

ORDINANCE NO. 2010-06-036

AN ORDINANCE AMENDING BELLINGHAM MUNICIPAL CODE SECTION 17.05.010 REPEALING BELLINGHAM MUNICIPAL CODE CHAPTERS 17.10, 17.16, 17.30, 17.40, AND 17.50 AND ADOPTING A NEW CHAPTER 17.10 TO ADOPT BY REFERENCE THE 2009 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, NATIONAL FUEL GAS CODE, LIQUEFIED PETROLEUM GAS CODE, UNIFORM PLUMBING CODE, WASHINGTON STATE ENERGY CODE, AND WASHINGTON CITIES ELECTRIC CODE, AS AMENDED, AS SET FORTH HEREIN.

WHEREAS, RCW Chapter 19.27 requires cities to enforce the State Building Code; and

WHEREAS, the State Building Code Council has updated and amended the State Building Code by adopting the International Codes, 2009 Edition, with modifications; and

WHEREAS, the local adoption of the referenced codes will promote and protect the health, safety and welfare of the general public and fulfill the state-mandated enforcement obligation; and

WHEREAS, a copy of each code herein adopted by reference has been placed on file with the Finance Director for use by the public,

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. The title of Bellingham Municipal Code Chapter 17.05 is amended to read as follows: "Purpose of Chapters 17.10 and 17.20".

Section 2. Bellingham Municipal Code Section 17.05.010 is amended to read as follows:

17.05.010 - Purpose

Bellingham Municipal Code Chapters 17.10 and 17.20 are enacted as an exercise of the police power of the city for the benefit of the public at large. No chapter is intended to create a special relationship with any individual, or individuals, nor to identify and protect any particular class of persons. The purpose of these chapters is to provide minimum standards to safeguard life or limb, health or property, construction and public welfare, by regulating and controlling building and related work thereto. It is not the intent of any chapter to impose

liability upon the City for failure to perform any discretionary act. Rather, it is the intent of these chapters to place the obligation of complying with requirements upon the owner and/or contractor. Nothing contained in any chapter shall be construed to relieve from or to lessen the responsibility or liability of any person or persons for injury or damage to persons or property caused by or resulting from any defect of any nature in any construction work performed by said person or any construction equipment owned, controlled, operated or used by the contractor; nor shall the City, or any officer, agent, or employee thereof incur or be held as assuming any liability by reason or in consequence of any permission, certificate of inspection, inspection or approval authorized herein, or issued or given as herein provided, or by reasons or consequence of any things done or acts performed pursuant to the provisions of any chapter.

Section 3. Bellingham Municipal Code Chapter 17.10 is repealed in its entirety and a new Bellingham Municipal Code Chapter 17.10 is adopted as follows:

17.10.010 - ADOPTION BY REFERENCE

A. Except as amended by this chapter, the following codes, published by the International Code Council, as now and hereafter amended by the State of Washington are hereby adopted by reference:

1. 2009 International Building Code – Chapter 51-50 WAC;
2. 2009 International Residential Code – Chapter 51-51 WAC;
3. 2009 International Mechanical Code – Chapter 51-52 WAC;
4. 2009 International Fuel Gas Code – Chapter 51-52 WAC;
5. 2009 International Property Maintenance Code; and
6. 2009 International Existing Building Code.

B. Except as amended by this chapter, the following codes, published by the National Fire Protection Association, as now and hereafter amended by the State of Washington are hereby adopted by reference:

1. 2009 National Fuel Gas Code (NFPA 54) – Chapter 51-52 WAC; and
2. 2004 Liquefied Petroleum Gas Code (NFPA 58) – Chapter 51-52 WAC.

C. Except as amended by this chapter, the 2009 Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials, Chapters 51-56 and 51-57 WAC, as now and hereafter amended by the State of Washington is hereby adopted by reference.

D. The Washington State Energy Code, Chapter 51-11 WAC, as now and hereafter amended by the State of Washington is hereby adopted by reference.

E. The 2009 Washington Cities Electric Code is hereby adopted by reference.

17.10.020 Construction Administrative Code adopted.

The following sections replace the administrative chapters of the codes adopted in the Bellingham Municipal Code Section 17.10.010 and together will be known as the Construction Administrative Code. Additional amendments to the technical provisions of the enumerated codes are listed in Sections 116-117 of the Construction Administrative Code.

CONSTRUCTION ADMINISTRATIVE CODE

SECTION 101

GENERAL

101.1 Title. These regulations shall be known as the Construction Administrative Code of the City of Bellingham, hereinafter referred to as "this code."

101.1.1 Effective Date. The codes enumerated in Section 101.5 are to be enforced as of July 1, 2010.

101.2 Scope. The provisions of this code shall apply to the administration of the technical codes as adopted and hereafter amended by the State of Washington and as listed BMC 17.10.010.

101.2.1 Exceptions. The provisions of this code shall not apply to work located primarily in a public way, public utility towers and poles, and hydraulic flood control structures.

101.2.1.1 The provisions of this chapter do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. A temporary growing structure is not considered a building for purposes of this chapter.

101.2.2 Definitions. For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined,

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they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third International Dictionary of the English Language, Unabridged, latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

1. "Action" means a specific response complying fully with a specific request by the city.
2. "Building service equipment" means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.
3. "Complete response" means an adequate response to all requests from City staff in sufficient detail to allow the application to be processed.
4. "Property Maintenance Code" means the 2009 International Property Maintenance Code promulgated by the International Code Council as adopted by the City.
5. "Energy code" means the Washington State Energy Code promulgated by the Washington State Building Code Council as adopted by the City.
6. "IBC" means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the City.
7. "IEBC" means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by the City.
8. "IMC" means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the City.
9. "IRC" means the latest edition of the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council as adopted by the City.
10. "NEC" means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association.
11. "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

12. "Shall," as used in this chapter, is mandatory.

13. "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

14. "UPC" means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the City.

15. "Valuation" or "value," as applied to a building or building service equipment, means and shall be the estimated cost to replace the building and its building service equipment in kind, based on current replacement costs. It shall also include the contractor's overhead and profit.

101.3 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.4 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

101.5 Referenced codes. The codes listed in Sections 101.5.1 through 101.5.10 of this code and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.5.1 International Building Code. The provisions of the International Building Code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exceptions: Detached 1- and 2-family dwellings and multiple single-family dwellings (townhouses) not more than 3 stories above grade in height with separate means of egress and their accessory structures shall comply with the International Residential Code.

101.5.2 International Residential Code. The provisions of the International Residential Code for One- and Two-Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of detached 1- and 2-family dwellings and multiple single-family dwellings (townhouses) not more than 3 stories in height with separate means of egress and their accessory structures.

101.5.3 Mechanical. These provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Exceptions:

1. The International Fuel Gas Code – for all installations utilizing natural gas except those regulated by the IRC and those utilizing LPG.
2. International Residential Code – for all structures regulated by the IRC except LPG installations.
3. NFPA 54 and 58 – for all LPG installations.

101.5.4 Liquid propane gas. The provisions of the National Fuel Gas Code and Liquid Petroleum Gas Code (NFPA 54 and 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas.

101.5.5 Natural gas. The provisions of the International Fuel Gas Code shall apply to the installation of all materials and equipment utilizing natural gas except those regulated by the International Residential Code.

101.5.6 Plumbing. The provisions of the Uniform Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.5.7 Electrical. The provisions of the Washington Cities Electric Code (WCEC) shall apply to the installation, alteration, repair or replacement of electric systems that are within the scoping provisions of the WCEC.

101.5.8 Energy Conservation. The provisions of the Washington State Energy Code shall apply to all buildings and structures regulated by the International Building Code or the International Residential Code.

101.5.9 Existing Buildings. Provisions of the International Existing Building Code may be used in place of the International Building Code or the International Residential Code when so requested by the permit applicant.

101.5.10 Property Maintenance. The provisions of the International Property Maintenance Code shall apply to all buildings, structures and exterior property.

SECTION 102

APPLICABILITY

102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the codes named in Chapter 19.27 RCW shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, State or Federal law.

102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Fire Code, or as is deemed necessary by the Building Official or Fire Marshal for the general safety and welfare of the occupants and the public.

102.7 Structures in areas of special flood hazard. Buildings located in areas of special flood hazard shall be regulated under the International Building Code, the International Residential Code and the Bellingham Municipal Code. In cases of conflict, the most restrictive provisions will apply.

SECTION 103

ENFORCEMENT AGENCY

103.1 Creation of enforcement agency. The Building Division is hereby created within the Department of Planning and Community Development and the official in charge thereof shall be known as the Building Official.

103.2 Appointment. The Building Official shall be appointed by the Director of Planning and Community Development.

103.3 Deputies. In accordance with the prescribed procedures of the City and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a Deputy Building Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

SECTION 104

DUTIES AND POWERS OF BUILDING OFFICIAL

104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise at the applicant's expense.

104.5 Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform

the duties imposed by this code; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

104.8 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

104.8.1 Used materials and equipment. The use of used materials and building service equipment is permitted when approved by the Building Official.

104.9 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Department. The Building Official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section.

104.10 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code; provided, that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official is authorized to charge an additional fee to evaluate any proposed alternate material, design and/or method of construction and equipment under the provisions of this section.

104.10.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.10.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

SECTION 105

PERMITS

105.1 Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the Building Official and obtain the required.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the City. Permits shall not be required for the following:

Building:

1. One-story detached accessory structures used as tool and storage sheds, tree-supported play structures, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.14 m²) and the structure is located in accordance with all land use regulations;
2. Fences not over 6 feet (1,829 mm) high;
3. Oil derricks;
4. Retaining walls which are not over 4 feet (1,219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids;
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2 to 1;

6. Sidewalks and driveways at grade associated with residential buildings constructed under the provisions of the IRC;
7. Decks, associated platforms and steps accessory to residential buildings constructed under the provisions of the IRC which are not more than 30 inches (762 mm) above adjacent grade plain and not over any basement or story below;
8. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
9. Temporary motion picture, television and theater stage sets and scenery;
10. Prefabricated swimming pools accessory to a 1- and 2-family dwelling or Group R-3 occupancy which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground;
11. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems;
12. Swings, slides and other similar playground equipment;
13. Window awnings supported by an exterior wall of 1- and 2-family dwellings or Group R-3 and Group U occupancies which do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support;
14. Nonfixed and movable cases, counters and partitions not over 5 feet 9 inches (1,753 mm) in height;
15. Satellite earth station antennas 6-1/2 feet (2 m) or less in diameter or diagonal in zones other than residential zones (47 C.F.R. Section 25.104(b)(1));
16. Satellite earth station antennas 3-1/4 feet (1 m) or less in diameter in residential zones (47 C.F.R. Section 1.4000);
17. Video programming service antennas 3-1/4 feet (1 m) or less in diameter or diagonal dimension, regardless of zone;
18. Alterations of buildings regulated by the IRC for which the total cost of fair market value of the alteration does not exceed fifteen hundred dollars in any consecutive six month period. The permit exemption shall not otherwise exempt the alteration from the substantive standards of this code nor does it apply to electric, plumbing or mechanical devices.
19. Works as noted in Section 101.2.1 of this code.

Mechanical:

1. Portable heating, cooking, or clothes-drying appliances.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part which does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

Plumbing:

1. The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
2. The clearing of stoppages.
3. Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

105.2.1 Emergency repairs. Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official.

105.2.2 Repairs. Application or notice to the Building Official is not required for ordinary repairs to structures. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of,

replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.3 Application for permit. To obtain a permit, the applicant shall first file a complete application as defined by the City therefore in writing on a form furnished by the Building Department for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. The property owner's name, address, and phone number;
4. Indicate the use and occupancy for which the proposed work is intended.
5. Be accompanied by construction documents and other information as required in Section 106.
6. State the valuation of the proposed work.
7. Be signed by the applicant, or the applicant's authorized agent.
8. Give such other data and information as required by the Building Official.

105.3.1 In addition to information required by Section 105.3 the following information must be provided for all projects valued at \$5,000.00 or more.

1. The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor;
2. The prime contractor's business name, address, phone number, current state contractor registration number; and either:
 - a. The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or
 - b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for

an amount not less than fifty percent of the total amount of the construction project.

3. If any of the information required by subsection 1 through 2 of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

105.3.1.1 Areas of flood hazard. In addition to any other requirements, permit applications in areas prone to flooding and designated in areas of flood hazard shall provide all of the following:

1. Site map showing boundaries of the flood hazard area within the subject property;
2. The base flood elevation as shown on the currently adopted Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM); and
3. The lowest floor elevation of all proposed structures.

105.3.2 Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents or other submittal information does not conform to the requirements of pertinent laws, the Building Official may reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable.

105.3.3 Time limitation of application.

1. Applications for which no permit is issued within 1 year following the date of application shall expire by limitation and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with State law by the Building Official. The Building Official may extend the time for action by the applicant for 1 period not exceeding 180 days. The applicant must request an extension on a form provided by the City and pay any established extension fee prior to the application's original expiration date.
2. Applications may be canceled for inactivity if an applicant fails to respond to the Department's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The Building Official may extend

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the response period beyond 90 days if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information needed by the Department.

3. The Building Official may extend the life of an application if any of the following conditions exist:

- a. Compliance with the State Environmental Policy Act is in progress;
- b. Any other City review is in progress; provided, the applicant has submitted a complete response to City requests or the Building Official determines that unique or unusual circumstances exist that warrant additional time for such response, and the Building Official determines that the review is proceeding in a timely manner toward final City decision; or
- c. Litigation against the City or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

105.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance or laws of the City. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure when in violation of this code or of any other ordinances of the City.

105.5 Expiration.

1. Every permit issued shall expire 24 months from the date of issuance. The Building Official is authorized to approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance.
2. Every permit may be renewed for a period of 1 year beyond the original expiration date for an additional fee equal to 50% of the original permit fees as long as no changes have been made to the originally approved plans and new building codes have not been adopted. Renewals must be applied for prior to the expiration date of the original permit. Impact fees and utility connection charges will not be required to be paid more than once. No permit shall be renewed more than once.

3. Electrical, mechanical and plumbing permits shall expire at the same time as the associated building permit except that if no associated building permit is issued, the electrical, mechanical and/or plumbing permit shall expire 180 days from the date of issuance. The Building Official is authorized to approve a request for an extended expiration date where a construction schedule is provided by the applicant and approved prior to permit issuance. There shall be no extensions of permits under this subsection.

4. The City may authorize an extension to the expiration date up to 30 days beyond the written date of notification with no additional fee when only the final building inspection is remaining and all other work has been approved. If work required under a final inspection is not completed within the 30-day extension period, the permit shall expire.

105.6 Suspension or revocation. The Building Official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project. For access to the permit for inspections, see Section 109.4.12.

SECTION 106

CONSTRUCTION DOCUMENTS

106.1 Submittal documents. Construction documents, statement of special inspection and other data shall be submitted in 1 or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the State of Washington. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed in the proper

orientation and layout as it is to be constructed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official.

106.1.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC. Shop drawings shall be prepared by a certified individual as required by the State of Washington.

106.1.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, 1- and 2-family dwellings as applicable in Section 101.2 of the IBC, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

106.1.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

Exception: Subject to the approval of the Building Official, R-3, 1- and 2-family dwellings, and U occupancies may be exempt from the detailing requirements of this section.

106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

106.3 Examination of documents. The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

106.3.1 Use of consultants. Whenever review of a building permit application requires retention by the City for professional consulting services, the applicant shall reimburse the City the cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. The City may require the applicant to deposit an amount with the City estimated in the discretion of the Building Official to be sufficient to cover anticipated costs of retaining professional consultant services and to ensure reimbursement for such costs.

106.3.2 Expedited plan review. At the time of application, an applicant may request that plans be sent to City-approved consultants if the applicant believes, in its sole determination, that such review may expedite the plan review process. The request must be in writing and acknowledge that the applicant agrees to pay the full consultant fee which is in addition to the normal plan review and building permit fees collected by the City. The City may require the applicant to deposit an amount with the City estimated by the City to be sufficient to cover anticipated costs for the expedited consultant review and to ensure reimbursement for such costs.

106.3.3 Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved, Subject to Field Inspection." One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

106.3.4 Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

106.4 Design professional in responsible charge.

106.4.1 General. When it is required that documents be prepared by a qualified registered design professional, the Building Official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require,

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the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Section 1709 of the IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 of the IBC).

106.5 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official within a specified period. Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the Building Official. The Building Official is authorized to charge an additional plan review fee to evaluate deferred submittals under the provisions of this section.

106.6 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The Building Official may authorize minor field changes subject to the approval of the field inspector.

106.7 Retention of construction documents. One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by State or local laws.

SECTION 107

TEMPORARY STRUCTURES AND USES

107.1 General. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be

permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

Exception: Subject to land use approval, the Building Official may authorize unheated tents and yurts under 500 square feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow them to be used indefinitely. Fire sprinklers are not required for such uses.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

107.3 Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

SECTION 108

FEES

108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Permit Fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the City by resolution.

108.3 Plan review fees. When submittal documents are required by Section 106 of this code, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The Building Official may have the option to charge a deposit, in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan review and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 106 of this code, an additional plan review fee may be charged.

108.4 Registered plan program. The City has established a registered plan program, the purpose of which is to allow for an expedited review process for plans that are intended to remain unchanged but used multiple times. Options are allowed to be submitted with the

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initial registering of the basic plan to accommodate a variation of building styles using the basic plan. When plans are submitted under the City's "registered plan program," a plan review fee shall be paid at the time of application for a registered plan. The Building Official may have the option to charge a partial deposit in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of the amount owed for the plan review.

Valuations used to compute the permit fees shall include all options submitted with a registered plan. When a registered plan consists of a number of plan options that can produce any number of similar but different buildings, the Building Official may charge plan review fees based on each different building configuration. Plan review fees shall be paid for at the time of application for a building permit. The Building Official may have the option to charge a partial deposit in lieu of the full plan review fee. All portions of fees paid as a deposit amount shall be applied to the total plan review fees owed. The applicant shall be required to pay the balance of the amount owed for the plan review. The plan review fees specified in this subsection are separate fees from the permit fees and are in addition to the permit fees.

Plan Orientation: Building construction shall follow the direction, layout and orientation of the plan as approved. Applications to reverse or flip a plan shall only be allowed as an approved option to a registered plan where all drawing floor plans, site plans, sections, elevations and structural drawings reflect the layout of the building to be constructed.

Revisions: Once a plan and associated options are reviewed, approved and registered, changes or revisions to that plan are not permitted without requiring the plan to be resubmitted as a new registered plan and pay full new fees.

Field Revision: Once a permit is issued for a registered plan, no revisions will be permitted except for minor field changes that do not increase the size of exterior wall openings or affect axial load paths below the uppermost wall supporting the roof system. Non-structural exterior cosmetic changes such as trim or wall finish may be approved by the field inspector. Changes other than minor field changes will be considered major changes and require the permit holder to resubmit those changes as a new submittal and pay a revision fee.

108.5 Building permit valuations. The applicant for a permit shall provide an estimated permit value at the time of application. The determination of value or valuation under any of the provisions of this code shall be made by the Building Official. The latest edition of the ICC "Building Safety Journal" publication shall be used to determine building valuations for the various building types and occupancies noted in that table. Regional modifiers shall not be applicable. When a specific building type or occupancy is not noted in the valuation table, the Building Official is authorized to use any of the classification types noted in the table that most closely resembles the proposed type of building, or determine a valuation type

independently. For work not listed in the Building Safety Journal, the building Official will assign valuation using industry standard methods.

108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a special investigation fee equal to the required permit fee that shall be in addition to the required permit fees.

108.7 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

108.8 Refunds. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of application.

SECTION 109

INSPECTIONS

109.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the City shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary inspections. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

109.3 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

109.4 Required inspections. The Building Official, upon notification, shall make the inspections set forth in Sections 109.4.1 through 109.4.11 of this code.

109.4.1 Footing and foundation inspection. Footing and foundation inspections shall be made after poles or piers are set or trenches or basement areas are excavated and all required hold-down anchor bolts, hold-down straps, any forms erected, and any required reinforcing steel is in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations. Materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with ASTM C 94 the concrete need not be on the job.

109.4.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

109.4.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612.5 or IRC Section R322 shall be submitted to the Building Official. FEMA flood elevation certificates shall contain an original stamp and signature of the surveyor, licensed by the State of Washington, and shall document the elevation of the lowest floor, including basement, and other information required by the flood elevation certificate.

109.4.4 Exterior wall sheathing inspection. Exterior wall sheathing shall be inspected after all wall framing is complete, strapping and nailing is properly installed but prior to being covered.

109.4.5 Roof sheathing inspection. The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved.

109.4.6 IMC/UPC/GAS/NEC rough in inspection. Rough in mechanical, gas piping, plumbing and electrical shall be inspected when the rough in work is complete and, if required, under test. No connections to primary utilities shall be made until the rough in work is inspected and approved.

109.4.7 Frame inspection. Framing inspections shall be made after the roof deck, wall sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, fire-suppression piping, heating wires, pipes and ducts are approved and the building is substantially dried in.

109.4.8 Flashing and exterior weather barrier inspection. Flashing and exterior weather barrier inspections shall be made after flashing and weather barrier materials have been installed, but prior to any of the work being covered. Subject to the approval of the Building Official, an approved special inspection agency may be utilized for these inspections during the course of construction.

109.4.9 Lath inspection and gypsum board inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.

109.4.10 Fire-resistant penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

109.4.11 Energy efficiency inspection.

109.4.11.1 Envelope.

1. Wall Insulation Inspection. To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

2. Glazing Inspection. To be made after glazing materials are installed in the building.

3. Exterior Roofing Insulation. To be made after the installation of the roof insulation, but before concealment.

4. Slab/Floor Insulation. To be made after the installation of the slab/floor insulation, but before concealment.

109.4.11.2 Mechanical.

1. Mechanical Equipment Efficiency and Economizer. To be made after all equipment and controls required by this code are installed and prior to the concealment of such equipment or controls.

2. Mechanical Pipe and Duct Insulation. To be made after all pipe, fire-suppression piping and duct insulation is in place, but before concealment.

109.4.11.3 Lighting and motors.

1. Lighting Equipment and Controls. To be made after the installation of all lighting equipment and controls required by this code, but before concealment of the lighting equipment.

2. Motor Inspections. To be made after installation of all equipment covered by this code, but before concealment.

109.4.12 Reinspection. The Building Official may require a structure or portions of work to be reinspected. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which the inspection was requested is not complete; or when previous corrections called for are not made; or when there are reoccurring missed items that have previously been identified to the same builder on multiple lots; or when the approved plans and permit are not on site in a conspicuous or preapproved location; or when the building is not accessible. In instances where reinspection fees have been assessed, no additional inspection of the work shall be provided by the City until the required fees are paid.

109.4.13 Other inspections. In addition to the inspections specified above, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Department of Building Safety.

109.4.14 Special inspections. In addition to the inspections noted above, the Building Official is authorized to require special inspections for any type of work related to the technical codes by an approved agency at no cost to the City.

109.4.15 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

109.5 Inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

109.5.1 Reports, findings, conclusions and acceptance of work by authorized inspection agencies are a part of the permit record. Copies all such reports, findings, conclusions or acceptance must be provided to the City upon request. A final report from each inspection agency involved in a project must be provided to the City before issuance of a Certificate of Occupancy.

109.5.2 Failure to provide requested information in a timely manner is grounds to suspend an inspection agency from performing work within the City. Suspensions are for a period of 180 days and will be effective three business days after notification by certified mail.

109.5.3 Revocation of suspension. An agency may have its rights to perform inspection work restored by submitting previously requested information as well as providing a written plan for future transmission of information to the building department.

109.5.4 Multiple suspensions within a three year period will disqualify the agency from performing work within the City for a period of three years after notification of suspension.

109.6 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

109.7 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

SECTION 110

CERTIFICATE OF OCCUPANCY

110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City.

Exception: Work exempt from permits per Section 105.2 of this code.

110.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Building Department, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.

4. Project name.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy.
9. The type of construction.
10. The design occupant load.
11. If an automatic sprinkler system is provided, and whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

Exception: Structures approved under the International Residential Code may be issued a certificate of occupancy in the form of a signed-off permit inspection card.

110.3 Temporary or phased occupancy. The Building Official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The Building Official is authorized to require in addition to the completion of life safety building components, any or all accessibility components. The Building Official shall set a time period during which the temporary or phased certificate of occupancy is valid. The Building Official is authorized to require that a performance bond be posted with the City in an amount equal to 150 percent of the incomplete work as determined by the design professional. The bond shall be refundable upon inspection, final approval and a request in writing for the refund. It shall be the duty of the applicant to request the refund.

110.3.1 Temporary certificate of occupancy application. The Building Official is authorized to create an application form for a temporary certificate of occupancy. Such application will contain at a minimum, the name of the person requesting the temporary certificate of occupancy, the person's connection with the project, the reason why a temporary certificate of occupancy is needed and an estimated time of final project completion. There shall be a fee imposed equal to 10% of the original building permit fee. This fee will be in addition to any project specific bonds.

110.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

SECTION 111

SERVICE UTILITIES

111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Building Official.

111.2 Temporary connection. The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

111.3 Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112

APPEALS

112.1 General. Appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code may be appealed to the City of Bellingham Hearing Examiner within 14 days of issuance of the order, decision, or determination.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The Hearing Examiner shall have no authority to waive requirements of this code.

SECTION 113

VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

113.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the Building Official is authorized to request the legal counsel of the City to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to the civil and criminal penalties described below:

1. Civil Violations and Penalties

a. Any person who violates any provision of this code shall be subject to a civil infraction not to exceed \$1,000 for each violation. The minimum civil penalty shall be \$100.

b. Each violation of this code shall be a separate offense, and in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct violation.

c. Civil infractions under this code shall be issued and processed in accordance with RCW Chapter 7.80.

d. All civil infractions under this code shall be heard by Municipal Court.

2. Criminal Violations and Penalties

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a. Any person who intentionally, knowingly, recklessly, or criminally negligently violates any provision of this code shall be guilty of a gross misdemeanor.

b. Any person convicted of a crime under subsection a. above shall be punished by a fine of not more than \$5,000 and/or imprisonment of not more than one year. In no case shall such a violation be punished by a fine of less than \$250.

3. Stop Work Orders

a. Issuance of a stop work order shall not bar the imposition of a civil or criminal penalty under this code.

b. It is unlawful for any person with actual or constructive knowledge of the issuance of a stop work order pursuant to this code to do work or an activity prohibited by the order until the Building Official has removed or lifted the order and issued written authorization for the work or activity to be continued. Violation of a stop work order shall be a gross misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$5,000 and/or imprisonment for not more than one year. Each day or part thereof during which any violation is committed shall constitute a separate offense.

c. The Building Official may immediately seek issuance of a criminal citation through the Bellingham Police Department where there is a violation of a stop work order. Any violator of a stop work order may be subject to arrest if the violation is committed in the presence of an officer per RCW 10.31.100.

SECTION 114

STOP WORK ORDER

114.1 Authority. Whenever the Building Official finds any work being performed in a manner either contrary to the provisions of this code or other pertinent laws or ordinances, the Building Official is authorized to issue a stop work order.

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

114.3 Investigation fee. The Building Official is authorized to assess a special investigation fee for the issuance of a stop work order when work has started without the issuance of a permit.

114.4 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by Section 113.4 above.

SECTION 115

UNSAFE STRUCTURES AND EQUIPMENT

115.1 General. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in the 2009 Edition of the International Property Maintenance Code. A vacant structure that is not secured against entry shall be deemed unsafe.

SECTION 116

INTERNATIONAL BUILDING CODE TECHNICAL AMENDMENTS

The 2009 Edition of the International Building Code, as adopted by BMC 17.10.010 is amended as follows:

1. Amend Section 404.7, "Standby power," adding the following sentence to the end of the paragraph:

Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access requires the approval of the Fire Code Official.

2. Amend Section 405.8.1, "Standby power loads," adding a fourth item which reads as follows:

4. Smoke control system.

3. Add new Section 403.15, "Smoke control":

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405.11 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings on occupied floors more than 75 feet above the lowest level of fire department vehicle access.

4. Amend Section 708.2, "Shaft enclosure required." Revise Exception 2.1, the last sentence, to read:

This application is limited to openings that do not connect more than four stories in buildings not required to have smoke control systems. In buildings that are required to have smoke control systems, escalators are limited to openings that do not connect more than four stories and non-egress stairs are limited to openings that do not atmospherically connect more than two stories.

5. Amend Chapter 11 "Accessibility" to also include ICC A117.1-2003 pursuant to Chapters 70.92 and 19.27 RCW.

6. Amend Section 1608.1, "General," to read as follows:

Design snow loads shall not be less than 25 psf, and the design roof loads shall not be less than that determined by Section 1607.

7. Amend Section 1704.14, "Exterior insulation and finish systems (EIFS)," as follows:

Special inspections shall be required for all EIFS applications. All exterior insulation finish systems (EIFS) shall be certified by the manufacturer as having been installed per the manufacturer's installation recommendations or other agency approved by the building official. The manufacturer certification shall serve as the special inspection requirement when approved by the building official.

Exception: Special inspections shall not be required for EIFS applications installed over masonry or concrete walls.

8. Adopt only Appendix Chapter E, "Supplementary Accessibility Requirements," pursuant to Chapters 70.92 and 19.27 RCW.

SECTION 117

INTERNATIONAL RESIDENTIAL CODE TECHNICAL AMENDMENTS

The 2009 Edition of the International Residential Code, as adopted by BMC I7.10.010 is amended as follows:

1. Appendix G “Swimming Pools, Spas and Hot Tubs” is adopted.

2. International Residential Code Table R301.2(1) is hereby amended to read as follows:

Climatic and Geographic Design Criteria IRC Table R301.2(1)

Roof and Ground Snow Load	Wind Speed ^c (mph)	Topographic effects	Seismic Design Category	Subject to Damage From			Winter Design Temp ^d	Ice Barrier Under-layment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
				Weathering ^a	Frost Line Depth ^b	Termite					
25	85	No	D1	Moderate	18"	Slight to Moderate	22	No	Per Bellingham Municipal Code BMC 17.76	170	5 ^o

For SI: 1 pound per square foot = 0.0479 kN/m², 1 mile = 1.609km/h.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., “negligible,” “moderate” or “severe”) for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in R403.1.4.
- c. Wind exposure category shall be determined on site-specific basis in accordance with Section R301.2.1.4.
- d. The outdoor design dry-bulb temperature shall be selected from the columns of 97-1/2 percent values for winter from Appendix D of the International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.

SECTION 118

UNIFORM PLUMBING CODE TECHNICAL AMENDMENTS

The 2009 Uniform Plumbing Code, as adopted by BMC 17.10.010 is amended as follows:

- 1. Amend Chapter 6, Table 6-5, deleting “Lawn Sprinkler, each head” from the table.
- 2. Adopt Appendix Chapter A, “Recommended Rules for Sizing the Water Supply System.”

City of Bellingham
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 210 Lottie Street
 Bellingham, Washington 98225
 Telephone (360) 676-6903

3. Adopt Appendix Chapter B, "Explanatory Notes on Combination Waste and Vent Systems."

4. Adopt Appendix Chapter I, "Installation Standards."

5. Adopt Appendix Chapter L, "Alternate Plumbing Systems," excluding Sections L5 and L6.

Section 4. Bellingham Municipal Code Chapter 17.16 is repealed in its entirety.

Section 5. Bellingham Municipal Code Chapter 17.30 is repealed in its entirety.

Section 6. Bellingham Municipal Code Chapter 17.40 is repealed in its entirety.

Section 7. Bellingham Municipal Code Chapter 17.50 is repealed in its entirety.

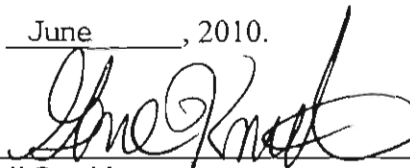
Section 8. Severability. If any section, subsection, sentence, clause, phrase, or portion of any code or ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction or the State Building Code Council, such decision shall not affect the validity of the remaining portions of this ordinance or the code.

Section 9. Savings Provision. Nothing contained in this ordinance shall be construed as having retroactive effect. Acts, omissions and rights shall be governed by the ordinances in effect at the time the acts or omissions occurred or rights accrued.

The repeal of prior ordinances herein shall not affect any right existing or accrued or any act or proceeding commenced prior to the effective date of this ordinance.

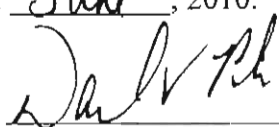
Section 10. Effective Date. This ordinance shall become effective July 1, 2010.

PASSED BY COUNCIL this 7th day of June, 2010.



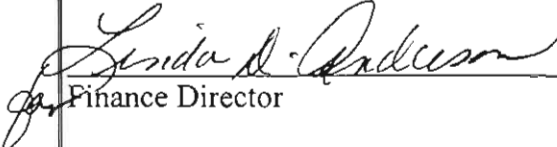
Council President

APPROVED BY ME this 10th day of June, 2010.



Mayor

Attest:


Finance Director

Approved as to form:


Office of the City Attorney

Published: June 11, 2010