

**CITY OF CHENEY, WASHINGTON  
ORDINANCE NO. X-36**

**AN ORDINANCE ENACTING A NEW CHAPTER 17.06 OF THE CHENEY MUNICIPAL CODE ENTITLED "PROPERTY MAINTENANCE CODE" WHICH BOTH AMENDS AND SUPPLEMENTS THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED BY THE CITY IN CHENEY MUNICIPAL CODE SECTION 19.06.020(9) AND PROVIDING FOR OTHER MATTERS RELATED THERETO**

**WHEREAS**, the 2015 International Property Maintenance Code is intended to establish minimum maintenance standards for existing buildings that relate to basic equipment, light, ventilation, heating, sanitation and fire safety to regulate the use of existing structures;

**WHEREAS**, the International Property Maintenance Code is organized and divided into eight (8) different parts consisting of: (1) administration; (2) definitions; (3) general requirements; (4) light, ventilation and occupancy limitations; (5) plumbing facilities and fixture requirements; (6) mechanical and electrical requirements; (7) fire safety requirements; and (8) reference standards;

**WHEREAS**, through the repeal of Chapter 19.16 entitled "Unfit Structures" and portions of Chapter 19.18 entitled "Nuisances," the Property Maintenance Code adopts the International Property Maintenance Code standards to promote the public health, safety and welfare.

NOW, THEREFORE, the City Council of the City of Cheney does ordain as follows.

**Section 1.** **New Chapter.** A new chapter 17.06 entitled "Property Maintenance Code" is added to the Cheney Municipal Code.

**Section 2.** **New Section.** A new section 17.06.010 entitled "Title" is added to the Cheney Municipal Code as follows:

**17.06.010 - Title.**

This chapter shall be known as the "Property Maintenance Code" of the City.

**Section 3. New Section.** A new section 17.06.020 entitled "Purpose" is added to the Cheney Municipal Code as follows:

**17.06.020 - Purpose.**

The purpose of this chapter is to supplement and amend the codes and standards adopted herein. In addition to this chapter, any other city ordinances which by nature apply to the maintenance and use of public or private properties shall be considered part these standards. Notwithstanding anything in this title or adopted codes to the contrary, this title and the adopted codes shall be administered for the benefit of the health, safety and welfare of the general public and shall not be construed to establish any duties to protect or benefit any particular person or class of persons.

**Section 4. New Section.** A new section 17.06.030 entitled "Conflict" is added to the Cheney Municipal Code as follows:

**17.06.030 - Conflict.**

Should there be a conflict between the provisions of this chapter any ordinance or of this municipal code, the provisions of this chapter shall prevail over such other provisions adopted by the city.

**Section 5. New Section.** A new section 17.06.040 entitled "Authority – Enforcement Officer" is added to the Cheney Municipal Code as follows:

**17.06.040 – Authority—Enforcement Officer.**

The code enforcement officer of the city, established through Section 2.58.010, shall be deemed the "code official" as defined in Section 202 of the International Property Maintenance Code.

**Section 6. New Section.** A new section 17.06.050 entitled "Notice and Order of Correction" is added to the Cheney Municipal Code as follows:

**17.06.050 – Notice and Order of Correction.**

The code enforcement officer shall be authorized to issue a notice and order of correction in accordance with CMC 1.28 to require compliance with any provision of the property maintenance code.

**Section 7. New Section.** A new section 17.06.060 entitled "Adoption of amendments" is added to the Cheney Municipal Code as follows:

**17.06.060 - Adoption of amendments.**

The following amendments to the adopted codes in CMC 17.06.020 are adopted and apply within the City of Cheney:

(1) The International Property Maintenance Code, section 202 shall read as follows:

PREMISES. A lot, plot or parcel of land, or easement, not located in a public way, and including any structures thereon.

(2) The International Property Maintenance Code, section 302.4, for the portion required therein to have a height inserted by the jurisdiction, shall read as follows:

10 inches measured from the ground

(3) The International Property Maintenance Code, section 308.1.2 shall be added and shall read as follows:

Machinery and equipment. *Exterior property* and *premises* shall not be used for the leaving or storing of any machinery or equipment used by contractors or builders or by others or which are outlawed by zoning ordinances of the city.

(4) The International Property Maintenance Code, section 302.10 shall be added and shall read as follows:

Trees. Trees shall be maintained to the standards of CMC 12.60.120. Hazard trees shall be removed in accordance with CMC 12.60.060.

(5) The International Property Maintenance Code, section 308.1.1 shall be added and shall read as follows:

Household Items. *Exterior property* and *premises* shall be free from the accumulation of bed mattresses, bed springs or other bedding, toilets, bathtubs, sinks, water heaters, clothes washers, clothes driers, ovens/ranges or other household appliances, and damaged or stored or discarded furniture and other household goods or items including indoor

furniture. For purposes of this section, exterior property and premises shall include carports and non-enclosed porches and decks, in a residential zone or other zone within the city where such items are inconsistent with permitted uses authorized within the zone.

(6) The International Property Maintenance Code, section 308.1.2 shall be added and shall read as follows:

Motor vehicle components. Exterior property and premises shall not be used or maintained as junkyards, or dumping grounds, for the storing or leaving of any worn out, wrecked or abandoned vehicles or machinery of any kind, or of any of the parts, tires and wheels whether on or off rims. SMS Note: See RCW 46.55.240.

(7) The International Property Maintenance Code, section 301.1 shall read as follows:

The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment, exterior property, and their adjoining public way(s).

**Section 8. New Section.** A new section 17.06.070 entitled "Board of Appeals" is added to the Cheney Municipal Code as follows:

**19.06.130 - Board of Appeals.**

IPMC section 111 is hereby deleted. Appeals of decisions of the code enforcement officer shall be in accordance with CMC Chapter 9.06.

**Section 9.** A new section 17.06.080 entitled "Fees" is added to the Cheney Municipal Code as follows:

**17.06.080 - Fees.**

(a) There may be charged against the owner and assessed against the property of a substandard, unfit, abandoned, or otherwise a nuisance building all costs and expenses incurred by the City in: (1) administration and enforcement of this chapter; (2) securing an unfit, substandard, or abandoned building, a hearing processing fee; and (3) an annual property monitoring fee.

(b) The fees and costs described herein shall established by the city council through resolution.

**Section 10. New Section.** A new section 17.06.090 entitled "Unlawful acts" is added to the Cheney Municipal Code as follows:

**17.06.090 - Unlawful acts.**

It is unlawful for any person, firm or corporation to use, occupy or maintain any building, structure, or premises in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this chapter.

**Section 11. New Section.** A new section 17.06.100 entitled "Violation – Penalty" is added to the Cheney Municipal Code as follows:

**17.06.100 - Violation—Penalty.**

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than \$1,000.00, or imprisonment in jail for not more than 90 days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

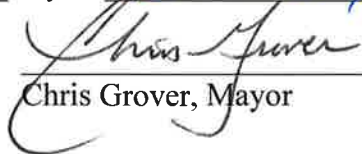
**Section 12. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 13. Effective Date.** This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this 14 day of August, 2018.

Passed by the City Council this 22 day of January, 2019.

Approved by the Mayor this 22 day of January, 2019.

  
Chris Grover, Mayor

ATTEST:

  
Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

  
Stanley M. Schwartz, City Attorney