

Repealed By 3102 Date: _____ORDINANCE NO. 954

AN ORDINANCE ENACTED PURSUANT TO CHAPTER 82 OF THE 1959 LAWS OF THE STATE OF WASHINGTON RELATING TO DANGEROUS BUILDINGS; DEFINING TERMS; PROVIDING FOR THE REPAIR, CLOSING AND DEMOLITION OF BUILDINGS UNFIT FOR HUMAN HABITATION, AND BUILDINGS AND STRUCTURES UNFIT FOR USE; PRESCRIBING MINIMUM STANDARDS FOR THE USE AND OCCUPANCY OF DWELLINGS, BUILDINGS AND STRUCTURES WITHIN THE CITY OF KIRKLAND; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF; REPEALING ORDINANCE NO. 510 ENACTED NOVEMBER 19, 1945, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OR REGULATIONS IN CONFLICT THEREWITH.

The City Council of the City of Kirkland do ordain as follows:

Section 1. All buildings or structures which have any or all of the following defects shall be deemed "dangerous buildings", to-wit:

- (a) Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumbline 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 Kirkland.
- (e) Those which have become or are so dilapidated or decayed or unsafe or unsanitary, 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 unsanitary, or dangerous to the health, morals, safety or general welfare of the people of this City.

BBG593

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BBG593

Section 2. The City Engineer of the City of Kirkland shall be charged with the primary responsibility for the administration and enforcement of this ordinance and shall be assisted by the Building Inspector of the City of Kirkland and both, as well as the Appeals commission hereinafter established, shall have and exercise, in addition to those powers herein enumerated, such other powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this ordinance.

The City Building Inspector and/or his authorized representative shall:

(a) Inspect or cause to be inspected all buildings including, but not necessarily limited to, schools, halls, churches, theaters, hotels, all family, commercial, manufacturing or loft buildings which may be brought to his attention by the Fire Chief or anyone of his duly authorized representatives or the Police Chief or any one of his duly authorized representatives for the purpose of determining whether any conditions exist which render such places a "dangerous building" within the terms of Section 1 above.

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

(c) After such inspection, if he finds any dwelling, building or structure to be a "dangerous building", cause to be served either personally or by registered mail upon all persons having any interest therein, as shown by the records of the King County Auditor's office, and shall post in a conspicuous place on such property, a complaint stating in what respects such dwelling, building or structure is a "dangerous building". If the whereabouts of such persons are unknown and the same cannot be ascertained by the City Building Inspector in the exercise of reasonable diligence and the City Building Inspector shall make an affidavit to that effect, then the serving of such Complaint upon such persons may be made by publishing the same once each week for two consecutive weeks in the East Side Journal, a newspaper of general circulation in the City of Kirkland. 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 serving of said complaint; 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. A copy of such complaint shall also be filed with the County Auditor in the county in which the dwelling, building, or structure is located, and such filing of the complaint shall have the same force and effect as other lis pendens notices provided by law.

(d) Appear at all hearings conducted by the City Engineer and the Appeals Commission hereinafter established and testify as to the condition of such "dangerous buildings".

(e) The City Engineer and the City Building Inspector and/or their authorized representatives shall be empowered to enter any

building for the purpose of making an inspection thereof, and any person who in any manner whatsoever shall impede or interfere with the City Engineer or the City Building Inspector and/or their authorized representatives or refuse them admittance to any building shall be guilty of violating the terms and conditions hereof and shall be subject to the penalties hereinafter provided.

Section 3. The City Engineer shall:

(a) Hold a hearing to adduce such testimony as may be presented by any department of the City of Kirkland, or the owner, occupant, mortgagee, lessee or any other person having an interest in such building or premises designated a "dangerous building", as shown by the records of the King County Auditor.

(b) Make written Findings of Fact from the testimony offered pursuant to subsection (a) as to whether or not the building in question is a "dangerous building" within the terms of Section 1 hereof.

(c) After a complete investigation of the "dangerous building", issue an order based upon said findings of fact commanding the occupant, mortgagee, lessee, agent and all other persons having an interest in said building, as shown by the records of the King County to repair and/or vacate and/or demolish such building found to be a "dangerous building" within the terms of this Ordinance.

(d) Send a copy of said Order and Findings of Fact via registered mail to the owner, lessee, mortgagee, agent and all other persons having an interest in the said building, as shown by the records of the King County Auditor, of any building found by the City Engineer to be a "dangerous building" within the standards set forth in Section 1, and the said Order and Findings of Fact shall cover the following information, to-wit:

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

(2) Street address and legal description of the property on which said building, wall or structure is located.

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

(4) A complete, itemized statement or list of particulars which caused the building, wall or structure to be a "dangerous building" as defined in Section 1 above.

(5) Whether or not the statement or list of particulars, as provided for in paragraph (4) above, can be removed or repaired.

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

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

(8) Whether or not it is unreasonable to repair the

said building and whether or not the said building should be demolished.

(9) A statement of the reasonable time to commence to vacate and/or make repairs and/or demolish the building, as provided in said order. A reasonable time shall not exceed thirty days except in causes of an unusually large building. The time to commence may be extended by the City Engineer or the Appeals Commission for an additional period of sixty days, provided, however, the extension is applied for by the owner, or other persons interested in the property as hereinabove defined at least five days before the expiration of the time to commence vacation, repair or demolition.

(10) A reasonable time to complete the vacation, repairs or demolition as provided in said order, and said-reasonable time for completion shall not exceed sixty days, unless the time is extended by resolution of the City Council of the City of Kirkland.

(e) If the owner, mortgagee, lessee or other person having an interest in said building fails to comply with the order provided for in subsection (c) hereof within thirty days or any reasonable time ordered by the City Engineer, then the City Engineer shall cause such building or structure to be repaired, vacated or demolished as the facts may warrant under the standards hereinbefore provided in Section 2, and the costs of such repair, vacation or demolition shall be a lien charged against the land on which said building or structure existed in favor of the City of Kirkland, to be foreclosed in the manner provided for in the foreclosure of mechanics' and materialmen's liens, or shall be recovered in a suit at law or equity against the owner; provided, however, that in cases where such procedure is desirable and any delay thereby caused will not be dangerous to the health, morals, safety or general welfare of the people of this City, the City Engineer may notify the City Attorney to take legal action to force the owner to make all necessary repairs, vacate or demolish the building or structure.

(f) If no appeal is filed as hereinafter provided, a copy of the order and findings of fact shall be filed with the Auditor of King County.

Section 4. The following standards shall be followed in substance by the City Engineer and Appeals Commission in ordering repair, vacation or demolition of any "dangerous building", to-wit:

(a) If the "dangerous building" can reasonably be repaired so that it will no longer exist in violation of the terms of this chapter, it shall be ordered repaired by the City Engineer or the Appeals Commission.

(b) If the "dangerous 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 Appeals Commission.

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

(e) If the "dangerous building" is a fire hazard existing or erected in violation of the terms of this chapter 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 5. There is hereby created and established a body to be known as the Appeals Commission of the City of Kirkland, which shall consist of three members, residents of the City of Kirkland, to be appointed by the Mayor with the approval of the City Council, one of whom shall be elected by said members to serve in the capacity of Chairman. Said members shall be appointed for a term of three years, provided, however, that of the members first appointed, one member shall be appointed for a term of one year, one member for a term of two years, and one member for a term of three years. Thereafter all such appointments shall be for a term of three years.

In the event of the death, resignation or removal of any member of said Appeals Commission, the Mayor shall appoint a successor to serve his unexpired term, which appointment shall be made in the manner herein provided. Any member of the Appeals Commission shall be eligible for reappointment and all shall serve without compensation. The City of Kirkland shall furnish to said Appeals Commission such clerical help as may be required.

Section 6. The owner or any party of interest, within thirty days from the date of service upon the owner and posting of an order issued by the City Engineer under the provisions of Section 3 hereof, may file an appeal in writing with the Appeals Commission setting forth with particularity the alleged errors of the order and findings of fact issued by the City Engineer. Upon receipt of such written appeal the matter shall be promptly set down for hearing before the appeals Commission and all such appeals shall be resolved by the Appeals Commission within sixty days from the date of filing therewith. The findings of fact 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 City Engineer. A transcript of the findings of fact and orders of the Appeals Commission shall be made available to the owner or the party in interest upon demand and shall be filed with the Auditor of King County.

If the owner or the party in interest, following exhaustion of his rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove or demolish the dwelling, building or structure, the Appeals Commission may direct or cause such dwelling, building or structure to be repaired, altered, improved, vacated, closed, removed or demolished in the same manner as provided in Section 3 hereof.

Section 7. That Ordinance No. 510, enacted November 19, 1945, and all other ordinances and parts of ordinances or regulations in conflict herewith, be and the same are hereby repealed.

Section 8. Every person violating any provisions of this ordinance shall be punishable by a fine not exceeding \$300.00 or by imprisonment not exceeding ninety days or by both such fine and imprisonment, and each days' violation shall constitute a separate offense punishable under this ordinance.

Section 9. This ordinance shall be in full force and effect five days after its passage and publication as provided by law.

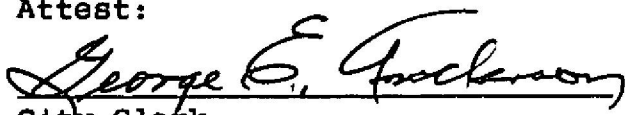
INTRODUCED the 19th day of October, 1964.

PASSED AND APPROVED the ^{16th} 2nd day of November, 1964.



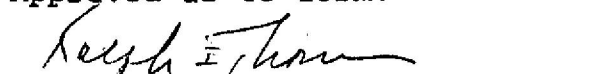
Mayor

Attest:



City Clerk

Approved as to form:



City Attorney

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