

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6536

AN ORDINANCE amending the Bellevue City Code to incorporate the Uniform Code for the Abatement of Dangerous Buildings, with conformance and consistency amendments, as chapter 23.20 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 Code for the Abatement of Dangerous Buildings through BCC 23.10.010.C; and

WHEREAS, the Uniform Code for the Abatement of Dangerous Buildings is intended to protect life, health, property or safety of the public from the conditions of dangerous buildings and structures; and

WHEREAS, the Uniform Code for the Abatement of Dangerous Buildings was published by the International Council of Building Officials; and

WHEREAS, the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings was the last edition published by the International Council of Building Officials; and

WHEREAS, the Uniform Code for the Abatement of Dangerous Buildings 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 does not include adoption of the 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings; and

WHEREAS, because the City relies on the Uniform Code for the Abatement of Dangerous Buildings to require repair, vacation, or demolition of dangerous buildings or structures, there continues to be a need to have this Code as part of the City's regulatory program; and

WHEREAS, because the Uniform Code for the Abatement of Dangerous Buildings 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 require repair, vacation, or demolition of dangerous buildings or structure in order to protect life, health, property or safety of the public, it is necessary to incorporate the applicable contents, with conformance and consistency amendments, of the Uniform Code for the Abatement of Dangerous Buildings 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 23.20 as follows:

Chapter 23.20
ABATEMENT OF DANGEROUS BUILDINGS CODE

Sections:

- 23.20.010 Purpose.
- 23.20.020 Scope.
- 23.20.030 Applicability.
- 23.20.040 Definitions specific to this Chapter.
- 23.20.050 Administration.
- 23.20.060 Violations.
- 23.20.070 Enforcement.
- 23.20.080 Repair, vacation and demolition.
- 23.20.090 Notice to vacate.

23.20.010 Purpose.

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

23.20.020 Scope.

The provisions of this chapter shall apply to all dangerous buildings, as herein defined.

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.

23.20.040 Definitions specific to this chapter.

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

“Building Code” is The *International Building Code*, 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 the 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 which has one or more conditions or defects hereinafter described, 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 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, to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion 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 stress 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 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, any portion thereof is manifestly unsafe for the purpose it is being used for.
10. Whenever any exterior wall or other vertical structural member lists, leans or buckles 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 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 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 Health 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 pursuant to Bellevue City Code or state or federal law.
18. Whenever any portion 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 a 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.

23.20.050 Administration.

- A. Administration. The Building Official shall be responsible for the administration of this chapter. The Building Official shall have the power to render interpretations of this 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 chapter.
- B. Inspections. The Building Official is hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

- C. Right of entry. When it is necessary to make an inspection to enforce the provisions of this chapter, or when the Building Official has reasonable cause to believe there exists a Dangerous Building, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this chapter; provided that, if such building or premises are occupied, credentials shall be presented to the occupant and entry requested. If such building or premises are unoccupied, the Building 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 Building Official shall have recourse to the remedies provided by law to secure entry to the building or premises.

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 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.

23.20.070 Enforcement.

- A. Commencement of enforcement. When the Building 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 Dangerous Building, the Building Official shall commence enforcement proceedings to cause the repair, vacation or demolition of the building.
- B. Notice. The Building 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 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.
- C. Commencement of work, vacation or demolishment. 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.

- 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.
- E. Recording of Dangerous Building Certificate. If compliance is not had with the notice of civil violation within the time specified therein, and no appeal has been properly and timely filed, the Building Official shall file with the King County Recorder's Office a Certificate describing the property and certifying (i) that the building is a Dangerous Building 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 Dangerous Building on the property described in the Certificate, the Building Official shall file a termination of the Certificate with the 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.

23.20.080 Repair, vacation and demolition.

The following standards shall be followed by the Building Official (and by the hearing examiner if an appeal is taken) in ordering the repair, vacation or demolition of any Dangerous Building:

- A. Any building declared a Dangerous Building under this chapter shall be made to comply with one of the following:
 - 1. The building shall be repaired in accordance with all applicable codes;
 - 2. The building shall be demolished at the option of the building owner; or
 - 3. If the building does not constitute an immediate danger to the life, health, property or safety of the public, it may be vacated, secured and maintained against entry.

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

23.20.090 Notice to vacate.

- A. Posting. Every notice to vacate shall, in addition to being issued as provided in 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. Entry after posting. Whenever such notice is posted, the Building Official shall include a notification thereof in the notice issued under this 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.

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: _____