

**CITY OF GOLD BAR, WASHINGTON  
ORDINANCE #770**

**AN ORDINANCE FOR THE CITY OF GOLD BAR, WASHINGTON AMENDING GOLD BAR  
MUNICIPAL CODE TITLE 8 RELATING TO ABANDONED PROPERTIES**

**WHEREAS**, regulation and code enforcement relating to abandoned properties is necessary; and

**WHEREAS**, Gold Bar Municipal Code does not have clear guidelines relating to abandoned properties;

**NOW THEREFORE, THE COUNCIL FOR THE CITY OF GOLD BAR ORDAINS** that Title 8 relating to health and safety shall be amended to add a new section as follows.

**Section I, Title 8.14.010 – Purpose**

**Section II, Title 8.14.020 – Definitions**

**Section III, Title 8.14.030 – Administration**

**Section IV, Title 8.14.040 – Maintenance and Registration Requirements**

**Section V, Title 8.14.050 – Responsible Person – Local Property Manager**

**Section VI, Title 8.14.060 – Lender Inspection and Registration**

**Section VII, Title 8.14.070 – Monthly Inspections**

**Section VIII, Title 8.14.080 – Maintenance Requirements**

**Section IX, Title 8.14.090 – Securing and Posting Requirements**

**Section X, Title 8.14.100 - Vacant Properties Not Abandoned**

**Section XI, Title 8.14.110 – Time to Remedy Following Inspection**

**Section XII, Title 8.14.120 – Additional Maintenance and Security**

**Section XIII, Title 8.14.130 – Enforcement**

**Section XIV, Title 8.14.140 – Violation - Penalty**

**Section XV, Severability**

**Section XVI, Effective Date**

**Section I, Title 8.14.010 – Purpose**

**8.14.010 Purpose.**

It is the purpose and intent of the Gold Bar City Council to establish an abandoned real property registration program to protect the community from becoming blighted as a result of vacant properties that are abandoned and not properly secured and maintained. Abandoned properties are deemed to be a public nuisance. This chapter requires that abandoned properties be properly maintained by the owners, lenders, and other responsible persons. Through the registration process, lenders who have an interest in real properties within the City that are vacant and have been abandoned by the owners are required to maintain and secure these properties.

**Section II, Title 8.14.020 - Definitions**

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

"Abandoned" means a property that is vacant and (1) is under a current notice of default and/or notice of trustee's sale; (2) is the subject of a pending tax assessor's lien sale; (3) has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure; or (4) has been transferred under a deed in lieu of foreclosure/sale.

"Accessible" means a property that is accessible through a compromised/ breached gate, fence, wall, or similar condition or a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

"Beneficiary" means a lender or holder of a note secured by a deed of trust.

"Borrower" means any owner as defined in this section who becomes obligated on a real estate loan agreement, either directly or indirectly, and includes, but is not limited to, mortgagors, vendees under conditional land sales contracts, and grantors under trust deeds.

"City" means City of Gold Bar.

"Days" means consecutive calendar days.

"Deed of trust" means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan and often used in Washington instead of a mortgage. This definition applies to any and all subsequent deeds of trust, i.e., second trust deed or third trust deed.

"Deed in lieu of foreclosure/sale" means a recorded document that transfers ownership of property from the borrower to the lender in lieu of foreclosure including, but not limited to, a trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

"Default" means the failure to fulfill a contractual obligation, monetary, or conditional.

"Director" means the Public Works Director or authorized designate thereof.

"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 property 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 due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or debris; statements by neighbors, passersby, delivery agents, or government employees that the property is vacant; and for residential properties, the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items consistent with residential habitation.

"Foreclosure" means the foreclosure process by which a property, placed as security for a real estate loan, is sold at auction, deed of trust foreclosure, or a judgment is obtained to satisfy the debt if the borrower defaults.

"Lender" means any person who makes, extends, or holds a real estate loan agreement and includes, but is not limited to, mortgagees; 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.

"Local" means within Snohomish County.

"Notice of default" means a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

"Out of area" means outside Snohomish County.

"Owner" means any natural person, partnership, association, corporation, or other entity having legal title in real property including any borrower as defined in this section.

"Property" means any unimproved or improved, residential or commercial real property, or portion thereof, situated in the City, and includes the buildings or structures located on the property regardless of condition.

"Responsible person" means any person, partnership, association, corporation, or fiduciary having legal or equitable title to or any interest in any real property, including but not limited to an owner, borrower, and lender as defined in this section.

"Securing" or "secure" means such measures as may be directed by the Director that assist in rendering the property inaccessible to unauthorized persons, including, but not limited to, the repairing of fences and walls, chaining/padlocking of gates and the repair, replacement or boarding of doors, windows, and/or other openings.

"Trustee" means the person, partnership, firm, corporation, or other entity holding a deed of trust on a property.

"Trustor" means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

"Vacant" means a subject property that is not legally occupied.

### **Section III, Title 8.14.030 - Administration**

This chapter shall be administered by the Public Works Department, its Director, or his or her designee, who shall promulgate procedures to administer the registration, maintenance, security, and related provisions as authorized in this chapter. Appropriate fees for services as well as fines and penalties for violations shall be set by the City Council and are set forth in Chapter 1.16 of the Gold Bar Municipal Code, and/or the Gold Bar Fee Schedule as appropriate.

### **Section IV, Title 8.14.040 – Maintenance and Registration Requirements**

Abandoned properties shall be properly maintained and secured, as required by this chapter, by the owners, lenders, and other responsible persons as defined in Gold Bar Municipal Code (GBMC) 8.14.020. Lenders who have an interest in real properties within the City that are vacant and have been abandoned are required to register abandoned properties with the City pursuant to GBMC 8.14.060.

### **Section V, Title 8.14.050 – Responsible Person – Local Property Manager**

A. Responsible Person. When any act as required under this chapter involves more than one lender or other responsible person as defined in Gold Bar Municipal Code 8.14.020, both or all are responsible for performing such act and may be charged with a violation of this code for failure to act. However, it is sufficient if it is accomplished by either one. If information is required to be provided, then both must provide such information.

B. Local Property Manager. If the lender or other responsible person is a corporation and/or out of area lender/owner, that responsible person shall retain a local property manager authorized to take the appropriate steps to comply with the requirements of this chapter.

### **Section VI, Title 8.14.060 – Lender Inspection and Registration**

A. Initial Inspection Upon Default. Any lender who holds a security interest on a property located within the City shall perform an initial inspection of the property upon default by the borrower prior to initiating foreclosure proceedings such as posting a notice of default or initiating other applicable proceedings to begin the foreclosure process. This inspection shall be performed within fourteen (14) days of default. This inspection shall be to determine whether the property is vacant. If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned and the lender shall, within fourteen (14) days from the date of the inspection, register the property with the Director on forms or in the manner provided by the City.

B. Defaults Prior to October 1, 2023. Any lender who holds a security interest on a property located within the City, and which property as of October 1, 2023:

1. is under a current notice of default;
2. is under a current notice of trustee's sale;
3. is the subject of a pending tax assessor's lien sale;
4. has been the subject of a foreclosure where the title was retained by the beneficiary of the deed of trust involved in the foreclosure; or
5. was transferred under a deed in lieu of foreclosure/sale, shall perform an inspection of the property to determine whether the property is vacant. This inspection shall be performed by October 15, 2023. If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned, and

the lender shall, within fourteen (14) days from the date of the inspection, register the property with the Director on forms or in the manner provided by the City.

C. Registration Contents. Each registration shall contain the following:

1. Information for both the beneficiary and trustee: name (corporation or individual);
2. The street/office address (not a post office box) and, if different, the mailing address;
3. A direct contact name (corporation or individual);
4. A direct contact name and phone number for the person handling the foreclosure; and
5. In the case of a corporation or out of area lender, the telephone number and other contact information of local property manager/management company responsible for the inspections, maintenance and security of the property.

D. Registration Fee and Other.

1. There shall be no fee for the annual registration.
2. The registration shall be valid for one (1) calendar year following the date on which registration is initially due to the City. Subsequent registrations are required and due each year thereafter on the anniversary of the due date of the initial registration until such time as the property is transferred or becomes legally occupied.
3. Lenders required to register properties pursuant to this chapter shall keep such properties registered and all required information updated and comply with all the security and maintenance requirements of this chapter for the entire time such properties remain vacant.
4. When properties required to be registered become occupied or title is transferred, the prior lender shall notify the Director in writing within fourteen (14) days of the occupancy or transfer.
5. Any lender required to register a property pursuant to this chapter shall report any change of information contained in the registration within fourteen (14) days of the change.
6. Inspections conducted pursuant to this chapter are intended only for the purposes set forth in this chapter and not for purposes of triggering disclosure obligations to potential real property purchasers.

#### **Section VII, Title 8.14.070 – Monthly Inspections**

A. The property shall be inspected on a monthly basis to determine whether or not the property is vacant and whether or not the maintenance, security and other requirements of this chapter and any other applicable laws are being met.

B. If a property is occupied, but remains in default, it shall be inspected by the lender, or an agent/designee of the lender, monthly to determine whether the property is vacant until:

1. the borrower or other party remedies the default; or
2. the foreclosure is completed and ownership is transferred to a new owner who is not the former beneficiary or another lender; or
3. it is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned, and the lender shall, within fourteen (14) days of that inspection, register the property with the Director on forms or in the manner provided by the City.

C. The property shall continue to be inspected after a foreclosure sale where the title was transferred to the beneficiary of a deed of trust involved in the foreclosure, or the underwriter of the deed of trust, or any other person or entity who held a security interest in the property, and any property transferred under a deed in lieu of foreclosure/sale. If upon inspection the property is found to be vacant, it is hereby deemed abandoned and must be registered within fourteen (14) days as required in this chapter.

D. These inspections shall be reported to the City as required by the Director.

#### **Section VIII, Title 8.14.080 – Maintenance Requirements**

A. Responsible persons shall maintain and keep properties 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 discarded personal items including, but not limited to, furniture, clothing, or large and small appliances;
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.

B. Responsible persons shall;

1. Maintain yards in accordance with City requirements and standards;
2. Secure ponds, pools and hot tubs and ensure that they do not become a public nuisance; and
3. Take any other action necessary to prevent giving the appearance that the property is abandoned.

C. Additionally, responsible persons shall maintain properties pursuant to the requirements of Chapter 15.04 Gold Bar Municipal Code (GBMC), the City Building Code, Chapter 8.16 GBMC, Nuisance, GBMC Title 8, Health and Sanitation, and/or any other applicable City code or state law.

#### **Section IX, Title 8.14.090 – Securing and Posting Requirements**

A. Securing. All properties subject to registration shall be secured to prevent access by unauthorized persons, including, but not limited to, the following: the closure and locking of windows, doors (walk-through, sliding and garage), gates, and any other opening of such size that it may allow a child or any other person to access the interior of the property and or structure(s). Securing also includes boarding as applicable. Material used for boarding shall be painted with an exterior grade paint that matches and/or coordinates with the color of the exterior of the structure.

B. Posting. The property shall be posted with the name and twenty-four (24) hour contact phone number of the local property manager. The posting shall be no less than eighteen (18) inches by twenty-four (24) inches, and shall be of a font that is legible from a distance of forty-five (45) feet, and shall contain, along with the name and a twenty-four (24) hour contact number, the words:

"THIS PROPERTY MANAGED BY [insert name]" and  
"TO REPORT PROBLEMS OR CONCERNS CALL [insert local telephone number]."

The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the exterior of the building/structure facing the street to the front of the property 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.

#### **Section X, Title 8.14.100 - Vacant Properties Not Abandoned**

Vacant properties that are not abandoned as defined in Gold Bar Municipal Code (GBMC) 8.14.020 but have been boarded up and/or otherwise secured as a result of City code enforcement action, shall comply with the local property manager requirements of GBMC 8.14.050(b) and the posting and security requirements of GBMC 8.14.090.

#### **Section XI, Title 8.14.110 – Time to Remedy Following Inspection**

The lender or other responsible person shall have fourteen (14) days to remedy any defects found following any inspection required by this chapter, except that the lender or other responsible person shall have fourteen (14) days from the date of registration to remedy any defects found during the initial inspection set forth in Gold Bar Municipal Code (GBMC) 8.14.060(a) or (b) to meet the registration, inspection, maintenance, and security obligations of this chapter, unless otherwise extended by the Director at his or her sole discretion.

**Section XII, Title 8.14.120 – Additional Maintenance and Security**

In addition to the enforcement remedies established in this chapter and applicable City Code, the Director shall have the authority to require any responsible person of any abandoned property affected by this chapter to implement additional maintenance and/or security measures, including, but not limited to, securing any/all doors, windows or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard, disconnecting utilities, or any other measures as may be reasonably calculated to arrest the decline of the property, prevent unauthorized entry, and/or ensure maintenance of the property in accordance with this code.

**Section XIII, Title 8.14.130 – Enforcement**

A. In the event the Director believes lender or other responsible person has failed to meet the registration, inspection, maintenance, and security obligations of this chapter, the Director shall send notice of said failure to the responsible person at the address listed on the tax rolls of the County or at such other address as may be known to the Director. The notice shall set out the nature of the failure(s) to be corrected and shall give the responsible person within fourteen (14) days from the date of the notice to correct them unless an imminent danger exists in which case the responsible person shall take immediate action to remedy the condition creating the imminent danger. In the event the lender or other responsible person fails to remedy the matters within the time set out in the notice (or make, in the view of the Director, adequate arrangements otherwise) the City may seek enforcement pursuant to Gold Bar Municipal Code (GBMC) 8.14.140.

B. Violations of this chapter constitute a public nuisance and may be enforced, in addition to the provisions of this chapter, pursuant to Chapter 15.04 GBMC, the City Building Code, Chapter 8.16 GBMC, Nuisance, GBMC Title 8, Health and Sanitation, and/or any other applicable City code or state law.

**Section XIV, Title 8.14.140 – Violation - Penalty**

A. Penalty. Any person, firm or entity who fails to register and perform the required inspections, maintenance and/or security as required herein shall be subject to a penalty as set forth in Chapter 1.16, Gold Bar Municipal Code (GBMC).

B. Code Enforcement. In addition, any violation of any provision of this chapter is a civil violation as provided for in Chapter 1.16 GBMC, for which a monetary penalty may be assessed, and abatement may be required as provided therein.

**Section XV, Severability**

This ordinance is severable and if any portion of it shall be declared invalid or unconstitutional, the remaining portion shall remain valid and enforceable.

**Section XVI, Effective Date**

This ordinance shall take effect from, and after, its passage, approval, and publication as provided by law.

Passed by the City Council of the City of Gold Bar this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_, Lisa Stowe, Clerk/Treasurer

Attest: \_\_\_\_\_, Steve Yarbrough, Mayor

First Reading: \_\_\_\_\_

Posted: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Passed: \_\_\_\_\_