

**CHAPTER 16.08
DANGEROUS BUILDINGS**

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16.08.010 Findings of City Council: The City Council finds that there exists in the city certain dwellings which are unfit for human habitation and buildings and structures which are unfit for other uses, due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accident, or other calamities, inadequate ventilation, uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of city residents. (Ord. 2188, 11/23/04)

16.08.020 Dangerous Buildings Defined: All buildings or structures which have any or all of the following defects are deemed "dangerous buildings":

- A. Those whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.
- B. Those which, exclusive of the foundation, show thirty-three percent (33%), or more, of damage or deterioration of the supporting member or members, or fifty percent (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.
- 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 to 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 fail 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 the city. (Ord. 2188, 11/23/04)

16.08.030 Standards for Repair, Vacation, or Demolition: The following standards shall be followed in substance by the Building Official and Board of Appeals in ordering repair vacation, or demolition of any building.

- 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 Building Official or Board of Appeals.
- 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 Building Office or the Board of Appeals.
- C. If the dangerous building is fifty percent (50%) damaged, decayed, or deteriorated in value, it shall be demolished. Value as used in this subsection 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 the city or statute of the state, it shall be demolished, providing the fire hazard is not eliminated by the owner or other interested persons within a reasonable time. (Ord. 2188, 11/23/04)

16.08.040 Dangerous Buildings Declared Nuisance: All dangerous buildings within the terms of Section 16.08.020 of this chapter are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided in this chapter. (Ord. 2188, 11/23/04)

16.08.050 Duties of Building Official: The Building Official and/or his authorized representative shall do the following:

- A. Inspect or cause to be inspected all buildings including, but not necessarily limited to, schools, halls, churches, theaters, hotels, residential, commercial, manufacturing, or loft buildings which may be brought to his attention for the purpose of determining whether any conditions exist which render such places a dangerous building within the terms of Section 16.08.020.
- B. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is, or may be, existing in violation of this chapter.

- C. Post in a conspicuous place on such property a copy of the complaint setting forth the information required under Section 16.08.060 of this chapter.
- D. Appear at all hearings conducted by the Board of Appeals and testify as to the condition of the dangerous buildings.
- E. Hold a hearing at the time and place specified in the complaint, in which 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, and if after the hearing he shall determine that the structure is, in fact, a dangerous building, he shall reduce to writing his findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest, in the manner provided in this chapter for the serving of the complaint, an order which requires the owner to repair, alter, or improve such dwelling, building, or structure to render it fit for human habitation or other use, or to vacate and close the dwelling, building, or structure, if such course of action is deemed proper, or require the owner or party in interest within the time specified in the order to remove or demolish such dwelling, building, or structure, and if no appeal is filed in the manner provided in this chapter, he shall file a copy of such order with the Grant County Auditor.
- F. The Building Official and/or his authorized representative shall be empowered to enter any building for the purpose of making an inspection thereof, and any person who in any manner whatsoever impedes or interferes with the Building Official and/or his authorized representative or refuses him admittance to any building is guilty of violating the terms and conditions of this chapter and shall be subject to the penalties provided in this code. (Ord. 2188, 11/23/04)

16.08.060 Complaint by Building Official: The complaint issued by the Building Official must be in writing and shall be sent either by registered mail or served personally upon all persons having any interest in and to the property, as shown by the records of the Grant County Assessor of any building or structure found by the Building Official to be a dangerous building within the standards set forth in Section 16.08.020; provided, that if the whereabouts of such persons are unknown and the same cannot be ascertained by the Building Official in the exercise of reasonable diligence and the Building Official makes an affidavit to that effect, then the complaint shall be served by publishing the same once each week for two (2) consecutive weeks in a newspaper published in the city. The complaint shall contain, among other things, the following information:

- A. Name of owner or other persons interested, as provided in this section.
- B. Street address and legal description of the property on which the building is located.
- C. General description of type of building, wall, or structure deemed unsafe.
- D. A complete, itemized statement or list of particulars which caused the building, wall, or structure to be a dangerous building as defined in Section 16.08.020.
- E. Whether or not the building should be vacated by its occupants, and the date of such vacation.
- F. Whether or not the statement of list of particulars, as provided for in Subsection D can be removed or repaired.

- G. Whether or not the building constitutes a fire menace.
- H. Whether or not it is unreasonable to repair the building and whether or not the building should be demolished.
- I. A notice that a hearing shall be held before the Building Official at the City Hall, Moses Lake, Grant County, Washington, not less than ten (10) days nor more than thirty (30) days after the serving of such complaint, or in the event of publication, not less than fifteen (15) days nor more than thirty (30) days from the date of the first publication and 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 and place fixed in the complaint.
- J. A copy of such complaint shall also be filed with the Grant County Auditor, which filing shall have the same force and effect as other lis pendens notices provided by law. (Ord. 2188, 11/23/04)

16.08.070 Board of Appeals: The City Council is designated as the Board of Appeals. The Mayor shall act as Chairman of the Board of Appeals. (Ord. 2188, 11/23/04)

16.08.080 Duties of the Board of Appeals: The Board of Appeals shall do the following:

- A. Upon the receipt of a notice of appeal from the decision and order of the Building Official filed by the owner or party in interest within thirty (30) days from the date of the service of the decision or order, the Board shall entertain such appeal, conduct a hearing thereon, as provided in subsection B, or upon receipt of a request in writing from the Building Official to review his decision, the Board shall entertain such request and conduct a hearing as provided in this section
- B. Hold a hearing to hear such testimony as may be presented by any department of the city or the owner, occupant, mortgagee, lessee, or any other person having an interest in the building, as shown by the records of the Grant County Assessor, with relation to the dangerous building.
- C. Make written findings of fact within sixty (60) days from the date of hearing from the testimony offered pursuant to subsection B as to whether or not the building in question is a dangerous building within the terms of Section 16.08.020.
- D. Issue an order based upon the findings of fact make pursuant to subsection C.
- E. If the owner or party in interest fails to comply with the order issued by either the Board of Appeals, or in the event no appeal is filed, from the order of the Building Official, then and in that event, either the Board or Building Official, as the case may be, may direct or cause such dwelling, building, or structure to be repaired, altered, improved, vacated, closed, removed, or demolished as the facts may warrant under the standards provided for in Section 16.08.030, and the cost of such repair, vacation, or demolition shall be assessed against the real property upon which such costs were incurred, unless such amount is previously paid. The Finance Director shall determine the amount of the assessment due and owing, and shall certify the same to the County Treasurer, who shall enter the amount of such assessment upon the tax rolls against the property, all in the manner provided by law and particularly, Chapter 82 of the Laws of 1959. (Ord. 2188, 11/23/04)

16.08.090 Emergency Cases: In cases where it reasonably appears that there is immediate danger to the life or safety of any person unless a dangerous building as defined in Section 16.08.020 is immediately repaired, vacated, or demolished, the Building Official shall cause the immediate repair, vacation, or demolition of such dangerous building. The costs of such emergency repair, vacation, or demolition of such dangerous building shall be collected in the same manner as provided in this chapter. (Ord. 2188, 11/23/04)

16.08.100 Provisions of Chapter Cumulative: Nothing in this chapter shall be construed to abrogate or impair the power of the city or any department thereof to enforce any provision of its ordinances or regulations, nor to prevent or punish violations thereof, and any powers conferred by this chapter shall be in addition to and supplemental to powers conferred by other laws, not shall this chapter be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings, or in any other manner provided by law. (Ord. 2188, 11/23/04)