

**ORDINANCE NO. 2021-**

**AN ORDINANCE** adding Chapter 11.40: Property Maintenance Code to the City of Yakima Municipal Code and repeal Chapters 11.07, 11.10, 11.13, 11.20, 11.46, 11.48, and 11.56 of the Yakima Municipal Code

**WHEREAS**, there are currently a number of separate code provisions that address property maintenance issues, nuisances found on properties, housing standards, how to abate dangerous buildings, and securing buildings; and

**WHEREAS**, the International Property Maintenance Code addresses all of these issues in one code, providing consistent enforcement procedures and methods; and

**WHEREAS**, after review, the City of Yakima finds that there are sections of the International Property Maintenance Code that should be amended to reflect local conditions, sections that should not be adopted, and sections that should be added; and

**WHEREAS**, adopting the International Property Maintenance Code, with additions and amendments addresses enforcement issues and standards in other code sections, which can be repealed as part of an overall plan to consolidate code sections into the new property maintenance code; and

**WHEREAS**, the City Council of the City of Yakima finds that it is in the best interests of the City and its residents to add Yakima Municipal Code Section 11.40: Property Maintenance Code, make necessary amendments and additions, and repeal code sections that would be redundant or inconsistent with the new Chapter 11.40; now, therefore,

**BE IT ORDAINED BY THE CITY OF YAKIMA:**

**Section 1.** Chapter 11.40 International Property Maintenance Code of the City of Yakima Municipal Code is hereby added to read as follows:

**Chapter 11.40  
PROPERTY MAINTENANCE CODE**

- Sections:
- 11.40.010 City of Yakima property maintenance code.
- 11.40.020 Schedule of fees.
- 11.40.030 Boarding Standards
- 11.40.040 Sections of the International Property Maintenance Code Not Adopted
- 11.40.050 Chapter 8 Reference Standards
- 11.40.101.1 Amendment to Section 101.1
- 11.40.102.3 Amendment to Section 102.3
- 11.40.103.1 Amendment to Section 103.1
- 11.40.103.5 Amendment to Section 103.5
- 11.40.106.4 Amendment to Section 106.4
- 11.40.106.6 Addition of Section 106.6
- 11.40.107 Amendment to Section 107
- 11.40.109.1 Amendment to Section 109.1
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11.40.309.1.1	Addition of Section 309.1.1
11.40.309.2	Amendment to Section 309.2
11.40.402.2	Amendment to Section 402.2
11.40.404.6	Amendment to Section 404.6
11.40.502.5	Amendment to Section 502.5
11.40.505.1	Amendment to Section 505.1
11.40.602.2	Amendment to Section 602.2
11.40.602.3	Amendment to Section 602.3

**11.40.010 City of Yakima property maintenance code.**

The property maintenance code of the city of Yakima shall be comprised of the following as modified by the amendments, additions, deletions, and exceptions as provided in this chapter: The 2018 International Property Maintenance Code, but not including Appendix A (Boarding Standards), as published by the International Code Council, Inc. The referenced texts are incorporated in this chapter by reference. One or more copies of the texts that comprise the property maintenance code of the city of Yakima shall be maintained on file in the office of the code administration manager of the city of Yakima.

**11.40.020 Schedule of fees.**

The city council shall adopt by resolution a schedule of fees required under this chapter.

**11.40.030 Boarding Standards.**

Appendix A to the 2018 International Property Maintenance Code is not adopted. Buildings and premises requiring to be secured from unlawful or unwanted entry in carrying out the provisions of this code shall be secured in accordance with the provisions of YMC 11.40.301.4.

**11.40.040 Sections of the International Property Maintenance Code Not Adopted.**

The following sections of the 2018 International Property Maintenance Code are not adopted:

304.14	Insect Screens
304.17	Guards for Basement Windows
304.19	Gates

305.3	Interior Surfaces
309.3	Single Occupant
309.4	Multiple Occupancy
309.5	Occupant

**11.40.050 Chapter 8 Reference Standards**

Chapter 8 of the International Property Maintenance Code provides a list of referenced standards used throughout the International Property Maintenance Code. Whenever the International Property Maintenance Code, or the amendments or additions found in this ordinance references the International Plumbing Code, it shall mean the Uniform Plumbing Code. Whenever the International Property Maintenance Code, or the amendments or additions found in this ordinance references the International Zoning Code, it shall mean the Yakima Area Urban Zoning Ordinance. References to other codes shall apply.

**11.40.101.1 Amendment to Section 101.1**

Section 101.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Yakima, hereinafter referred to as “this code.”

**11.40.102.3 Amendment to Section 102.3**

Section 102.3 of the 2018 International Property Maintenance Code is amended to read as follows:

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, Uniform Plumbing Code, and NFPA 70, including Washington State amendments to all referenced codes. Nothing in this code shall be construed to cancel, modify or set aside any provision of the zoning ordinances of the city of Yakima.

**11.40.103.1 Amendment to Section 103.1**

Section 103.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**103.1 General.** The code administration division is responsible for carrying out the provisions of this code. The code administration manager, or his or her designee shall be known as the code official.

**11.40.103.5 Amendment to Section 103.5**

Section 103.5 of the 2018 International Property Maintenance Code is amended to read as follows:

**103.5 Fees and penalties.** The fees incurred by the City for activities and services performed by the department in carrying out its responsibilities under this code, including but not limited to recording fees and title search fees, shall be paid by any person or owner violating this code.

**11.40.106.4 Amendment to Section 106.4**

Section 106.4 of the 2018 International Property Maintenance Code is amended to read as follows:

**106.4 Violation penalties.** Any person or owner who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws.

The penalties for those found to be in violation of this code shall be as indicated in the following schedule:

**Code Compliance Penalties <sup>1 2</sup>**

<b>Violation</b>	<b>Amount</b>
No Abatement After Notice of Noncompliance Deadline	\$250
1 <sup>st</sup> Offense as a Repeat Offender	\$500
2 <sup>nd</sup> Offense as a Repeat Offender	\$750
3 <sup>rd</sup> Offense as a Repeat Offender	\$1000

In addition to the penalty listed in the chart above, there is a Fifty Dollar (\$50.00) penalty for each day thereafter the violation or failure to comply continues. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**11.40.106.6 Addition of Section 106.6**

Section 106.6 shall be added to the Yakima Municipal Code and supplement the 2018

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<sup>1</sup> See definition of Repeat Offender.

<sup>2</sup> Other fees or costs may apply.

International Property Maintenance Code to read as follows:

**106.6 Liens.** The amount of costs and penalties (including any interest) associated with a violation of this code shall constitute a lien on the property on which the violation occurred, and, upon certification by the City, the county treasurer shall enter the amount of such costs and penalties upon the tax rolls against the property for the current year and the same shall become a part of the general taxes for that year to be collected at the same time and when collected remitted to the City.

#### **11.40.107 Amendment to Section 107**

Section 107 of the 2018 International Property Maintenance Code is amended to read as follows:

**107.1 Notice to person responsible.** Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, and the property owner has been contacted and has not remedied the violation, except in cases of emergency, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person or owner, as recorded with the Yakima County Auditor's Office, responsible for the violation as specified in this code. Notices for condemnation procedure shall comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification. At a minimum the description shall include the legal description of the property found on the Yakima County Assessor's website, the Assessor's Tax Parcel Identification number, and the street address of the property.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order indicating what must be done to correct each violation, allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit, structure, and/or property into compliance with the provisions of this code.
5. Include the costs and penalties that may be charged as a consequence of the violations, including, but not limited to, costs associated with a title report, recording fees, and penalties. If the exact amounts are not known, estimates should be provided with an indication that they are estimates.
6. Inform the property owner and owner's authorized agent, and any other interested parties, of the right to appeal.
7. Include a statement of the right of the City to file a lien in accordance with Section 106.3 and 106.6.

**107.3 Method of Service.** Such notice shall be deemed to be properly served if a copy thereof is: delivered personally, or sent by certified and regular mail addressed to the last known address of the owner, all interested parties, and posted at the property.

**107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

**107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**107.6 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit, structure or property who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit, structure or property to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or the owner's authorized agent shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

#### **11.40.109.1 Amendment to Section 109.1**

Section 109.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**109.1 Imminent danger.** When, in the opinion of the code official, there is an imminent danger of failure or collapse of a building or structure that endangers life or threatens adjacent properties or persons, or where there is a dangerous condition of potential entrapment or other physical harm, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of potential or actual collapse, explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

#### **11.40.109.5 Amendment to Section 109.5**

Section 109.5 of the 2018 International Property Maintenance Code is amended to read as follows:

**109.5 Costs of emergency repairs.** Costs incurred at the performance of emergency work shall be initially paid by the jurisdiction. Costs are ultimately the responsibility of the owner of the property or structure. The code official shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. If costs are not paid after notice and an opportunity for a hearing pursuant to 109.6, and thirty (30) days have passed, said costs shall become a lien on the property and may be collected as a special assessment pursuant to RCW 35.21.955 and/or RCW 84.56.035.

#### **11.40.111 Amendment to Section 111**

Section 111 of the 2018 International Property Maintenance Code is amended to read as follows:

**111.1 Application for appeal.** Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the hearing examiner, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim 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.

**111.2 Hearing examiner.** The hearing examiner shall be chosen by the City pursuant to Yakima Municipal Code 1.43.

**111.2.1 Alternate hearing examiner.** The City may also have a hearing examiner pro tem in the event the hearing examiner is unable to hear an appeal.

**111.3 Open hearing.** Hearings before the hearing examiner shall be open to the public. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard.

**111.4 Procedure.** Appeal hearings shall follow procedure outlined in Yakima Municipal Code 1.43.110-130 and 16.08.012—018.

**111.5 Decision.** The hearing examiner shall affirm, modify or reverse the decision of the code official in a written decision.

**111.5.1 Records and copies.** The decision of the hearing examiner shall be in writing. Copies of the decision shall be furnished to the appellant and to the code official.

**111.5.2 Administration.** The code official shall take immediate action in accordance with the decision of the hearing examiner.

**111.6 Court review.** Any party to the appeal shall have the right to appeal the hearing examiner's decision to the appropriate court. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**111.8 Stays of enforcement.** Appeals of notice and orders (other than Imminent Danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals court.

#### **11.40.112.4 Amendment to Section 112.4**

Section 112.4 of the 2018 International Property Maintenance Code is amended to read as follows:

**112.4 Failure to comply.** Any person who shall continue any work after having been

served with a stop work order, except such work as that person is directed to perform to remove a violation of unsafe conditions, shall pay a fine of Two Hundred Fifty dollars (\$250.00) for the first day, and Fifty dollars (\$50.00) each day thereafter, for work that continues in violation of the stop work order.

#### **11.40.201.3 Amendment to Section 201.3**

Section 201.3 of the 2018 International Property Maintenance Code is amended to read as follows:

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, Uniform Plumbing Code, International Residential Code, Yakima Urban Area Zoning Ordinance, or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

#### **11.40.202 Amendment to Section 202**

Section 202 of the 2018 International Property Maintenance Code is amended to read as follows:

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** Acceptable to the code official.

**ATTRACTIVE NUISANCE.** A nuisance which whether in or on a building, a building premises or an unoccupied lot, and whether realty, fixture, or chattel, which might reasonably be expected to attract children of tender years and constitute a danger to them, including, but not limited to: broken or missing windows and doors; unsecured buildings or structures; abandoned wells; ice boxes or refrigerators with doors and latches; shafts; basements or other excavations; abandoned or inoperable vehicles or other equipment; structurally unsound fences or other fixtures; lumber; vegetation; or other debris.

**BASEMENT.** That portion of a building that is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for occupancy.

**COST OF SUCH DEMOLITION OR EMERGENCY REPAIRS.** The costs shall include the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs,



such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies of experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording; and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner of the property.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXCESSIVE.** More than 60% of the component, item or area of concern.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable space.

**HAZARDOUS VEGETATION.** Vegetation that is dry and combustible exceeding twelve inches in height which may cause a fire hazard to the immediate and surrounding areas. Hazardous vegetation can include, but is not limited to, trees, shrubs, grass, weeds, bushes, vines and other plant materials, including but not limited to clippings, fallen leaves or branches.

**HEALTH OFFICER.** The head of the Yakima Health District or their authorized deputies or representatives.

**HISTORIC BUILDING.** A building that is listed in, or eligible to be listed in, the National

Register of Historic Places, or designated as historic under an appropriate state or local law.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single habitable space quipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory, and bathtub or shower.

**IMMINENT DANGER.** A condition that could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rodents, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle that cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**JUNK MOTOR VEHICLE.** A vehicle that meets at least three of the four following requirements: (1) is three years old or older; (2) 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; (3) is apparently inoperable; or (4) has a fair market value equal only to the value of the scrap in it.

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets the identified standards or has been tested and found suitable for a specific purpose.

**LET FOR OCCUPANCY or LET.** To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or structure.

**NUISANCE.** A nuisance is: (1) a nuisance defined by statute or ordinance; (2) a nuisance at common law, either public or private; (3) an attractive nuisance; (4) hazardous vegetation; (5) uncleanness, unsanitary conditions, or whatever is dangerous to human life or detrimental to health; (6) overcrowding; (7) abandonment or vacancy; or (8) any violation of this code.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for

unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; or by other approved pest elimination methods.

**PREMISES.** A lot, plot, or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; or public right-of-way; and has a clear width and height of not less than 10 feet (3048 mm).

**REPEAT OFFENDER.** An owner or tenant who has committed the same code violation more than one time in a 24 month period. The repeat violation occurs after the person has corrected an earlier violation of this code, the case has been abated and closed, and the person is found to have committed the same violation again.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage. The term shall include, but is not limited to: the residue from the burning of wood, coal, coke and other combustible materials; paper; rags; cartons; boxes; wood; excelsior; rubber; leather; tree branches; yard trimmings; tin cans; metals; mineral matter; glass; old rope; old iron, copper, tin and lead; empty bottles; sacks; parts of machinery; parts of stoves and other appliances; scrap metal of all kinds; abandoned or inoperable vehicles and other equipment; parts of vehicles; furniture items and parts of furniture and appliance items, and parts or appliances intended for use inside a structure; and other similar materials.

Exception: Firewood that is stored and stacked in an approved manner.

**SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal

proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed.

**TENANT.** A person, corporation, partnership, or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and that shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged, and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

#### **11.40.301.3 Amendment to Section 301.3**

Section 301.3 of the 2018 International Property Maintenance Code is amended to read as follows:

**301.3 Vacant structures and land.** Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem, a nuisance, or adversely affect the public health or safety.

#### **11.40.301.4 Addition of Section 301.4**

Section 301.4 shall be added to the Yakima Municipal Code and supplement the 2018 International Property Maintenance Code to read as follows:

**301.4 Boarding or securing buildings or structures.** Buildings or structures in violation of this code and required to be boarded up or otherwise secured from unwanted entry for public health or safety purposes or to mitigate an imminent danger shall be secured in accordance with Section 301.4.1.

**301.4.1 Minimum securing standards.** Exterior doors and windows and other openings that are not secured and may provide access that are within seven (7) feet of the adjacent ground level shall be secured from entry using minimum one-half inch nominal thickness exterior grade structural wood sheathing cut to fit the opening and fastened to the building. Fasteners shall be minimum one and one-half inch screws or other retractable fasteners able to adequately fasten such panels to the structure. Fasteners shall be spaced a minimum of six (6) inches on center around the perimeter of openings. Nothing in this section shall prevent

the use of transparent plastic panels or metal panels in lieu of wood structural panels. Alternative methods or materials may be approved by the code official to meet the intent of this section. Securing methods in this section shall not be construed to provide a weather tight seal or otherwise prevent damage to the building or structure. Buildings or structures boarded up in accordance with this section.

#### **11.40.302.1 Amendment to Section 302.1**

Section 302.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**302.1 Sanitation.** Exterior property and premises shall be maintained in a clean, safe and sanitary condition and shall not constitute a nuisance. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition, so as not to constitute a nuisance, or contain rubbish or garbage in violation of this code.

#### **11.40.302.2 Amendment to Section 302.2**

Section 302.2 of the 2018 International Property Maintenance Code is amended to read as follows:

**302.2 Grading and drainage.** Premises shall be graded and maintained to prevent accumulation of stagnant water within any structures located thereon.

#### **11.40.302.3 Amendment to Section 302.3**

Section 302.3 of the 2018 International Property Maintenance Code is amended to read as follows:

**302.3 Sidewalks and driveways.** Sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions in accordance with the codes and ordinances of the City of Yakima.

#### **11.40.302.4 Amendment to Section 302.4**

Section 302.4 of the 2018 International Property Maintenance Code is amended to read as follows:

**302.4 Weeds.** Premises and exterior property shall be maintained free from hazardous vegetation in excess of 12 inches in height. Upon failure of the owner or agent having charge of a property to cut and destroy such vegetation after service of a notice of violation, they shall be subject to prosecution in accordance with section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, and after proper notification has been given to the owners (unless the conditions constitute an imminent danger), any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

#### **11.40.303.2 Amendment to Section 303.2**

Section 303.2 of the 2018 International Property Maintenance Code is amended to read as follows:

**303.2 Enclosures.** Private swimming pools, hot tubs and spas, containing water more than 24 inches (610mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure or safety cover shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier or device.

Exception: Pools, spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

#### **11.40.304.2 Amendment to Section 304.2**

Section 304.2 of the 2018 International Property Maintenance Code is amended to read as follows:

**304.2 Protective Treatment.** Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Excessive peeling, flaking or chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight.

#### **11.40.304.13.2 Amendment to Section 304.13.2**

Section 304.13.2 of the 2018 International Property Maintenance Code is amended to read as follows:

**304.13.2 Openable windows.** Every required window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

#### **11.40.304.18.1 Amendment to Section 304.18.1**

Section 304.18.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**304.18.1 Doors.** Doors providing access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without

the need for keys, special knowledge or effort. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order.

#### **11.40.307.1 Amendment to Section 307.1**

Section 307.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**307.1 General.** Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exceptions:

1. Guards shall not be required where exempted by the adopted building code.
2. Guards and handrails constructed in accordance with the adopted building code at the time of construction shall be maintained to original required specifications.

#### **11.40.308.2.1 Amendment to Section 308.2.1**

Section 308.2.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**308.2.1 Rubbish storage facilities.** The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish to an approved disposal site.

#### **11.40.308.3.1 Amendment to Section 308.3.1**

Section 308.3.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**308.3.1 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers. Such garbage shall be removed from the premises in an approved manner in accordance with the ordinances of the City of Yakima.

#### **11.40.309.1.1 Addition of Section 309.1.1**

Section 309.1.1 shall be added to the Yakima Municipal Code and supplement the 2018 International Property Maintenance Code to read as follows:

**309.1.1 Verification of infestation.** The City of Yakima does not inspect or verify the existence of infestation. The code official may utilize the health officer to verify an infestation, or may require the utilization of a pest control professional for such

verification, at no expense to the City of Yakima.

#### **11.40.309.2 Amendment to Section 309.2**

Section 309.2 of the 2018 International Property Maintenance Code is amended to read as follows:

**309.2 Owner.** The owner of any structure shall be responsible for pest elimination within the structure, regardless of whether the structure is owner-occupied or leased.

#### **11.40.402.2 Amendment to Section 402.2**

Section 402.2 of the 2018 International Property Maintenance Code is amended to read as follows:

**402.2 Common halls and stairways.** Every common hall, interior and exterior stairway, other than in one and two-family dwellings, shall be lighted at all times with not less than 1 footcandle (11 lux) at floors, landings and treads.

#### **11.40.404.6 Amendment to Section 404.6**

Section 404.6 of the 2018 International Property Maintenance Code is amended to read as follows:

**404.6 Efficiency unit.** Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:

1. A unit occupied by not more than one occupant shall have a minimum clear floor area of 120 square feet (11.2 meters squared). A unit occupied by not more than two occupants shall have a minimum clear floor area of 220 square feet (20.4 meters squared). A unit occupied by three occupants shall have a minimum clear floor area of 320 square feet (29.7 meters squared). These required areas shall be exclusive of the areas required by Items 2 and 3.

2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30 inches (762 mm) in front. Light and ventilation conforming to this code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. The maximum number of occupants shall be three.

Efficiency units shall not exist independently, but must be part of a single structure or planned development.

#### **11.40.502.5 Amendment to Section 502.5**

Section 502.5 of the 2018 International Property Maintenance Code is amended to read as follows:

**502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Uniform Plumbing Code. Except for periodic maintenance and repairs or cleaning, public access and use shall be provided to the required toilet facilities at all times during occupancy of the premises.



#### **11.40.505.1 Amendment to Section 505.1**

Section 505.1 of the 2018 International Property Maintenance Code is amended to read as follows:

**505.1 General.** 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 or tempered and cold running water in accordance with the Uniform Plumbing Code.

#### **11.40.602.2 Amendment to Section 602.2**

Section 602.2 of the 2018 International Property Maintenance Code is amended to read as follows:

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65° F (18° C) in all habitable rooms, bathrooms, and toilet rooms during cold weather periods. Cooking appliances shall not be used, nor shall portable unvented fuel-burning or portable electric space heaters be used as a means to provide required heating.

#### **11.40.602.3 Amendment to Section 602.3**

Section 602.3 of the 2018 International Property Maintenance Code is amended to read 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, whether expressed or implied, is required to furnish heat to the occupants thereof with an approved heat source during cold weather periods that will maintain a minimum temperature of 65° F (18° C) in all habitable rooms, bathrooms and toilet rooms.

#### **11.40.602.4 Amendment to Section 602.4**

Section 602.4 of the 2018 International Property Maintenance Code is amended to read as follows:

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with an approved heat source that will maintain a minimum temperature of 65° F (18° C) during the period the 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.

#### **11.40.604.1 Amendment to Section 604.1**

Section 604.1 of the 2018 International Property Maintenance Code is amended to read as

follows:

**604.1 Facilities required.** Every occupied building shall be provided with an electrical system that is supplied by a commercially available source in compliance with the requirements of this section and Section 605.

**Section 2.** The following chapters of the Yakima Municipal Code are repealed:

- YMC 11.07 Uniform Building Conservation Code (1985)
- YMC 11.10 Neighborhood Conservation Code
- YMC 11.13 Apartment House and Hotel Safety Code
- YMC 11.20 Uniform Housing Code (1991)
- YMC 11.46 Uniform Code for the Abatement of Dangerous Buildings (1991)
- YMC 11.48 Minimum Standards for Vacant Buildings
- YMC 11.56 Building Security

**Section 3.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 4.** This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

**PASSED BY THE CITY COUNCIL,** signed and approved this 16<sup>th</sup> day of February, 2021.

ATTEST:

\_\_\_\_\_  
Patricia Byers, Mayor

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Sonya Claar Tee, City Clerk

Publication Date: February 19, 2021

Effective Date: March 21, 2021