

CHAPTER 15.12DANGEROUS BUILDINGSSections:

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15.12.010 Purpose and Findings. It is hereby found that there exist dwellings which are unfit for human habitation, or buildings, structures, and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanliness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health and welfare of the residents of the City of Kettle Falls. This purpose is consistent with RCW 35.80.010.

15.12.020 Duties of the Building Inspector. The City of Kettle Falls Building Inspector shall have the powers necessary and convenient to carry out the purposes and provisions of this ordinance, including:

A. Investigation of all structures and premises which he/she has reasonable grounds to believe may be unfit, improperly maintained or substandard;

B. Preparation, service and posting of notices/complaints against structures or premises believed to be in violation;

C. Conducting administrative hearings and rendering decisions based on written findings.

15.12.030 Notice/Complaint. If, after a preliminary investigation of any dwelling, building, structure, or premises, the building inspector finds that it is unfit for human habitation or other use, he or she shall cause to be served either personally or by certified mail, with return receipt requested, upon all persons having any interest therein, as shown upon the records of the Stevens County Auditor's office, and shall post in a conspicuous place on such property, a notice/complaint stating in what respects such dwelling, building, structure, or premises is unfit for human habitation or other use. If the whereabouts of any of such persons is unknown and the same cannot be ascertained by the building inspector in the exercise of reasonable diligence, and the building inspector makes an affidavit to that effect, then the serving of such notice/complaint or order upon such persons may be made either by personal service or by mailing a copy of the notice/complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the building involved in the proceedings, and mailing a copy of the notice/complaint and order by first-class mail to any address of each such person in the records of the Stevens County Assessor or the Stevens County Auditor. Such notice/complaint shall contain a notice that a hearing will be held before the building inspector, at a place therein fixed, not less than ten days nor more than thirty days after the serving of the notice/complaint; and that

all parties in interest shall be given the right to file an answer to the notice/complaint, to appear in person, or otherwise, and to give testimony at the time and place in the notice/complaint. This hearing shall take place in front of the building inspector. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building inspector. A copy of such notice/complaint shall also be filed with the Stevens County Auditor, and such filing of the notice/complaint or order shall have the same force and effect as other lis pendens notices provided by law.

15.12.040 Hearings before the Building Inspector. A. Unless, prior to the time fixed for hearing in the complaint issued by the building inspector, arrangements satisfactory to the building inspector of the vacation, closure, demolition, removal, repair, alteration or improvements of the structure or premises are made, the building inspector shall hold a hearing for the purpose of determining the immediate disposition of the structure or premises.

B. That the building inspector may determine that a dwelling, building, structure, or premises is unfit for human habitation or other use if it finds that conditions exist in such dwelling, building, structure, or premises which are dangerous or injurious to the health or safety of the occupants of such dwelling, building, structure or premises, the occupants of neighboring dwellings, or other residents of Kettle Falls.

C. Such conditions may include the following, without limitations: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light or sanitary facilities, dilapidation, disrepair, structural defects, uncleanliness, overcrowding, or inadequate drainage. A dangerous building is a Nuisance, and at the option of the City also may be abated in accordance with KFMC 8.12 in addition to this chapter, KFMC 15.12. If these or other conditions are found to exist to an extent dangerous or injurious to the health or safety of the building's occupants, or the occupants of neighboring buildings or of other residents of the City of Kettle Falls, and if structural deterioration is of such degree that:

(i) Vertical members list, lean, or buckle to the extent that a plumb line passing through the center of gravity falls outside the middle third of its base; or

(ii) Thirty-three percent of the supporting members show damage or deterioration; or

(iii) The cost of restoration exceeds 60 percent of the value of the building; or

(iv) The building has been damaged by fire or other calamity; the cost of restoration exceeds 30 percent of the value of the building and it has remained vacant for six months or more; the building inspector shall order the building or premises demolished and the land suitably filled and cleared, or shall order the property immediately vacated and secured as completely as possible pending demolition.

(v) Value shall be determined by reference to a current edition of "Building Valuation Data" published by the International Conference of Building Officials or, if not published, as determined by the building inspector. Cost of restoration is the actual estimated cost, which may be determined in the same manner as "value."

D. That if after the required hearing, the building inspector determines that the dwelling is unfit for human habitation, or building or structure or premises is unfit for other use, he/she shall state in writing its findings of fact in support of such determination, and shall issue and cause to be served upon the owner or party in interest thereof, as is provided in KFMC 15.12.030, and shall post in a conspicuous place on the property, an order that:

(i) requires the owner or party in interest, within the time specified in the order, to repair, alter, or improve such dwelling, building, structure, or premises to render it fit for human habitation, or for other use, or to vacate and close the dwelling, building, or structure, or premises, if such course of action is deemed proper on the basis of the standards set forth in KFMC 15.12.040(C); or

(ii) requires the owner or party in interest, within the time specified in the order, to remove or demolish such dwelling, building, structure, or premises, if this course of action is deemed proper on the basis of those standards. If no appeal is filed, a copy of such order shall be filed with the Stevens County Auditor in which the dwelling, building, structure, or premises is located.

15.12.050 Appeal. A. The owner of any party in interest, within thirty days from the date of service upon the owner and posting of an order issued by the building inspector under KFMC 15.12.040, may file an appeal with the Kettle Falls City Council. If no appeal is filed, a copy of such order shall be filed with the Stevens County Auditor and shall be a final order.

B. The Kettle Falls City Council shall:

(i) resolve all matters submitted to it within sixty days from the date of filing therewith and

(ii) make available to the owner or other party in interest upon demand a transcript of the finding of fact of the Kettle Falls City Council.

15.12.060 Enforcement. A. If the owner or party in interest, following exhaustion of his or her rights to appeal, fails to comply with the final order to repair, alter, improve, vacate, close, remove, or demolish the dwelling, building structure, or premises, the building inspector may direct or cause such dwelling, building, structure, or premises to be repaired, altered, improved, vacated, and closed, removed or demolished.

B. The city may, at the end of the appeal period, or in the event of an emergency, immediately bring an action in the Superior Court of Stevens County to obtain orders of abatement or other relief. In such event the city shall be able to obtain a judgment for all costs of such action including, attorney's fees, and all costs, including but not limited to filing fees, service fees and investigative costs.

15.12.070 Costs. A. The amount of the cost of such repairs, alterations or improvements; or vacating and closing; or removal or demolition by the building inspector, shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. Upon certification by the City of Kettle Falls Treasurer to the Stevens County Treasurer, the county treasurer shall enter the amount of such assessment upon the tax rolls against the property for the current year and the same shall become a party of the general taxes for that year to be collected at the same time and with interest at such rates and in such manner as provided for in RCW 84.56.020 for delinquent taxes, and when collected to be deposited to the credit of the general fund of the City of Kettle Falls.

B. If the dwelling, building, structure, or premises is removed or demolished by the building inspector, the building inspector, if possible, shall sell the materials of such dwelling, building, structure, or premises in accordance with procedures set forth RCW 35.80.030, and shall credit the proceeds of such sale against the cost of the removal of demolition and if there be any balance remaining, it shall be paid to the parties entitled thereto, as determined by the building inspector, after deducting the costs incident thereto.

C. The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes.

D. Any judgment lien shall be foreclosed by the county under the lien foreclosure statutes, including but not limited to RCW 84.64. Further, the City of Kettle Falls may be a bidder at the sale.

15.12.080 Emergencies. The provisions of this chapter shall not prevent the building inspector or any other officer of the city or other governmental unit from taking any other action, summary or otherwise, necessary to eliminate or minimize an imminent danger to the health or safety of any person or property. (Ord. 1742, 2015)

## Chapter 15.16

### SWIMMING POOLS

#### Sections:

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15.16.010 Purpose. The purpose of this chapter is to regulate the construction of private swimming pools within the corporate limits of the city. (Ord. 1329 §1, 1980).

15.16.020 Definitions. A. "Swimming pool" means and includes either outdoor or indoor private pools, portable or permanently constructed, above or below the ground, which are artificially constructed to provide recreational facilities for swimming, bathing, or wading, and which are intended to be used solely by the owner, operator or lessee thereof and his family, and by friends invited to use it without payment of any fee.

B. "Wading pool" means and includes artificially constructed pools not designated or used for swimming with a