



ORDINANCE NO. 28560

1 AN ORDINANCE relating to the building code; amending Chapter 2.01 of the
2 Tacoma Municipal Code, the Minimum Building and Structures Code, to
3 allow the City to pursue receivership of private properties which are
4 derelict or unfit.

5 WHEREAS the City has approximately 350 derelict or unfit building cases
6 at any given time, and the presence of these properties in neighborhoods
7 contributes to residents feeling unsafe and the general perception that the
8 neighborhood is blighted, and

9 WHEREAS current legislation tools limit the actions that the City is able to
10 take with regard to resolving these issues, and

11 WHEREAS, when the buildings are uninhabitable and reach "unfit" status,
12 the City is able to seek demolition of the building, if necessary, but the asset
13 often sits for an average of two years before being returned to productive use,
14 and

15 WHEREAS staff is recommending amendments to Tacoma Municipal
16 Code ("TMC") 2.01, the Minimum Building and Structures Code, to allow the City
17 to pursue receivership of these derelict or unfit properties through a court
18 process, pursuant to RCW 7.60, which will provide additional tools to address
19 the blight created by these properties; Now, Therefore,
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BE IT ORDAINED BY THE CITY OF TACOMA:

That Chapter 2.01 of the Tacoma Municipal Code is hereby amended as set forth in the attached Exhibit "A."

Passed _____

Mayor

Attest:

City Clerk

Approved as to form:

Deputy City Attorney



EXHIBIT "A"

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2.01.050 Administration and Process.

- A. Initiation of Enforcement.
- B. Inspection and Evaluation of Buildings and Property.
- C. Classification of Buildings or Structures.
- D. Substandard and Derelict Building Enforcement Procedures.
- E. Derelict Building Registration.
- F. Unfit Buildings or Structures Enforcement Procedures.
- G. Recovery of Costs and Expenses.
- H. Posting of Buildings.
- I. Utility Restraints.
- J. Emergency Cases.
- K. Permits.
- L. Repeat Offenders
- M. Severability.

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- D. Substandard and Derelict Building Enforcement Procedures.

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- 7. Alternate Procedures.

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b. Where Derelict Building proceedings undertaken against a property have extended over a period of time to where it is necessary to file a Certificate of Complaint with the Pierce County Auditor, the Building Official may undertake one or more of the following procedures to mitigate the derelict status of the building:

i. The Building Official may obtain the property through eminent domain pursuant to the provisions of the RCW 35.80A.

ii. The Building Official may initiate Unfit Building Proceedings pursuant to Tacoma Municipal Code 2.01.050.F and Table C.

iii. The Building Official shall require the property to be registered with the City as outlined in the registration requirements in Section E.

iv. The Building Official may petition the superior court to order the property into receivership in accordance with RCW 7.60 and thereby recover from the property the reasonable necessary expenses of abating the violations and returning the property to productive use.

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- F. Unfit Buildings or Structures Enforcement Procedures.

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- 5. Contents of Unfit Building Complaints.

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b. The complaint shall contain, among other things, the following information:

i. Name of the owner and other interested persons, as provided herein above.

ii. Street address and legal description of the property on which said building is located.

iii. General description of type of building, wall, or structure deemed unfit.

iv. A complete itemized statement or list of particulars which caused the building or structure, or portion thereof, to be classified as an unfit building or structure.

v. That said building should be vacated by its occupants.



- vi. Whether or not the list of violations can be removed or repaired.
- vii. Whether or not the building constitutes a fire hazard.
- viii. Whether it is reasonable to repair the building or whether the building should be demolished.
- ix. That the City may petition the superior court to order the property into receivership in accordance with RCW 7.60 to return the property to productive use.
- x. If the building is a City landmark or is within a Historic Special Review or Conservation District, the complaint shall provide the procedural requirements of the Landmark Preservation Commission for repair or demolition.
- xi. A notice that a hearing shall be held before the Hearing Examiner not less than ten calendar days nor more than 30 calendar days after the mailing of such complaint on all interested parties, as recorded by the Pierce County Auditor, and posted in a conspicuous place on the property. The notice shall also state that all parties in interest shall be given the right to file an answer to the complaint, to appear in person or otherwise, and to give testimony at the time of the hearing.
- xii. That a copy of such complaint shall also be filed with the Pierce County Auditor, which filing shall have the same force and effect as other lis pendens notices provided by law.
6. Unfit Building Hearing.
- a. The Hearing Examiner shall convene the hearing at the time specified in the Unfit Building Complaint or soon thereafter. The hearing shall be conducted in accordance with 1.23 TMC and the Hearing Examiner's rules.
- b. The Hearing Examiner shall issue a Findings of Fact and Order. The Findings of Fact and Order shall contain the following:
- i. Name of owner or other interested parties, as listed by the Pierce County Auditor.
- ii. Street address and legal description of the property on which the building is located.
- iii. General description of type of building, wall, or structure deemed unfit or substandard.
- iv. A complete itemized statement of the violations in Table C which resulted in the classification of the building or structure as unfit.
- v. Whether or not the violations as outlined in Table C structure can be removed or repaired.
- vi. Whether or not the building constitutes a fire hazard.
- vii. A statement that the City of Tacoma has incurred costs in processing the Unfit Building Abatement action and that pursuant to RCW 35.80.030(1)(h), all costs incurred by the City for this purpose, including demolition, repair, or receivership, ~~if~~ as necessary, shall be assessed against the property and shall be collected thereafter by the County Treasurer as a part of the general taxes.
- viii. Whether the building is a City landmark or is within a Historic Special Review or Conservation District and the procedures required by the Landmarks Preservation Commission.
- ix. In the event the building is a City landmark or is within a Historic Special Review or Conservation District, the time schedule shall include Landmark Preservation Commission procedures defined in Tacoma Municipal Code 13.05.045, unless an emergency condition has been declared by the Building Official. In addition, a building, structure, or property that is declared unfit may be required to comply with the requirements set forth in Title 13 of the Tacoma Municipal Code. There may be reason to negotiate repairs due to the historic significance of the property. If a building is a City landmark or located within a Historic Special Review or Conservation District, or is determined to be a historic resource by the Landmarks Preservation Commission or Historic Preservation Office, the repair requirements may be waived by the Building Official.
- x. A requirement that the property shall be nuisance-free at all times.
- xi. The order shall provide specific instructions on whether the building or structure is to be demolished, repaired, or maintained, and a timeframe for doing so. When it is determined that a building or structure, or any aspect of a building or structure, is unfit, such building or structure shall be:
- (a) Demolished, or



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(b) Those aspects which were declared unfit shall be repaired to the minimum building requirements set forth in Section 2.01.060 of this chapter, and the following items shall be complied with, whether or not they are addressed in the Unfit Building Complaint:

(1) Exiting facilities, including doors, corridors, stairs, exit enclosures, and smoke-proof enclosures, shall be brought into full compliance with the Building Code. Stairways with risers not exceeding 7-1/2 inches in height and treads not less than 10 inches in depth, which are in good condition and otherwise meet the Building Code's requirements, do not have to be rebuilt.

(2) The fire resistance of all building elements, in regard to the required type of construction, shall be brought into full compliance with the Building Code; provided that, in buildings which have full sprinkler systems, the outside fire-resistive membrane on exterior walls may not be required.

(3) If required by the Building Code or by the Fire Prevention Code, automatic fire sprinkler systems shall be installed.

(4) If required by the Building Code or by the Fire Prevention Code, as adopted and amended by the City, fire alarm systems shall be installed and shall meet all requirements of the Building Code and the Fire Prevention Code.

(5) The building shall be brought into structural compliance with the Building Code, except that the building shall be considered as complying with the seismic structural requirements if it can withstand the forces specified by the IEBC, as adopted and amended in the Building Code.

(6) The building shall be brought into compliance with provisions of the Building Code related to accessibility for new construction.

(7) The building shall be brought into compliance with the Washington State Energy Code, as adopted by the City in Title 2, except that existing ceiling, wall, or floor cavities exposed during construction must be filled with the required insulation. Two-by-four (2x4) framed walls shall be insulated to a minimum of R-15 and 2x6 framed walls shall be insulated to a minimum of R-21 as required by Title 2.

ca. The recommendation to repair or demolish shall be based on the estimated costs of repair in relation to the existing value of the building, as determined by the Pierce County Assessor. The Pierce County Assessor shall be requested to make an assessment of the value of the building specifically for the Unfit Building action. If the cost of repairs exceeds 50 percent of the assessed value of the building, the Hearing Examiner may recommend that the building be demolished.

db. The Findings of Fact and Order shall be sent to all interested parties, as listed by the Pierce County Auditor as having interest in the property, by both first-class mail, and by certified mail, return receipt requested, and posted in a conspicuous place on the property.

e. If the Hearing Examiner affirms that the building is unfit, the Building Official may petition the superior court to order the property into receivership in accordance with RCW 7.60 and thereby recover from the property the reasonable necessary expenses of abating the violations and returning the property to productive use.

fe. Appeals to the Board of Building Appeals. The Findings of Fact and Order shall also state that appeal of the Findings of Fact and Order issued by the Hearing Examiner shall be made to the Board of Building Appeals, as established and governed by Chapter 2.17 of the Tacoma Municipal Code. Appeals shall be filed within 30 calendar days from the date of the Findings of Fact and Order. Any appeal of the Findings and Order shall be governed by Chapter 2.17 of the Tacoma Municipal Code.

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