Ordinance No. 3178

(Amending or Repealing Ordinances)

CFN=205 – Uniform Building Codes
Passed – 8/2/1994
Amending Ch. 14.08 – Enforcement of the Building, Housing, Mechanical and Plumbing Codes

Amends Ord. 3130
Amended by Ord. 3690
Amended by Ord. 3880
Amended by Ord. 3956 (Sec. 14.08.020)
ORDINANCE NO. 3178

AN ORDINANCE of the City Council of the City of Kent, Washington, amending Chapter 14.08 relating to Enforcement of the Building, Housing, Mechanical and Plumbing Codes by adding the Uniform Code for the Abatement of Dangerous Buildings, the Washington State Energy Code, and the Washington State Ventilation and Indoor Air Quality Code to the enforcement provisions of this chapter.

WHEREAS, Chapter 14.08 of the Kent City Code relates to the enforcement of the building, housing, mechanical and plumbing codes as adopted pursuant to Title 14; and

WHEREAS, pursuant to Chapter 14.08, enforcement of these codes is through the procedures outlined in Chapter 1.04 of the Kent City Code relating to enforcement and abatement of certain City codes; and

WHEREAS, amending Chapter 14.08 to add the Uniform Code for the Abatement of Dangerous Buildings, the Washington State
Energy Code, and the Washington State Ventilation and Indoor Air Quality Code to the other related building codes enforced pursuant to Chapter 1.04 will further the objective of having a uniform procedure for the enforcement of City codes; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Kent City Code Chapter 14.08 entitled "Enforcement of the Building, Housing, Mechanical and Plumbing Codes" is hereby amended to read as follows:

CHAPTER 14.08. ENFORCEMENT OF THE BUILDING, HOUSING, MECHANICAL AND PLUMBING CODES

Sec. 14.08.010020. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building, housing, mechanical and plumbing codes mean any or all of the building, housing, mechanical and plumbing codes, as duly adopted by the city.

A. Building codes as used in this chapter shall mean and include the Uniform Building Code, the Uniform Mechanical Code,
the Uniform Plumbing Code, the Uniform Housing Code, the Uniform Code for the Abatement of Dangerous Buildings, the Washington State Energy Code, and the Washington State Ventilation and Indoor Air Quality Code; as now or hereinafter adopted, amended and/or supplemented pursuant to Title 14 of the Kent City Code (KCC), the Revised Code of Washington, and/or the Washington Administrative Code.

B. Building official means the building official of the city and/or the building official's duly authorized representative.

C. Premises means a plot of ground, whether occupied by a structure or not.

Sec. 14.08.040. Administration and enforcement.

A. It shall be the duty of the building official to enforce the building, housing, mechanical and plumbing codes in the manner generally described in each of the respective building codes, and as more particularly described in this chapter. The building official may call upon the police, fire or other appropriate city department to assist in enforcement.

B. It is the intent of this chapter to place the obligation of complying with the applicable code requirements of the building codes upon the owner, occupier or other person responsible for the condition of the buildings, structures,
dwelling units or premises within the scope of the building applicable codes.

C. In case of conflict between the provisions of the building codes applicable codes or chapter 14.01 and of this chapter, the provisions of this chapter shall be controlling.

Sec. 14.08.060. Investigation and notice of violation.

A. The building official or his representative shall investigate any building, structure, dwelling unit or premises which the building official reasonably believes does not comply with the standards and requirements of the building, housing, mechanical or plumbing codes.

B. If, after investigation, the building official determines that the standards or requirements of the building codes have been violated, the building official may seek compliance and serve a notice of violation on the owner, tenant, or other person responsible for the condition and/or otherwise enforce pursuant to this chapter and section 14.08.240 below. If a notice of violation is directed to a tenant or other person responsible for the violation, a copy of the notice shall be sent to the owner of the property.

Sec. 14.08.080. Reserved.
Sec. 14.08.100. Stop work order.

The building official may issue a stop work order pursuant to the provisions of as described in the Uniform Building Code or any applicable building code or may issue such order whenever a continuing violation of any of the building codes the applicable code will materially impair the building official's ability to secure compliance, or when a continuing violation threatens the health or safety of the public.

Sec. 14.08.120. Emergency order.

A. Whenever any building, dwelling unit and/or premises which violates the building applicable codes threatens the health and safety of the occupants of the building, dwelling unit, premises or any member of the public, the building official may issue an emergency order requiring that the building, dwelling unit and/or premises be restored to a condition of safety, and specify the time set for compliance. In the alternative, the order may require that the building, dwelling unit and/or premises be immediately vacated and closed to entry.

B. The emergency order shall be posted on the building, dwelling unit and/or premises and shall be mailed by regular, first class mail to the last known address of the owners, and if applicable, to the occupants.

C. Any building, dwelling unit and/or premises subject to an emergency order which is not repaired within the time
specified in the order is hereby found and declared to be a public nuisance, which the building official is authorized to abate by such means and with such assistance as may be available to him, and the costs thereof shall be recovered by the building official in the manner provided by law.

Sec. 14.08.140. Reserved.

Sec. 14.08.160. Extension of compliance date.

A. The building official may grant an extension of time for compliance with any notice or order whether pending or final, upon finding that substantial progress toward compliance has been made and that the public will not be adversely affected by the extension.

B. An extension of time may be revoked by the building official if it is shown that the conditions at the time the extension was granted have changed, if the building official determines that a party is not performing corrective actions as agreed, or if the extension creates an adverse effect on the public. The date of revocation shall then be considered as the compliance date.

Sec. 14.08.180. Reserved.
Sec. 14.08.200. Violations.

A. It shall be unlawful to fail to comply with a notice of violation, final order or stop work order issued pursuant to this chapter or the applicable code.

B. It shall be unlawful to remove or deface any sign, notice, complaint or order required by or posted by the building official in accordance with his enforcement duties under the applicable code and this chapter.

C. It shall be unlawful for any person to obstruct, impede or interfere with any lawful attempt to correct a violation or comply with any notice of violation, final order, emergency order or stop work order.

D. It shall be unlawful for any person to fail to comply with an emergency order issued by the building official requiring that the building, dwelling unit and/or premises be restored to a condition of safety by a specified time.

E. It shall be unlawful for any person to use or occupy, or to cause or permit any person to use or occupy the building, dwelling unit and/or premises after the date provided in an emergency order requiring the building, dwelling unit and/or premises to be vacated and closed, until the building official certifies that the conditions described in the emergency order have been corrected and the building, dwelling unit and/or premises have been restored to a safe condition.
Sec. 14.08.140. Reserved.

Sec. 14.08.240. Violation; penalty.

A. Civil. Any violation of any provision of a building code enforced under this chapter constitutes a civil violation under Kent City Code chapter 1.04 for which a monetary penalty may be assessed and abatement may be required and/or otherwise enforced as provided therein.

B. Criminal. In addition or as an alternative to any other penalty provided in this chapter or by law, any person violating the following provisions shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable in accordance with the provisions of section 1.01.140 relating to criminal penalties for misdemeanors for:

1. Violations of section 14.08.200 B.;
2. Violations of section 14.08.200 D. and E., where the person has had a civil judgment under section 14.08.220 [subsection A. of this section] or any of its predecessors rendered against him during the last five (5) years;
3. For any pattern of wilful, intentional, or bad faith or refusal to comply with the standards or requirements of the building code this chapter;
4. For any other violation of the building, housing, mechanical or plumbing codes for which corrective action is not possible.
C. Each day that anyone shall continue to violate or fail to comply with any of the foregoing provisions shall be considered a separate offense.

Sec. 14.08.260. Additional relief.

The building official may seek legal or equitable relief to enjoin any acts and practices and abate any condition which constitutes or will constitute a violation of the building, housing, mechanical or plumbing codes when civil or criminal penalties are inadequate to effect compliance. Nothing in this chapter shall be deemed to limit or preclude any other action or proceeding relating to the enforcement of the building codes pursuant to the Uniform Code for the Abatement of Dangerous Buildings adopted in section 14.06.010.

SECTION 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.
SECTION 3. Effective Date. This ordinance shall take effect and be in force thirty (30) days from and after its passage, approval and publication as provided by law.

JIM WHITE, MAYOR

ATTEST:

BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED 2 day of August, 1994.
APPROVED 3 day of August, 1994.
PUBLISHED 5 day of August, 1994.
I hereby certify that this is a true copy of Ordinance No. 3178, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

BRENDA JACOBER, CITY CLERK

(SEAL)