

City of College Place, Washington
ORDINANCE NO. 22-017

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLLEGE PLACE,
WASHINGTON, ENACTING CHAPTER 8.40 – VACANT PROPERTY REGISTRATION
AND MAINTENANCE; ESTABLISHING EFFECTIVE DATE**

Whereas, the City of College Place is a non-charter code city governed by the rules and regulations of RCW 35A; and

Whereas, the City of College Place pursuant to the Washington State Constitution, has the police power to regulate activities within the City; and

Whereas, RCW 35A.11.020 allows non-charter code cities to adopt and enforce ordinances pertaining to local affairs; and

Whereas, for the safety and welfare of the public, and to preserve and promote real property value in the City, the City may exercise its power in regulating vacant property within the City and has done so by adopting City Municipal Code Chapter 8.40;

Now therefore, it is hereby resolved by the City Council of the City of College Place, Washington, as follows:

Section 1: Enact Chapter 8.40-Vacant Property and Maintenance, a copy of which is referenced and incorporated herein.

Section 2: Clerical Corrections. The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 3: Severability. That if any section, subsection, clause, or phrase of this legislation is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The City hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4: Effective Date. That this law and the rules regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect five (5) days from and after date of its final passage and adoption.

Passed by the City Council of the City of College Place, Washington, this 13th day of September, 2022.

DocuSigned by:

Norma L. Hernandez

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Norma L. Hernández, Mayor

Attest:

DocuSigned by:

Sherri St. Clair

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Sherri St. Clair, City Clerk

Approved as to form:

DocuSigned by:

Rea L. Culwell

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Rea Culwell, City Attorney

CHAPTER 8.40 – VACANT PROPERTY REGISTRATION AND MAINTENANCE

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8.40.010 – Purpose

This chapter's purpose is to preserve neighborhood and City character, property values, enjoyment of property, and safety in land use by requiring registration of and establishing minimum maintenance standards for vacant property. This chapter requires responsible party to register with the City, secure, and maintain vacant property.

The City may declare a vacant property to be abandoned and subject to Chapter 8.45 CPMC.

8.40.020 – General

- A. Applicability. This chapter applies to all property within the City limits of College Place except that, this chapter shall not apply to land with no buildings or structures.
- B. Administration. College Place Police Department (CPPD) or code enforcement officer or designee may administer this chapter, are authorized to declare a property vacant, and to interpret this chapter.
- C. Enforcement. Enforcement of this chapter will be pursuant to Chapter 1.20 CPMC or any other legal means. Enforcement is not mandatory and is at the discretion of the City.
- D. Supplemental. The authority pursuant to this chapter is in addition to and not in limitation of any other authority provided by law.
- E. No duty or benefit created. This chapter does not confer a benefit or create a duty to any one person, entity, or group of people or entities, and confers only benefit or duty to the

public as a whole. No individual administering or enforcing this chapter is liable for any damages for acts or omissions in administration or enforcement.

- F. Joint and several responsibility. All responsible parties are jointly and severally responsible for compliance with this chapter and for any payments required. The City encourages all agreements to lease, rent, or occupy property to require lessee or tenant to comply with this chapter.
- G. All references to College Place Municipal Code (CPMC) and Revised Code of Washington (RCW) include any future amendments or recodifications.

8.40.030 – Definitions

The following definitions are specific to this chapter and shall have the following meanings:

- A. “Building” means any complete or partial used or intended for supporting or sheltering any use or occupancy.
- B. “Emergency work” means continual work required to restore premises to a condition following natural disasters or events, fire, or a public calamity such as explosion, terrorist attack, or nuclear accident.
- C. “Occupied”. A property is considered occupied if a permitted use is physically located and lawfully occupying the property for at least six consecutive months.
- D. “Owner(s)” means any one person, entity, or group of people or entities or any combination thereof having a legal or equitable interest in property regulated by this chapter.
- E. “Premises” means any lot, tract, parcel, or land area, building or structure in whole or in part and any appurtenances thereto in whole or in part, whether improved or unimproved. Premises include adjacent sidewalks, parking strips, planter strips, ingresses and egresses, alleys, curbs, drains, gutters, roundabouts, and rights-of-way adjacent to any land or building in whole or in part.
- F. “Repair” means the reconstruction or renewal of any part of an existing building or structure or appurtenance thereto.
- G. “Responsible party” means any one person, entity, or group of people or entities or any combination thereof, or the following: owner, lessor, lessee, landlord, tenant, agent, contractor, operator, developer, applicant, occupant of the property, or other person entitled to control, use or occupancy of the premises or any other person causing or

contributing to a violation of this chapter. Responsible person includes trustee, grantee, mortgagee, mortgage servicer, or lender with security interest in the property.

- H. “Structure” means anything constructed or erected fixed or intended to be fixed to the ground, including but not limited to residences, buildings, manufactured homes, accessory dwelling units, tiny homes, or any other construction which may affect the health, safety, or general welfare of the public, or any portion thereof.
- I. “Vacant property” means any property that is or remains unoccupied or unused for 30 or more consecutive days. Vacant property does not include those dwellings where emergency work is being continuously undertaken. Vacant property does not include premises that are land only. Evidence of vacancy includes, but is not limited to one or more of the following:
 - 1. Absence of furnishings and personal items consistent with residential habitation;
 - 2. Gas, electric, or water utility services have been disconnected or notice of disconnection has been posted on the property;
 - 3. Statements by neighbors, passersby, delivery agents, or government employees that the property is vacant;
 - 4. Absence of window coverings such as curtains or blinds or windows are boarded up;
 - 5. Property has been declared unfit for occupancy by the City, county or state authority;
 - 6. Construction was initiated on the property and was discontinued before completion, leaving a building unsuitable for occupation;
 - 7. Newspapers, circulars, flyers, or mail has accumulated on the property or the United States postal service has discontinued delivery to the property;
 - 8. Presence of rubbish, trash, debris, overgrown vegetation, dead or diseased trees, noxious weeds;
 - 9. Presence of vermin, mold, algae, abandoned or wild animals, insect or bird infestation;
 - 10. Conditions which would obstruct emergency services access to the property or obstruction of public right-of-way;

11. Presence of a hazard pursuant to CPMC 8.24.020; or

12. Other evidence of vacancy as determined by the City.

8.40.040 – Vacant property registration.

A. At least one responsible party for each vacant property must register the property with the City within 10 calendar days of the date the property becomes vacant, unless:

1. The property is the subject of a current, valid building permit for repair, construction, redevelopment, or rehabilitation and the permitted activity is occurring. Minimal activity or non-continuous activity will not fulfill this requirement. The City may request the responsible party provide proof, such as receipts, invoices or executed contracts that the permitted activity is proceeding without significant delay; or
2. The property is used for temporary or transitory housing or temporary permitted use, evidenced by active advertising or listing or other proof acceptable to the City; or
3. The property is subject of a land use application for development or redevelopment for which approval has been granted, but building permits have yet to be issued; or

B. To register the property, the responsible party shall, utilizing a City provided form, provide the following information and attest that the information is complete, true, and correct:

1. Name and contact information of the owner and of each responsible party;
2. Proof of ownership;
3. Street address;
4. Name and contact information for property manager, if any;
5. Name and contact information for seller/lessor or listing agent if property is actively for sale or lease;
6. Period of time the property is expected to remain vacant; and
7. Any other information requested by the City.

C. Responsible party for any registered vacant premise shall advise the CPPD, in writing, of any changes to the information on the registration form within thirty days of the change.

- D. The City may, in its sole discretion, waive registration requirement for property used for an activity that is traditionally or usually done on a seasonal or temporary basis.
- E. A responsible party must post the following inside every vacant property so as to be clearly visible to all potential tenants, lessees, renters, buyers, developers, or invitees upon entering the property, but not visible from outside the property:

“This Vacant Property is registered with the City of College Place

This Vacant Property may not meet all applicable codes and regulations required to occupy this property for any use.

The Vacant Property was registered on [date]”

- F. A responsible party must renew the registration of each vacant property on or before January 1 of each year that the property is vacant by submitting a renewal application to the City on forms provided by the City.
- G. Upon satisfactory proof to the CPPD that the vacant property is occupied, the property will be unregistered. Proof of physical occupation may include, but is not limited to, presence of usable furniture and appliances or retail or commercial equipment and inventory in the building or structure that are consistent with the property’s intended use, persons regularly present at and using the premises for its intended use, connected utilities, and deliveries to the property’s address.

8.40.050 – Fee for vacant property registration.

- A. To defray the costs of administering this chapter, at least one responsible party shall pay an annual registration fee for each registered vacant property at the time the space is registered and on January 1 of each year the property remains vacant as set by City Council in the City’s Fee Schedule.
- B. If a vacant property is not timely registered, the City may assess a late fee in addition to the registration fee to be paid by a responsible party in an amount set by City Council in the City’s Fee Schedule.
- C. If a vacant property is not registered as required by this chapter, the City may take any available action to collect all fees, along with all costs to the City to collect the fees from the responsible party and amounts due may become a lien upon the property.

8.40.060 – Minimum maintenance of vacant property.

Responsible party(ies), in addition to maintaining premises in compliance with all applicable CPMC provisions and all applicable law, shall maintain property as follows:

A. Premises shall:

1. Be clean, safe, and sanitary, free from waste, garbage, building materials, excessive vegetation, ground cover six inches or more in height, dead trees, bushes, and vegetation, noxious weeds, hazardous materials, mold, presence of vermin, algae and excessive bacteria growth, insect and bird infestation, tree disease or rot, standing water, and accumulation of newspapers, circulars, fliers.
2. Be clear from obstruction and free from hazards to permit access to premises for emergency response.
3. Be maintained to prevent public right-of-way obstruction or damage or damage to aboveground or belowground utilities and facilities.
4. Be maintained in compliance with Chapter 8.24 CPMC – Nuisances.
5. Not pose a threat to the public health, welfare, or safety as determined by the City.

B. Building or structure. Buildings and structures, in whole or in part, shall be in good repair, free of deterioration and structurally sound, and not to pose a fire, flood, or other weather hazard or a significant threat to the public health, welfare, or safety.

C. Building Openings. All doors, windows, and other openings shall be weather-tight, be secured against entry by animals, including but not limited to birds, insects and vermin, and to prevent plant and fungi growth and trespassers. Missing or broken doors, windows, and other openings shall be covered by glass, plywood, or other weather-resistant materials and tightly fitted and secured to the opening.

D. Unauthorized occupants. Premises shall be free from unauthorized occupants and criminal activity. “No Trespassing” sign shall be conspicuously posted on the property.

E. Foundation walls. Foundation walls shall be animal, plant, fungi, algae and mold proof and be maintained in a structurally sound and sanitary condition so as not to pose a notable threat to the public health, safety and welfare.

F. Exterior walls. Exterior walls shall be free of holes, breaks, and loose or decaying materials. Exposed non-weather resistant metal, wood, or other surfaces shall be protected from the elements and against decay, rust, or algae, fungi, or mold growth and pose no threat to the public health, safety and welfare.

- G. Exterior features. All chimneys, decks, balconies, verandas, patios, box ends, columns, eaves, fascia, flashing, frieze board, gable, garage, railing, soffits, steps, corner posts, drip edges, driveways, dormers, canopies, awnings, shutters, window boxes, exhaust ducts, cornices, trim, wall facings, drains, gutters, down spouts and all other exterior features shall be safely anchored and pose no threat to the public health, safety, and welfare.
- H. Roofs. Roof and flashings shall be maintained in good repair, be structurally sound and free from vegetation, mold, fungi, and stagnant or pooling water.
- I. Pools and other water features. All pools, hot tubs, ponds and other water features shall be enclosed in a barrier at least four feet high with all gates or doors securely locked or latched out of a child's reach or with a locked lid or barrier, which prevents access.
- J. Nuisances. Premises must comply with CPMC 8.24.
- K. Minimize waste. Material and equipment shall be stored to prevent deterioration leading to unsafe or unusable conditions and to optimize recycling.

8.40.070 – Monitoring by City.

Dependent upon City resources, the City may monitor registered vacant premises via periodic site visitation. Any monitoring by the City does not relieve the responsible party from complying with this chapter.

8.40.080 – Waiver for City to Abate; Trespass of Unauthorized Individuals:

- A. As part of the vacant property registration, the responsible party may waive any objection to the City to enter onto or into the premises to abate a condition that would constitute a dangerous structure or premise, Class A Nuisance as defined in CPMC 8.24.010 or an unfit or substandard building or structure as established in RCW 35.80.010. All abatement costs shall be borne by the responsible party and amounts due and owing, including costs of collection, may become a lien on the property.
- B. As a part of the vacant property registration, the responsible party may grant the City authority to trespass unauthorized individuals from the property and to enforce trespass orders.

8.40.090 – Policies and Procedures.

The City may develop policies and procedures to implement this chapter.

8.40.100 – Violations.

Noncompliance with any provisions of this chapter is a violation of this chapter and shall be a nuisance pursuant to CPMC chapter 8.24. Each day of noncompliance shall constitute a separate violation.