ORDINANCE NO. 20-0573

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, AMENDING SECTION 15.05.100 OF THE EDGEWOOD MUNICIPAL CODE (“EMC”) RELATED TO ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND CODE ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Article XI, Section 11 of the Washington State Constitution grants cities, such as the City of Edgewood, the authority to “make and enforcement within its limits all such local police, sanitary and other regulations as are not in conflict with general laws”; and

WHEREAS, the Revised Code of Washington (“RCW”) also grants cities the authority to declare what shall constitute a nuisance, to abate the same, and to impose fines upon persons who may create, continue, or allow nuisances to exist through statutes such as RCW 35.22.280(30), RCW 35.23.440(10), RCW 35.27.410, and RCW 35A.21.160; and

WHEREAS, the City has adopted the Edgewood Municipal Code (“EMC”) as the laws and regulations of the City; and

WHEREAS, the EMC is intended to support compelling governmental and public interests on behalf of the people who live in, work within, and visit the City; and

WHEREAS, such interests include, but are not limited to, providing an environment supportive of commerce, transportation, public safety, housing, and the overall general health, safety, and welfare of the community; and

WHEREAS, code violations and nuisances undermine the public’s interests in promoting the general health, safety and welfare of the entire community and are a financial burden on city resources; and

WHEREAS, on January 28, 2020, the City Council adopted Ordinance No. 20-0569, enacting a new comprehensive code enforcement Title 7 of the EMC to ensure compliance with the EMC and to provide procedures and mechanisms for enforcement of the City’s code; and

WHEREAS, on February 25, 2020, the City Council adopted Ordinance No. 20-0572, amending other provisions of the EMC related to code enforcement to implement, and ensure consistency with, the new procedures; and

WHEREAS, in addition to the housekeeping amendments necessary to implement the new code enforcement procedures, additional amendments are necessary to enact updates to the International Property Maintenance Code specific to the City of Edgewood; and

WHEREAS, the City Council considered this ordinance during its study session held on February 18, 2020; and
WHEREAS, the City Council adopted this ordinance during its regular City Council meeting of February 25, 2020;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. EMC Section 15.05.100 (International Property Maintenance Code), Amended. Section 15.05.100 of the Edgewood Municipal Code entitled, “International Property Maintenance Code,” is hereby amended as set forth in as Exhibit A, attached hereto and by this reference fully incorporated herein.

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. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after publication, as provided by law. The full text of this Ordinance shall be mailed without charge, upon request.

PASSED BY THE CITY COUNCIL ON THE 25TH DAY OF FEBRUARY 2020

[Signature]
Mayor Daryl Eadinger

ATTEST/AUTHENTICATED:

[Signature]
Rachel Pitzel, CMC
City Clerk

APPROVED AS TO FORM:

[Signature]
Interim City Attorney, Ann Marie J. Soto

Date of Publication: February 27, 2020
Effective Date: March 3, 2020
EMC 15.05.100 2018 International Property Maintenance Code.

A. International Property Maintenance Code Adopted. The International Property Maintenance Code, issued by the International Code Council, 2018 Edition, together with amendments and/or additions thereto, is adopted by reference. The 2018 Edition of the International Property Maintenance Code is amended to include the following new and amended provisions. In the event of any conflict between any provision of the IPMC and this section, the provisions of this section shall apply. New sections or subsections shall be deemed deleted from the IPMC and the amended provisions inserted in their place in accordance with the direction of this section.

B. International Property Maintenance Code Defined. The terms "International Property Maintenance Code" and "IPMC" shall refer to the adoption by reference in this chapter.

C. Section 101.1 Insert: City of Edgewood.


E. Section 103 Amend to read: Administration.

F. Section 103.1 Amend to read: The Community Development Department is charged with the enforcement of this code and the Director or his/her designee shall be known as the code official.

G. Section 103.4 Amend to read: The code official, Code Enforcement Board, Hearing Examiner, or employee authorized to enforce this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

H. Section 103.5 Amend to read: Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the fees and rates established in the City’s adopted fee schedule.

I. Section 104.1 Amend to read: The code official is hereby authorized to enforce the provisions of this code. The code officials shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
J. Section 106.2 Amend to read: Code Violation. Except as otherwise provided, violations of any of the provisions of this chapter shall be subject to issuance of a notice of code violation and/or enforcement as provided in EMC Title 7, for which a monetary penalty may be imposed as provided therein.

K. Sections 106.3 through 106.4 are hereby deleted.

L. Section 107: Delete sections 107 through 107.6.

M. Section 108.3 Amend to read: Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner’s authorized agent or the person or persons responsible for the structure or equipment in accordance with EMC Section 7.20.030. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in EMC Section 7.20.020.

N. Section 109.5 Amend to read: Costs incurred in the performance of emergency work may be paid by the city. The legal counsel of the city may institute appropriate action against the owner of the premises or owner’s authorized agent where the unsafe structure is or was located for the recovery of such costs if paid by the city.

O. Section 109.6 Amend to read: Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon submittal of a written appeal filed with the City Clerk within 14 days of the order, be afforded a hearing. Any appeal under this section shall be heard by the hearing examiner of the city in accordance with EMC 2.40.090 for review of such decision. Appeals shall be subject to an administrative appeal fee in accordance with EMC 3.35.010.

P. Section 110.2 Amend to read: Whenever the code official determines that a structure is in violation of the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner’s authorized agent or the person or persons responsible for the structure or equipment in accordance with EMC Section 7.20.030. The notice shall be in the form prescribed in EMC Section 7.20.020.

Q. Section 111 Delete entire section.

R. Section 112 Delete entire section.

S. Section 201.3 Terms defined in other codes, Amend to read: Where terms are not defined in this code and are defined in the Edgewood Municipal Code, International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, International Residential Code, International Zoning Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

T. Section 202 Garbage, Amend to read: Any waste, including but not limited to, animal and vegetable waste resulting from the handling, packaging, cooking or consumption of food or beverage or other refuse.
U. Section 202 Rubbish, Amend to read: Combustible and noncombustible waste materials, except garbage; including but not limited to the residue from the burning of wood and other combustible materials, paper, rags, cartons, boxes, pallets, wood, rubber, leather, tree branches, yard and landscape trimmings, tin cans, metals, broken and inoperable machinery, equipment, or parts thereof, glass, broken or discarded household furniture and appliances, building and construction materials not neatly stacked or weather resistant, broken stone or cement.

V. Section 202 Add new definition: Junk Vehicle. “Junk vehicle” means a vehicle intended to be self-propelled and used for the transport of people, goods, and/or services that meets at least three of the following requirements:

(i) Is three years old or older;
(ii) Is extensively damaged, such damage including, but not limited to, any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;
(iii) Is without a valid, current license plate or certificate of registration;
(iv) Is apparently inoperable;
(v) Has an approximate fair market value equal only to the approximate value of the scrap in it.

W. Section 202 Add new definition: Vehicle as defined in RCW 46.04.670.

X. Section 301.2 Amend to read: Owners, occupants, and other persons responsible shall be jointly and severally responsible for compliance with this chapter and jointly and severally liable for any damages or costs incurred or imposed under this chapter regardless of any written agreement that imposes certain maintenance obligations upon an occupant. Buildings, structures and premises shall be maintained in a safe and sanitary condition and shall comply with the requirements of this chapter.

Y. Section 301.4 Security shall be added and shall read: All vacant buildings must be secured against outside entry at all times. Security shall be by the normal building amenities such as windows and doors having adequate strength to resist intrusion. All doors and windows must remain locked. There shall be at least one operable door into every building and into each housing unit. Exterior walls and roofs must remain intact without holes.

Z. Section 302.1 amend to read: Exterior property and premises shall be maintained in a clean, safe and sanitary condition and free from any accumulation of rubbish, garbage or fire hazards.

AA. Section 302.4 amend to read: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches on developed properties and 12 inches on undeveloped properties; or if the weeds or plant growth is in such a condition as to cause a fire or provide a ready fuel to augment the spread and intensity of fire, in the opinion of the Fire Code Official or Code Official. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual or perennial plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens. Non-residential properties that have landscaping due to permitting requirements shall maintain said landscaping in compliance with the Approved Landscaping Plan for the project.
BB. Section 302.7 amend to read: Accessory structures, including detached garages, storage buildings, carports, fences and retaining walls, shall be maintained structurally sound and in good repair.

CC. Section 302.8 amend to read: Except as provided for in other regulations, no junk vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

**Exception:** In residential zones, personal passenger vehicles are permitted to undergo major overhaul, including body work, provided that such work is performed inside a permanent structure. In commercial zones, vehicles of any type are permitted to undergo major overhaul, including body work, provided that such work is performed inside a permanent structure or similarly enclosed area designed, permitted and approved for such purposes.

DD. Section 302.10 Semi-tractors, semi-trailers and storage containers shall be added and shall read: Any use of, parking of or storage of semi-tractors, semi-trailers and storage containers where the primary use of the property is residential, is prohibited.

EE. Section 302.11 Vehicle storage in residential zones shall be added and shall read:

1. The following vehicle types may be stored on a residential lot upon which a principal dwelling is located: recreational vehicles, campers, travel trailers, boats, motorcycles, and other types of similar recreational vehicles. If such vehicles are located within the front or street-side setback of the principal building and/or accessory building, they must be stored on an approved driveway (see EMC Chapter 10.60). In addition, any vehicle stored on a residential lot shall be owned by the owner of the property or resident of the dwelling.

2. Vehicles over sixteen thousand pounds gross vehicle weight which are not specifically mentioned in subsection A of this section shall not be parked or stored on residentially zoned lots. In respect to any motor vehicle designed, used or maintained primarily for the transportation of property, which is not equipped with a plate or marker showing the manufacturer’s gross vehicle weight rating, the weight of a vehicle shall be determined as follows:
   a. Any vehicle having less than six wheels is the equivalent of a vehicle having a manufacturer’s gross vehicle weight rating of less than sixteen thousand pounds.
   b. Any vehicle having six wheels or more is the equivalent of a vehicle having a manufacturer’s gross vehicle weight rating of sixteen thousand pounds or more.

FF. Section 303.2 amend to read: Private swimming pool, hot tub and spa enclosures shall comply with the applicable requirements of the current edition of the International Swimming Pool and Spa Code and Title 10 of the Edgewood City Code.

GG. Section 304.14: Delete entire section.

HH. Section 308.2.2 amend to read: Refrigerators, freezers and similar equipment not in operation shall not be discarded, abandoned or stored on premises.

II. Section 308.3.1 amend to read: The owner of every dwelling or dwelling unit shall supply an approved leak proof, covered, outside garbage container. The owner of the premises shall be responsible for the disposal of garbage and rubbish. Excluding alleys, containers shall be stored
behind the front building line, or screened from view from the street and behind the front setback line, except on the day of scheduled collection. Containers shall be placed at curbside on a public street or private road on the day of scheduled collection day, and shall be removed to their proper storage location as soon as possible, but not later than 24 hours after collection.

JJ. Section 502.5 amend to read: Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with Plumbing Code adopted by the city. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

KK. Section 505.1 amend to read: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water in accordance with the Plumbing Code adopted by the city.

LL. Section 602.3 amend to read: 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 to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

MM. Section 602.4: Delete entire section.