



CITY OF ABERDEEN
Washington
Since 1884

Request for Council Action

Date Action is Requested: May 24, 2023
Subject: Vacant Building Discussion

COMMITTEE:

- ☐ Finance ☐ Public Works
☐ Public Safety ☒ Special Agenda Item:

TYPE OF ACTION REQUESTED:

- ☒ Ordinance No. ☐ Resolution No.
☐ Motion ☐ Discussion
☐ No Action - Information Only ☐ Other:

SUMMARY OF REQUEST:

Due to the number of complaints and concerns centered around Vacant Buildings in our town, the Mayor and City Administrator have directed City Staff to explore the possibility of implementing a Vacant Building Program.

Vacant buildings have led to increased vagrancy, vandalism, loitering and generally an eyesore to our central commercial business core.

The City's current code is quite vague in regard to how we deal with vacant buildings and staff is proposing to bring forward a Vacant Building Ordinance that will provide a clear path for not only staff but property owners on what the City's expectations will be as it relates to the maintenance of said structures.

POLICY IMPLICATIONS:

- ☐ This action is in accordance with current policies and procedures.
☐ This action would require a new ☐ policy ☒ ordinance ☐ resolution ☐ other action from the Council.
☐ This action requires a revision to ☐ policy ☐ ordinance ☐ resolution ☐ other.
☐ Does not affect current policies and procedures.

FISCAL IMPACT:

There will be revenue associated with this program; However, it is the intention of staff to recommend that any monies that come out of this program be directed into the Good Neighbors Revolving Loan Fund. This fund is available to those business/building owners who want to make improvements to their buildings. This would be a great way to continue to support the fund.

BUDGETARY STATUS:

- ☐ Funds have already been authorized in this year's budget.
- ☐ This is an extra-budget expenditure.
- ☐ Funds will be requested for this action, if approved, in next year's budget.
- ☒ This action will bring in additional revenue.
- ☐ This action has no budgetary implications.
- ☐ This action will reduce expenditures.
- ☐ Other:

BACKGROUND/RATIONALE:

Vacant and/or abandoned buildings often function as magnets for crime. They lower the value of nearby properties. They are associated with more fires. They seem to generally degrade the social fabric of the communities around them and even impact people's mental health.

But on a more basic level, they amount to a bad look, one that is particularly unhelpful to the cause of breathing new life into urban commercial areas like the Downtown core.

Vacant or boarded up spaces sends a message that a city is not doing well. The city should be using all available tools to apply pressure to these building owners to maintain their properties, get them occupied, or sell them.

Not only are vacant/abandoned buildings an eyesore to a community, but vacancies can also impact other people's ability to make a living.

RECOMMENDATION(S):

Approve the first reading of the Ordinance for a Vacant Building Program.

ATTACHMENTS:

- Ordinance

LISA SCOTT

Staff Name

Lisa Scott

Staff Signature

Committee Chair Name

Committee Chair Signature

This request aligns with the following City Council Values:

- | | |
|---|---|
| <input type="checkbox"/> Workforce Engagement & Development | <input checked="" type="checkbox"/> Vibrant, Safe & Healthy Community |
| <input checked="" type="checkbox"/> Economic Development | <input type="checkbox"/> Infrastructure Investment |
| <input type="checkbox"/> Fiscal Responsibility | <input type="checkbox"/> Communications & Outreach |

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF ABERDEEN, WASHINGTON ,
ESTABLISHING A NEW CHAPTER 15.40 RELATED TO MAINTENANCE OF
VACANT COMMERCIAL BUILDINGS IN THE DOWNTOWN BUSINESS DISTRICT;
PROVIDING SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Community Development Director has recommended revisions to the Buildings and Construction Title; and

WHEREAS, the City Council has determined that vacant buildings in the Downtown Parking and Business Improvement District impact citizen use and enjoyment of such District; and

WHEREAS, the purpose of the new Chapter 15.40 of the Aberdeen Municipal Code is intended to improve the aesthetics of the Downtown Parking and Business Improvement District; and

WHEREAS, boarded-up or neglected vacant commercial buildings are unsightly and can attract dumping, graffiti, or activities such as drug dealing or unlawful occupancy. Problems may include cleaning up debris, closing the building to entry, or even ordering demolition, and

WHEREAS, it is not illegal for commercial buildings to be vacant, but responsible persons must keep buildings closed to unauthorized entry.

WHEREAS, responsible persons must comply with maintenance standards so that vacant commercial buildings are clear of junk and overgrown vegetation.

WHEREAS, responsible persons must maintain the exterior, including stairs, porches and yard areas so as not to create a nuisance in our community, and

WHEREAS, the City Council finds that the proposed addition is appropriate and necessary for administration of buildings and construction;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ABERDEEN:

SECTION 1. NEW CODE SECTION ADOPTED. The following Chapter 15.40 is hereby added to the Aberdeen Municipal Code to be known as "Maintenance of Vacant Commercial Buildings in the Downtown Parking and Business Improvement District":

CHAPTER 15.40 – MAINTENANCE OF VACANT BUILDINGS IN THE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT.

[NEW] 15.40.010 – Scope. The provision of this chapter applies to all structures in the Downtown Parking and Business Improvement District boundary, unless otherwise stated. All responsible persons (as defined in section 15.40.030) shall comply with the requirements of this chapter.

[NEW] 15.40.020 – Administration. This chapter will be administered by the community development department, who may adopt administrative rules and regulations consistent with its terms. The community development director (and his or her designee) are authorized to enforce this chapter.

[NEW] 15.40.030 - Definitions. For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

1. “City” means the city of Aberdeen, its officers, employees, and agents.
2. “Commercial space” means any commercial building within the Downtown Parking and Business Improvement District.
3. “Occupied” means a commercial building with a permitted use physically located and lawfully operating in the space for at least six consecutive months in the previous two years.
4. “Responsible person” means any person, firm, association, corporation, or any agent or subsidiary thereof owning, leasing, renting or otherwise having lawful possession or ownership of a structure in the Downtown Parking and Business Improvement District.
5. “Downtown Parking and Business Improvement District” means the DPBID in the city of Aberdeen as defined in AMC Chapter 3.100.
6. “Vacant commercial buildings” means any portion of a street-level commercial space that, on or after July 1, 2023, is not Occupied and has not been Occupied.

[NEW] 15.40.040 – 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, free of missing fence posts, holes or gaps, missing pieces, etc.
- B. If a window glass or door glass is broken or missing or doors and locks are not secure, building owners must install plywood to secure the structure. Plywood may not remain in place for more than 72 hours or as such extension that may be granted by the community development director. Building owners are required to replace broken glass with new glass or a hardened polycarbonate covering. Building owners may show proof of purchase for an extension of time if needed.

- C. 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.
- D. Cause all siding and masonry joints and joints between building envelopes and perimeters of windows, doors, and skylights to be weather-resistant and watertight.
- E. 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 and remove oxidation stains from exterior surfaces.
- F. 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.
- G. Maintain roofs and flashing of all structures in a fashion that is 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.

[NEW] 15.40.050 – Vacant commercial space registration.

- A. At least one responsible person for each vacant commercial building must register that building with the city within 10 calendar days of the date the space becomes a vacant commercial building, as that term is defined in 15.40.030, unless:
 - 1. The 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 space meets all applicable codes and regulations that apply to a permitted use, and the responsible person is actively attempting to sell, lease or rent the property (which is evidenced, in part, by appropriate signage); or
 - 3. The property the commercial building is located on is the subject of a land use application for redevelopment for which approval has been granted but building permits have yet to be issued.
- B. A space will be considered registered on the date the city received, on a form provided by the community development department and properly completed and signed by a responsible person, the following information:
 - 1. The street address and parcel number of the vacant commercial building;
 - 2. The name, address, email and daytime and evening telephone numbers of each responsible person for the vacant commercial building, including any owner or tenant;
 - 3. The period of time the vacant commercial building is expected to remain vacant; and
 - 4. Any other information requested by the director for the administration of this chapter.
- C. A responsible person must post a notice as provided by the Community Development Department in a conspicuous spot inside every vacant commercial building so as to be

clearly visible to all potential tenants, lessees, renters or buyers upon entering the space but not visible from outside the space.

- D. A responsible person must renew the registration of each vacant commercial building on or before January 1st of each year that the space remains vacant. A responsible person must submit the renewal application to the city on forms provided by the community development department.
- E. Upon satisfactory proof to the director that the vacant commercial building is occupied as defined in Section 15.40.030, the vacant commercial building 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 space that is consistent with the building's intended use, and persons regularly present at and using the building 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 consecutive months from the month the 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 address of the person or business claiming occupancy.

[NEW 15.40.060 – Window displays for commercial buildings not occupied for thirty days.

When commercial buildings are not Occupied for more than thirty days, a responsible person must take steps to maintain a vibrant streetscape and avoid adverse impacts on neighborhood character by applying at least one of the following measures to all ground-floor windows that face sidewalks, streets or public open space.

- A. Paint windows with visually appealing scenes depicting or suggesting business or cultural activities;
- B. Display works of art or provide other displays of cultural or educational value, using background panels or other methods to screen views from the street; or
- C. Other measures consistent with these examples approved by the director.

[NEW] 15.40.070 – Fees for vacant commercial space registration.

At least one responsible person shall pay an annual registration fee for each registered vacant commercial building. At least one responsible person must pay the fee to the city at the time the space is registered and on January 1st of each year that the space remains vacant. All fees are set by resolution.

[NEW] 15.40.080 – Delinquent registration fees - Collection.

If a responsible person fails to pay the registration and inspection fees by the due date, the city is authorized to take action to collect all fees, including filing civil actions or turning the matter

over to collection, in which cases costs incurred by the city because of the collection process will be assessed to the responsible person or responsible persons in addition to the registration and inspection fees.

[NEW] 15.40.090 – Duty to amend registration statement.

Responsible persons for any registered vacant commercial building shall advise the director, in writing, of any changes to the information on the registration form within thirty days of the occurrence of the change.

[NEW] 15.40.100 - Inspections.

The building official and his or her designees are authorized to conduct inspections to enforce the provisions of this chapter.

[NEW] 15.40.110 - Enforcement.

- A. Enforcement of the provision of this chapter will be performed in accordance with Chapter 15.10.050.
- 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 a violation is committed in violation of any provision of this chapter.
- C. All responsible persons for a commercial building are jointly and severally responsible with respect to that commercial building 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 building is subject to a lease, the city shall have the discretion to determine whether to enforce this chapter against the commercial building owner, the tenant or both.

[NEW] 15.40.120 – Annual Report

The director shall make an annual report to the City Council in January of every odd year on the status of the vacant commercial building registration program.

[NEW] 15.40.130 - Severability. The provisions of this chapter are declared to be severable and if any section, sentence, clause or phrase of this chapter shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this chapter, and they shall remain in effect, it being the legislative intent that this chapter shall stand notwithstanding the invalidity of any part.

SECTION 2. PUBLICATION BY SUMMARY. The Finance Director is authorized and directed to publish the attached summary in lieu of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect five (5) days after the date of publication in the City's official newspaper..

PASSED and **APPROVED** this ____ day of _____, 2023.

Pete Schave, Mayor

ATTEST:

Ruth Clemens, Acting City Clerk

PROPOSED FEES FOR VACANT BUILDINGS*

The fee will be based on the duration of the vacancy as determined by the following scale:

1. \$100 dollars for each building for less than one year;
2. \$150 dollars for each building for at least one year but less than two years;
3. \$200 dollars for each building vacant to at least two years but less than three years;
4. \$250 dollars for each building vacant for at least three years and for each year thereafter until the building is occupied.
5. \$100 dollars will be charged monthly for an inspection to verify that the building is being maintained in a secure and clean manner.

***All fees will be brought forward in a resolution.**