

ORDINANCE NO. 2022-_____

AN ORDINANCE amending Chapter 11.40 of the City of Yakima Municipal Code

WHEREAS, the International Property Maintenance Code establishes minimum housing standards and requirements for the maintenance of existing buildings and property, including procedures for the abatement of nuisances, dangerous buildings and various other fire/life/safety conditions; and,

WHEREAS, the City Council of the City of Yakima has adopted the International Property Maintenance Code with additions and amendments establishing criteria by which to address such nuisances and dangerous conditions found on properties; and,

WHEREAS, after review, the City of Yakima finds that there are sections of the International Property Maintenance Code that should be further amended in order to consolidate other city ordinances that address similar property conditions and to address conditions unique to the community; and,

WHEREAS, the City Council of the City of Yakima finds that it is in the best interest of the City and its residents to make such necessary amendments and additions to Yakima Municipal Code Chapter 11.40: Property Maintenance Code; now, therefore,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 11.40.101.3: Amendment to Section 101.3 shall be added to the Yakima Municipal Code to read as follows:

11.40.101.3 Amendment to Section 101.3.

Section 101.3 of the 2018 International Property Maintenance Code is amended to read as follows:

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued *occupancy* and maintenance of structures and *premises*. Existing structures and *premises* that do not comply with these provisions shall be altered, maintained or repaired to provide a minimum level of health and safety as required herein, and as required by the Washington State Fire Code.

Section 2. Section 11.40.102.2: Amendment to Section 102.2 shall be added to the Yakima Municipal Code to read as follows:

11.40.102.2 Amendment to Section 102.2.

Section 102.2 of the 2018 International Property Maintenance Code is amended to read as follows:

102.2 Maintenance. Equipment, systems, devices, safeguards, maintenance and alterations required by this code, the International Fire Code, or a previous regulation or code under which the structure or *premises* was constructed, altered or repaired shall be

maintained in good working order. An *owner*, owner's authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

Section 3. Section 11.40.104.7: Permits required, shall be added to the Yakima Municipal Code to read as follows:

11.40.104.7 Addition of Section 104.7.

Section 104.15 shall be added to the Yakima Municipal Code and supplement the 2018 International Property Maintenance Code to read as follows:

104.7 Permits required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the codes of the jurisdiction, or to cause such work to be performed shall obtain the required permits in accordance with the laws of the jurisdiction.

Section 4. Section 11.40.106.4.1: Fees, shall be added to the Yakima Municipal Code to read as follows:

11.40.106.4.1 Addition of Section 106.4.1.

Section 106.4.1 shall be added to the Yakima Municipal Code and supplement the 2018 International Property Maintenance Code to read as follows:

106.4.1 Fees.

When required inspections are performed after the issuance of a Notice of Violation and Order, a minimum two (2) hour inspection fee shall be assessed for each inspection. Inspection fees shall be based on the actual cost to the jurisdiction at the time the inspection is performed.

Section 5. Section 11.40.108.1.3: Amendment to Section 108.1.3, shall be added to the Yakima Municipal Code to read as follows:

11.40.108.1.3 Amendment to Section 108.1.3.

Section 108.1.3 of the 2018 International Property Maintenance Code is amended to read as follows:

108.1.3 Structure unfit for human occupancy. A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment or construction requirements required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

Section 6. Section 11.40.108: Amendment to Section 108.6, shall be added to the Yakima Municipal Code to state as follows:

11.40.108.6 Amendment to Section 108.6.

Section 108.6 of the 2018 International Property Maintenance Code is amended to read as follows:

108.6 Abatement methods. The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

108.6.1 Debris removal following a fire. Any person having under his or her control or in his or her possession upon any premises in the city any substances or debris which have been rendered useless or unmerchantable by reason of any fire on the premises must remove the same within forty-eight hours after notice to do so has been given in accordance with the procedures in Section 107.3 by the code official to such person.

108.6.1.1 Partially burned structures. Whenever any building or other structure in the city is partially burned, the owner thereof, or the person in charge or control thereof, shall, within ten days after notice from the code official, remove from the premises all refuse, debris, and partially burned lumber that has become detached from the structure; and if the building or structure is burned to such an extent that it cannot be repaired as determined by the procedures in Section 110 of this code, the owner of the property upon which it is located, or the occupant thereof, shall, within the timeframe specified in the notice from the code official, remove all the remaining portion of the building or structure from the premises.

108.6.1.2 Failure to abate. In the event notice is provided and the property owner fails to take the steps necessary to remove fire related refuse, debris, partially burned lumber or anything else outlined in the notice that must be removed pursuant to this section, the city shall take such steps as are necessary, including, but not limited to, hiring a third party, to take all actions outlined in the notice. All costs and fees associated with the city taking such action shall be paid by the property owner. If the costs and fees are not paid within thirty days of receipt of an invoice, the costs and fees shall become a lien on the property and the costs of filing and recording such lien shall be added to the total amount due and owing by the property owner.

108.6.1.2.1 Consent to allow city to abate. The city may allow a property owner to enter into a written consent and waiver form which

waives any claims of damages, notice requirements or appeal rights, and consents to the city taking action to remove refuse, debris or partially burned lumber, or any other substances or debris needing to be removed under this section. Such consent shall also include a consent that a lien in the amount of the actual cost to remove such refuse, debris, partially burned lumber or any other substances, the costs of filing the lien, and any other costs consented to by the parties, shall be filed and recorded against the property if the city's costs are not paid within thirty days of being invoiced.

Section 7. Section 11.40.109.6: Amendment to Section 109.6, is hereby added to the Yakima Municipal Code to state as follows:

11.40.109.6 Amendment to Section 109.6.

Section 109.6 of the 2018 International Property Maintenance Code is amended to read as follows:

109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the hearing examiner, be afforded a hearing as described in this code.

Section 8. Section 11.40.110: Amendment to Section 110, shall be added to the Yakima Municipal Code to state as follows:

11.40.110 Amendment to Section 110.

Section 110 of the 2018 International Property Maintenance Code is amended to read as follows:

11.40.110.1 General. The *code official* shall order the *owner* or owner's authorized agent of any *premises* upon which is located any structure, which in the *code official's* judgment after review of applicable laws and regulations, is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, the code official shall order that, at the owner's expense, such structure, premises or unfit portion thereof be:

1. Repaired or demolished and removed, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use is more than 50 percent of the replacement value of a building or structure of similar size, design, type, and quality, provided that the code official may order a building or structure, for which the estimated cost of such repairs is 50 percent or less than such replacement value, to be repaired, or demolished and removed, if the degree of structural deterioration is in violation of this code or any other applicable laws and/or regulations, and the owner has failed to correct the conditions by compliance dates ordered by the code official;
2. Demolished and removed, if the building or structure has been the subject of an emergency order to close pursuant to Section 109 of this code, and the building or structure has also been subject to two or more unauthorized entries in the preceding 12 months, and it has been determined that the building or structure is an attractive nuisance and presents a danger to the general public or to City staff who might be required to enter the building;

3. Repaired, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use is 50 percent or less than the replacement value of a building or structure of similar size, design, type and quality; or
4. Vacated and secured for future repair for up to one year in accordance with the minimum standards for securing vacant buildings in Appendix A of this code, if the conditions causing the building or structure to be unsafe or unfit for human habitation or other use is 50 percent or less than the replacement value of a building or structure of similar size, design, type and quality.

11.40.110.1.1 Replacement valuation. In estimating the replacement value of a building or structure under this section, the code official shall require the owner or owner's authorized agent to provide cost estimates in accordance with the Square Foot Cost Estimating Method set forth in the "Residential Cost Handbook" Marshal and Swift, the latest available edition, or a cost estimating publication or method that the code official deems comparable.

11.40.110.1.2 Repair valuation. In estimating the cost of repairs, the code official shall apply the following standards:

1. Only the conditions causing the building, structure or portion thereof to be unfit for human habitation or other use shall be included in the cost estimate;
2. The owner or owner's authorized agent shall determine all repair costs based on estimates calculated from the "Home-Tech Remodeling and Renovation Cost Estimator", latest available edition, or a cost estimating publication or method that the code official deems comparable;
3. Repair estimates shall assume that all work will comply with the requirements of the current Building, Mechanical, Electrical, Plumbing, Energy and Fire Codes in effect in the City of Yakima as well as all other laws and regulations that apply to the repair;
4. Cost estimates for replacing or repairing the building, structure or portion thereof shall include the same type and quality of materials originally used in the structure. If the building or structure is so damaged that the original materials cannot be determined, repair costs shall be estimated using the Square Foot Cost Estimating Method in the "Residential Cost Handbook" by Marshal and Swift, or a cost estimating publication or method that the code official deems comparable.
5. If the owner or owner's authorized agent fails to provide cost estimates for repair or replacement of structures or premises in accordance with the cost estimating provisions in this section within the timeframe stated in the Notice of Violation and Order, the code official shall estimate such costs in accordance with the cost estimating provisions in this section or the code official may obtain cost estimates the cost of which shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
6. If the extent of damage to a building or structure or portion thereof cannot be ascertained from visual inspection, the code official shall assume that relative extent of damage or deterioration identified in the observable portion of the building or structure exists in the unobserved portions; and the condition or conditions which cause the building or structure to be unsafe or unfit for human habitation create a hazard to the public health, safety, or welfare that would exist even if the building or structure were vacated and closed to entry.

110.2 Notices and orders. Notices and orders shall comply with Section 107.

110.3 Failure to comply. If the *owner* of a *premises* or owner's authorized agent fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement

with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

110.4 Salvage materials. Where any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

Section 9. Section 11.40.302.8: Amendment to Section 302.8, is hereby added to the Yakima Municipal Code to read as follows:

11.40.302.8 Amendment to Section 302.8

Section 302.8 of the 2018 International Property Maintenance Code is amended to read as follows:

302.8 Motor vehicles.

302.8.1 Except as provided for in other regulations, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any *premises*, and vehicles shall not 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: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.8.2 Parking in the front yard. No utility, recreational, or motor vehicle, and/or utility trailer may be parked upon the front yard of a residence or business unless such vehicle or trailer is parked upon an improved surface driveway.

Exceptions:

1. This provision shall not apply to properties located within the area north of Viola, south of Alder, west of I-82 and east of South 8th Street during the dates set forth for the operation of the Annual Central Washington State Fair and the Fourth of July celebration occurring on the Central Washington State Park Grounds.

2. This provision shall not apply to licensed motor vehicle repair, sales, storage or other approved vehicle-oriented businesses.

302.8.3 Unattended vehicles. Leaving vehicles unattended on blocks, jacks, ramps or otherwise elevated above the ground is prohibited, unless, when unattended, the vehicle is enclosed in a garage, surrounded by a fence or screened from view and access in an approved manner by other means. Nothing in this section shall be construed to be an approval to store vehicles in an unlawful manner.

Section 10. Section 11.40.302.10: Graffiti Abatement, is hereby added to the Yakima Municipal Code to read as follows:

11.40.302.10 Addition of Section 302.10: Graffiti Abatement

Section 302.10: Graffiti Abatement is added to the 2018 International Property Maintenance Code to read as follows:

302.10.1 Graffiti abatement program.

302.10.1.1 Purpose.

302.1.1.1 Graffiti and other defacement of public and private property, including walls, rocks, bridges, fences, gates and other structures, trees and other real and personal property within the city, constitutes a nuisance. The city council finds that graffiti is also associated with criminal street gang activity pursuant to RCW [9A.48.105](#) and YMC [6.11.025](#) and that proliferation of graffiti promotes criminal street gangs and criminal street gang activity. Such activity constitutes an immediate threat to the life, health, safety and property of residents of the city. Procedures herein requiring abatement, following notice and opportunity to appeal, are necessary and will preserve and protect the life, health, safety and property of residents of the city.

302.1.1.2 Although it is appropriate, where possible, to request that the courts require people who are convicted of acts of defacement and vandalism involving application of graffiti to public or private property to restore the property so defaced, damaged or destroyed, apprehension of persons who commit such acts is difficult because the offenses involved can be committed quickly and surreptitiously so that witnesses to the acts are frequently nonexistent.

302.1.1.3 Although the public should be encouraged to cooperate in the elimination of graffiti by reporting the same to the proper authorities, it is also important to eliminate the presence of graffiti from the community so that the product of the illegal acts of those involved in application of graffiti is not visible and the property on which the graffiti is located and surrounding properties do not suffer diminution of value.

302.10.1.2 City abatement program—Request for assistance.

Subject to availability of funding and personnel, the city makes available a graffiti abatement program. Owners of property within the city, and any owner who receives a notice issued pursuant to Section 302.10.2 to abate graffiti may request assistance from the city's graffiti abatement program to abate graffiti placed on their property. Participation in such graffiti abatement program shall include the following:

302.10.1.3 Release from liability. Applicant shall sign a consent and release from liability form approved by the city authorizing city personnel and/or its contractors to enter upon the owner's property for the purpose of abating the graffiti. Upon execution, such consent and release shall be in effect pursuant to the terms and conditions of the document. Any consent and release may be revoked in writing by the owner and/or property manager and/or tenant at any time.

302.10.1.4 Abatement by City. The city or its contractors may abate the graffiti. Graffiti abated by the city shall be only by application of paint provided by the city or contractor. Matching paint is not guaranteed. The city will only paint over graffiti and will not remove it through sand blasting or other means.

302.10.1.5 Acceptance into program. For applicants who have received a notice issued pursuant to Section 302.10.2 to abate graffiti, acceptance into the city's graffiti abatement program shall stay the five-day compliance requirement, or such other compliance deadline established in such notice by the code official unless otherwise notified by the city.

302.10.1.6 Limitations. The city or its contractors shall not authorize nor undertake to provide for the painting of any more extensive area than the area where the graffiti is located.

302.10.1.7 Program modifications. The city reserves the right to establish, modify and amend its graffiti abatement program, and to define by rule or policy standards of eligibility for participation, methods of abatement and scheduling of abatement activities.

302.10.1.8 City abatement program—Priorities. There may not always be adequate funding or personnel for the city abatement program outlined in YMC [11.40.110](#). When funding and/or personnel is limited, the following priority may be established for service to those property owners who have entered the program:

- (1) Single-family residential zoned properties and city property;
- (2) Two-family residential zoned properties;
- (3) Multifamily residential zoned properties;
- (4) CBD zoned properties;
- (5) All other commercial zoned properties;
- (6) Manufacturing zoned properties.

Entry into the graffiti abatement program is not a guarantee of service. If adequate funding or personnel is not available, the property owner/property manager and tenant (if applicable) will be notified that they are responsible for the abatement of graffiti on the property.

Section 11. Section 11.40.308.3.3: Maintenance, is hereby added to the Yakima Municipal Code to read as follows:

11.40.308.3.3 Addition of Section 308.3.3

Section 308.3.3: Maintenance is added to the 2018 International Property Maintenance Code to read as follows:

308.3.3 Maintenance. Container lids or covers shall be maintained in a closed position except when lawfully disposing, removing or inspecting its contents. Containers shall be free from an overloaded condition and shall be adequately sized to serve their intended purpose.

Exception: Containers that are not accessed by the public and are utilized in the course of business by property owners, business owners or their representatives may remain open for ready access.

Section 12. Section 11.40.308.3.4: Location, is hereby added to the Yakima Municipal Code to read as follows:

11.40.308.3.3 Addition of Section 308.3.4

Section 308.3.4: Location is added to the 2018 International Property Maintenance Code to read as follows:

308.3.4 Location. Containers in excess of one and one half (1 ½) cubic yards shall be located no closer than 10 feet horizontally from fire escapes or openings into buildings, or within 5 feet horizontally from combustible walls or combustible roof overhangs that are within 20 feet vertically from the top of the container.

Section 13. Section 11.40.701.1: Amendment to Section 701.1, is hereby added to the Yakima Municipal Code to read as follows:

11.40.701.1 Amendment to Section 701.1

Section 701.1 of the 2018 International Property Maintenance Code is amended to read as follows:

701.1 Scope. The provisions of this chapter and the provisions of the Washington State Fire Code shall govern the minimum conditions and standards for fire safety relating to structures and exterior *premises*, including fire safety facilities, construction standards and equipment to be provided.

Section 14. Section 11.40.102.3 of the Yakima Municipal Code is amended to read as follows:

11.40.102.3 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 and Yakima Municipal Code 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.

Section 15. Section 11.40.106.4 of the Yakima Municipal Code is amended to read as follows:

11.40.106.4 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 ^{1 2}

Violation	Amount
No Abatement After Notice of Violation and Order Deadline	\$250
1 st Offense as a Repeat Offender	\$500
2 nd Offense as a Repeat Offender	\$750

Violation	Amount
3 rd Offense as a Repeat Offender	\$1000

See definition of Repeat Offender.

² Other fees or costs may apply.

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. At the discretion of the code official, any person who violates any of the provisions of this chapter may be cited with a civil infraction punishable by a fine of up to two hundred and fifty dollars (\$250.00) as an alternative to the abatement process referenced in this chapter. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 16. Section 11.40.107: Amendment to Section 107, shall be amended to read as follows:

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, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures 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, fees 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, inspection 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 and fees. Penalties and fees 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.

Section 17. Section 11.40.202 of the Yakima Municipal Code shall be amended to read as follows:

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

ABATE. To repair, replace, remove, paint over, or otherwise remedy a condition which constitutes a violation of this chapter by such means and in such a manner and to such an extent as the code official determines appropriate in the interest of the general health, safety and welfare of the public. For the purposes of this chapter, when the city abates graffiti under Section 110, abate means only to paint over.

ANCHORED. Secured in a manner that provides positive connection.

[A] 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*.

CITY PROPERTY. Property owned by the city, including but not limited to, real and personal property, trees, utility poles, garbage cans and dumpsters.

[A] 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 or 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.

DRIVEWAY. The private traveled path to or through a property which extends in a straight line from a legally established curb cut intended for the access of such driveway. In the case of circular driveways, it is the improved surface that connects one legally established curb cut to another.

[A] 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.

[Z] EASEMENT. That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above said lot or lots.

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.

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

FRONT YARD. The open area extending along and parallel to the entire length of the front lot line and measured from the property line to the structure.

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

GRAFFITI. The unwanted defacing, damaging or destroying by painting by whatever means or marking of ink, chalk, dye, or other similar substances or placement of stickers or appliques on public or private buildings, structures or places.

[BE] 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.

[BG] 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 spaces.*

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.

[A] HISTORIC BUILDING. Any building or structure that is one or more of the following: 1. Listed or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places. 2. Designated as historic under an applicable state or local law. 3. Certified as a contributing resource within a National Register or state or locally designated historic district.

HOUSEKEEPING UNIT. A room or group of rooms forming a single *habitable space* equipped 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.

IMPROVED SURFACE. A surface covered with gravel, cement, pavers, asphalt, brick, or other approved materials.

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.

[A] 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 identified standards or has been tested and found suitable for a specified 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.

[A] 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*.

[A] 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.

[A] 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; by other *approved pest elimination* methods.

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

PRIVATE CONTRACTOR. Any person with whom the city shall have duly contracted to abate a condition that is in violation of this code.

PROPERTY. Any land which is affixed, incidental or appurtenant to land, including, but not limited to, any business or residence, parking area, loading area, landscaping, building, fence or structure, or any separate part, unit or portion thereof.

PROPERTY MANAGER. Any person or entity who has a contract with an owner to manage real property.

[A] 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; and has a clear width and height of not less than 10 feet (3048 mm).

RECREATIONAL VEHICLE. Any snowmobile, watercraft, golf cart, motor home, camper, camp trailer, all-terrain vehicle, or other vehicle in which the primary use is recreation and not everyday use.

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.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

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; motor vehicle tires; furniture items and parts of furniture and appliance items, and parts or appliances intended for use inside a structure; materials and debris resulting from a fire including detached partially burned lumber; and other similar materials.

- Exceptions:**
1. Firewood that is stored and stacked in an approved manner.
 2. Storage of 12 or less motor vehicle tires stored in an approved manner.
 3. Approved motor vehicle tire storage regulated by other sections of the Yakima Municipal Code.

[A] 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.

[A] 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.

UTILITY TRAILER. A licensed, nonmotorized vehicle, which is intended to be towed behind another vehicle.

[M] 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.

[Z] YARD. An open space on the same lot with a structure.

Section 18. Section 11.40.050 of the Yakima Municipal Code shall be amended to read as follows:

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 chapter reference 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 chapter reference the International Zoning Code, it shall mean the Yakima Area Urban Zoning Ordinance. Whenever the International Property Maintenance Code references either International or Uniform Codes, it shall mean the Washington State codes as adopted and amended by the Yakima Municipal Code. References to other codes shall apply.

Section 19. The following sections and chapters of the Yakima Municipal Code are hereby repealed:

- YMC 10.05.145 Removal of debris after fire
- YMC 11.09 Graffiti Abatement
- YMC 11.11 Parking on the Front Yard and Vehicles Elevated Above Ground

Section 20. 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 21. 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 3rd day of May, 2022.

ATTEST:

Janice Deccio, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____