

ORDINANCE NO. 1414

AN ORDINANCE OF THE CITY OF RUSTON, RELATING TO MAINTENANCE OF PROPERTY AND STRUCTURES, RESIDENTIAL AND COMMERCIAL, UPDATING THE EDITION OF THE CURRENTLY ADOPTED INTERNATIONAL PROPERTY MAINTENANCE CODE, AND MAKING HOUSEKEEPING REVISIONS, AMENDING SECTIONS 12.05.010, 12.05.020, 12.05.040, 12.05.070, 12.05.080, 12.05.090, 12.05.100 AND 12.05.110 OF THE RUSTON MUNICIPAL CODE, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Ruston seeks to update its regulations addressing the maintenance of property and commercial/residential structures, as set forth in the most current edition of the International Property Maintenance Code (hereinafter "IPMC"); and

WHEREAS, the City Building Official recommends the City Council adopt these codes as shown in this ordinance; and

WHEREAS, the SEPA Responsible Official has determined that adoption of the updated Property Maintenance Code is exempt from SEPA under WAC 197-11-800(2); and

WHEREAS, on June 18, 2013, the City Council held the first reading of this Ordinance; and

WHEREAS, on July 2, 2013, the City Council adopted this Ordinance during its regular meeting at the second reading; **NOW, THEREFORE**

THE CITY COUNCIL OF THE CITY OF RUSTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Section 12.05.010 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.010 IPMC Adopted.

Pursuant to and by the authority of RCW 19.27, RCW 19.27A, RCW 43.22, RCW 35.21, RCW 35.27, and RCW 35.80, the *International Property Maintenance Code*, 2009 2012 Edition (known hereafter as the "IPMC.") as published by the International Code Council is adopted by reference and as amended by this chapter.

Section 2. Section 12.05.020 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.020 Title, Purpose and Scope.

Section 101 of the IPMC is hereby amended to read as follows:

101.1 Title. These regulations shall be known as the ~~Town~~City of Ruston Property Maintenance Code, hereinafter referred to as "this code."

* * *

101.5 Purpose. The purpose of this code is to provide minimum standards for maintenance of building exteriors for weather resistance; maintenance of plumbing system safety and sanitation; maintenance of heating, air conditioning and ventilation system functionality and safety; and water and energy conservation of buildings, structures and premises within the incorporated boundaries of the ~~Town~~City of Ruston, Washington. Further it is the purpose of this code to address the procedures for abatement of dangerous buildings, structures or equipment and premises, and to provide minimum standards for the maintenance of exterior property to adopt penalties and other remedies for enforcement of this code, in order to promote the safe and proper function of elements of a site or site improvement in a manner that enhances community welfare, safety, peace and property value.

Section 3. Section 12.05.040 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.040 Administration and Enforcement.

IPMC Section 103 is amended to read as follows:

103.1 General. The Building Official shall have the authority to enforce this code. The Building Official may call upon the police, fire, panning or any other ~~Town~~City department to assist in enforcement. Wherever the term "code official" is used in this code, it shall reference the Building Official.

* * *

103.5 Fees Schedule. The fees for activities and services performed by the Building Official in carrying out its responsibilities under this code shall be as set forth in the Permit Fee Schedule as adopted by resolution of the TownCity of Ruston TownCity Council.

Section 4. Section 12.05.070 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.070 Unsafe Structures and Equipment.

IPMC Section 108 is hereby amended to read as follows:

108.1 General. When a structure or equipment is found by the Building Official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the Building Official shall have the authority to issue a Notice to Vacate the structure.

* * *

108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the Building Official is authorized to issue an order for the structure to be closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the Building Official may cause the premises to be closed and secured. The TownCity shall seek reimbursement of the costs relating to such closure from the property owner through the procedures set forth in chapter 12.40 of the Ruston Municipal Code.

* * *

108.3 Notice. Whenever the Building official has issued a Notice to Vacate a structure under the provisions of this section and/or RMC Chapter 12.40, he/she shall ensure that the Notice to Vacate has been served and posted as required by RMC Section 12.40.030.

108.4 Placarding. The Building Official's posting of the Notice to Vacate in a conspicuous place on the structure shall be termed "placarding," under this code. The owner of the property or other person identified as responsible for the condition of the property/structure/equipment in the Notice to Vacate so placarded shall cease to occupy the premises on or before the date set forth in the Notice to Vacate. Upon failure of the owner or persons responsible to comply with a Notice to Vacate within the time given in the Notice to Vacate, the Building Official may, with the assistance of the TownCity Attorney, seek legal or other equitable remedies necessary to effect compliance.

108.4.1 Placard removal. The building official shall remove the placard and the Notice to Vacate whenever the defect or defects upon which the Notice to Vacate and placarding action were based have been eliminated. Any person who defaces or removes a Notice to Vacate or

placard without the approval of the Building official shall be subject to the penalties provided by this code and Title 12 of the RMC.

* * *

Section 5. Section 12.05.080 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.080 Demolition.

A. IPMC Section 110.1 is hereby amended to read as follows:

110.1 General. The Building Official shall order the owner of any premises upon which is located any structure, which in the Building official's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure, or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option, the Building official shall order the owner to demolish and remove such structure, or to board up until future repair. Where there has been a cessation of normal construction of any structure for a period of more than two years. the Building Official shall have the authority to require that a structure be boarded up or demolished, depending on whether the structure meets the criteria set forth in Section 108 of the IPMC. Boarding up the building or structure for future repair shall not extend beyond more than one year, unless approved by the building official.

B. IPMC Section 110.3 is hereby amended to read as follows:

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the Building Official shall notify the ~~Town~~City Attorney, and the ~~Town~~City Attorney shall, with the assistance of the Building Official and/or other ~~Town~~City employees, take appropriate action to cause the premises to be demolished.

C. Section 110.4 of the IPMC is repealed.

Section 6. Section 12.05.090 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.090 Means of Appeal.

Section 111 of the IMPC is hereby amended to read as follows:

111.1 Application for appeal and time to file. Any person directly affected by a notice or order of the Building Official issued under this code shall have the right to appeal such notice or order

to the TownCity Building Code Advisory Board, under the authority set forth in RMC Section 12.20.020, provided that a written application for appeal is filed within ten (10) working days after the day the notice or order was served. However, if the premises, building or structure identified in the notice or order is in such a condition as to make it immediately dangerous to the life, limb, property or safety of the public, any individual or adjacent property and is ordered vacated and placarded in accordance with this code, such appeal shall be filed within five (5) days from the date of the service of the notice or order of the Building Official.

Appeals shall be delivered to the TownCity Clerk by mail, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last business day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked. For purposes of computing the time for filing an appeal, the day the decision is issued shall not be counted. If the last day of the appeal period is a Saturday, Sunday or a holiday designated by RCW 1.16.050 or by a TownCity ordinance, then the appeal must be filed on the next business day.

A. Standing. Only parties of record may file an administrative appeal. The term “parties of record” shall mean: (a) the applicant for a permit or the person to whom any notice or order is addressed; (2) any person who submitted written comments concerning the application, excluding persons who have only signed petitions or mechanically produced form letters; (3) the TownCity Council; (4) property owners within 300 feet of the property subject to the project permit; and (5) any person who can demonstrate that he/she is aggrieved by the action described in subsection C above.

Form of appeal.

B. Form of Appeal. The written application for appeal must be accompanied by the appeal fee set forth in the TownCity's fee resolution and contain the following:

1. A list of all appellants, their addresses and phone numbers, and a brief statement setting forth the legal interest of each of the appellants in the premises or structure involved in the notice and order;

2. A statement describing the appellant's standing to appeal.

3. A brief statement in ordinary and concise language of the specific order or action appealed from, together with any material facts claimed to support the contentions of the appellant. This statement shall include the appellant's statement that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

3. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed that the appealed from notice or order should be reversed, modified or otherwise set aside.

4. A statement that the appellant(s) has read the appeal and that he/she believes the contents to be true, followed by the appellant's signature.

C. Effect. The timely filing of an appeal shall stay the Building Official's decision until such time as the TownCity Council makes a final decision or the appeal is withdrawn.

D. Processing of appeal. Upon receipt of any appeal filed pursuant to this section, the Building Official shall schedule a hearing on the appeal before the TownCity Council.

E. Scheduling and Noticing Appeal. Except for appeals of stop work orders, the TownCity Clerk shall fix a date, time and place for the hearing of the appeal, as soon as practicable after receiving the written appeal. Appeals of stop work orders shall be scheduled to be heard within fifteen (15) days after the appeal is filed, even if a special TownCity Council meeting must be held. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant by the TownCity, by either causing a copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage prepaid, addressed to the appellant at the address shown on the appeal.

F. Burden of Proof. Except for those appeals based on a Notice and/or Order issued to Vacate, to Demolish or Repair an Unsafe Structure or Equipment, the appellant shall bear the burden of proof in the appeal.

G. Final decision-making. The written decision of the Board on the actions and appeals filed under this section shall be final. Appeals of the Board's decisions may be filed with the Pierce County Superior Court within 21 days of issuance of the final, written decision as provided in chapter 36.70C RCW.

H. After any order of the Building Official or the Building Code Advisory Board has become final, it shall be unlawful for any person, corporation or entity to whom any such order is directed, to fail, neglect or refuse to obey any such order. An such person who fails to comply with any such final order is subject to a civil penalty, as set forth in chapter 12 of the Ruston Municipal Code. Any person, corporation or entity who fails to comply with a final order to Vacate, Demolish or Repair an Unsafe Structure or Equipment is guilty of a misdemeanor. If, after any order of the building official or Building Code Advisory Board made pursuant to this code has become final, and the person to whom such order is directed shall fail, neglect or refuse to obey such order, the Building Official may cause such person, corporation or entity to be prosecuted under chapter 12 of the Ruston Municipal Code or coordinate with the TownCity Attorney to institute any appropriate action to abate such premises or structure as a public nuisance.

Section 7. Section 12.05.100 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.100 Stop Work Order.

Section 112 of the IPMC is hereby amended to read as follows:

112.1 Authority. The Building Official is authorized to issue a stop work order under the following circumstances:

- A. The Building Official finds that any work regulated by this code is being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner;
- B. The Building Official determines that a continuing violation of this code will materially impair the Building Official's ability to secure compliance with this code; or
- C. The continuing violation threatens the health and safety of the public.

The Building Official may also issue emergency orders, as provided in Section 12.40.060 of the Ruston Municipal Code.

112.2 Issuance. A stop work order shall be in writing and shall be given to the owner of the property, the owner's agent, or to the person doing the work. The stop work order shall state the reason for issuance of the order and the conditions under which the cited work is authorized to continue. The stop work order shall include a statement describing the manner in which the stop work order may be appealed, and the deadline for such appeal to be filed. Upon issuance of a stop work order, the work described in the stop work order shall immediately cease.

112.3 Section 112.3 of the IPMC is repealed.

112.4 Failure to comply. Any person who shall continue any work after having been served by with a stop work order, or the ~~Town~~City's final decision upholding the stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to a cumulative civil penalty as set forth in Section 12.40.080 of the RMC.

Section 8. Section 12.05.110 of the Ruston Municipal Code is hereby amended to read as follows:

12.05.110 IPMC Amendments.

- A. IPMC Section 302.4 is repealed
- B. IPMC Section 302.8 is repealed.
- C. IPMC Section 304.14 is amended as follows:

304.14 Insect screens. Doors, windows and other outside openings that are required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16

mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

D. IPMC 602.2 is amended as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°Fahrenheit in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality as indicated in the International Residential Code Table R301.2(1). (See RMC 12.24.050.) Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide space required heating to meet the requirements of this section.

E. IPMC Section 602.3 is amended as follows:

602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat when exterior temperatures are 63 degrees or less, in order to maintain a an indoor temperature of not less than 68°Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, (as indicated in the International Residential Code Table R301.2(1)) maintenance of the minimum indoor room temperature shall not be required provided that the heating system is operating at its full design capacity.

F. IPMC Section 602.4 is amended as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat when the exterior temperature is 60 degrees or less to maintain an indoor temperature of not less than 65°Fahrenheit during the period the indoor spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 10. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 11. Adopted Codes available to Public. Pursuant to RCW 35.21.180, one copy of all codes adopted by reference in this Chapter have been filed for use and examination by the public in the office of the City Clerk, prior to and after the adoption thereof.

Section 12. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

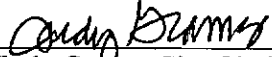
ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 2nd day of July, 2013.

APPROVED by the Mayor this 2nd day of July, 2013.



Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:



Judy Grams, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

FILED WITH THE CITY CLERK: _____

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

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