

ORDINANCE NO. 3396

**AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON AMENDING LMC
16.32 REGARDING UNFIT STRUCTURES AND PREMISES**

WHEREAS, the City Council finds that there are within the City of Longview, dwellings which are unfit for human habitation and buildings, structures, and premises or portions thereof which are unfit for other uses due to dilapidation, disrepair, structural defects, unpermitted and substandard construction or modification, filth and other conditions attracting insects or vermin or likely to spread disease, defects increasing the hazards of fire, accidents, or other calamities, or other similar conditions and violations of various building, health, and safety regulations, and/or which are vacant, unsecured, and abandoned or apparently abandoned; and

WHEREAS, such dwellings, buildings, structures, and premises are dangerous to occupants, threaten the public health, safety, and welfare, attract and harbor vagrants and criminals, offend public values, lower the value of neighboring properties, contribute to neighborhood or community deterioration, and hamper community and economic development; and

WHEREAS, when the owners or other persons in possession or control of such properties are unwilling or unable to correct such conditions in a proper and timely manner, it is in the interest of the community for the City to intervene and correct, repair, or remove such buildings, structures, and conditions and to pursue all legal means to recover from such persons and/or properties the costs of doing so, including the costs of staff salaries and benefits, materials, contractors, and all other legally recoverable costs and expenses.

NOW THEREFORE, The City Council of the City of Longview do ordain as follows:

Section 1. The following Title page including chapter list of Title 16.32, of the Longview Municipal Code is hereby amended to read as follows; provided manifest and numbering errors shall be corrected prior to publication:

Chapter 16.32

UNFIT DWELLINGS, BUILDINGS, STRUCTURES AND PREMISES*

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*For the statutory provisions regarding unfit buildings, dwellings, ~~and~~ structures, and premises see Chapter 35.80 RCW; for the statutory provisions authorizing municipalities to adopt ordinances relating to such dwellings, buildings, structures and premises, see RCW 35.80.030.

Section 2 That Chapter 16.32 of Longview Municipal Code is hereby amended to read as follows, provided, manifest and numbering errors shall be corrected prior to publication:

I. General Provisions

16.32.005 Purpose.

It is hereby found that there exist, in the city, dwellings which are unfit for human habitation, and 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 uncleanness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, or due to other conditions which are inimical to the health, safety and welfare of the residents of such municipalities and counties.

The Washington State Legislature has found and declared that the powers conferred by RCW 35.80 are for public uses and purposes for which public money may be expended, and that the necessity of the public interest for the enactment of this law has been declared to be a matter of local legislative determination.

The purpose of this chapter is to provide minimum requirements for the protection of life, limb, health, property and welfare of the general public as related to the occupancy of buildings and to establish minimum standards for the occupancy and use of dwellings, buildings, structures, and premises. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.010 Application.

The provisions of this chapter shall apply to all dwellings, buildings, structures, and premises or portions thereof used or designed or intended to be used for human habitation or for any other purpose. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.015 Existing buildings – Continuance permitted.

Buildings legally in existence at the time of the passage of the ordinance codified in this chapter may, at the owner's discretion, have their use continued; provided such use is not dangerous to the life, limb, health, property, safety or welfare of the public or the occupants thereof. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.020 Future construction and/or use to comply with chapter.

All buildings or structures hereafter constructed, erected, altered, moved, demolished, repaired or added to and/or the use of premises shall comply with the provisions of this chapter and with the provisions of the building, zoning and property maintenance code of the city and amendments thereto. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.025 Remedies provided herein not exclusive.

(1) Nothing in this chapter shall be construed to abrogate or impair the power of the courts or of any department of the city to enforce any provisions of law, or its ordinances, nor to prevent or punish violations thereof; and the powers conferred by this chapter shall be in addition and supplemental to the powers conferred by any other law or ordinance.

(2) Nothing in this chapter shall be construed to impair or limit in any way the power of the city to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

II. Administration

16.32.030 Authority.

The building official is authorized and directed to administer and enforce the provisions of this chapter. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.035 Assistance from other city departments.

When necessary and upon request, the building official shall have the cooperation and assistance of all city departments in enforcing the provisions of this chapter. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.040 Administrative liability.

(1) No officer, agent or employee of the city shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter.

(2) Any suit brought against any officer, agent or employee of the city as the result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the city attorney until the final determination of the proceedings therein. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

III. Definitions

16.32.045 Generally.

(1) The definitions in LMC 16.32.046 through 16.32.230 are provided for the sole purpose of proper interpretation and administration of this chapter.

(2) Words used in the singular include the plural and words used in the plural include the singular. Words used in the masculine gender include the feminine gender and words used in the feminine gender include the masculine gender.

(3) Definitions used but not specifically defined in this chapter shall have the meaning defined in the International Building Code. Chapter 4, Volume I, of the Uniform Building Code Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.046 Abate.

“Abate” shall mean to put an end to, or otherwise diminish the intensity of, any condition causing a dwelling, structure, building, and premises to be dangerous or unfit for occupancy and/or use. (Ord. 3325 § 2, 2017).

16.32.047 Abandoned or apparently abandoned.

“Abandoned” or “apparently abandoned” shall mean any dwelling, building, structure or premises that is so neglected, or other characteristics exist, such that it appears to be vacant and not cared for by any owner, occupant, or other party. (Ord. 3325 § 2, 2017).

16.32.050 Apartment.

“Apartment” means a dwelling unit in an apartment house as defined in this chapter. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.055 Apartment house.

“Apartment house” means any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other in dwelling units as defined in this chapter. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.060 Approved.

“Approved” as applied to a material, device, condition or mode of construction or installation means approved by the building official under the provisions of this chapter or recommendations of nationally recognized technical organizations or laboratories such as the Underwriters Laboratories, Inc., the U.S. Bureau of Standards, the National Board of Fire Underwriters, the American Standards Assn., Inc., or the American Gas Association Laboratories. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.063 Area.

“Area,” for the sole purpose of defining this term in LMC 16.32.067 and 16.32.197, shall mean a section of the city of Longview as identified by resolution of the city council of the city of Longview as needing revitalization. (Ord. 3325 § 2, 2017; Ord. 3042 § 1, 2008).

16.32.065 Basement.

“Basement” means that portion of a building between floor and ceiling, which is partly below and partly above grade (as defined in this chapter), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See definition of “Story,” LMC 16.32.200.) (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.067 Blighted area.

“Blighted area” shall mean 25 percent of an area which, by reason of the substantial physical dilapidation, deterioration, defective construction, material, and arrangement and/or age or obsolescence of building or improvements, whether residential or nonresidential, inadequate provision for ventilation, light, proper sanitary facilities, or open spaces as determined by competent appraisers on the basis of an examination of the building standards of the municipality; inappropriate uses of land or buildings; existence of overcrowding of buildings or structures; defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility or usefulness; excessive land coverage; insanitary or unsafe conditions; deterioration of site; existence of hazardous soils, substances, or materials; diversity of ownership; tax or special assessment delinquency exceeding the fair value of the land; defective or unusual conditions of title; improper subdivision or obsolete platting; existence of persistent and high levels of unemployment or poverty within the area; or the existence of conditions that endanger life or property by fire or other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime; substantially impairs or arrests the sound growth of the municipality or its environs, or retards the provision of housing accommodations; constitutes an economic or social liability; and/or is detrimental, or constitutes a menace, to the public health, safety, welfare, or morals in its present condition and use. (Ord. 3325 § 2, 2017; Ord. 3042 § 1, 2008).

16.32.070 Boardinghouse.

“Boardinghouse” means a lodginghouse in which meals are provided. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.075 Building.

“Building” means any structure built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind, including all sanitary sewer lines connected thereto and not owned by the city. (Ord. 3325 § 2, 2017; Ord. 2265 § 1, 1986; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.080 Building code.

“Building code” means the building code of the city and all amendments thereto. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.085 Building official.

“Building official” means the building official (building inspector or superintendent) of the city or his duly authorized assistant. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.090 Ceiling height.

“Ceiling height” means the clear vertical distance from the finished floor to the finished ceiling. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.095 Cellar.

“Cellar” means that portion of a building between the floor and ceiling which is wholly or partly below grade (as defined in this chapter) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See definition of “Story,” LMC 16.32.200.) (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

~~16.32.100 Commission.~~

~~“Commission” means the building appeals commission as herein provided in this chapter. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).~~

16.32.105 Court.

“Court” means an open, unoccupied space, bounded on two or more sides by the walls of a building. An inner court is a court entirely within the exterior walls of a building or buildings. All other courts are outer courts. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.110 Dormitory.

“Dormitory” means a room occupied by more than two guests. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.115 Dwelling.

“Dwelling” means any building or any portion thereof which is not an “apartment house,” a “lodginghouse,” or a “hotel” as defined in this chapter, which contains one or two “dwelling units” or “guest rooms,” used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.120 Dwelling unit.

“Dwelling unit” means two or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and eating. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.125 Efficiency living unit.

“Efficiency living unit” means any room having cooking facilities used for combined living, dining, and sleeping purposes and meeting the requirements of LMC 16.32.355. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.130 Exit.

“Exit” means a continuous and unobstructed means of egress to a public way, and shall include intervening doorways, corridors, ramps, stairways, smoke-proof enclosures, horizontal exits, exterior courts, and yards. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.135 Family.

“Family” means an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) who need not be related by blood or marriage, living together in a dwelling unit. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.140 Grade.

“Grade” (ground level) means the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the aboveground level shall be measured at the sidewalk. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.145 Guest.

“Guest” means any person hiring or occupying a room for living or sleeping purposes. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.150 Guest room.

“Guest room” means any room or rooms used, or intended to be used, by a guest for sleeping purposes. Every 100 square feet of superficial floor area in a dormitory is a guest room. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.155 Habitable room.

“Habitable room” means any room meeting the requirements of this chapter for sleeping, living, cooking or eating purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.157 Hearing Examiner.

Hearing Examiner means the Hearing Examiner as provided for in LMC 1.32.

16.32.160 Hotel.

“Hotel” means any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests, whether rent is paid in money, goods, labor, or otherwise. It does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention home or other institution in which human beings are housed and detained under legal restraint. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.165 Hot water.

“Hot water” means water at a temperature of not less than 120 degrees Fahrenheit. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.170 Kitchen.

“Kitchen” means a room used, or designed to be used, for the preparation of food. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.175 Lodginghouse.

“Lodginghouse” means any building or portion thereof containing not more than five guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise. A lodginghouse shall comply with all requirements of this chapter for dwellings. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.180 Occupied space.

“Occupied space” means the total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by LMC Title 19. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.185 Owner.

“Owner” includes the owner or owners of the freehold of the premises or any lesser estate therein, a mortgagee or vendee in possession, an assignee for rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control of a building.

“Owner” shall also mean the owner or taxpayer shown in the records of the Cowlitz County assessor-treasurer, recorded with the Cowlitz County auditor, or as otherwise known to the city of Longview, and shall include any manager or other representative of the owner, or other person

with responsibility for or control over the structure or premises. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.186 Person.

“Person” shall mean and include any individual, business, corporation, organization, or entity. (Ord. 3325 § 2, 2017).

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

16.32.1878 Public officer.

“Public officer” shall mean and include the building official or his designees. (Ord. 3325 § 2, 2017).

16.32.190 Rooming house.

For the definition of “rooming house,” see “Lodginghouse,” LMC 16.32.175. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.195 Service room.

“Service room” means any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.197 Slum.

“Slum” shall mean 25 percent of any area where dwellings predominate which, by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to safety, health and morals. (Ord. 3325 § 2, 2017; Ord. 3042 § 1, 2008).

16.32.200 Story.

“Story” means that portion of the building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or cellar is more than six feet above grade such basement or cellar shall be considered a story. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.201 Structure.

“Structure” shall mean or include that which is built or constructed or a portion thereof. (Ord. 3325 § 2, 2017).

16.32.205 Substandard building.

“Substandard building” means any dwelling, building, structure, or portion thereof, or the premises on which the same is located, /in which there exists any of the conditions listed in LMC 16.32.465 through 16.32.530 to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, which are dangerous or injurious to the health or safety of the occupants or use of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations and including those condition listed in RCW 35.80.010: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanness, overcrowding, or inadequate drainage. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.210 Superficial floor area.

“Superficial floor area” means the net floor area within the enclosing walls of the room in which the ceiling height is not less than five feet, excluding equipment such as wardrobes, cabinets, kitchen units, or fixtures. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.215 Used.

“Used” means used or designed or intended to be used. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.220 Vent shaft.

“Vent shaft” means a court used only to ventilate or light a water closet, bath, toilet, or utility room or other service room. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.225 Window.

“Window” means a glazed opening, including glazed doors, which open upon a yard, court, or recess from a court, or a vent shaft open and unobstructed to the sky. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

16.32.230 Yard.

“Yard” means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this chapter, on the lot which a building is situated. (Ord. 3325 § 2, 2017; Ord. 1391 § 1, 1968; Ord. 1131 § 1, 1962).

IV. Substandard Buildings**16.32.235 Declared nuisance – Abatement required.**

All buildings, dwelling, structures and/or premises or portions thereof which are determined to be substandard as defined in this chapter are nuisances and shall be abated by repair, rehabilitation, vacation, demolition, abatement or removal, as hereinafter provided. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.240 Standards.

The following standards shall be followed by the building official and the hearing examiner in ordering repair, rehabilitation, vacation, demolition, abatement or removal of a substandard building and/or substandard premises conditions:

- (1) If the substandard dwelling, building, structure or premises can be reasonably repaired, abated or rehabilitated so that it will no longer be in violation of the terms of this chapter, it shall be ordered repaired, abated or rehabilitated by the building official or the hearing examiner; provided, in the event a final order of the building official or hearing examiner is not complied with, the building official is authorized to order the dwelling, building, structure and/or premises vacated and closed until such repair, abatement or rehabilitation is accomplished;
- (2) If the substandard dwelling, building, structure or premises is in such condition as to make it imminently dangerous to health, safety, morals or general welfare of its occupants or the public, it shall be ordered to be vacated and closed or secured by the building official or the hearing examiner;
- (3) If all or any portion of a dwelling, building, structure or premises is unfit for human habitation or other use, the building official or hearings examiner shall order that the substandard building or premises or portion thereof be:
 - (a) Repaired, abated 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 exceeds 50 percent of the replacement value of a building or structure of similar size, design, type and quality; provided, that the building official may order a building or structure, for which the estimated cost of such repairs do not exceed 50 percent of such replacement value, to be

repaired, or demolished and removed, if the degree of deterioration is as described in LMC 16.32.245(4), and the owner has failed three or more times in the last five years to correct the conditions by compliance dates as ordered by the building official;

(b) Repaired, and/or vacated and closed, if the estimated cost of repairing the conditions causing the building or structure to be unsafe or unfit for human habitation or other use does not exceed 50 percent of the replacement value of a building or structure of similar size, design, type and quality;

(4) In estimating the replacement value of an unfit dwelling, building or structure, the building official shall use the National Building Cost Manual, latest available edition, or a cost estimating publication that the building official deems comparable.

In estimating the cost of repairs, the building official shall apply the following standards:

(a) Only the conditions causing the dwelling, building, structure or premises or portion thereof to be unfit for human habitation or other use shall be included in the cost estimate;

(b) All repair costs shall be based on estimates calculated from the “Home-Tech Remodeling and Renovation Cost Estimator,” latest available edition, or a cost estimating publication that the building official deems comparable;

(c) 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 Longview;

(d) If the extent of damage to a portion of a dwelling, building or structure cannot be ascertained from visual inspection, the building official shall assume that the relative extent of damage or deterioration identified in the observable portion of the dwelling, building or structure exists in the unobserved portions; and

(e) Cost estimates for replacing or repairing the building, structure or portion thereof shall include the same type and quality of materials as originally used in the dwelling, building, and structure. If the dwelling, building, structure is so damaged that the original materials cannot be determined, repair costs shall be estimated using the materials identified under the applicable building quality classification in the National Building Cost Manual. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

(5) In estimating the cost of abatement of a premises, the building official shall apply the following standards:

(a) Only the conditions causing the premises to be unfit for use shall be included in the cost estimate;

(b) All estimated abatement costs shall be based on solicited estimates from (3) three contractors;

(c) Abatement estimates shall assume that all work will comply with the requirements of the current building, mechanical, electrical, plumbing, energy, property maintenance and fire codes in effect in the City of Longview and State of Washington;

(d) If the extent of deterioration to a portion of a premises cannot be ascertained from visual inspection, the building official shall assume that the relative extent of deterioration identified in the observable portion of the premises exists in the unobserved portions.

V. Inspections – Appeals

16.32.245 Duties of the building official.

The building official shall cause:

(1) The inspection of all dwellings, buildings, structures and premises or portions thereof, subject to the application of this chapter, for the purpose of determining whether any conditions exist

which render such dwelling, buildings, structures and premises or portions thereof substandard within the terms of LMC 16.32.465 through 16.32.530;

(2) The holding of a hearing at the time and place specified in the complaint of the building official, at which all parties in interest shall be given the right to appear in person or otherwise, and to present evidence and, if after said hearing he shall determine that any dwelling, building, structure and/or premises or portion thereof is in fact substandard, he shall reduce to writing his findings of fact in support of such determination, and he shall issue and cause to be served upon the owner and any party in interest, in the manner provided herein for serving of the complaint and post in a conspicuous place on the property, an order which requires the owner or party in interest within a reasonable time specified in the order to repair, abate, rehabilitate, alter, or improve such dwelling, building, structure and/or premises to render it fit for human habitation or other appropriate use or to vacate and close the dwelling, building, structure or premises and abate premises violation(s) if such course of action is deemed proper on the basis of the standards set forth in LMC 16.32.240 et seq., or require the owner or party in interest within the time specified in the order to remove or demolish such dwelling, building, structure and/or abate premises violation(s) and if no appeal is filed in the manner hereinafter provided, he shall record a copy of such order with the county auditor;

(3) The presentation, at all hearings, of evidence relevant to the condition of the substandard building, or other evidence that may be considered relevant;

(4) That the building official 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 such municipality. 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, uncleanness, overcrowding, or inadequate drainage;

(5) That the determination of whether a dwelling, building, structure, or premises should be repaired or demolished shall be based on specific stated standards on (a) the degree of structural deterioration of the dwelling, building, structure, or premises, or (b) the relationship that the estimated cost of repair bears to the value of the dwelling, building, structure, or premises. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.250 Complaint by the building official.

(1) The complaint issued by the building official alleging any dwelling, building, structure and/or premises to be substandard within the standards set forth in this chapter must be in writing and shall be sent either by certified mail with return receipt requested or served personally upon all persons having any interest in and to said property, as shown by the records of the county auditor; provided, that if the whereabouts of such persons are unknown and the same cannot be ascertained by the building official in the exercise of reasonable diligence, the building official shall make an affidavit to that effect and then said complaint shall be served either by personal service or by mailing a copy of the complaint and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the dwelling, building, structure and/or premises involved in the proceedings, and mailing a copy of the complaint and order by first-class mail to any address of each such person in the records of the county assessor or the county auditor for the county where the property is located. The building official shall cause to be posted upon such property, in a conspicuous place, a copy of the complaint and shall file a copy

of the complaint with the auditor of Cowlitz County and such filing of the complaint or order shall have the same force and effect as other lis pendens notices provided by law.

(2) Said complaint shall contain among other things the following information:

(a) The name of the owner and any other persons interested, as provided hereinabove;

(b) The street address and legal description of the property on which said dwelling, building, structure and/or violation is located;

(c) The complaint shall state in what respects the dwelling, building, structure and/or premises or portion thereof is substandard, as defined in LMC 16.32.465 through 16.32.530;

(d) A statement of notice that a hearing will be held before the building official, stating the time and place which shall not be less than 10 days nor more than 30 days after the serving of such complaint, and that all parties in interest shall be given the opportunity to file an answer to the complaint, to appear in person or otherwise and to give evidence at the time and place fixed for said hearing. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the building official. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.255 Posted complaints.

No person shall remove, deface or tamper with any complaint posted pursuant to this chapter. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.260 Appeals to hearing examiner.

The owner, within 30 days from the date of service and posting of the order of the building official, shall have the right to appeal to the hearing examiner as herein provided. If no appeal is filed, a copy of such order shall be filed with the Cowlitz County auditor. Absent an appeal to the hearing examiner, in accordance with RCW 35.80.030(2) as now or hereinafter amended, within 30 days after posting and service of the building official's order, the decision of the building official shall be final. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.265 Hearing examiner.

The hearing examiner referred to in this chapter shall be the hearing examiner provided for and organized under the provisions of Chapter 1.32 LMC. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.270 Hearings.

The building official or his duly authorized representative shall attend all hearings of the hearing examiner and shall be given notice of all special meetings thereof. All hearings of the hearing examiner shall be open to the public. Records and minutes shall be kept of all proceedings of the hearing examiner and copies of the minutes shall be furnished to the city council. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.275 Duties of the hearing examiner.

The hearing examiner shall:

(1) Upon receipt of notice of appeal filed with the hearing examiner by the owner or party in interest, entertain such appeal and conduct a hearing thereof as provided in subsection (2) of this section, or upon receipt of a request in writing from the building official to review his order, entertain such request and conduct a hearing. The hearing examiner shall, prior to said hearing, cause written notice fixing the time and place of hearing to be given to all parties in interest. Said hearing shall be held not less than 10 days after written notice has been given to all parties in interest;

(2) At the hearing, admit such evidence as may be presented by any complainant, by the city, through its designated officials, by the owner, occupant, mortgagee, lessee, or any other person

having an interest in said dwelling, building, structure and/or premises as shown by the records of the auditor, in respect to such substandard building, dwelling, structure or premises;

(3) If, after the required hearing, the hearing examiner determines that the dwelling, building, structure and/or premises is unfit for human habitation, or the dwelling, building or structure or premises is unfit for other use, it 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 LMC 16.32.250, and shall post in a conspicuous place on the property, an order that (a) 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 abate, vacate and close the dwelling, building, structure, or premises, if such course of action is deemed proper on the basis of the standards set forth as required in LMC 16.32.240 et seq.; or (b) requires the owner or party in interest, within the time specified in the order, to abate, 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 auditor of the county in which the dwelling, building, structure, or premises is located.

(4) All matters submitted to the hearings examiner shall be resolved within 60 days of filing therewith. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.280 Appeal to superior court.

Any person affected by an order issued by the hearing examiner pursuant to this chapter may, within 30 days after service of the order, petition the superior court of Cowlitz County, Washington, for an injunction restraining the building official from carrying out the provisions of the order. In all such proceedings the court is authorized to affirm, reverse, or modify the order of the hearing examiner and such trials will be heard de novo. Absent an injunction issued by a court of competent jurisdiction, in accordance with RCW 35.80.030(2) as now or hereinafter amended, within 30 days after posting and service of the hearing examiner's order, the decision of the hearing examiner shall be final. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.285 Lien for cost.

(1) If the owner or party in interest fails to comply with a final order to repair, abate, alter, improve, vacate, close, remove or demolish the building, ~~or~~ structure, and/or premises, the building official or hearing examiner may direct or cause such building, ~~or~~ structure, and/or premises to be repaired, altered, abated, improved, vacated and closed, removed or demolished.

(2) The amount of the cost of such repairs, abatement, alterations or improvements, or vacating and closing, or removal or demolition shall be assessed against the real property upon which such cost was incurred unless such amount is previously paid. The county treasurer, upon certification to him by the treasurer of the municipality of the assessment amount being due and owing, shall enter the amount of such assessment 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 with the same interest (~~not to exceed six percent~~) and penalties and when collected shall be deposited to the credit of the general fund of the municipality; ~~provided, that if the total assessment due and owing exceeds \$25.00 the local governing body shall, upon written request of the owner or party in interest, divide the amount due into 10 equal annual installments, subject to earlier payment at the option of owner or party in interest.~~ The assessment shall constitute a lien against the property which shall be of equal rank with state, county and municipal taxes. If the dwelling, building or structure is removed or demolished, or the premises abated by the building official or the hearings examiner, the building official or ~~commission~~

hearings examiner shall, if possible, sell the materials of such dwelling, building, ~~or~~ structure, or premises and shall credit the proceeds of such sale against the cost of the removal or demolition and if there is any balance remaining, it shall be paid to the parties entitled thereto, as determined by the building official or ~~commission~~ hearing examiner, after deducting the cost incident thereto. The owner shall be given a reasonable time, specified in the order of the building official or ~~commission~~ hearing examiner, to remove personal property contained on/in said dwelling, building, ~~or~~ structure, or premises. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

16.32.286 Alternate method for payment of repairs, alterations and improvements.

Repealed by Ord. 3325. (Ord. 2265 § 4, 1986).

16.32.290 Findings of fact to be made available.

A copy of the findings of fact of either the building official or of the hearing examiner shall be made available to any party in interest or person affected thereby upon demand. (Ord. 3325 § 2, 2017; Ord. 1131 § 1, 1962).

VI. Owner and Occupant Responsibilities

16.32.295 Liability of owner for imposed duties.

Every owner remains liable for violations of duties imposed upon him by this chapter even though an obligation is also imposed on the occupants of his dwelling, building, structure and/or premises and even though the owner has by agreement imposed on the occupants the duty of furnishing required equipment or of complying with this chapter. (Ord. 1131 § 1, 1962).

16.32.300 Responsibility of owner for safety and sanitation.

Every owner, in addition to being responsible for maintaining his dwelling, building or structure in a sound structural condition, shall be responsible for keeping that part of the dwelling, building, structure or premises which he occupies or controls in a clean, sanitary and safe condition, including the share of public areas in a building containing two or more dwelling units. Every owner shall, where required by this chapter or the health ordinances of the city, furnish and maintain such approved sanitary facilities as required and shall furnish and maintain approved devices and equipment or facilities for the prevention of insect and rodent infestation, and where infestation has taken place, shall be responsible for the extermination of any insects, rodents, or other pests when such extermination is not specifically made the responsibility of the occupant by law or by ordinance or resolution of the city. (Ord. 1131 § 1, 1962).

16.32.305 Responsibility of occupant to dispose of waste.

Every occupant of a dwelling unit or business, in addition to being responsible for keeping in a clean, sanitary, and safe condition that part of a dwelling or dwelling unit or premises which he occupies and controls, shall dispose of all his rubbish, garbage, and other organic waste in a manner required by said health ordinances or other ordinances of the city. (Ord. 1131 § 1, 1962).

16.32.310 Responsibility of occupant to maintain required sanitary devices.

Every occupant shall, where required by this chapter or health or sanitary ordinances, furnish and maintain approved devices, equipment, or facilities necessary to keep his premises safe and sanitary. (Ord. 1131 § 1, 1962).

16.32.315 Compliance with orders of building official or ~~commission~~ hearing examiner required.

All persons in possession and/or owner of any building structure, dwelling or premises or portion thereof shall comply with any final order of the building official or the ~~commission~~ hearing examiner, insofar as such order shall affect such possessors. The failure to comply with any final order of the building official or the ~~commission~~ hearing examiner, unless reversed or modified on appeal as herein provided, shall be a violation of this chapter. (Ord. 1131 § 1, 1962).

16.32.320 Transfer of ownership.

No owner of any building or premises, upon whom any complaint or order pursuant to this chapter has been served, shall sell, transfer, grant, mortgage, lease or otherwise dispose of such property to another until all defects alleged in the complaint have been corrected to the satisfaction of the building official or until compliance with the provisions of such order has occurred; or, until such owner shall furnish to the purchaser, transferee, grantee, mortgagee, or lessee, prior to such sale, transfer, grant, mortgage, or lease, a true copy of such complaint or order and, at the same time, give written notification to the building official of his intent to sell, transfer, grant, mortgage, or lease, and supply the name and address of such person, persons, or firm to whom the sale, transfer, grant, mortgage, or lease is proposed. A purchaser, transferee, grantee, mortgagee, or lessee, who has been so informed of the existence of any complaint or order issued pursuant to this chapter shall be bound thereby. Any owner failing to comply with this section shall be in violation of this chapter. (Ord. 1131 § 1, 1962).

16.32.325 Permits.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any dwelling, building or structure, or premises or cause or permit the same to be done without first obtaining all permits required by, and complying with, the applicable ordinances of the city. (Ord. 1131 § 1, 1962).

VII. Standards Generally**16.32.330 Zoning requirements.**

All dwellings, buildings or structures hereafter constructed, erected, altered, moved, demolished, repaired or added to, shall comply with the provisions of LMC Title 19 pertaining to land use, access to public property, occupied space, yard requirements and permissible projections into required yards. (Ord. 1131 § 1, 1962).

16.32.335 Courts for light and ventilation.

Courts, when required for light and ventilation, shall comply with the provisions of the building code. (Ord. 1131 § 1, 1962).

16.32.340 Exits.

Every dwelling unit or guest room shall have access directly to the outside or to a public corridor, or other approved exitway. All buildings or portions thereof shall be provided with exits, exitways, and appurtenances as required by the building code. (Ord. 1131 § 1, 1962).

16.32.345 Fire protection.

All buildings or portions thereof shall be provided with the degree of fire-resistive construction as required by the building code for the appropriate occupancy, type of construction, and location on property or in fire zone; and shall be provided with the appropriate fire-extinguishing system or equipment required by the building code. (Ord. 1131 § 1, 1962).

VIII. Occupancy Standards**16.32.350 Ceiling height.**

Habitable rooms and service rooms in all occupancies shall have a ceiling height of not less than seven feet six inches. In rooms with sloping ceilings the required ceiling height shall be provided in at least 50 percent of the room and no portion of any room having a ceiling height of less than five feet shall be considered as contributing to the minimum areas required by LMC 16.32.355. (Ord. 1131 § 1, 1962).

16.32.355 Superficial floor area.

Every dwelling unit shall have at least one room which shall have not less than 120 square feet of superficial floor area. Every room which is used for both cooking and living or both living and sleeping purposes shall have not less than 150 square feet of superficial floor area. Every room used for sleeping purposes shall have not less than 80 square feet of superficial floor area. Where more than two persons occupy a room used for sleeping purposes the required superficial floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

Every kitchen shall have not less than 50 square feet of superficial floor area.

EXCEPTION: Nothing in LMC 16.32.350 through 16.32.360 shall prohibit the use of an efficiency living unit meeting the following requirements:

- (1) Such efficiency living unit shall have a living room of not less than 200 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two;
- (2) Such efficiency living unit shall be provided with a separate dressing closet of such size as to provide for adequate circulation and storage;
- (3) Such efficiency living unit shall be provided with an adequate kitchenette;
- (4) Such efficiency living unit shall be provided with a separate bathroom meeting the requirements of this chapter. Such bathroom shall be accessible from the foyer or dressing closet only. (Ord. 1131 § 1, 1962).

16.32.360 Width.

No habitable room shall be less than seven feet in any dimension and no water closet space less than 30 inches in width and there shall be not less than two feet six inches clear space in front of each water closet. (Ord. 1131 § 1, 1962).

IX. Habitable Room Standards

16.32.365 Window area.

Every habitable room shall have an aggregate window area of not less than one-eighth of the floor area or 12 square feet whichever is greater. (Ord. 1131 § 1, 1962).

16.32.370 Service room.

Every service room except closets and storage rooms shall have an aggregate window area of not less than one-twelfth of the floor area or six square feet whichever is greater. Such rooms in dwellings shall have not less than three square feet of window area, or other approved ventilation. (Ord. 1131 § 1, 1962).

16.32.375 Porches.

Required windows shall open on a street, yard, or court either directly or through a porch having a minimum clear height of not less than seven feet. Such porch shall be at least 50 percent open on at least one side or on both ends. (Ord. 1131 § 1, 1962).

16.32.380 Vent shaft.

A required window in a service room may open into a vent shaft which is open and unobstructed to the sky and not less than four feet in least dimension. No vent shaft shall extend through more than two stories. (Ord. 1131 § 1, 1962).

16.32.385 Openable window area.

One-half of the required window area in all rooms shall be openable. (Ord. 1131 § 1, 1962).

16.32.390 Mechanical ventilation.

An approved system of mechanical ventilation or air conditioning may be used in lieu of openable windows. Such systems shall provide not less than four air changes per hour, except that in toilet compartments such systems shall provide a complete air change every five minutes. (Ord. 1131 § 1, 1962).

16.32.395 Artificial light.

Rooms ventilated in accordance with LMC 16.32.390 may be provided with artificial light in lieu of window. (Ord. 1131 § 1, 1962).

X. Sanitation Standards**16.32.400 Dwelling units.**

Every dwelling unit shall be provided with a water closet, a lavatory, and a bathtub or shower. (Ord. 1131 § 1, 1962).

16.32.405 Hotels.

Where private water closets, lavatories, and baths are not provided, there shall be provided on each floor for each sex at least one water closet and lavatory and one bath accessible from a public hallway. Additional water closets, lavatories, and baths shall be provided on each floor for each sex at the rate of one for every additional 10 guests, or fractional number thereof in excess of 10. Such facilities shall be clearly marked for “men” or “women.” (Ord. 1131 § 1, 1962).

16.32.407 Non-Residential Facilities.

The owner of any building or property used for human occupancy, employment, recreation, business, or where people congregate, situated within the city and abutting on any street, alley or right-of-way, in which there is now or shall hereafter be located public water of the city, is required at his sole expense to connect directly to the public water, in accordance with the provisions of this chapter and Chapter 15.44 LMC. Every business shall be provided with a water closet and a lavatory made accessible to employees and customers in accordance with. IBC Table 2902.1 and UPC 601.2

16.32.410 Kitchen.

Every dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with a kitchen sink. No wooden sink or sink of similarly absorbent material shall be permitted. (Ord. 1131 § 1, 1962).

16.32.415 Fixtures.

(1) All plumbing fixtures shall be connected to a sanitary sewer or to an approved private sewage disposal system. All plumbing fixtures shall be connected to an approved system of water supply and provided with hot and cold running water except water closets and drinking fountains shall be provided with cold water only.

(2) All plumbing fixtures shall be an approved glazed earthenware type or similarly nonabsorbent material. (Ord. 1131 § 1, 1962).

16.32.420 Water closet compartments.

Walls and floors of water closet compartments except in dwellings shall be finished in accordance with the building code. Water closet compartments in dwellings shall be finished with approved nonabsorbent materials. (Ord. 1131 § 1, 1962).

16.32.425 Room separations.

No room used for the preparation of food shall be used for sleeping purposes and no room housing a water closet shall open directly into any room used for the preparation of food. (Ord. 1131 § 1, 1962).

16.32.430 Installation and maintenance.

(1) All sanitary facilities shall be installed and maintained in safe and sanitary condition and in accordance with all applicable laws.

(2) All sanitary sewer lines shall be maintained in accordance with the provisions of Chapter 15.26 LMC.

(3) Every water closet, bathtub, or shower required by this chapter shall be installed in a room which will afford privacy to the occupant. (Ord. 2265 § 2, 1986; Ord. 1131 § 1, 1962).

XI. Structural Standards

16.32.435 General.

Buildings or structures may be of any type of construction permitted by the building code. Roofs, floors, walls, foundations, and all other structural components of buildings shall be capable of resisting any and all forces and loads which they may be subjected to. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the building code. Buildings of every permitted type of construction shall comply with the applicable requirements of the building code. (Ord. 1131 § 1, 1962).

16.32.440 Shelter.

Every building shall be weather protected so as to provide shelter for the occupants against the elements and to exclude dampness. (Ord. 1131 § 1, 1962).

16.32.445 Protection of materials.

All wood shall be protected against termite damage and decay as provided in the building code. (Ord. 1131 § 1, 1962).

XII. Mechanical Standards

16.32.450 Heating.

Every dwelling unit and guest room shall be provided with heating facilities capable of maintaining a room temperature of 70 degrees Fahrenheit at a point three feet above the floor in all habitable rooms. Such facilities shall be installed and maintained in a safe condition and in accordance with all applicable laws. No unvented or open name gas heater shall be permitted. All heating devices or appliances shall be of an approved type. (Ord. 1131 § 1, 1962).

16.32.455 Electrical equipment.

(1) All electrical equipment, wiring and appliances shall be installed and maintained in a safe manner in accordance with all applicable laws and ordinances. All electrical equipment shall be of an approved type.

(2) Where there is electrical power available within 300 feet of the premises of any building used for human habitation, such building shall be connected to such electrical power. Every habitable room shall contain at least two supplied electric convenience outlets or one such convenience outlet and supplied electric light fixture.

(3) Every water closet compartment, bathroom, laundry room, furnace room and public hallway shall contain at least one supplied electric light fixture. (Ord. 1131 § 1, 1962).

16.32.460 Ventilation.

Ventilation for rooms and areas and for fuel-burning appliances shall be provided as required in the building code and in this chapter. Ventilating equipment shall be of approved type, installed and maintained in a safe manner and in accordance with all applicable laws. Where mechanical ventilation is provided in lieu of the natural ventilation required by LMC 16.32.390, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof. (Ord. 1131 § 1, 1962).

XIII. Hazardous Conditions

16.32.465 General.

Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on ~~which the same is located, /in~~ which there exists any of the following listed conditions ~~to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof is a substandard building, which are dangerous or injurious to the health or safety of the occupants or use of such dwelling, building, structure, or premises, the occupants of neighboring dwellings, or other residents of such municipality. Such conditions may include the following, without limitations including those condition listed in RCW~~ 35.80.010: Defects therein increasing the hazards of fire or accident; inadequate ventilation, light, or sanitary facilities, dilapidation, disrepair, structural defects, uncleanness, overcrowding, or inadequate drainage. (Ord. 1131 § 1, 1962).

16.32.470 Inadequate sanitation.

“Inadequate sanitation” includes but is not limited to the following:

- (1) Lack of, or improper water closet, lavatory, bathtub or shower in a dwelling unit;
- (2) Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;
- (3) Lack of, or improper kitchen sink in a dwelling unit;
- (4) Lack of hot and cold running water to plumbing fixtures in a hotel or lodginghouse;
- (5) Lack of hot and cold running water to plumbing fixtures in a dwelling unit;
- (6) Lack of adequate heating facilities;
- (7) Lack or improper operating of required ventilating equipment;
- (8) Lack of minimum amounts of natural light and ventilation required by this chapter;
- (9) Room and space dimensions less than required by this chapter;
- (10) Lack of required electrical lighting;
- (11) Excess moisture in habitable rooms;
- (12) Infestation of insects, vermin or rodents;
- (13) General dilapidation or improper maintenance;
- (14) Lack of connection to required sewage disposal system;
- (15) Lack of adequate garbage and rubbish storage and removal facilities;
- (16) Sanitary sewer lines in violation of Chapter 15.26 or 17.90 LMC. (Ord. 2265 § 3 1986; Ord. 1131 § 1, 1962).
- (17) Lack of, or improper water closets, lavatories in any building or on any property used for human occupancy, employment, recreation, business, or where people congregate.

16.32.475 Structural hazards.

“Structural hazards” include but are not limited to the following:

- (1) Deteriorated or inadequate foundations;
- (2) Defective or deteriorated flooring or floor supports;
- (3) Flooring or floor supports of insufficient size to carry imposed loads with safety;
- (4) Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;
- (5) Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety;
- (6) Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;
- (7) Members of ceiling, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

(8) Fireplaces or chimneys which list, bulge, or settle, due to defective material or deterioration;
(9) Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

(10) Walls, partitions or other vertical supports that list or buckle to such an extent that a plumbline passing through the center of gravity falls outside of the middle third of its base. (Ord. 1131 § 1, 1962).

16.32.480 Hazardous wiring.

“Hazardous wiring” includes all wiring except that which conformed with all applicable laws and ordinances in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner. (Ord. 1131 § 1, 1962).

16.32.485 Hazardous plumbing.

“Hazardous plumbing” includes all plumbing except that which conformed with all applicable laws and ordinances in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures. (Ord. 1131 § 1, 1962).

16.32.490 Hazardous mechanical equipment.

“Hazardous mechanical equipment” includes all mechanical equipment, including vents, except that which conformed with all applicable laws and ordinances in effect at the time of installation and which has been maintained in good and safe condition. (Ord. 1131 § 1, 1962).

16.32.495 Faulty weather protection.

“Faulty weather protection” includes but is not limited to the following:

- (1) Deteriorated, crumbling, or loose plaster;
- (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors;
- (3) Defective or lack of weather protection for exterior wall coverings;
- (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings. (Ord. 1131 § 1, 1962).

16.32.500 Fire hazard.

“Fire hazard” includes any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which is in such a condition as to cause a fire or explosion or to provide ready fuel to augment the spread and intensity of fire or explosion arising from any cause. (Ord. 1131 § 1, 1962).

16.32.505 Faulty materials of construction.

“Faulty materials of construction” includes all materials of construction except those which conformed with all applicable laws and ordinances in effect at the time of construction and which have been adequately maintained in good and safe condition. (Ord. 1131 § 1, 1962).

16.32.510 Hazardous or unsanitary premises.

“Hazardous or unsanitary premises” includes those premises on which an accumulation of weeds, vegetation, junk, junk vehicles, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, structural defects, defects increasing the hazards of fire, accidents, or other calamities, inadequate ventilation and uncleanness, inadequate light or sanitary facilities, inadequate drainage, overcrowding, combustible materials, and similar materials or other conditions which are inimical and/or 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 such municipality. ~~constitute fire, health, or safety hazards.~~ (Ord. 1131 § 1, 1962).

16.32.515 Inadequate maintenance.

“Inadequate maintenance” includes any dwelling, building, structure or premises or portion thereof which is determined to be an unsafe dwelling, building, structure or premises in accordance with the building code or property maintenance code. (Ord. 1131 § 1, 1962).

16.32.520 Inadequate exits.

“Inadequate exits” includes all dwellings, buildings, structures or portions thereof not provided with adequate exit facilities as required by this chapter except those buildings or portions thereof whose exit facilities conformed with all applicable laws and ordinances at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy. When an unsafe condition exists through lack of, or improper location of exits, additional exits may be required to be installed. (Ord. 1131 § 1, 1962).

16.32.525 Inadequate fire protection or firefighting equipment.

“Inadequate fire protection or firefighting equipment” includes all buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this chapter except those buildings or portions thereof which conformed with all applicable laws and ordinances at the time of their construction and whose fire-resistive integrity and fire-extinguishing system or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy. (Ord. 1131 § 1, 1962).

16.32.530 Improper occupancy.

“Improper occupancy” includes all dwellings, buildings, structures or portions thereof occupied for living, sleeping, cooking or eating purposes which are not designed or intended to be used for such occupancies. (Ord. 1131 § 1, 1962).

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, 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. That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

Section 5. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this ____ day of _____, 2019.

Approved by the Mayor this ____ day of _____, 2019.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

James McNamara
City Attorney

Published: _____