

DRAFT 8/21/2014

AN ORDINANCE relating to blighted properties or areas within the City of Spokane; adopting new section 17F.070.35 of the Spokane Municipal Code and amending SMC 17F.070400 and 17F.070.480.

WHEREAS, blighted properties create various negative impacts on the neighborhood where they are located; and

WHEREAS, the designation of blighted properties may provide property owner access to Community Development Building Grant funding to rehabilitate or building a new property on the land,--Now Therefore

The City of Spokane does ordain:

Section 1. That there is adopted a new section 17F.070.035 of the Spokane Municipal Code to read as follows:

[Chapter 17F.070 Existing Building and Conservation Code](#)

[Section 17F.070.035 Blight Defined](#)

The Definition of a Blight property or area is one that “substantially impairs the sound growth of the city” or “negatively impacts housing accommodations or constitutes and economic or social liability, and/or is detrimental, or constitutes a menace, to the public health, safety and welfare”.

The extent and number of existing conditions are factors that contribute to blight are:

1. The general state of deterioration of the property exhibits the following: physical deterioration of buildings/improvements; Abandonment of properties; Chronic high turnover rates or abnormally low property values relative to other areas in the community; known or suspected environmental contamination”.
2. Additional factors in define blighted properties or areas include: substantial physical dilapidation, deterioration or obsolescence, overcrowding, unsanitary or unsafe conditions, dangerous or unhealthful conditions, hazardous soils or substances, Inappropriate or mixed uses of land or buildings, defective or inadequate street layout or lot layout, subdivision, platting, excessive land coverage, persistent and high levels of unemployment or poverty, diversity of ownership, or tax or special assessment delinquencies.
3. The Building Official is authorized under 17F.070480 to determine if properties are substandard, unfit or meet the definition of blight defined in this section.

Section 2. That Spokane Municipal Code 17F.070.400 is amended to read as follows:

#### Chapter 17F.070 Existing Building and Conservation Code

#### Section 17F.070.400 Substandard Buildings

In determining whether a building is a substandard or unfit for human habitation so as to require its owner to repair and rehabilitate the building, the building official and the hearing examiner consider the number and extent of the following factors:

- A. Dilapidation: Exterior decay, water damage.
- B. Structural defects: Foundation, wall and roof framing.
- C. Unsanitary conditions: Waste accumulation, health hazards.
- D. Defective/inoperable plumbing.
- E. Inadequate weatherproofing: Siding, roofing and glazing.
- F. No activated utility service for one year.
- G. Inoperable or inadequate heating system.
- H. Hazardous electrical conditions.
- I. Structure has been boarded more than one year and no approved rehabilitation plan.
- J. Structure used in the manufacture of methamphetamine or any other illegal drugs and has been condemned by the Spokane county health district and the owner has failed to abate the nuisance condition.
- K. Fire-damaged structure.
- L. Defects increasing the hazards of fire, accident or other calamity.
- M. Meets the definition of a "blighted" property under SMC17F.070.035.

Section 3. That Spokane Municipal Code 17F.070.460 is amended to read as follows:

#### Chapter 17F.070 Existing Building and Conservation Code

#### Section 17F.070.460 Appeal

- A. An interested party may appeal an order made under [SMC 17F.070.440](#) or 17F.070.480:
  - 1. to the hearing examiner concerning a boarded-up, substandard, blighted or unfit building; or
  - 2. to the hearing officer provided in [SMC 4.06.070](#), concerning technical code issues respecting an apartment or hotel building over two stories in height; or
  - 3. to the city council concerning an apartment or hotel building over two stories in height.

- B. The hearing examiner, upon the hearing, either affirms, vacates or modifies the director's order or continues the hearing. The examiner does not continue a hearing beyond sixty days after the appeal is filed without the consent of the appellant. Should the examiner fail to decide the appeal within the sixty-day period (or within such longer period as the appellant may agree to), the order of the director becomes the final order and the appellant may seek judicial review of the director's order.
- C. The director causes the final order resulting from the hearing examiner's hearing to be served and filed in the manner provided in [SMC 17F.070.450\(B\)](#) and takes all other appropriate action to enforce the order.
- D. The city council hearing an appeal determines whether the director of building and fire official acted in accordance with the terms and in a manner so as to effectuate the life safety purposes of this code and either affirms the order or remands for further hearing.

Section 4. That Spokane Municipal Code 17F.070.480 is amended to read as follows:

#### [Chapter 17F.070 Existing Building and Conservation Code](#)

#### [Section 17F.070.480 Administrative Responsibilities](#)

- A. The director is the building official or a designated employee, and is authorized to make an administrative decision as to blight determinations on structures and /or properties.
- B. The director has the responsibility, jointly with the fire official as to some functions relating to the structural and fire containment requirements of hotels and apartments having more than two stories, to:
  - 1. inspect and investigate all buildings and premises for compliance with the existing building and conservation code;
  - 2. review and approve plans and specifications for building permits;
  - 3. make and promulgate rules, regulations and interpretations;
  - 4. initiate proceedings, including the preparation, service and posting of complaints and notices, and including prosecutions, to enforce the existing building and conservation code;
  - 5. process, conduct and hear departmental appeals;
  - 6. process appeals to the appropriate hearing officer or to the city council;
  - 7. keep records of all inspections, proceedings and other administrative activities;
  - 8. provide technical and clerical assistance to the construction review board as provided in [chapter 4.06 SMC](#) and the hearing examiner.

9. To make an administrative determination of properties that meet the definition of a blighted structures or property under SMC17F.070.035
- C. The fire official has responsibility, along with the director, with respect to hotels and apartments having more than two stories, in regard to:
1. approving fire warning systems;
  2. making rules, regulations and interpretations for structural and fire containment requirements;
  3. inspection and serving of reports and notices;
  4. hearing appeals from departmental decisions;
  5. processing appeals to the appropriate appeal board or to the city council;
  6. approving building permits and plans.
- D. The hearing officer pursuant to [SMC 4.06.070](#) determines appeals from rulings of the director and fire official which are of a technical nature.
- E. The hearing examiner, with respect to blighted, unfit and substandard buildings:
1. reviews and hears appeals from proceedings and orders of the director, not of a technical nature;
  2. makes rules and regulations;
  3. recommends procedures and legislation.
- F. Except for those matters of a technical nature which are appealed to the hearing officer under [SMC 4.06.070](#), the city council hears appeals from rulings of the director and fire official regarding hotels and apartments having more than two stories.

PASSED by the City Council on \_\_\_\_\_.

\_\_\_\_\_  
Council President

Attest:

Approved as to form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Assistant City Attorney

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_

Effective Date