

**CITY OF MEDICAL LAKE
SPOKANE COUNTY, WASHINGTON
ORDINANCE NO. 1113**

**AN ORDINANCE OF THE CITY OF MEDICAL LAKE, WASHINGTON ADDING
CHAPTER 14.16 TO TITLE 14 OF THE CITY OF MEDICAL LAKE MUNICIPAL
CODE ESTABLISHING MAINTENANCE OF VACANT COMMERCIAL SPACE IN
THE CENTRAL BUSINESS DISTRICT**

WHEREAS, the City of Medical Lake ("City") desires to address vacant, abandoned, or foreclosed buildings, structures, or properties (collectively "Properties") in the City's Central Business District, both currently and in the future, to proactively deter vandalism and detect decay, which protects the quality and value of the Properties and the integrity of the Central Business District; and

WHEREAS, the City Council believes Properties, which are, or are soon to be vacant, foreclosed, or subject to foreclosure proceedings, have an adverse and deleterious impact on the vitality and use of the areas in which they are located and on the general well-being of the City and its citizens under RCW 35.80.010; and

WHEREAS, the City Council is aware of Properties within the City, which are owned and/or controlled by entities and/or individuals who may or have been reluctant to voluntarily incur the cost and expense of adequately maintaining the Properties to the standard found in the areas surrounding such Properties; and

WHEREAS, the City Council believes it necessary that certain registration and maintenance requirements be imposed on the owners and lenders of these Properties in order to minimize, if not eliminate, some of the adverse effects these Properties have on the Central Business District, the City, and its' citizens.

NOW, THEREFORE, the City Council of the City of Medical Lake, Washington, do ordain as follows:

Section 1. **Adoption.** That a new Chapter 14.16 is added to Title 14 of the City of Medical Lake Municipal Code, entitled "'Maintenance of Vacant Commercial Space In The Central Business District'", is hereby adopted as attached to this Ordinance as Exhibit A, and incorporated herein.

Section 2. **Administrative Code Interpretations Authorized.** In the event of any question or uncertainty regarding the applicability of this Ordinance, the City Administrator, or his/her designee is hereby authorized to make such administrative code interpretations as may be necessary to implement this Ordinance.

Section 3. **Severability.** If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. Effective Date. This Ordinance shall be in full force and effect five (5) days after publication of this Ordinance or a summary thereof in the official newspaper of the City as provided by law.

PASSED by the City Council this 6th day of February, 20214

Terri K Cooper
Terri Cooper, Mayor

ATTEST:

[Signature]
Koss Ronholt, City Clerk/Finance Director

APPROVED AS TO FORM:

[Signature]
Sean P. Boutz, City Attorney

Chapter 14.16

MAINTENANCE OF VACANT COMMERCIAL SPACE IN THE CENTRAL BUSINESS DISTRICT

14.16.010 Scope.

The provisions of this chapter apply to all structures in the Central Business District (CBD), unless otherwise stated. All Responsible Persons (as defined in MLMC Section [14.16.030](#)) shall comply with the requirements of this chapter.

14.16.020 Administration.

This chapter will be administered by the City building official, who may adopt administrative rules and regulations consistent with its terms. The building official (or designee), or code enforcement officers, or both are authorized to enforce this chapter.

14.16.030 Definitions.

For the purposes of this chapter:

“Central Business District” means the area in the City of Medical Lake as defined in the Medical Lake Municipal Code (MLMC), [17.08.058, as now or hereafter amended](#).

“City” means the city of Medical Lake, its officers, employees, and agents.

“Commercial space” means any portion of a Structure in the CBD that is not intended for residential use.

“Evidence of vacancy”—means any condition that on its own or combined with other conditions present would lead a reasonable person to believe that the Structure is vacant and not occupied by authorized persons. Such conditions include, but are not limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, flyers and/or mail; past utility notices and/or disconnected utilities; accumulation of trash, junk, and/or debris; statements by neighbors, passerby, delivery agents, or government employees that the Structure is vacant; or the absence of any business or operational activities where the Structure is located.

“Lender” means any person, partnership, association, corporation, financial institution, or other entity that makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgages; beneficiaries under deeds of trust; underwriters under deeds of trust; vendors under conditional land sales contracts; trustees and a successor in interest to any

mortgagee, beneficiary, vendor or trustee and any other lien holder on the property. The term also includes any mortgagee, beneficiary or trustee that accepts a deed in lieu of foreclosure.

“Occupied” A commercial space is considered occupied if a permitted, nonresidential use is physically located and lawfully operating in the space for at least six (6) consecutive months.

“Responsible person(s)” means any person, Lender, firm, association, corporation or any agent thereof owning, leasing, renting or having lawful possession of a Structure in the CBD.

“Structure” means any unimproved or improved real property, or portion thereof, situated in the City CBD, and includes the buildings or structure(s) located on said property regardless of condition.

“Vacant commercial space” means any portion of a street-level commercial Structure that, on or after January 1, 2024, is not occupied and has not been occupied during the preceding ninety (90) days.

14.16.040 General minimum maintenance requirements.

All Responsible Persons shall perform the following with respect to each Structure they own, lease, rent or lawfully possess:

- A. Maintain all exterior surfaces, including but not limited to doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, in good condition.
- B. Protect exterior wood surfaces, other than decay-resistant woods, from the elements and decay with paint or other protective covering or treatment. If protection of the surface is compromised, restore adequate protection within a reasonable time; for example, remove peeling, flaking or chipped paint and repaint the compromised surface.
- C. Cause all siding and masonry joints and joints between the building envelope and the perimeter of windows, doors, and skylights to be weather-resistant and watertight.
- D. Coat all metal surfaces subject to rust or corrosion, except those designed to be stabilized by oxidation, to inhibit rust and corrosion, after first stabilizing any existing rust and corrosion. Remove oxidation stains from exterior surfaces.
- E. Maintain all exterior walls free from moss, algae, dirt, grime, holes, breaks, and loose or decaying materials. Weatherproof and properly coat the surface of all exterior walls when required to prevent deterioration.
- F. Maintain the roof and flashing of all structures so that they are sound, tight, free of moss, algae or defects that admit rain, attract pests or create a public nuisance. Maintain adequate roof drainage to prevent dampness and deterioration in the walls and inside the structure. Maintain roof drains, gutters, and downspouts in good repair and free from obstructions.
- G. Maintain and keep Structure free of conditions including, but not limited to:

1. Weeds, dry brush, dead vegetation, trash, junk, debris, building materials and junk vehicles;
2. Accumulation of newspapers, circulars, flyers, notices (except those required by federal, state, or local law), and discard personal items including, but not limited to, furniture, clothing, or large and small appliances, and
3. Graffiti, tagging, or similar markings by removal or painting over with an exterior grade paint that matches and/or coordinates with the color of the exterior of the Structure.

H. Take any other action necessary to prevent giving the appearance that the Structure is vacant and/or abandoned.

I. Post the Structure with the name and twenty-four (24) hour contact phone number of the local property manager as follows:

THIS PROPERTY IS MANAGED BY [insert name], TO REPORT PROBLEMS OR CONCERNS, PLEASE CALL [insert phone number]. The posting shall be no less than eighteen inches by twenty four inches (18" x 24") and shall be of a font that is legible from a distance of at least forty five feet (45'). The posting shall be placed on the interior of a window to the front of the property (facing the street) so it is visible from the street, or secured to the exterior of the building/structure to the front of the property (facing the street) so it is visible from the street, or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of, and printed with, weather resistant materials.

J. Monitor the Structure as necessary to prevent the creation of a nuisance.

K. Comply with other applicable portions of the Medical Lake Municipal Code, as now or hereafter amended.

14.16.050 Vacant commercial space registration.

A. At least one (1) Responsible Person for each Vacant Commercial Space must register that space with the City within thirty (30) calendar days of the date the space becomes Vacant Commercial Space, as that term is defined in MLMC Section [14.16.030](#), unless:

1. The Vacant Commercial Space is the subject of a current, valid building permit for repair or rehabilitation and the Responsible Person provides proof, such as receipts, invoices or executed contracts, that the repair or rehabilitation is proceeding without significant delay;
or

2. The Structure where the Vacant Commercial Space is located is the subject of a land use application for redevelopment for which approval has been granted, but building permits are pending and have yet to be issued (within 60 days).

B. A Vacant Commercial Space will be considered to be registered on the date the City receives, on a form provided by the building official and properly completed and signed by a Responsible Person, the following information:

1. The street address and parcel number of the Vacant Commercial Space;
2. The name, address, and daytime and evening telephone numbers of each Responsible Person for the Vacant Commercial Space, including any owner or tenant;
3. The period of time the Vacant Commercial Space is expected to remain vacant; and
4. Any other information requested by the building official for the administration of this chapter.

C. A Responsible Person must post the following notice inside every Vacant Commercial Space so as to be clearly visible to all potential tenants, lessees, renters or buyers upon entering such space but not visible from outside the space:

This Vacant Commercial Space is registered with the City of Medical Lake.

This Vacant Commercial Space may not meet all applicable codes and regulations, which may include codes and regulations required to occupy the space for a permitted use in the Central Business District.

The Vacant Commercial Space was registered on _____ [insert date]

D. A Responsible Person must renew the registration of each Vacant Commercial Space on or before January 1st of each year that such space remains vacant. A Responsible Person must submit the renewal application to the City on forms provided by the building official.

E. Upon satisfactory proof to the building official that the Vacant Commercial Space is occupied as defined in MLMC Section [14.16.030](#), the Vacant Commercial Space will be unregistered. Proof of physical occupation may include, but is not limited to, usable furniture, office equipment, retail inventory or other equipment and inventory in the Vacant Commercial Space that are consistent with the unit's intended use, and persons regularly present at and using such space for its intended use. Proof of physical occupancy must also include documentation, which may include, but is not limited to, a current, executed lease agreement, paid utility receipts reflecting payments for six (6) consecutive months from the month the Vacant Commercial Space is Occupied, or valid state and local business licenses, federal income tax or City business and occupation tax statements indicating the subject space is the official business address of the person or business claiming occupancy.

F. The determination of the number of Vacant Commercial Spaces a Structure contains will be at the reasonable discretion of the building official.

14.16.060 Window displays for commercial spaces not occupied for thirty days.

When Commercial Space is unoccupied for more than thirty (30) days, a Responsible Person must take steps to maintain a vibrant streetscape and avoid adverse impacts on neighborhood character by applying measures to all ground-floor windows that face sidewalks, streets, or public open space as defined by City policies, which are consistent with and do not conflict with the provisions of this chapter, this code, or the Revised Code of Washington.

14.16.070 Fees for vacant commercial space registration.

A. At least one (1) Responsible Person shall pay an annual registration fee for each registered Vacant Commercial Space. At least one (1) Responsible Person must pay the fee to the City at the time the Vacant Commercial Space is registered and on January 1st of each year that such space remains vacant. The fee will be based on the duration of the vacancy as determined by the following scale:

1. Two hundred fifty dollars (\$250.00) for each space vacant for less than one (1) year;
2. Five hundred dollars (\$500.00) for each space vacant for at least one year (1) but less than two (2) years;
3. Seven hundred fifty dollars (\$750.00) for each space vacant for at least two (2) years but less than three (3) years; or
4. One thousand dollars (\$1,000.00) for each space vacant for at least three (3) years and for each year thereafter until the building is Occupied.

B. The fees are intended to defray the costs of administering MLMC 14.16.070 through [14.16.120](#), and may be amended, at any time, by resolution of the City Council.

14.16.080 Delinquent registration fees—Collection.

If a Responsible Person fails to pay the registration fee by the due date, the City is authorized to take action to collect the registration fee, including filing civil actions or turning the matter over to collection, in which case costs incurred by the City, including but not limited to attorneys' fees and costs, as a result of the collection process will be assessed to the Responsible Person or in addition to the registration fee.

14.16.090 Duty to amend registration statement.

Responsible Persons for any registered Vacant Commercial Space shall advise the building official, in writing, of any changes to the information on the registration form within thirty (30) days of the occurrence of the change.

14.16.100 Inspections.

The building official (or designee), or code enforcement officers, or both are authorized to conduct inspections to enforce the provisions of this chapter.

14.16.110 Enforcement.

A. Enforcement of the provisions of this chapter will be performed in accordance with Chapter 1.01.

B. No Responsible Person may violate or fail to comply with any provisions of this chapter. Each Responsible Person commits a separate offense for each and every day they commit, continue or permit a violation of any provision of this chapter.

C. All Responsible Persons or Structure owner for a Commercial Space are jointly and severally responsible with respect to that Commercial Space for compliance with the provisions of this chapter and for any payments that they may be required to make to the City under this chapter. If the Commercial Space is subject to a lease, the City shall have discretion to determine whether to enforce this chapter against the Responsible Person, Structure owner, or leasing party, or all of them, but the City shall consider in this determination whether the lease provides that the compliance with this chapter is the responsibility of the Responsible Person, Structure owner, or leasing party.

14.16.120 Annual report.

The building official or designee shall make a report to the City Council in first quarter of every year on the status of the Vacant Commercial Space registration program.