of this chapter for dwellings.

### **23.22.030 Definitions specific to this uniform housing code chapter.**

“Building Code” means the International Building Code and/or the International Existing Building Code, as applicable, promulgated by the International 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.

“Congregate Residence” is any building or portion thereof that contains facilities for living, sleeping and sanitation, as required by this chapter, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a convent, monastery, dormitory, fraternity or sorority house but does not include jails, hospitals, nursing homes, hotels or lodging houses.

“Dwelling Unit” means and refers to the definition of Dwelling Unit defined in Chapter 20.50 LUC.

“Health Officer” is the Director of the Seattle-King County Department of Public Health, or the Director’s duly authorized representative.

“Hot Water” is water supplied to plumbing fixtures at a temperature not less than 120F (49C).

“Lodging House” means and refers to Rooming House and Bed and Breakfast, as those terms are defined and used in the Chapter 20.50 LUC.

“Mechanical Code” means the International Mechanical Code promulgated by the International Code Council as adopted by the city in Chapter 23.50 BCC.

“Nuisance” means any of the following:

1. Any public nuisance defined in the Bellevue City Code;

2. Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer;
3. Overcrowding a room with occupants;
4. Insufficient ventilation or illumination;
5. Inadequate or unsanitary sewage or plumbing facilities; or
6. Uncleanliness, as determined by the Health Officer.

“Plumbing Code” means the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials, as adopted by the city in Chapter 23.60 BCC.

“Unsafe” refers to buildings, structures or equipment that are deemed unsafe by the Building Official pursuant to the International Existing Building Code.

#### **23.22.040 Responsibilities defined.**

- A. In addition to the provisions in Chapter 1.18 BCC, owners remain liable for violations of duties imposed by this chapter even though an obligation is also imposed on the occupants of the building, and even though the owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this chapter.
- B. Buildings and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this chapter, the building may be re-inspected.
- C. Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared public areas in a building containing two or more Dwelling Units.
- D. Owners shall, when required by this chapter, the city-adopted health regulations, or the Health Officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

- E. Occupants of a Dwelling Unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or Dwelling Unit or premises which they occupy and control, shall dispose of their rubbish, garbage and other organic waste in a manner required by the city-adopted health regulations and approved by the Health Officer.
- F. Occupants shall, when required by this chapter, the city-adopted health regulations, or the Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

#### **23.22.050 Unsafe structures, premises or equipment.**

Buildings and premises, or portions thereof, and equipment that are determined to be Unsafe as defined in this chapter are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal consistent with applicable Building Code and in accordance with the procedures and provisions of Chapter 1.18 BCC.

#### **23.22.060 Violations.**

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 be done in violation of this chapter. 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.

#### **23.22.070 Sanitation.**

- A. Dwelling Units, Lodging Houses and Congregate Residences. Dwelling units, lodging houses and congregate residences shall be provided with or access to a bathroom equipped with facilities.
- B. Kitchen. Each Dwelling Unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. Wooden sinks or sinks of similarly absorbent material shall not be permitted.
- C. Fixtures.
  - 1. All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water necessary for its normal operation.

- 2. All plumbing fixtures shall be of an approved glazed earthenware type or of a similarly nonabsorbent material.
- D. Lavatory. Walls and floors of lavatories, except in dwellings, shall be finished in accordance with the Building Code.
- E. Room separations. Every water closet, bathtub or shower required by this chapter shall be installed in a room that will afford privacy to the occupant.
- F. Installation and maintenance. All sanitary facilities shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements the Plumbing Code.

**23.22.080 Structural requirements.**

- A. General. Buildings or structures may be of any type of construction permitted by the Building Code. Roofs, floors, walls, foundations and all other structural components of buildings shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the Building Code.

Buildings of every permitted type of construction shall comply with the applicable requirements of the Building Code.

- B. Shelter. Every building shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.
- C. Protection of materials. All wood shall be protected against termite damage and decay as provided in the Building Code.

**23.22.090 Mechanical requirements – heating, electrical and ventilation.**

- A. Heating. Dwelling units, Lodging Houses, and Congregate Residences shall be provided with heating facilities capable of maintaining a room temperature of 70 F (21.1 C) at a point 3 feet (914 mm) above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with the Building Code, the Mechanical Code and all other applicable laws. Unvented fuel-burning heaters are not permitted. All heating devices or appliances shall be of an approved type.
- B. Electrical equipment. All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws, including the National Electrical Code. All electrical equipment shall be of an approved type.

Where there is electrical power available within 300 feet (91440 mm) of any building, such building shall be connected to such electrical power. Every habitable room shall contain at least two electrical convenience outlets or one convenience outlet and one electric light fixture. Every water closet compartment, bathroom, laundry furnace room and public hallway shall contain at least one electric light fixture.

- C. Ventilation. Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the Mechanical Code and in this chapter. Where mechanical ventilation is provided in lieu of the natural ventilation, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

### **23.22.100 Exits.**

Dwelling units shall have access directly to the outside or to a public corridor. All buildings or portions thereof shall be provided with exits, exitways and appurtenances as required by the Building Code.

Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the use of separate tools.

### **23.22.110 Fire protection.**

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the Building Code for the appropriate occupancy, type of construction and location on property, and shall be provided with the appropriate fire-extinguishing systems or equipment required by the Building Code.

### **23.22.120 Unsafe buildings.**

- A. General. Any building or portion thereof that is determined be an Unsafe building in accordance with the Building Code, Chapter 23.20 BCC, or any building or portion thereof, including any Dwelling Unit or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be Unsafe buildings.
- B. Inadequate sanitation. Buildings or portions thereof shall be deemed Unsafe when they have inadequate sanitation. Inadequate sanitation shall include, but not be limited to, the following:
  - 1. Lack of or improper water closet, lavatory, bathtub or shower in a Dwelling Unit, Lodging House, or Congregate Residence.

2. Lack of or improper kitchen sink in a Dwelling Unit.
  3. Lack of hot and cold running water to plumbing fixtures.
  4. Lack of adequate heating facilities.
  5. Lack of or improper operation of required ventilating equipment.
  6. Lack of minimum amounts of natural light and ventilation required at the time the building or the affected portion of the building was permitted and constructed.
  7. Room and space dimensions less than the amount required at the time the building or the affected portion of the building was permitted and constructed.
  8. Lack of required electrical lighting.
  9. Dampness of habitable rooms.
  10. Infestation of insects, vermin or rodents as determined by the Health Officer.
  11. General dilapidation or improper maintenance.
  12. Lack of connection to required sewage disposal systems.
  13. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.
- C. Structural hazards. Buildings or portions thereof shall be deemed Unsafe when they are or contain structural hazards. Structural hazards shall include, but not be limited to the following:
1. Deteriorated or inadequate foundations.
  2. Ineffective or deteriorated flooring or floor supports.
  3. Flooring or floor supports of insufficient size to carry imposed loads with safety.
  4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
  5. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety.



6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that sag, split or buckle due to defective material or deterioration.
  7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.
  8. Fireplaces or chimneys that list, bulge or settle due too defective material or deterioration.
  9. Fireplaces or chimneys that are of insufficient size or strength to carry imposed loads with safety.
- D. Nuisance. Buildings or portions thereof in which there exists any nuisance as defined in this chapter are deemed Unsafe buildings.
- E. Hazardous electrical wiring. Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not being used in a safe manner shall be considered Unsafe.
- F. Hazardous plumbing. Plumbing that was installed in violation of code requirements in effect at the time of installation of plumbing or not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not free of cross-connections or siphonage between fixtures shall be considered Unsafe.
- G. Hazardous mechanical equipment. Mechanical equipment that was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good and safe condition shall be considered Unsafe.
- H. Faulty weather protection. Buildings or portions thereof shall be considered Unsafe when they have faulty weather protection, which shall include, but not be limited to, the following:
1. Deteriorated, crumbling or loose plaster.
  2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.
  3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.
- I. Fire hazard. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation that, in the opinion of the chief or fire marshal of the fire department, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered Unsafe.
- J. Materials of construction. The use of materials of construction, except those that are specifically allowed or approved by this chapter and the Building Code, and that have been adequately maintained in good and safe condition, shall cause a building to be Unsafe.
- K. Hazardous or insanitary premises. The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, combustible materials, and similar materials or conditions on a premises constitutes fire, health or safety hazards that shall be abated in accordance with the procedures of this chapter and Chapter 1.18 BCC.
- L. Inadequate exits. Except for those buildings or portions thereof that have been provided with adequate exit facilities conforming to the provisions of this chapter, buildings or portions thereof whose exit facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered Unsafe.

Notwithstanding compliance with code requirements in effect at the time of their construction, buildings or portions thereof shall be considered Unsafe when the Building Official finds that an Unsafe condition exists through an improper location of exits, a lack of an adequate number or width of exits, or when other conditions exist that are dangerous to human life.

- M. Inadequate fire-protection or firefighting equipment. Buildings or portions thereof shall be considered Unsafe when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter, except those buildings or portions thereof that conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.
- N. Improper occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes that were not designed or intended to be used for such occupancies shall be considered Unsafe.

Section 2. Severability. 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 3. Effective Date. This Ordinance shall take effect and be in force on February 1, 2021.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and signed in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

(SEAL)

\_\_\_\_\_  
Lynne Robinson, Mayor

Approved as to form:

Kathryn L. Gerla, City Attorney

\_\_\_\_\_  
Matthew McFarland, Assistant City Attorney

Attest:

\_\_\_\_\_  
Charmaine Arredondo, City Clerk

Published: \_\_\_\_\_