

AN ORDINANCE OF THE CITY OF MILLWOOD, SPOKANE COUNTY, WASHINGTON, AMENDING SECTION 15.16.040 AND 17.38.005 OF THE MILLWOOD MUNICIPAL CODE REGARDING DANGEROUS OR UNFIT DWELLINGS, AND, GENERAL PROVISIONS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City of Millwood (the “City”), Spokane County, Washington is a non-charter code city, by virtue of the Constitution and the laws of the State of Washington; and

WHEREAS, pursuant to chapter 35A.11 RCW, the City Council (the “Council”) may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the City; and

WHEREAS, the Council finds it is in the best interests of the City to amend Millwood Municipal Code (“MMC”) Section 15.16.040 to provide clarity that a building or structure’s noncompliance with 2021 International Fire Code results in a defect which shall deem the building or structure to be dangerous or unfit under this chapter; and

WHEREAS, the Council finds it is in the best interests of the City to amend MMC 17.38.005 to address formatting and provide clarity within the Section’s General Provisions on Fences;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY MILLWOOD DOES ORDAIN AS FOLLOWS:

**Section 1. Section 1. Amendment to Section 15.16.040 MMC – Dangerous or unfit dwellings, buildings or structures defined.** Section 15.16.040, of MMC is hereby amended as follows (deleted language ~~stricken~~, added language double-underlined):

All buildings or structures which have any or all of the following defects shall be deemed dangerous or unfit buildings or structures:

- A. Those whose interior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
- B. Those which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members, or fifty (50) percent of damage or deterioration of the nonsupporting enclosing or outside walls or covering;
- C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe;

- D. Those which have become damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or others;
- E. Those which have become or are so dilapidated or decayed or unsafe or unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein or others;
- F. Those having light or sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings;
- G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of escape;
- H. Those which have parts thereof which are so attached that they may fall and injure members of the public or damage property;
- I. Those which have any exterior cantilever wall, or parapet, or appendage attached to or supported by an exterior wall of the building located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if such cantilever, parapet or appendage is not so constructed, anchored, or braced as to remain wholly in its original position in event of an earthquake capable of producing a lateral force equal to gravity;
- J. Those which have an exterior wall located adjacent to a public way or to a way set apart for exit from a building or passage of pedestrians, if such wall is not so constructed, anchored or braced as to remain wholly in its original position in event of an earthquake capable of producing a lateral force equal to gravity;
- K. Those which have defective or hazardous wiring, including wiring which did not conform with the codes applicable at the time of installation or has not been maintained in good condition or is not being used in a safe manner;
- L. Those having defective or hazardous plumbing which did not conform with the codes applicable at the time of installation or has not been maintained in good condition or is not free of cross connections or siphonage between fixtures;
- M. Those having defective or hazardous heating or ventilating equipment including equipment, vents and piping which did not conform with the codes applicable at the time of installation or has not been maintained in good and safe condition;
- N. Those which have been abandoned or boarded up and vacant for one year or more and there is no approved plan for rehabilitation, sale, demolition or other disposition of the building to take place within a reasonable time as determined by the building official.

O. Non-compliance with 2021 International Fire Code (IFC), including Washington State amendments for building code requirements, as determined by Spokane Valley Fire District No. 1.

**Section 2. Amendment to Section 17.38.005 MMC – GENERAL PROVISIONS.**

Section 17.38.005 of MMC is hereby amended as follows (deleted language ~~stricken~~, added language double-underlined):

- A. Storage. Wherever storage is authorized and allowed in this title on whatever classification of property, such storage layout and arrangement shall be orderly and maintained as to avoid the creation of a fire hazard and as to prevent an unsightly appearance.
- B. Front Yard. Where any front yard is required, no building shall be hereafter erected or altered so that any portion thereof shall be nearer the front property line than the distance indicated by the depth of the required front yard.

Exceptions: eaves, cornices and fireplaces may be built within the front yard provided they do not extend more than two feet from the building. Steps, terraces, platforms and porches having no roof covering, and being not over forty-two (42) inches in height, may be built within a front yard, provided they do not extend more than five feet from the building and are not greater than twenty-five (25) square feet total.

- C. Side Yard. Where any specified side yard is required, no building shall hereafter be erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated by the width of the required side yard.

Exceptions: eaves, cornices and fireplaces may be built within the side yard, provided they do not extend more than two feet from the building.

- D. Rear Yard: Where any specified rear yard is required, no building shall hereafter be erected or altered so that any portion of thereof shall be nearer to the rear lot line than the distance indicated by the depth of the required yard.

Exceptions: eaves, cornices and fireplaces may be built within the rear yard, provided they do not extend more than two feet from the building. Steps, platforms and rear porches, whether enclosed or not, but not exceeding in width one-half that of the building nor being more than one story in height, may be built within a rear yard, provided they do not extend more than ten feet from the building.

~~E. Fences, Rear and Rear Side Yard.~~

- ~~1. Rear and rear side fences shall not exceed six feet in height.~~
- ~~2. Side yard fences between residences or main buildings may not exceed six feet in height.~~
- ~~3. Front and front side fences may not exceed forty two (42) inches in height.~~
- ~~4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet servicing the same function as a fence, shall be considered a fence.~~

- ~~5. — Barbwire and similar fencing material shall not be used for fencing, nor shall electric fences be installed.~~
- ~~6. — Permits are required for the construction or rebuilding of any fence.~~

#### E. Fences

1. Permits are required for the construction or rebuilding of any fence.
2. Front and front-side (the distance of the required front yard setback) fences may not exceed forty-two (42) inches in height.
3. Rear and rear-side fences, and any side yard fence between residences or main buildings, shall not exceed six feet in height.
4. Hedges, shrubbery, or other materials used in lieu of a fence and not a part of a landscaping requirement, yet serving the same function as a fence, shall be considered a fence.
5. Barbwire and similar materials are prohibited for use as fencing material.
6. Electrified fences are prohibited.

- F. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:
1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.
  2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.

All development as defined in Section 17.16.065 of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of existing single-family residences or accessory buildings or construction of new accessory buildings provided the principal and primary use is and remains single-family residence.

All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.

Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.

G. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:

1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:

- a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street;
- b. Two-Way Stop Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

**(1) Two-Way Stop Controlled**

Posted Speed (in MPH)	Distance (in Feet)
25	40

- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds higher than twenty-five (25) miles per hour, will be determined by the Public Works Director or designee; or
  - d. The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.
2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:
- a. Public utility poles;
  - b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;
  - c. Properties where the natural ground contour penetrates the clear view triangle; and

- d. Traffic control devices installed by the city.
- H. Administrative Exceptions. An administrative exception may be approved for the following when:
- a. Where the required setback is greater than five feet, a deviation of five feet or less
  - b. Minimum lot area where the deviation is for ten percent or less of the required lot area.
  - c. Maximum impervious coverage where the deviation is for ten percent or less of the maximum impervious coverage.
  - d. Any improved property rendered nonconforming through voluntary dedication of right-of-way, the exercise of eminent domain proceedings or purchase of right-of-way by the city, county, state, or federal agency.

Decision Criteria. The city planner shall approve, approve with conditions, or deny administrative exceptions based on the following criteria:

- a. The administrative exception does not interfere with or negatively impact the operations of existing land uses and all legally permitted uses within the zoning district it occupies;
  - b. The exception may not increase density beyond what is currently allowed within the zoning district;
  - c. The exception shall not be contrary to conditions imposed by any other associated land use action, for example, a hearing examiner decision, or conditions associated with applicable plat approvals;
  - d. The exemption is in harmony with the purpose and intent of the general plan for the physical development of the vicinity and zone in which the exemption will apply.
  - e. The exception shall not conflict with other local, state, or federal laws; and
  - f. The exception does not adversely impact the public health, safety, and welfare within the city.
- I. Sidewalks. The construction of sidewalks shall be required for streets and roadways classified as principle and collector arterials prior to development or change of use under the following conditions:
- 1. Sidewalks shall be constructed on both sides of principle arterials. Principle arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting primary community centers with major facilities. Streets and roadways that are classified as principal arterials are identified in the Millwood comprehensive plan.
  - 2. Sidewalks shall be constructed on one side of collector arterials. Collector arterial sidewalk location determination shall be made by the public works director to ensure safe, convenient, comfortable, continuous and connected pedestrian travel. Collector arterials as defined in the Millwood comprehensive plan are those streets or roadways connecting residential neighborhoods with smaller community centers and facilities as well as access to minor and principle arterial system. Streets and roadways that are classified as collector arterials are identified in the Millwood comprehensive plan.

3. All development as defined in Appendix A of this title and all changes of use requiring a permit which are located along principal and collector arterials shall require the construction of sidewalks as set forth above. The provisions of this section shall not apply to the repair, remodel, alteration, addition or replacement of existing single-family residences or accessory buildings or construction of new accessory buildings provided the principal and primary use is and remains single-family residence.
  4. All sidewalk construction requires submittal of engineered plans to the city of Millwood. The city of Millwood shall review and approve plans prior to commencement of construction of sidewalks. Plans shall be developed in accordance with Spokane County standards and all Americans with Disabilities Act requirements at the time of submittal.
  5. Sidewalks, even if they are not required by the city of Millwood, shall be constructed according to approved plans as required above.
- J. Neither residential, commercial or industrial fencing, nor any sight obstruction which constitutes a hazard to the traveling public, shall be permitted on any corner lot in any district within the area designated as the "clear view triangle" as set forth below:
1. A clear view triangle is a measurement applied at the intersection of two streets or the intersection of an alley or driveway and a street to ensure unobstructed vision of motorists and pedestrians. Within the clear view triangle, the space between thirty-six (36) inches and seven feet above the street must be unobstructed. The clear view triangle is calculated as follows:
    - a. Uncontrolled Intersection. The right triangle having sides of thirty (30) feet measured along the property line of each intersecting street;
    - b. Two-Way Stop Controlled Intersection. The right triangle having a ten-foot side measured along the property line of a local access street, alley, commercial driveway or residential driveway serving three or more residences, and the distance shown on the following table based on posted speed along the property line of the intersecting street:

**Two way stop controlled  
Table 17-7**

Posted Speed (in MPH)	Distance (in feet)
25	40

- c. Yield-Controlled Intersection. For intersections of local streets with twenty-five (25) miles per hour speed limits, the right triangle having a twenty-foot side measured along the property line of the yield-controlled street, and a sixty-foot side measured along the property line of the intersecting street. Triangles for yield-controlled intersections on collectors or arterials, or streets with speeds

higher than twenty-five (25) miles per hour, will be determined by the city traffic engineer; or

- d. The public works supervisor will determine the dimensions of the clear view triangle in cases including, but not limited to, signal-controlled intersections, arterials with posted speeds in excess of twenty-five (25) miles per hour, one-way streets, steep grades and sharp curves.
2. Exemptions. Clear view triangle regulations of this chapter shall not apply to:
    - a. Public utility poles;
    - b. Trees, so long as they are not planted in the form of a hedge and are trimmed to a height of at least seven feet above the street surface;
    - c. Properties where the natural ground contour penetrates the clear view triangle; and
    - d. Traffic control devices installed by the city.

**K. Airport Compatibility.**

1. The airport compatibility zone (ACZ) is designated on the official zoning map.
2. Prior to the issuance of a commercial building permit or any land use permit within the airport compatibility zone, a copy of the proposal shall be routed to the appropriate official(s) at Felts Field Airport for review and comment.
3. The calculated density in the ACZ shall be no greater than one hundred eighty (180) persons per acre after subtracting public rights-of-way. However, higher density may be allowed by the city council if it is deemed to be compatible with Felts Field Airport and Washington State Department of Transportation - Aviation guidelines, as a conditional use following the procedures contained in Sections 17.44.070 through 17.44.130.

**Section 3. Repeal.** All ordinances, resolutions, laws, and regulations, or parts thereof in conflict with this ordinance are, to the extent of said conflict, hereby repealed.

**Section 4. 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 5. Effect:** This Ordinance shall be in full force and effect from and after its adoption and five (5) days after its publication or a publication of a summary of this Ordinance in the official newspaper of the City.

PASSED BY THE COUNCIL OF THE CITY OF MILLWOOD THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2025.

