

# **TOWN OF WOODWAY**

## **ORDINANCE 2021-626**

AN ORDINANCE OF THE TOWN OF WOODWAY AMENDING TITLE 12 OF THE WOODWAY MUNICIPAL CODE RELATED TO BUILDINGS AND CONSTRUCTION; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; AND AUTHORIZING SUMMARY PUBLICATION BY ORDINANCE TITLE ONLY.

WHEREAS, the Town has, pursuant to its municipal authority, adopted certain Codes as adopted and amended by the State of Washington, as the Building Codes of the Town; and

WHEREAS, those Codes are generally adopted and amended by the State of Washington every three years pursuant to the provisions of RCW 19.27; and

WHEREAS, it would be beneficial to administer and enforce those code with a common, coordinated Administrative Code; and

WHEREAS, certain Codes were recently amended by the State of Washington, thus it is appropriate for the Town to update its Municipal Code accordingly; and

WHEREAS, certain changes to Title 12 necessitate changes to Section 16.08.080 to maintain consistency; and

WHEREAS, in the past, the Town has, pursuant to its municipal authority, adopted the International Property Maintenance Code published by the International Code Council; and

WHEREAS, the Town Council wishes to make large scale customizations to the International Property Maintenance Code for greater administrative and enforcement flexibility; and

WHEREAS, such wide-ranging edits make a new custom code based on a model code more practical than adoption and edit of a model code;

NOW, THEREFORE, the Town Council of the Town of Woodway does hereby ordain as follows:

Section 1. Woodway Municipal Code Title 12 shall be amended as stated in Exhibit A.

Section 2. Woodway Municipal Code Section 16.08.080 shall be amended as stated in Exhibit B.

Section 3. If any part or portion of this Ordinance is declared invalid for any such reason, such declaration of invalidity shall not affect any remaining portion.

Section 4. This Ordinance shall take effect 5 days after date of publication by ordinance title only.

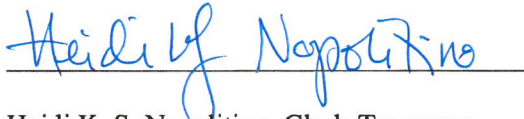
PASSED this 5<sup>th</sup> day of April 2021 by the Town Council of the Town of Woodway.

TOWN OF WOODWAY



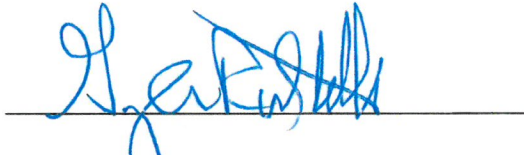
Michael S. Quinn, Mayor

ATTEST:



Heidi K. S. Napolitano, Clerk-Treasurer

APPROVED AS TO FORM:



Greg Rubstello, Town Attorney

Date Passed by the Town Council: 5 April 2021

Date Published: 6 April 2021

Effective Date: 13 April 2021

# TOWN OF WOODWAY

## ORDINANCE 2021-626 | EXHIBIT A

### WMC TITLE 12: BUILDINGS AND CONSTRUCTION

- 12.04 General Provisions
- 12.05 Construction Administrative Code
- 12.06 Building Codes
- 12.08 Mechanical Code
- 12.09 Plumbing Code
- 12.12 Moving of Buildings
- 12.13 Fire Code
- 12.19 Washington State Energy ~~Conservation~~ Code
- 12.24 Fences and Walls
- 12.30 ~~International~~ Woodway Property Maintenance Code
- 12.32 Liquefied Petroleum Gas Code
- 12.34 National Fuel Gas Code
- 12.36 International Fuel Gas Code
- 12.40 International Swimming Pool and Spa Code
- 12.50 Right-of-Way Permits

### CHAPTER 12.04: GENERAL PROVISIONS

#### Sections:

- 12.04.006 Tree preservation.
- 12.04.008 Datum point established.
- ~~12.04.010 Demolition work.~~
- ~~12.04.020 Right-of-way permit.~~
- 12.04.035 Underground electrical and telecommunication conductors.
- ~~12.04.040 Right of way encroachments~~ ~~Inspections and fees.~~
- ~~12.04.045 Access to services for use of public right-of-way.~~
- ~~12.04.048 Permit application expiration.~~
- ~~12.04.050 Permit expiration.~~
- 12.04.060 Issuance of permits not contingent on hookup to available sewer.
- ~~12.04.080 Valuation of construction.~~

#### **12.04.006 TREE PRESERVATION.**

Existing trees shall be preserved and/or replaced consistent with the requirements of Chapter 16.12, Tree Preservation, of this code.

#### **12.04.008 DATUM POINT ESTABLISHED.**

A. The North American Vertical Datum of 1988 (NAVD88) and the North American Datum of 1983 (1991 adjustment) (NAD83 (1991)) are adopted as the official vertical and horizontal datums of the Town of Woodway; said datums being defined by a series of stable, monumented points and reference stations established and maintained by the United States National Geodetic Survey.

- B. Work which constitutes the "practice of engineering" or the "practice of land surveying," as defined in Chapter 18.43 RCW, including but not limited to land survey maps, plans, records of surveys, plats, short plats, descriptions of real property, and boundary line adjustments, which are performed by or for the Town of Woodway, or on properties and/or infrastructures owned, funded or maintained by the Town of Woodway, shall reference the ~~NAVD88~~ datum noted under subsection A when there is a vertical component of the work or whenever an elevation is noted; and ~~shall reference the NAD83 (1991) datum~~ whenever there is any reference to a horizontal datum (any reference to bearings, azimuths, or geographical or state plane coordinates). When surrounding jurisdictions and utility purveyors require different datums (horizontal and/or vertical), a conversion to the Town's official datum is required.
- C. All land survey maps and plans, records of surveys, plats, short plats, boundary line adjustments, and legal descriptions submitted to the Town for its approval, and all plans, elevations, maps, drawings and legal descriptions submitted to obtain permits for construction and development of private improvements, shall reference the ~~NAVD88~~ datum noted under subsection A when there is a vertical component of the work or whenever an elevation is noted, and ~~shall reference the NAD83 (1991) datum~~ when there is any reference to a horizontal datum (any reference to bearings, azimuths, or geographical or state plane coordinates). When surrounding jurisdictions and utility purveyors require different datums (horizontal and/or vertical), a conversion to the Town's official datum is required.

#### **~~12.04.010 DEMOLITION WORK:~~**

- ~~A. Prior to commencement of any complete or partial demolition of a residence, guest house, detached outbuilding, or swimming pool, the owner shall obtain a building permit for the demolition work. This requirement is waived when partial demolition is an integral part of work included within the scope of a valid building permit, or when the structure being demolished covers less than two hundred fifty square feet of ground surface, and is supported at grade.~~
- ~~B. Application for permit shall include this information:~~
- ~~1. Identification of owner, property location and contractors;~~
  - ~~2. Description of work to be done;~~
  - ~~3.1. Description of removal method of demolition material (refuse), including plans for protection of public safety and protection of public property from refuse spills, and for cleanup in case of spills;~~
  - ~~4.1. Description of plans for filling or capping holes and excavations, and for removing above grade obstructions.~~

#### **~~12.04.020 RIGHT OF WAY PERMIT:~~**

- ~~A. Prior to commencement of any work within any public right of way, the person desiring to do the work shall obtain a right of way permit.~~
- ~~B.A. Applications for right of way permit shall include this information:~~
- ~~1. Identification of owner and contractor;~~
  - ~~2.1. Location of work;~~
  - ~~3.1. Description of work to be done, including detailed specifications and plans, and description of restoration and cleanup work;~~
  - ~~4.1. Schedule for performing the work.~~

~~C.A. Three classes of work are established:~~

- ~~1. The homeowner classification is limited to installation or repair of residential driveway access to a public street or roadway and minor alterations to the Town's right-of-way conducted by the homeowner or their designee;~~
- ~~2.1. The minor utilities classification will include all routine maintenance activities on existing services not needing engineering approval as determined by the Director of Public Works;~~
- ~~3.1. All other work is classified as major utilities.~~

~~D.A. All the work shall be done following the direction of the Public Works Department, and the entire expense of any required engineering services shall be borne by the party or parties to which the permit is issued.~~

~~E.A. Pavement restoration shall be made according to specifications prepared by the Public Works Director and shall include well-placed and compacted select backfill and multiple-lift asphaltic concrete paving.~~

~~F.A. Nonpaved areas of the public right-of-way shall be restored to the original grade and contour. Excavations shall be backfilled using select materials, well-placed and compacted, all as specified by the Public Works Director.~~

~~G.A. A culvert of material and size suitable to the Public Works Director shall be installed in the road ditch before a driveway is constructed, unless the driveway crosses an established walkway or, in the opinion of the Public Works Director, would not impede drainage along the roadway.~~

~~H.A. All concrete and tile driveways must have a full expansion joint where it meets the edge of the street or walkway and a full expansion joint at the property line. Driveways which have a positive slope toward the street should be installed with a suitable collection system as determined by the Public Works Director prior to entering the Town's storm water system.~~

~~I.A. If the Town officials find it necessary to cut, remove or drill underneath an area of paving presently installed in the Town's right-of-way by an adjacent property owner and, if the paving consists of any material other than an asphalt mix or gravel, said adjacent property owner is responsible for all cost incurred by the Town including but not limited to cutting, removing earth, drilling and restoration. This subsection shall apply to the adjacent property owner and successors in interest.~~

~~J.A. Where a driveway crosses an established walkway, the applicant is responsible for strengthening the walkway crossing to carry vehicular loadings.~~

~~K.A. A road cut permit shall be required whenever the pavement in the right-of-way is disturbed with fees payable as set forth in Section 3.32.010. Pavement restoration shall be made according to specifications prepared by the Public Works Director and shall include well-placed and compacted select backfill and multiple-lift asphaltic concrete paving.~~

- ~~1. For roads that have been overlaid within five years and roads that have been reconstructed within seven years and in the event that the road needs to be cut, the following conditions shall be applied:~~
  - ~~a. A one-hundred-foot section (fifty feet in each direction from the edge of the cut) shall be overlaid.~~
  - ~~i. If the cut is contained to one lane, then only that lane shall be overlaid.~~

- ~~ii.i. If the cut transverses into both lanes, then the entire width of the road shall be repaired.~~
- ~~b.a. The fifty feet in either direction shall require a grinding down one and one half to two inches and a tapered inlay replacement.~~
- ~~e.a. The replacement is to be to the current standards in the right of way standard conditions with one exception. The exception from the standard conditions shall be to expand the one foot back from trench to two feet back from trench.~~
- ~~2.1. All other road surfaces shall have the same requirements with the exception of a twenty foot (ten feet in each direction from the edge of the cut) inlay.~~
- ~~3.1. If the road surface is in the Town's six year street plan for an overlay or reconstruction, the requirement may be waived.~~

#### **12.04.035 UNDERGROUND ELECTRICAL AND TELECOMMUNICATION CONDUCTORS.**

All electrical power and telecommunication conductors supplying new structures and substantially remodeled structures must be installed underground from the public right-of-way to the residential service connection. Substantially remodeled structures are those structures where a remodel or addition results in an alteration of the original floor area by fifty percent or more.

#### **~~12.04.040 RIGHT OF WAY ENCROACHMENTS – INSPECTIONS AND FEES.~~**

- ~~A. Right of Way Use and Private Property Accessories. The Town's rights of way shall be used for motorized and non-motorized transportation purposes, public utilities, roadside vegetation and access to adjoining private property. Private property accessories, including but not limited to hard landscaping, and other items that may pose a hazard to the safe and convenient use of the Town's rights of way, shall not be installed or maintained in public rights of way. A clear zone of eighteen inches, measured from the pavement edge of the driving surface parallel to the right of way, shall be maintained free of any hard surfaced materials or obstructions.~~
- ~~B.A. Vegetation that encroaches on the Town's walkways may present a hazard to pedestrians. No flowers, shrubs or trees shall be allowed to overhang or prevent the free use of the walkway or roadway, except that trees may extend over the walkway when kept trimmed to a height of eight feet above the same. If the Public Works Director determines that any such vegetative encroachment is a hazard, the property owner shall be notified and shall remove the encroachment within fourteen days.~~
- ~~C.A. Removal of Hazardous Items. The Public Works Director will determine whether an accessory and/or vegetation in the public rights of way presents a hazard, and will so notify the property owner. After receiving such notice, the property owner shall cause such accessories to be removed within fourteen days. The Director may extend the removal period upon showing by the owner of special circumstances that require a longer time period to remove accessories.~~
- ~~D.A. Inspections and Fees. All installations and/or repairs of driveways, residential storm drainage basins, connection to Town storm drains, and placement of and type of drainpipes that involve Town right of way and its restoration must be inspected by the Mayor or his or her designee. All fees shall be in accordance with the Town's fee schedule ordinance in effect at the time the permit is applied for.~~

#### ~~12.04.045 ACCESS TO SERVICES FOR USE OF PUBLIC RIGHT OF WAY.~~

~~As a condition for a public or private utility's use of the public right of way or other real property of the Town for any reason, such utility shall provide the property owners of the Town direct access to the services provided by the utility at the cost of the utility.~~

#### **12.04.048 PERMIT APPLICATION EXPIRATION:**

~~Building, plumbing, and mechanical permit applications shall expire twelve months after the date of filing a complete application. The building official may extend the application thirty days upon request of the applicant. The building official may extend the life of an application further if any of the following conditions exist:~~

- ~~A. A related land use or grading and drainage review is in progress; provided the applicant has submitted a complete, timely response to Town 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 a final Town decision; or~~
- ~~B.A. Litigation against the Town or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.~~

#### ~~12.04.050 PERMIT EXPIRATION:~~

- ~~A. Demolition permits issued under Section 12.04.010 shall expire ninety days from issue date, but may be extended for additional thirty-day periods, upon application to the Building Official.~~
- ~~B.A. Right of way permits issued under Section 12.04.020 expire as follows:~~
  - ~~1. Right of way permits not associated with any other permit shall expire ninety days from issue date but may be extended for additional thirty-day periods, upon application to the Public Works Director.~~
  - ~~2.1. Right of way permits associated with another permit (e.g., part of a larger project) shall expire at the same time as the associated permit. One six-month extension may be granted by the Public Works Director upon written request and if an extension of the related permit is also granted.~~
- ~~C.A. Building, plumbing, and mechanical permits issued under the provisions of this code shall expire eighteen months from the date of issue. One six-month extension may be granted by the Building Official upon written request. The Building Official also may grant an extension not to exceed one year due to a declared federal, state, or local emergency applicable to the Town when the need for an additional extension of time over six months results from the circumstances and term of the declared emergency.~~
- ~~D. The fee for a permit extension shall be as set forth in Section 3.32.010.~~

#### **12.04.060 ISSUANCE OF PERMITS NOT CONTINGENT ON HOOKUP TO AVAILABLE SEWER.**

Subject to the described considerations and restrictions, no permit required by any provision of this code relating to existing structures, including permits required for the demolition, reconstruction, repair, replacement or remodel of any structure within the limits of the Town, shall be refused by the Town because the person seeking the permit chooses to utilize an existing septic system which has been and continues to be approved by the Snohomish County Health District or any successor agency as the method of sewage treatment for the premises for which the permit is sought, whether or not such premises have the availability of municipal sewer hookup; provided, that:



- A. Nothing in this section shall preclude the refusal to issue a requested permit for any other reason;
- B. Nothing in this section shall be deemed to authorize the continued use of a septic system which is, in any way, in violation of any law or regulation relating to such systems, including, without limiting the generality of the foregoing, any system which, for any reason, ceases to be approved by the Snohomish County Health District or any successor agency; and
- C. The availability of sewer hookup shall not, in itself, constitute a reason for declaring a septic system in violation of any provisions of this code.

#### ~~12.04.080 VALUATION OF CONSTRUCTION.~~

~~For the purposes of determining build permit fees, the determination of value or valuation shall be made by the plan checker. The valuation for a new house or addition to an existing house shall be based on a minimum factor of one hundred twenty-five dollars per square foot for standard quality construction and a factor of two hundred dollars per square foot for high quality construction. The Town may require the permit applicant to provide proof of the actual construction cost after the project is completed. If the actual cost exceeds the valuation used to determine permit and review fees, additional fees may be required. Valuation for purposes of determining a demolition permit fee shall be based upon the contract price or the fair market value of the demolition work, with a minimum fee as set forth in Section 3.32.010.~~

### CHAPTER 12.05: CONSTRUCTION ADMINISTRATIVE CODE

#### Sections:

#### Article I. General

- 12.05.010 Title.
- 12.05.015 Purpose.
- 12.05.020 Scope.
- 12.05.025 Definitions.
- 12.05.030 Appendices.
- 12.05.035 Intent.
- 12.05.040 Referenced codes.
- 12.05.045 International Building Code—Scope.
- 12.05.050 International Residential Code—Scope.
- 12.05.055 Mechanical—Scope.
- 12.05.060 Liquid propane gas—Scope.
- 12.05.065 Natural gas—Scope.
- 12.05.070 Plumbing—Scope.
- 12.05.071 Property maintenance—Scope.
- 12.05.075 Energy—Scope.
- 12.05.076 Existing structures—Scope.
- 12.05.078 Swimming Pools and Spas - Scope

#### Article II. Applicability

- 12.05.090 Applicability.
- 12.05.095 Other laws.
- 12.05.100 Application of references.
- 12.05.105 Referenced codes and standards.
- 12.05.110 Partial invalidity.



12.05.116 Moved buildings—Building, mechanical, plumbing, energy.

Article III. Building Department

12.05.120 Creation of enforcement agency.

12.05.130 Deputies.

Article IV. Duties and Powers of Building Official

12.05.135 General.

12.05.140 Applications and permits.

12.05.145 Notices and orders.

12.05.147 Tagging of buildings.

12.05.150 Inspections.

12.05.155 Identification.

12.05.160 Right of entry.

12.05.165 Department records.

12.05.170 Liability.

12.05.175 Approved materials and equipment.

12.05.180 Used materials and equipment.

12.05.185 Modifications.

12.05.190 Alternative materials, design and methods of construction and equipment.

12.05.195 Research reports.

12.05.200 Tests.

Article V. Permits

12.05.205 Required.

12.05.215 Work exempt from permit.

12.05.220 Emergency repairs.

12.05.225 Repairs.

12.05.230 Application for permit.

12.05.240 Action on application.

12.05.245 Time limitation of application.

12.05.247 Verification of Contractor Registration

12.05.248 Vesting of Construction Codes

12.05.250 Validity of permit.

12.05.255 Permit expiration.

12.05.260 Suspension or revocation.

12.05.265 Placement of permit.

Article VI. Submittal Documents

12.05.270 General.

12.05.275 Information on construction documents.

12.05.330 Use of consultants.

12.05.333 Examination of documents.

12.05.335 Approval of construction documents.

12.05.340 Phased Approval

12.05.345 Design professional in responsible charge—General.

12.05.350 Deferred submittals.

12.05.355 Amended construction documents.

12.05.360 Retention of construction documents.

12.05.362 Determination of Value or Valuation.

Article VII. Temporary Structures and Uses

12.05.365 General.

12.05.375 Conformance.

12.05.380 Termination of approval.

Article VIII. Fees

12.05.385 Payment of fees.

12.05.390 Schedule of permit fees.

12.05.395 Plan review fees.

12.05.410 Related fees.

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Article IX. Inspections

12.05.420 General.

12.05.425 Preliminary inspections.

12.05.430 Manufacturer's installation instructions.

12.05.435 Required inspections.

12.05.440 Footing and foundation inspection.

12.05.445 Concrete slab and under-floor inspection.

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12.05.455 Exterior wall sheathing inspection.

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12.05.470 Frame inspection.

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12.05.505 Other inspections.

12.05.510 Special inspections.

12.05.512 Building enclosure special inspection requirements of Chapter 64.55 RCW.

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12.05.520 Inspection agencies.

12.05.525 Inspection requests.

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Article X. Certificate of Occupancy

12.05.535 Use and occupancy.

12.05.540 Certificate issued.

12.05.545 Phased occupancy.

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Article XI. Service Utilities

12.05.555 Connection of service utilities.

12.05.560 Temporary connection.

12.05.565 Authority to disconnect service utilities.

Article XII. Appeals

12.05.570 Appeals to Hearing Examiner.

12.05.572 Limitations on appeals.

12.05.574 When to appeal.

12.05.575 Appeal fee.

12.05.576 Contents of notice of appeal.  
12.05.578 Notice of the appeal hearing.  
12.05.580 Participation in the appeal.  
12.05.582 Scope of appeal.  
12.05.584 Record of appeal hearing.  
12.05.586 Decision on the appeal.  
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#### Article XIII. Violations

12.05.590 Unlawful acts.  
12.05.600 Violations and enforcement.

#### Article XIV. Stop Work Order

12.05.610 Authority.  
12.05.615 Issuance.  
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12.05.625 Unlawful continuance.

### ARTICLE I. GENERAL

#### 12.05.010 TITLE.

These regulations shall be known as the construction administrative code of the town of Woodway, hereinafter referred to as “this chapter.”

#### 12.05.015 PURPOSE.

The purpose of this chapter is to provide for the administration, organization and enforcement of the technical codes adopted by the town.

#### 12.05.020 SCOPE.

This chapter establishes the administrative, organizational and enforcement rules and regulations for the technical codes which regulate site preparation and construction, alteration, moving, demolition, repair, use and occupancy of buildings, structures and building service equipment within the corporate limits of the town. The provisions of this chapter shall apply to the administration of the following technical codes:

- A. 2018 International Building Code—Chapter 51-50 WAC;
- B. 2018 International Residential Code—Chapter 51-51 WAC;
- C. 2018 International Mechanical Code—Chapter 51-52 WAC;
- D. 2018 National Fuel Gas Code (NFPA 54)—Chapter 51-52 WAC;
- E. 2017 Liquefied Petroleum Gas Code (NFPA 58)—Chapter 51-52 WAC;
- F. 2018 International Fuel Gas Code—Chapter 51-52 WAC;
- G. 2018 Uniform Plumbing Code—Chapters 51-56 and 51-57 WAC.
- H. 2018 Washington State Energy Code – Chapters 51-11C and 51-11R
- I. 2018 International Existing Building Code – WAC 51-50-48000
- J. 2018 International Swimming Pool and Spa Code – WAC 51-50-3109 and WAC 51-51-0329
- K. Woodway Property Maintenance Code – Chapter 12.30

### **12.05.025 DEFINITIONS.**

For the purpose of this chapter, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section or in the definitions provisions of the technical codes. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New 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.

"Action" means a specific response complying fully with a specific request by the jurisdiction.

"Existing structure" means a structure erected prior to the adoption of the appropriate code, or one for which a legal building permit has been issued.

"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.

"Complete response" means an adequate response to all requests from town staff in sufficient detail to allow the application to be processed.

"Energy code" means the International Energy Conservation Code promulgated by the International Code Council as adopted by the town.

"IBC" means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the town.

"IEBC" means the latest edition of the International Existing Building Code promulgated by the International Code Council.

"IMC" means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the town.

"ISPSC" means the latest edition of the International Swimming Pool and Spa Code promulgated by the International Code Council as adopted by the town.

"IRC" means the latest edition of the International Residential Code promulgated by the International Code Council as adopted by the town.

"WMC" means the Woodway Municipal Code.

"WPMC" means the Woodway Property Maintenance Code.

"NEC" means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association as amended by the Washington Cities Electrical Code.

"Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

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

"Technical codes" are the codes, appendices and referenced code standards adopted by the jurisdiction.

“UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the jurisdiction.

“Valuation” or “value,” used in computing the plan review and permit (inspection) fees, means the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, or any other permanent work or permanent equipment.

#### **12.05.030 APPENDICES.**

Provisions in the appendices of the technical codes shall not apply unless specifically adopted.

#### **12.05.035 INTENT.**

The purpose of this chapter and the technical codes is to establish the minimum requirements to safeguard the public health, safety and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire, explosion and other hazards attributed to the built environment and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations

#### **12.05.040 REFERENCED CODES.**

The codes listed in Sections 12.05.045 through 12.05.078 and referenced elsewhere in this chapter shall be considered part of the requirements of this chapter to the prescribed extent of each such reference.

#### **12.05.045 INTERNATIONAL BUILDING CODE—SCOPE.**

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:

- A. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above grade plane in height shall comply with the International Residential Code.
- B. Roads, bridges, sidewalks, drainage structures, retaining walls, street lighting poles, traffic signal poles, and similar structures for work-regulated, approved and inspected by the Town’s Public Works Department.
- C. Electrical transmission towers and telephone poles (not including cell towers) under the control of a utility.

#### **12.05.050 INTERNATIONAL RESIDENTIAL CODE—SCOPE.**

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 one- and two-family dwellings, adult family homes, and townhouses not more than three stories in height with separate means of egress and their accessory structures not more than three stories above grade plane in height.

Exceptions:

- A. Live/work units located in townhouses and complying with the requirements of Section 419 of the International Building Code shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings. Fire suppression required by Section 419.5 of the International Building Code where constructed under the International Residential Code for One- and Two-Family Dwellings shall conform to Appendix U.
- B. Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings.
- C. Owner-occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings where equipped with a fire sprinkler system in accordance with Appendix U.

**12.05.055 MECHANICAL—SCOPE.**

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. References in this code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC.

Exceptions:

- A. The International Fuel Gas Code—for all installations utilizing natural gas and gaseous hydrogen except those regulated by the IRC and those utilizing LPG.
- B. International Residential Code—for all structures regulated by the IRC except LPG installations.
- C. NFPA 54 and 58—for all LPG installations.

**12.05.060 LIQUID PROPANE GAS—SCOPE.**

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.

**12.05.065 NATURAL GAS—SCOPE.**

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.

**12.05.070 PLUMBING—SCOPE.**

The provisions of the Uniform Plumbing Code shall apply to the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing and medical gas systems within the town.

**12.05.071 PROPERTY MAINTENANCE—SCOPE.**

The provisions of the Woodway Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire

safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

#### **12.05.075 ENERGY—SCOPE.**

The provisions of the Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency. References in the commercial energy code to Group R shall include Group I-1, Condition 2 assisted living facilities licensed by Washington state under chapter 388-78A WAC and Group I-1, Condition 2 residential treatment facilities licensed by Washington state under chapter 246-337 WAC. Building areas that contain Group R sleeping units, regardless of the number of stories in height, are required to comply with the commercial sections of the energy code.

#### **12.05.076 EXISTING STRUCTURES—SCOPE.**

The provisions of the International Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing structures. Exception-Detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code.

#### **12.05.078 SWIMMING POOLS AND SPAS - SCOPE**

The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools and spas. The pools and spas covered by this code are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading. Swimming pools, spas and other aquatic recreation facilities shall comply with the ISPSC, where the facility is one of the following, except that public swimming pool barriers are regulated by WAC 246-260-031(4):

- A. For the sole use of residents and invited guests at a single-family dwelling;
- B. For the sole use of residents and invited guests of a duplex owned by the residents; or
- C. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.

All other “water recreation facilities” as defined in RCW 70.90.110 are regulated under chapters 246-260 and 246-262 WAC.

### **ARTICLE II. APPLICABILITY**

#### **12.05.090 APPLICABILITY.**

- A. General. Where, in any specific case, different sections of this chapter 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.
- B. New Installations. This chapter applies to new installations.

Exception: If a plumbing or mechanical permit application is received after this chapter has taken effect, but is associated with a building permit application received prior to the effective date of the ordinance codified in this chapter, all applicable codes adopted and in force at the time of a complete building permit application will apply.



- C. Existing Installations. Lawfully installed existing installations that do not comply with the provisions of this chapter shall be permitted to be continued without change, except as is specifically covered in this chapter, the International Fire Code or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.
- D. Maintenance. Buildings and structures, including their electrical, plumbing and mechanical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required by this chapter shall be maintained in compliance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the systems and equipment. To determine compliance with this provision, the code official shall have the authority to require that the systems and equipment be reinspected.
- E. Additions, Alterations, Modifications or Repairs. Additions, alterations, modifications or repairs to a building or structure or to the plumbing or mechanical system(s) of any building, structure, or premises shall conform to the requirements of this chapter without requiring those portions of the existing building or system not being altered or modified to comply with all the requirements of this chapter. Installations, additions, alterations, modifications, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the building official or designated representative.

#### **12.05.095 OTHER LAWS.**

The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

#### **12.05.100 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 chapter.

#### **12.05.105 REFERENCED CODES AND STANDARDS.**

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

#### **12.05.110 PARTIAL INVALIDITY.**

In the event that any part or provision of this chapter or a technical 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.

#### **12.05.116 MOVED BUILDINGS—BUILDING, MECHANICAL, PLUMBING, ENERGY.**

Buildings or structures moved into or within a jurisdiction shall comply with the provisions of this chapter, the International Building Code (Chapter 51-50 WAC), the International Residential Code (Chapter 51-51 WAC), the International Mechanical Code (Chapter 51-52 WAC), the International Fire Code (Chapter 51-54 WAC), the Uniform Plumbing Code and Standards (Chapter 51-56 WAC), and the Washington State Energy Code (Chapter 51-11R WAC) for new buildings or structures.

Exceptions: IRC buildings or structures are not required to comply if:

- A. The original occupancy classification is not changed; and
- B. The original building is not substantially remodeled or rehabilitated. For the purposes of this section a building shall be considered to be substantially remodeled when the costs of remodeling exceed sixty percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

### **ARTICLE III. BUILDING DEPARTMENT**

#### **12.05.120 CREATION OF ENFORCEMENT AGENCY.**

The building department shall be responsible for enforcement of the construction codes, under the administrative and operational control of the building official, who shall be designated by the Mayor; provided, the fire marshal or his or her designee shall be responsible for enforcement of the International Fire Code.

#### **12.05.130 DEPUTIES.**

In accordance with the prescribed procedures of this jurisdiction 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.

### **ARTICLE IV. DUTIES AND POWERS OF BUILDING OFFICIAL**

#### **12.05.135 GENERAL.**

The building official is hereby authorized and directed to enforce the provisions of this chapter and the technical codes. The building official shall have the authority to render interpretations of this chapter and the technical codes and to adopt policies and procedures in order to clarify the application of their provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this chapter and the technical codes. Such policies and procedures shall not have the effect of waiving requirements specifically provided.

#### **12.05.140 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 systems and equipment, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this chapter and the technical codes.

#### **12.05.145 NOTICES AND ORDERS.**

The building official shall issue all necessary notices or orders to ensure compliance with this chapter and the technical codes.

#### **12.05.147 TAGGING OF BUILDINGS.**

Following a town of Woodway-issued formal declaration of emergency, the building official shall be authorized to evaluate and provide building safety evaluations. Evaluations shall generally follow standards from the Applied Technology Council ATC 20, ATC 20-1, or ATC 45 manuals. The procedure shall allow for the tagging of buildings as “Inspected,” “Limited Entry” or “Unsafe.” Notice of orders pertaining to dangerous buildings and appeal procedures established under adopted building codes shall not apply under official declarations of emergency.

#### **12.05.150 INSPECTIONS.**

The building official or the building official’s designee shall make 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.

#### **12.05.155 IDENTIFICATION.**

The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this chapter and the technical codes.

#### **12.05.160 RIGHT OF ENTRY.**

Where it is necessary to make an inspection to enforce the provisions of this chapter and the technical codes, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this chapter and the technical codes that make 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 chapter and the technical codes; 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, entry shall be pursuant to a warrant or other remedy provided by law unless a public safety emergency justifies entry without a warrant or other lawful remedy.

#### **12.05.165 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.

#### **12.05.170 LIABILITY.**

- A. The building official or employee charged with the enforcement of this chapter and the technical codes, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this chapter or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this chapter shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this chapter and the technical codes.
- B. Legal Defense. Any suit or criminal complaint instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

#### **12.05.175 APPROVED MATERIALS AND EQUIPMENT.**

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

#### **12.05.180 USED MATERIALS AND EQUIPMENT.**

The use of used materials and building service equipment that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless prior approval is obtained from the building official.

#### **12.05.185 MODIFICATIONS.**

Where there are practical difficulties involved in carrying out the provisions of this chapter and the technical codes, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent; provided, that the building official shall first find that special individual reason makes the strict letter of the code impractical, the modification is in compliance with the intent and purpose of this chapter and the technical codes, 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.

#### **12.05.190 ALTERNATIVE MATERIALS, DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT.**

The provisions of this chapter and the technical codes are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this chapter and the technical codes; provided, that any such alternative has been approved. The building official shall have the authority to approve an alternative material, design or method of construction upon application of the owner or the owner's authorized agent. The building official shall first find that the proposed design is satisfactory and complies with the intent of the provisions of this chapter and the technical codes, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in the technical codes in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the construction codes shall be an alternative to the specific requirements of the construction codes. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. The building official is authorized to charge an additional fee to evaluate any proposed alternate under the provisions of this section.

#### **12.05.195 RESEARCH REPORTS.**

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

#### **12.05.200 TESTS.**

Whenever there is insufficient evidence of compliance with the provisions of this chapter and the technical codes, or evidence that a material or method does not conform to the requirements of the technical codes, 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 jurisdiction. Test methods shall be as specified in technical codes 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.

## **ARTICLE V. PERMITS**

### **12.05.205 REQUIRED.**

Any owner or owner's 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 gas, mechanical, or plumbing system, the installation of which is regulated by this chapter or one of the technical codes, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit. A separate permit is required for each building or structure.

Exception: When deemed appropriate by the building official, accessory buildings and structures may be included under the permit of the main building or structure.

### **12.05.215 WORK EXEMPT FROM PERMIT.**

- A. ~~Permits shall not be required for the following.~~ Exemptions from the 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 this jurisdiction.
- B. Permit exemptions shall not apply to areas of flood hazard or on those specific portions of lots, tracts or parcels that contain critical areas and their associated buffers~~and containing one or more environmentally critical areas.~~
- C. Permits shall not be required for the following.
  - 1. Building:
    - a. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area does not exceed one hundred twenty square feet and the top of the roof does not exceed 12 feet in height above the grade plane.
    - b. Retaining walls that are not over four feet 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.
    - c. Water tanks supported directly ~~upon~~ grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed two to one.
    - d. In-kind window ~~Like for like replacement of windows in an~~ for IRC structures where no alteration of structural members is required, safety glazing is provided where required, window fall protection is provided where required, emergency egress requirements are provided and when the window U-values meet the current prescriptive requirements of the International Energy Conservation Code.
    - e. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work; provided, that existing accessibility features are not altered.

- ~~—Prefabricated swimming pools accessory to a one- and two-family dwelling or a Group R-3 occupancy provided they meet one of the following conditions: which are~~
- ~~—The pool is less than 24 inches deep, -~~
- f. ~~The pool walls are installed entirely above ground, and the capacity does not exceed five thousand gallons.~~
- g. ~~Swings, slides, and other similar playground equipment accessory to a one or two-family dwelling.~~
- h. ~~Window awnings supported by an exterior wall of one- and two-family dwellings which do not project more than fifty-four inches from the exterior wall and do not require additional support.~~
- ~~—Sidewalks, decks, and driveways associated with residential buildings constructed under the provisions of the IRC. A clearing and grading permit may be required.~~
- i. ~~Decks, associated platforms and steps accessory to residential buildings constructed under the provisions of the IRC which are, not more than thirty inches above adjacent grade and not over any basement or story below.~~
- j. ~~In-kind re-roofing of one- and two-family dwellings IRC regulated structures, provided not more than 10% of the roof sheathing is removed or replaced.~~
- k. ~~Interior fences less than not over six footfeet high peras defined in WMC Section 14.08.105 C. of the Woodway Municipal Code.~~
- l. Replacement of nonstructural siding on IRC structures except for veneer, stucco or exterior finish and insulation systems (EFIS). This exemption shall not apply to structures regulated under RCW 64.55
- m. Temporary motion picture, television and theater stage sets and scenery.
- n. Nonfixed and movable cases, counters and partitions not over five feet, nine inches in height.
- o. Satellite earth station antennas six and one-half feet or less in diameter or diagonal in zones other than residential zones.
- p. Satellite earth station antennas three and one-quarter feet or less in diameter in residential zones.
- q. Video programming service antennas three and one-quarter feet or less in diameter or diagonal dimension, regardless of zone.
- r. Job shacks that are placed at a permitted job site during construction may be allowed on a temporary basis and shall be removed upon final approval of construction. A job shack is a portable structure for which the primary purpose is to house equipment and supplies, and which may serve as a temporary office during construction for the purposes of the construction activity.
- s. Flag and light poles that do not exceed twenty feet in height.
- t. Decking replacement on decks without changing or adding any other structural members or removing guardrails.
- u. Tree houses allowed under Title 14 of the Woodway Municipal Code.

#### D. Demolition.

1. ~~This requirement is waived when p~~Partial demolition of a structure that is an integral part of work included within the scope of a valid building permit.
2. ~~, or w~~When the structure being demolished covers less than two hundred fifty square feet of ground surface, and is supported at grade.



#### E. 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 chapter.
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 ten pounds or less of refrigerant and actuated by motors of one horsepower or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

#### F. Plumbing.

1. Replacement of a water heater with one of a similar type; provided, however, the Town will conduct an inspection upon request. The inspection fee shall be as set forth in Section 3.32.010.
2. Installation of backflow prevention assemblies that are inspected by Olympic View Water and Sewer District.
3. The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipe; provided, however, that if should any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code chapter.
4. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
5. Reinstallation or replacement of prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

#### **12.05.220 EMERGENCY REPAIRS.**

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within three business days to the building official.

#### **12.05.225 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.



#### **12.05.230 APPLICATION FOR PERMIT.**

To obtain a permit, the applicant shall first submit the required plan review fees and a complete application on a form furnished by the building department for that purpose. Such application shall include:

- A. A description of the work to be covered by the permit for which application is made.
- B. The use and occupancy for which the proposed work is intended.
- C. The street address of the property, if available.
- D. Either the:

- 1. Tax parcel number; or
- 2. Legal description of the property upon which the project is located.

- E. The property owner's name, address, and phone number.
- F. All contractors' business names, addresses, phone numbers, current state contractor registration numbers, and Woodway business license information.
- G. The valuation of the proposed work.
- H. Proof of a potable water supply for buildings requiring potable water.
- I. Add something referencing sewer or septic
- J. Construction documents and other information as required in Article VI.
- K. Assignment of agent for all applications not submitted by the property owner
- L. Hold harmless, signed by contractor & property owner

Exception: The above information is required for building permits, but may not be required for other types of permits such as plumbing, mechanical, sign, grading and roofing.

- M. For building projects valued at over five thousand dollars, either:

- 1. The name, address and phone number of the office of the lender administering the interim construction financing, if any; or
- 2. The name, address and phone number of the office of the lender administering the interim construction financing, if any; or 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; provided, that if any of this information is not available at the time the application is submitted, the applicant shall so state and the lack of said information shall not cause the application to be deemed incomplete for the purposes of this section. However, the applicant shall provide the remaining information prior to the permit being issued.

- N. For demolition permits:

- 1. Description of removal method of demolition material (refuse), including plans for protection of public safety and protection of public property from refuse spills, and for cleanup in case of spills;
- 2. Description of plans for filling or capping holes and excavations, and for removing above grade obstructions.

#### **12.05.240 ACTION ON APPLICATION.**

- A. 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 do not conform to the requirements of pertinent laws, the building

official shall reject such application in writing, stating the reasons therefor. If the building official is satisfied that the proposed work conforms to the requirements of this chapter and laws and ordinances applicable thereto, the building official shall issue a permit therefor as soon as practicable.

- B. Revisions to the submittal documents, not requested by the town, may be accepted by the town; however, the revisions may result in additional fees being assessed. Substantial revisions may require a new permit application to be submitted as determined by the building official.
- C. Before a permit is issued, the code official is authorized to inspect and approve the systems, equipment, buildings, devices, premises and spaces or areas to be used.

#### **12.05.245 TIME LIMITATION OF APPLICATION.**

Building, plumbing, and mechanical permit applications shall expire ~~twelve~~eighteen months after the date of filing a complete application.

1. The building official may extend the application thirty days upon request of the applicant. The building official may extend the life of an application further if any of the following conditions exist:
  - a. A related land use or grading and drainage review is in progress; provided the applicant has submitted a complete, timely response to Town 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 a final Town decision; or
  - b. Litigation against the Town or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.

#### **12.05.247 VERIFICATION OF CONTRACTOR REGISTRATION.**

Prior to issuance of a permit for work which is to be done by a contractor required to be registered pursuant to RCW 18.27, the applicant shall provide the Town with the contractor's registration number and Woodway business license number and any other information determined necessary by the town to allow verification that such contractor is currently registered as required by law.

#### **12.05.248 VESTING OF CONSTRUCTION CODES**

FA permit application shall be vested to the construction codes and construction administrative codes that are in effect when the complete building permit application is submitted. The completeness of a building permit application shall be determined by the building official. The town has the authority to establish policies and procedures for establishing the requirements of a complete application. Plan review fees are required are required to be paid for complete applications. Payment of these fees may be delayed up to five business days without affecting the vesting date when the application is submitted electronically. For mechanical, plumbing and fire permit applications related to the scope of work identified in a building permit application, all applicable construction codes adopted and in force at the time of filing of the complete building permit application will apply.

#### **12.05.250 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 chapter or of any other ordinance of the

jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this chapter or other ordinances of the town 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 authorized to prevent occupancy or use of a structure where in violation of this chapter or of any other ordinances of this jurisdiction.

#### **12.04.05005.255 PERMIT EXPIRATION.**

A. Demolition permits issued under the provisions of this code Section 12.04.010 shall expire ninety days from issue date, but may be extended for additional thirty-day periods, upon application to the Building Official.

— Right of way permits issued under Section 12.04.020 expire as follows:

— Right of way permits not associated with any other permit shall expire ninety days from issue date but may be extended for additional thirty-day periods, upon application to the Public Works Director.

— Right of way permits associated with another permit (e.g., part of a larger project) shall expire at the same time as the associated permit. One six-month extension may be granted by the Public Works Director upon written request and if an extension of the related permit is also granted.

B. Building, plumbing, and mechanical permits issued under the provisions of this code shall expire eighteen months from the date of issue.

1. One six-month extension may be granted by the Building Official upon written request.

2. The Building Official also may grant an extension not to exceed one year due to a declared federal, state, or local emergency applicable to the Town when the need for an additional extension of time over six months results from the circumstances and term of the declared emergency.

3. The Building Official may also grant an extension when litigation against the Town or permit holder is in progress, the outcome of which may affect the validity, approval, provisions, or conditions of the permit.

C. Mechanical, plumbing and fire permits issued under the provisions of this code expire as follows:

1. Mechanical, plumbing, and fire permits associated with a building permit shall expire with the building permit and must be extended individually with the building permit.

2. Mechanical, plumbing, and fire permits not associated with a building permit expire six months from issue date.

D. The fee for a permit extension shall be as set forth in Section 3.32.010.

E. It is a violation of this chapter to allow a permit to expire without first obtaining an approved final inspection.

#### **12.05.260 SUSPENSION OR REVOCATION.**

The building official is authorized to suspend or revoke a permit issued under the provisions of this chapter 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 chapter.

#### **12.05.265 PLACEMENT OF PERMIT.**

The building permit or copy shall be kept on the site of the work until the completion of the project.

### **ARTICLE VI. SUBMITTAL DOCUMENTS**

#### **12.05.270 GENERAL.**

Submittal documents consisting of construction documents, statement of special inspection and structural observation programs, and other data shall be submitted in one 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 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 chapter.

#### **12.05.275 INFORMATION ON CONSTRUCTION DOCUMENTS.**

Construction documents shall be dimensioned and submitted electronically. Construction documents printed on suitable material 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 and show in detail that it will conform to the provisions of this chapter and relevant laws, ordinances, rules and regulations. The plans must include the relevant items listed in this section and any other information or documents deemed necessary by the building official.

##### **A. Building.**

1. Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this chapter 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.
2. 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 chapter. In occupancies within the scope of the International Building Code, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
3. Exterior Wall Envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this chapter. 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-resistant 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 that was tested, where applicable, as well as the test procedure used.

Exception: Subject to the approval of the building official, one- and two-family dwellings and their accessory structures may be exempt from the detailing requirements of this section.

4. Building Enclosure Design Requirements of Chapter 64.55 RCW. Building enclosure design documents of new or rehabilitated multifamily buildings that are subject to regulations of Chapter 64.55 RCW must be submitted at the time of permit application. All applications for building construction or rehabilitation shall include design documents prepared and stamped by an architect or engineer that identify the building enclosure (building enclosure documents), including, but not limited to, waterproofing, weatherproofing and/or otherwise protected from water or moisture intrusion, unless a recorded irrevocable sale prohibition covenant is submitted to the town.

The town is prohibited from issuing a permit for construction or rehabilitative construction unless the building enclosure documents contain a stamped statement by the person stamping the building enclosure design documents in substantially the following form: “The undersigned has provided building enclosure documents that in my professional judgment are appropriate to satisfy the requirements of RCW 64.55.005 through 64.55.090.” The town is not responsible for determining whether the building enclosure design documents or the inspections performed are adequate or appropriate to satisfy the requirements of the act.

5. 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, significant trees, distances from lot lines, easements, critical areas, 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. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the IBC. 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 where the application for permit is for alteration or repair or where otherwise warranted.
6. Structural Information. For structures designed to the IBC, the construction documents shall provide the information specified in Section 1603. For structures designed to the IRC, buildings and structures utilizing braced wall design, and where required by the building official, braced wall lines shall be identified on the construction documents. Pertinent information including, but not limited to, bracing methods, location and length of braced wall panels and foundation requirements of braced wall panels at top and bottom shall be provided.

B. Plumbing. Plans must be submitted for review and approval whenever the work exceeds the thresholds shown on the MyBuildingPermit.com tipsheet.

C. Mechanical. Plans must be submitted for review and approval whenever the work exceeds the thresholds shown on the MyBuildingPermit.com tipsheet.

#### **12.05.330 USE OF CONSULTANTS.**

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

#### **12.05.333 EXAMINATION OF DOCUMENTS.**

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

#### **12.05.335 APPROVAL OF CONSTRUCTION DOCUMENTS.**

When the building official issues a permit, the construction documents shall be approved, in writing, label or by stamp, as “Reviewed By” or other similar words. One set of construction documents so reviewed shall be retained by the building official either as a paper or electronic set. Another set shall be returned to the applicant, either as a paper or electronic set, and shall be kept at the site of work and shall be available for inspection by the building official or a duly authorized representative.

#### **12.05.340 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 the construction codes and the Construction Administrative 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.

#### **12.05.345 DESIGN PROFESSIONAL IN RESPONSIBLE CHARGE—GENERAL.**

Where it is required that documents be prepared by a qualified registered design professional, the building official shall be authorized to require the owner or the owner’s authorized agent 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, the owner or the owner’s authorized agent 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 or the owner’s authorized agent 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 Chapter 17 of the IBC, the inspection program 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.



#### **12.05.350 DEFERRED SUBMITTALS.**

For the purposes of this section, “deferred submittals” is 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.

#### **12.05.355 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. Substantial changes may require a new permit be applied for and obtained as determined by the building official.

#### **12.05.360 RETENTION OF CONSTRUCTION DOCUMENTS.**

One set of approved construction documents shall be retained by the building official for a period of not less than one hundred eighty days from date of completion of the permitted work, or as required by state or local laws. Before records are removed or destroyed, they must be assessed for additional retention/disposition requirements by the Town Public Records Officer.

#### **12.04.08005.362 DETERMINATION OF VALUE OR VALUATION OF CONSTRUCTION.**

The applicant for a permit shall provide an estimated permit value at time of application. ~~For the purposes of determining build permit fees,~~ The determination of value or valuation for any permit under any of the provisions of this chapter shall be that provided by the applicant or as determined made by the plan checker Building Official, whichever is higher. When applicable, the valuation determinations by the building official will be made on the basis of the building valuation data table published by the International Code Council. The area referenced in the ICC valuation data table shall be the “gross area” which means the total areas of all floors, measured from the exterior face of the walls including basements, cellars, and balconies, but not including unexcavated areas. Where walls are omitted in the construction of a building, such as a carport or porch, the edge of the roof will be considered the exterior wall of the open side. ~~The valuation for a new house or addition to an existing house shall be based on a minimum factor of one hundred twenty-five dollars per square foot for standard quality construction and a factor of two hundred dollars per square foot for high quality construction. The Town may require the permit applicant to provide proof of the actual construction cost after the project is completed. If the actual cost exceeds the valuation used to determine permit and review fees, additional fees may be required. Valuation for purposes of determining a demolition permit fee shall be based upon the contract price or the fair market value of the demolition work, with a minimum fee as set forth in Section 3.32.010.~~



- A. For building permits, the valuation will include the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, or any other permanent work or permanent equipment. The building official may exempt unusually expensive equipment from the valuation of work.
- B. The valuation for a building permit issued to complete the work of an expired permit shall be based upon the value of all work not completed under the previous permit, with a minimum valuation of six thousand dollars for each required remaining inspection.

## **ARTICLE VII. TEMPORARY STRUCTURES AND USES**

### **12.05.365 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 one hundred eighty days. The building official is authorized to grant extensions for demonstrated cause.

### **12.05.375 CONFORMANCE.**

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

### **12.05.380 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.

## **ARTICLE VIII. FEES**

### **12.05.385 PAYMENT OF FEES.**

The fee for each permit shall be as set forth in Chapter 3.32.010, as now or hereafter amended. A permit shall not be valid until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

### **12.05.390 SCHEDULE OF PERMIT FEES.**

On buildings, grading, structures, signs, 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 set forth in Chapter 3.32.010.

### **12.05.395 PLAN REVIEW FEES.**

When submittal documents are required by Article VI of this chapter, 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 inspection 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 Article VI of this chapter, an additional plan review fee shall be charged at the rate as set forth in Chapter 3.32.010. A new plan review fee may be charged if revisions to a plan are so extensive that a new plan review is required.

#### **12.05.410 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.

#### **12.05.415 REFUNDS.**

- A. The building official may authorize refunding of not more than eighty 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.
- B. The building official may authorize refunding of not more than eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with this chapter.
- C. The building official shall not authorize a refund of any fee paid except on written application filed by the original permittee not later than one hundred eighty days after the date of payment of the fee.

### **ARTICLE IX. INSPECTIONS**

#### **12.05.420 GENERAL.**

- A. 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 chapter or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
- B. The building official is authorized to establish a self-certification program whereby certain installations, by approved contractors, will only be subject to spot inspections.

#### **12.05.425 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.

#### **12.05.430 MANUFACTURER'S INSTALLATION INSTRUCTIONS.**

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

#### **12.05.435 REQUIRED INSPECTIONS.**

The building official, upon notification, shall make the inspections set forth in Sections 12.05.440 through 12.05.515.

#### **12.05.440 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 are 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.

**12.05.445 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.

**12.05.450 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 R324 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.

**12.05.455 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.

**12.05.465 IMC/UPC/GAS ROUGH IN INSPECTION.**

Rough in mechanical, gas piping and plumbing 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.

**12.05.470 FRAME INSPECTION.**

Framing inspections shall be made after the roof deck or 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 dry.

**12.05.500 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 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 town until the required fees are paid.

**12.05.505 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 chapter and other laws that are enforced by the building department.

**12.05.510 SPECIAL INSPECTIONS.**

In addition to the inspections specified above, the building official is authorized to make or require special inspections for any type of work related to the technical codes by an approved agency at no cost to the jurisdiction.

**12.05.512 BUILDING ENCLOSURE SPECIAL INSPECTION REQUIREMENTS OF CHAPTER 64.55 RCW.**

64.55 RCW requires affected multiunit residential buildings to provide a building enclosure inspection performed by a third-party, independent, and qualified inspector during the course of initial construction and during rehabilitative construction. The town does not verify the qualifications of the inspector or determine whether the building enclosure inspection is adequate or appropriate. However, the town is prohibited from issuing a certificate of occupancy for the building until the inspector prepares a report and submits to the building department a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that the construction is in substantial compliance with the building enclosure design documents. See Section 107.2.4.1, Building enclosure design requirements, of 64.55 RCW for additional requirements.

**12.05.515 FINAL INSPECTION.**

The final inspection shall be made after all work required by the permit(s) is completed.

**12.05.520 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.

**12.05.525 INSPECTION REQUESTS.**

It shall be the duty of the permit holder 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 is required by this chapter.

**12.05.530 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 chapter. Any portions that do not comply shall be corrected within the time frame established by the building official and such portion shall not be covered or concealed until authorized by the building official.

**ARTICLE X. CERTIFICATE OF OCCUPANCY**

**12.05.535 USE AND OCCUPANCY.**

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this chapter or of other ordinances of the jurisdiction.

Exceptions:

- A. Work exempt from permits per Section 12.05.215.
- B. For single-family dwellings and their accessory structures, the building official or the building official's designee may waive the certificate of occupancy requirement when occupancy of the house can be maintained due to the continuation of code-required structural systems, heating, sanitation, and cooking facilities.

#### **12.05.540 CERTIFICATE ISSUED.**

A. After the building official or building official's designee inspects the building or structure and:

1. Finds no violations of the provisions of this chapter or other laws that are enforced by the building department; and
2. All associated permits have received a final inspection approval and/or construction approval;

B. Then 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 or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this chapter 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, where applicable.
11. If an automatic sprinkler system is provided, and whether the sprinkler system is required and for what reason.
12. Any special stipulations and conditions of the building permit, where applicable.

#### **12.05.545 PHASED OCCUPANCY.**

The building official is authorized to issue a 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.

#### **12.05.550 REVOCATION.**

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this chapter wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that there is a violation of the conditions of the permit, any ordinance or regulation, or any of the provisions of this chapter, or failure.

### **ARTICLE XI. SERVICE UTILITIES**

#### **12.05.555 CONNECTION OF SERVICE UTILITIES.**

A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this chapter for which a permit is required, until approval is given by the building official.

#### **12.05.560 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.

**12.05.565 AUTHORITY TO DISCONNECT SERVICE UTILITIES.**

The building official shall have the authority to require disconnection of utility service to the building, structure or system regulated by this chapter and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property, or where 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.

**ARTICLE XII. APPEALS**

**12.05.570 APPEALS TO HEARING EXAMINER.**

Appeals of orders, decisions and determinations of the building official that do not constitute enforcement actions shall be heard and decided by the Town of Woodway Hearing Examiner pursuant to Chapter 2.56. Enforcement actions shall be brought pursuant to the provisions of Chapter 1.12 or 1.14. To the extent the codes adopted by reference in this title refer to a “board of appeals” or a “building board of appeals,” those references shall be deemed to refer to the Town of Woodway Hearing Examiner.

**12.05.572 LIMITATIONS ON APPEALS.**

An appeal under this chapter shall be based on a claim that this chapter or the technical codes have been incorrectly interpreted, that the provisions of this chapter or the technical codes do not apply or that an equally good or better form of construction, method of protection or safety is proposed.

The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.

**12.05.574 WHEN TO APPEAL.**

An appellant shall file a written appeal of the order, decision, or determination of the building official with the Woodway building department within thirty days of the date of the decision of the building official. Failure to timely file the appeal shall result in dismissal of the appeal.

**12.05.575 APPEAL FEE.**

The appeal fee shall be as set forth in Section 3.32.010 and shall accompany the written appeal. Failure to timely pay the appeal fee shall result in dismissal of the appeal.

**12.05.576 CONTENTS OF NOTICE OF APPEAL.**

The appeal shall contain a clear reference to the matter being appealed and a statement of the specific elements of the building official’s order, decision or determination disputed by the appellant.

**12.05.578 NOTICE OF THE APPEAL HEARING.**

A. The building official shall prepare a notice of the appeal hearing containing the following:

1. The file number and a brief description of the matter being appealed;
2. A statement of the scope of the appeal including a summary of the elements of the building official’s order, decision or determination that are contested in the appeal;
3. The time and place of the hearing on appeal before the hearing examiner; and
4. A statement of who may participate in the appeal.



- B. At least fourteen days before the hearing on the appeal, the building official shall send a copy of the notice of appeal hearing to each person who has appealed the building official's order, decision or determination.

**12.05.580 PARTICIPATION IN THE APPEAL.**

Only those parties who have appealed the building official's order, decision or determination may participate in the appeal. Appellants may participate in either or both of the following ways:

- A. By submitting written comments or testimony to the hearing examiner prior to the commencement of the hearing; or  
B. By appearing in person, or through a representative, at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.

**12.05.582 SCOPE OF APPEAL.**

The appeal will be an open record appeal hearing. The scope of the appeal is limited to the specific elements of the building official's order, decision or determination disputed by the appellant and the hearing examiner shall only consider comments, testimony and arguments on these specific elements.

**12.05.584 RECORD OF APPEAL HEARING.**

The town shall make an electronic sound recording of the hearing.

**12.05.586 DECISION ON THE APPEAL.**

The hearing examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the hearing examiner's findings and conclusions, the hearing examiner may affirm, reverse or modify the order, decision or determination being appealed. The hearing examiner shall issue his or her decision within fifteen days of the appeal hearing. Within four business days after it is issued, the hearing examiner's decision shall be mailed to the applicant and to each person who has requested notice of the decision. The decision by the hearing examiner is the final decision of the town.

**12.05.588 JUDICIAL REVIEW.**

Any judicial appeal of the hearing examiner's decision shall be reviewed in Snohomish County superior court pursuant to Chapter 36.70C RCW, the Land Use Petition Act ("LUPA"). The land use petition must be filed within twenty-one calendar days of the issuance of the hearing examiner's decision.

**ARTICLE XIII. VIOLATIONS**

**12.05.590 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 chapter, or cause same to be done, in conflict with or in violation of any of the provisions of this chapter or the technical codes.

**12.05.600 VIOLATIONS AND ENFORCEMENT.**

In addition to the remedies provided for in this chapter and remedies that may otherwise be available at law, any violation of this title, including codes adopted by reference, may be enforced against pursuant to the provisions of Chapter 1.12 or Chapter 1.14.



## ARTICLE XIV. STOP WORK ORDER

### 12.05.610 AUTHORITY.

Whenever the building official finds any work being performed in a manner contrary either to the provisions of this chapter, any of the technical codes or other pertinent laws or ordinances, the building official is authorized to issue a stop work order.

### 12.05.615 ISSUANCE.

A. The stop work order shall be in writing and shall be posted on the subject property or be served on persons engaged in any work or activity in violation of the provisions of this title except for Chapter 12.13. The effect of such a stop work order shall be to require the immediate cessation of such work or activity until authorized by the Mayor or code enforcement officer to proceed.

B. The stop work order shall state:

1. The reason for the order; and
2. The conditions under which the cited work will be permitted to resume.

### 12.05.620 STOP WORK ORDER FEE.

The building official is authorized to assess a stop work order fee for the issuance of a stop work order. The stop work order fee shall be as set forth in Section 3.32.010.

### 12.05.625 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 under 12.05.600.

## **CHAPTER 12.06: BUILDING CODES**

Sections:

12.06.010 Building Code.

12.06.020 International Building Code.

12.06.025 International Residential Code.

### **12.06.010 BUILDING CODE.**

The International Building Code (IBC) and the International Residential Code (IRC), as adopted and amended by this chapter, shall collectively be called the building code.

### **12.06.020 INTERNATIONAL BUILDING CODE.**

The ~~2015-2018~~ Edition of the International Building Code, as published by the International Code Council, as ~~adopted and~~ amended by the Washington State Building Code Council ~~and published in Chapter 51-50 WAC, including Appendix J, Grading~~ is adopted by reference with the following additions, deletions, and exceptions:

- A. Chapter 1, Scope and Administration, is not adopted and the Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be used in place of IBC Chapter 1, Scope and Administration, as now or hereafter amended, is adopted.
- B. ICC/ANSI A117.1-2009, Requirements for Accessible and Useable Buildings and Facilities is adopted by reference.
- ~~D.~~C. Grading shall comply with Chapter 16.08 Clearing and Grading.
- ~~A. Appendix J of the 2015 International Building Code and all future amendments and revisions thereto, relating to excavation and grading, are amended as follows:~~

1. ~~Section J103 is repealed and replaced with a new Section J103 to read as follows:~~

~~J103.1 Permits required. Except as exempted in Section J103.2, no clearing or grading shall be performed without first having obtained a permit therefor from the Town. A clearing and grading permit does not include the construction of retaining walls or other structures.~~

~~J103.2 Exemptions:~~

~~Except in critical areas and their buffers a clearing and grading permit shall not be required for the following:~~

- ~~(a) The removal of prohibited vegetation.~~
- ~~(b) Clearing and grading performed in the normal course of maintaining existing landscaping on a lot associated with an existing building or buildings, provided such work:
  - ~~(1) Does not substantially change the points where the stormwater or groundwater enters or exits the subject property; and will not change the quality, quantity, or velocity of stormwater or groundwater;~~
  - ~~(2) Does not result in an increase or decrease in topography at any point of more than four feet; and~~
  - ~~(3) Does not involve more than fifty cubic yards of material in any twelve-month period.~~~~
- ~~(c) Any excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit, unless a drainage review is required by the Town Engineer. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five feet (1524 mm) after the completion of such structure.~~
- ~~(d) Utilities or other work in a right-of-way supervised by the Town of Woodway, authorized in writing by the director of the department of public works, or as allowed by a right-of-way permit approved under Chapter 12.04 of the Woodway Municipal Code.~~
- ~~(e) Excavations for franchise utility service connections (power, telephone, cable, gas, etc.) to serve existing and/or new structures.~~
- ~~(f) Correction of storm drainage problems when supervised by the department of public works.~~
- ~~(g) Exploratory excavations under the direction of a professional engineer licensed in the state of Washington, as long as the extent of the clearing and grading does not exceed the minimum necessary to obtain the desired information.~~
- ~~(h) Normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way.~~
- ~~(i) Cemetery graves.~~
- ~~(j) Any other activity classified as exempt in WMC 16.08.080.~~

~~2. The clearing and grading plan review fee schedule shall be as set forth in Section 3.32.010.~~

~~3. The clearing and grading permit fee schedule shall be as set forth in Section 3.32.010.~~

~~B.A. 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:~~

~~1. Detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures shall comply with the International Residential Code.~~

~~2.1 Roads, bridges, sidewalks, drainage structures, retaining walls and similar structures for work regulated, approved and inspected by the Town's Public Works Department.~~

~~3.1 Electrical transmission towers and telephone poles (not including cell towers) under the control of a utility.~~

~~C. All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56 of this code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.~~

## **12.06.025 INTERNATIONAL RESIDENTIAL CODE.**

A. The 2018 Edition of the International Residential Code (IRC), as published by the International Code Council, as adopted and amended by the State Building Code Council and as published in Chapter 51-51 WAC, is adopted by reference with the following additions, deletions, and exceptions:

1. Chapter 1, Part 2 – Administration and Enforcement, is not adopted and the Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be used in place of IRC Chapter 1, Part 2 - Administration and Enforcement.

2. Chapters 11 and 25 through 43 of the International Residential Code are not adopted.

3. The energy code is regulated by Chapter 51-11R WAC.

4. The plumbing code is regulated by Chapter 51-56 WAC.

5. The standards for liquefied petroleum gas installations shall be 2017 NFPA 58 (Liquefied Petroleum Gas Code) and 2018 NFPA 54 (National Fuel Gas Code).

6. All other fuel gas installations shall be regulated by the International Mechanical Code and International Fuel Gas Code.

~~7. Appendix F – Radon Control Methods, Appendix Q – Tiny Homes, and Appendix U - Dwelling Unit Fire Sprinkler Systems are adopted. The 2015 Edition of the International Residential Code, as published by the International Code Council, as amended by the Washington State Building Code Council and published in Chapter 51-51 WAC as now or hereafter amended, is adopted.~~

~~D.B. Table R301.2 (1), Climate and Geographic Design Criteria, is amended to read as follows:~~

IRC Table R301.2(1)

Ground Snow Load (PSF)	Wind Design				Seismic Design Category <sup>f</sup>
	Speed <sup>d</sup> (mph)	Topographic Effects <sup>k</sup>	Special wind region <sup>l</sup>	Wind-borne debris zone <sup>m</sup>	
25	110	No	No	No	D2

Subject To Damage From			Winter Design Temp <sup>e</sup>	Ice Barrier Underlayment Required <sup>h</sup>	Flood Hazards <sup>g</sup>	Air Freezing Index <sup>i</sup>	Mean Annual Temp <sup>j</sup>
Weathering <sup>a</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>					
Moderate	12 inches	Slight to Moderate	17	No	None	144	49

- ~~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 Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.~~
- ~~c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.~~
- ~~d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.~~
- ~~e. 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.~~
- ~~f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.~~
- ~~g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.~~
- ~~h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the~~

effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."

- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99 percent) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2(4)A, where there are local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2.1, the jurisdiction shall indicate the wind-borne debris wind zone(s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

**TABLE R301.2(1)**  
**CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

<b><u>ROOF SNOW LOAD</u></b> <sup>a</sup> <b><u>(psf)</u></b>	<b><u>WIND DESIGN</u></b>				<b><u>SEISMIC DESIGN CATEGORY</u></b>	<b><u>FLOOD HAZARD</u></b> <sup>c</sup>
	<b><u>Speed</u></b> <sup>b</sup> <b><u>(mph)</u></b>	<b><u>Topographic effects</u></b> <sup>c</sup>	<b><u>Special wind region</u></b>	<b><u>Windborne debris zone</u></b>		
<u>25</u>	<u>110</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>D2</u>	<u>N.A.</u>

<b><u>SUBJECT TO DAMAGE FROM</u></b>			<b><u>OUTDOOR DESIGN TEMP (F) - Heat/Cool</u></b>	<b><u>ICE BARRIER UNDER- LAYMENT REQUIRED</u></b>	<b><u>AIR FREEZING INDEX</u></b>	<b><u>MEAN ANNUAL TEMP</u></b>
<b><u>Weathering</u></b> <sup>d</sup>	<b><u>Frost line depth</u></b>	<b><u>Termite</u></b>				
<u>Moderate</u>	<u>12"</u>	<u>Slight to Moderate</u>	<u>82/24</u>	<u>No</u>	<u>113</u>	<u>49</u>

<b><u>MANUAL J DESIGN CRITERIA</u></b>							
<b><u>Elevation</u></b>	<b><u>Latitude</u></b>	<b><u>Winter heating</u></b>	<b><u>Summer cooling</u></b>	<b><u>Altitude correction factor</u></b>	<b><u>Indoor design temperature</u></b>	<b><u>Design temperature cooling</u></b>	<b><u>Heating temperature difference</u></b>
<u>203 feet</u>	<u>47.79 N</u>	<u>72°F max</u>	<u>75°F min</u>	<u>0.99</u>	<u>72°F</u>	<u>75°F</u>	<u>48°F</u>

<u>Cooling Temperature difference</u>	<u>Wind velocity heating</u>	<u>Wind velocity cooling</u>	<u>Coincident wet bulb</u>	<u>Daily range</u>	<u>Winter humidity</u>	<u>Summer humidity</u>
<u>80F</u>	<u>N.A.</u>	<u>N.A.</u>	<u>64</u>	<u>Medium</u>	<u>75%</u>	<u>68%</u>

- a. This is the minimum roof snow load. When using this snow load it will be left to the engineer's judgment whether to consider drift or sliding snow. However, rain on snow surcharge of 5 psf must be considered for roof slopes less than 5 degrees.
- b. The 110 mph Ultimate Design Wind Speed (3-second gust) as adopted by the 2018 IRC/ASCE 7-10 (or if using the IBC for structural design, the 98 mph Basic Design Wind Speed as adopted by the 2018 IBC/ASCE 7-16 may be used).
- c. Wind exposure category and Topographic effects (Wind Speed-up Kzt factor) shall be determined on a site-specific basis by the Engineer of Record (components and cladding need not consider topographic effects unless otherwise determined by the engineer of record).
- d. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. 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.
- e. The Town of Woodway participates in the National Flood Insurance Program (NFIP); Regular Program (No Special Flood Hazard Area). Further NFIP participation information: CID 530083, Initial FHBM Identified 06/28/74, Initial FIRM Identified 05/16/95, Current Effective Map Date (NSFHA), Reg-Emer Date 06/30/97, 53033C0654G effective 8/19/2020.

E. ~~Section R105.2 is amended to read as follows:~~

~~R105.2 Work exempt from permit.~~

~~Permits shall not be required for the following. Exemption from the 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 this jurisdiction. Permit exemptions shall not apply to areas of flood hazard or on land containing one or more environmentally critical areas.~~

~~Building:~~

- ~~1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided that the floor area does not exceed one hundred twenty square feet and the top of the roof does not exceed 12 feet in height above the grade plane.~~
- ~~2.1 Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.~~
- ~~3.1 Water tanks supported directly upon grade if the capacity does not exceed five thousand gallons and the ratio of height to diameter or width does not exceed two to one.~~



- ~~4.1. Like for like replacement of windows in an IRC structure.~~  
~~5.1. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.~~  
~~6.1. Prefabricated swimming pools provided they meet one of the following conditions:~~  
~~a. The pool is less than 24 inches deep.~~  
~~b. The pool walls are entirely above ground and the capacity does not exceed five thousand gallons.~~  
~~7.1. Swings and other playground equipment accessory to a one or two family dwelling.~~  
~~8.1. Window awnings supported by an exterior wall which do not project more than fifty four inches from the exterior wall and do not require additional support.~~  
~~9.1. Sidewalks and driveways associated with residential buildings constructed under the provisions of the IRC. A clearing and grading permit may be required.~~  
~~10.1. Decks, associated platforms and steps accessory to residential buildings constructed under the provisions of the IRC which are not more than thirty inches above adjacent grade and not over any basement or story below.~~  
~~11.1. In kind re roofing of IRC regulated structures, provided not more than 10% of the roof sheathing is removed or replaced.~~  
~~12.1. Interior fences not over six foot high per Section 14.08.105 C. of the Woodway Municipal Code.~~

- ~~F. All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56 of this code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.~~  
~~G.C. Grading shall comply with Chapter 16.08 Clearing and Grading Appendix J of the International Building Code as amended by this code.~~  
~~H. R105.3.2 of the International Residential Code is not adopted.~~  
~~D. R105.5 is not adopted.~~

#### **12.06.030 COPY ON FILE.**

At least one copy of the adopted edition of the International Building Code and the International Residential Code shall be on file in the office of the Town Clerk.

### **CHAPTER 12.08: MECHANICAL CODE**

Sections:

12.08.010 International Mechanical Code.

12.08.020 Copy on file.

~~12.08.030 Amendments and exceptions to the Mechanical Code.~~

#### **12.08.010 INTERNATIONAL MECHANICAL CODE.**

The ~~2015~~ 2018 Edition of the International Mechanical Code, as published by the International Code Council, as amended by the Washington State Building Code Council and as published in Chapter 51-52 WAC, as now or hereafter amended, is adopted: with the following additions, deletions, and exceptions:

- A. Chapter 1, Part 2 Administration and Enforcement, is not adopted and the Construction Administrative Code, as set forth in Chapter 12.05, shall be used in place of IMC Chapter 1, Part 2 – Administration and Enforcement.

- B. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the International Fuel Gas Code.
- C. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
- D. The standards for liquefied petroleum gas installations shall be the 2017 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2018 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

**12.08.020 COPY ON FILE.**

At least one copy of the adopted edition of the International Mechanical Code shall be on file in the office of the Town Clerk.

**~~12.08.030 AMENDMENTS AND EXCEPTIONS TO THE MECHANICAL CODE.~~**

- ~~A. The mechanical permit fee schedule shall be as set forth in Section 3.32.010.~~
- ~~B. All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56 of this code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.~~
- ~~C.E. 106.3.3 of the International Mechanical Code is not adopted.~~

**CHAPTER 12.09: PLUMBING CODE**

Sections:

- 12.09.010 Uniform Plumbing Code and Uniform Plumbing Code Standards.
- 12.09.020 Copy on file.

~~12.09.030—Amendments and exceptions to the Plumbing Code.~~

**12.09.010 UNIFORM PLUMBING CODE AND UNIFORM PLUMBING CODE STANDARDS.**

The ~~2015~~ 2018 Edition of the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council and as published in Chapters 51-56 and 51-57 WAC is adopted ~~with the following additions, deletions, and exceptions:~~

- A. Chapter 1, Administration, is not adopted and the Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be used in place of UPC Chapter 1, Administration.
- B. The following appendices of the 2018 Edition of the Uniform Plumbing Code as adopted and amended by the State Building Code Council in Chapter 51-57 WAC, as published by the International Association of Plumbing and Mechanical Officials, are also adopted by reference:
  - 1. Appendix A – Recommended Rules for Sizing the Water Supply System;
  - 2. Appendix B – Explanatory Notes on Combination Waste and Vent Systems;
  - 1.3. Appendix I – Installation Standards.

**12.09.020 COPY ON FILE.**

At least one copy of the adopted editions of the Uniform Plumbing Code and the Uniform Plumbing Code Standards shall be on file in the office of the Town Clerk.

**~~12.09.030 AMENDMENTS AND EXCEPTIONS TO THE PLUMBING CODE.~~**

- ~~A. The plumbing permit fee shall be as set forth in Section 3.32.010.~~

~~B. All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56 of this code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.~~

~~A. Subsection 103.1.2 of the Uniform Plumbing Code is repealed and replaced with a new Subsection 103.1.2 to read as follows:~~

~~103.1.2 Exempt Work. A permit shall not be required for the following:~~

~~1. Replacement of a water heater with one of a similar type; provided, however, the Town will conduct an inspection upon request. The inspection fee shall be as set forth in Section 3.32.010.~~

~~2.1 Installation of backflow prevention assemblies that are inspected by Olympic View Water and Sewer District.~~

~~3.1 The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.~~

~~4.1 The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.~~

~~A. Section 103.4.2 of the Uniform Plumbing Code is not adopted.~~

## **CHAPTER 12.10: INTERNATIONAL EXISTING BUILDING CODE**

12.10.010 International Existing Building Code.

12.10.020 Copy on file.

### **12.10.010 INTERNATIONAL EXISTING BUILDING CODE.**

The 2018 International Existing Building Code (IEBC) is included in the adoption of the International Building Code as provided by IBC Section 101.4.7 and amended in WAC 51-50-480000, with the following additions, deletions, and exceptions:

A. Chapter 1, Part 2 – Administration, is not adopted and the Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be used in place of IEBC Chapter 1, Part 2 – Administration.

B. Appendix A, Guidelines for the Seismic Retrofit of Existing Buildings, is also adopted by reference

C. Detached one-and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the International Residential Code.

### **12.10.020 COPY ON FILE.**

At least one copy of the adopted edition of the International Existing Building Code shall be on file in the office of the Town Clerk.

## **CHAPTER 12.12: MOVING OF BUILDINGS**

Sections:

12.12.010 Permit required.

- 12.12.020 Permit application procedures and fee.  
12.12.030 Compliance with applicable codes required.

**12.12.010 PERMIT REQUIRED.**

- A. It is unlawful for any person, as owner, contractor, agent or employee, to move, to aid in or to cause any structure or building to be moved in or onto a location within the Town without first obtaining a permit in writing from the Building Official.
- B. A right-of-way permit may also be required.

**12.12.020 PERMIT APPLICATION PROCEDURES AND FEE.**

- A. Any person making application for a permit to move a structure through Town or in and onto any location within the Town shall, before making the application for permit, or within ten days after making said permit application, cause all of the interior and exterior walls, ceiling and flooring to be removed to such extent as may be necessary and required for access to inspection by the Building Official for the purpose of ascertaining the materials and type of construction of such building or structure, and to enable a reasonable opportunity to determine and ascertain whether or not such building or structure does, in fact, comply with the applicable building codes and construction codes of the Town.
- B. Moving permits shall be issued to applicants only on written application disclosing the:
1. Name of the owner of the building to be moved;
  2. Location from which it is proposed to be moved;
  3. Location to which it is proposed to be moved;
  4. Date of the proposed moving into the Town;
  5. Name of the party in charge of effecting the transfer and movement; and
  6. Any other information as required by the Building Inspector, the Police Department or the Town Engineer.
- C. The permit fee for installing a moved residential structure onto a new site, including the foundation, water hookup and the building drain connection, shall be as set forth in Section 3.32.010.
- D. The applicant shall also pay an estimated inspection fee as set forth in Section 3.32.010, together with such further deposit as appears necessary and reasonable for the purpose of reimbursing the Inspector's cost of travel outside the Town, if any, to any place where such building may be exposed to inspection for the purposes specified in this section.

**12.12.030 COMPLIANCE WITH APPLICABLE CODES REQUIRED.**

No such building moved to a new location or position upon a lot or property within the Town shall be occupied, reconstructed, altered, modified, or used until the materials, the design and the method thereof shall be found to comply with and shall be in compliance with all the requisite and applicable building, electrical, mechanical, plumbing and sanitary ordinances and other ordinances of the Town relating to the regulation and use of land and buildings.

**CHAPTER 12.13: FIRE CODE**

Sections:

- 12.13.010 International Fire Code.  
12.13.020 Copy on file.  
12.13.030 Amendments and exceptions to the Fire Code.

#### **12.13.010 INTERNATIONAL FIRE CODE.**

The ~~2015-2018~~ Edition of the International Fire Code (IFC), as published by the International Code Council, as amended by the Washington State Building Code Council, and as published in Chapter 51-54A WAC, as now or hereafter amended, is adopted including reference standards of the National Fire Protection Association and Appendix Chapters B and C.

#### **12.13.020 COPY ON FILE.**

At least one copy of the adopted edition of the International Fire Code shall be on file in the office of the Town Clerk.

#### **12.13.030 AMENDMENTS AND EXCEPTIONS TO THE FIRE CODE.**

The following sections of the ~~2012-2018~~ IFC have been added, amended, deleted, or replaced as follows:

A. Section 103.1.2, Department of Fire Prevention.

There is established in the Town a Fire Marshal, as designated by the Mayor, who shall implement, administer, and enforce the provisions of this code.

B. Section 104.8, Modifications.

1. The Fire Marshal shall have the authority to modify any of the provisions of the IFC or this chapter on written application by the owner, lessee, or his duly authorized agent when there are practical difficulties in carrying out the strict letter of the code.

Approved modifications, including alternative materials and methods, shall observe the spirit of the code, preserve fire- and life-safety, secure the public health, and do substantial justice. A signed copy of approved modifications shall be promptly given to the applicant.

2. Details of actions granting modifications and related interpretations shall be recorded and preserved in the records of the Department of Fire Prevention to aid in conformance and uniform application of related codes, ordinances, and standards.

C. Section 104.10.1, Assistance from other agencies.

Police and other enforcement agencies shall have the authority to render necessary assistance in the investigation of fires, hazardous conditions, and enforcement of the life safety provisions of this code when requested by the Fire Marshal.

D. Section 105.1.1, Permits required.

Permits required by this code and regulated by the Town shall be issued by the Fire Marshal or building department personnel with concurrence of the Fire Marshal. Permit fees adopted by Town Council shall be paid prior to permit issuance. Permits shall be kept at the designated premises indicated and be readily available for fire and Town personnel.

E. Section 105.3.1, Expiration. This section is restated as written below.

An operational permit shall remain in effect until reissued, renewed, or revoked, or for such a period of time as specified in the permit. Construction permits issued under this chapter shall expire per WMC 12.05.255. Operational permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

E.F. Section ~~108~~109, Board of appeals.

All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56 of this code. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.

**F.G.** Section ~~109.3~~110.4, Violation penalties.

Section ~~109.3~~110.4 of the International Fire Code is replaced by Section 1.12.010.

**G.H.** Section 202, Definitions.

1. Whenever the term "fire code official" is used in the IFC, it shall mean the Fire Marshal as designated by the Mayor.
2. Whenever the term "chief appointing authority" or "fire chief" is used in the IFC, it shall mean the Fire Chief for the Town of Woodway, as designated by the Mayor.
3. Whenever the word "municipality" or "jurisdiction" is used in the IFC, it shall mean the Town of Woodway.
4. Whenever the term "legal representative of the jurisdiction" is used in the IFC, it shall mean the Attorney for the Town of Woodway.
5. Wherever the term "the Police Department" is used in the IFC, it shall mean the Woodway Police Department.

**H.I.** Section 503, Fire apparatus access roads. The following sections are adopted as published in the IFC. The Washington State amendments to these sections are not adopted.

1. Section 503.1, Where required.
2. Section 503.1.1, Buildings and facilities.
3. Section 503.1.2, Additional access.
4. Section 503.1.3, High-piled storage.
5. Section 503.2, Specifications.
6. Section 503.3, Marking.
7. Section 503.4, Obstruction of fire apparatus access roads.
8. Section 503.4.1, Traffic calming devices.

**I.J.** Section 5601.1, Explosives and fireworks scope. An exception is added to Section 5601.1 of the International Fire Code to read as follows:

10. The use of flares for signal purposes or illumination during transportation signaling or forest protection activities.

**J.K.** Section 5601.1.3, Fireworks, Not Adopted. Section 5601.1.3 of the International Fire Code is replaced with Chapter 6.16 of this code.

**K.L.** Sections 5704.2.9.6.1 (outside) and 5706.2.4.4 (inside) Locations where above-ground tanks are prohibited.

Class I and II flammable liquids in aboveground storage tanks are restricted for the protection of residential areas and shall be no more than one thousand gallons capacity in Town of Woodway.

**L.M.** Section 6104.2, Liquefied petroleum gas (LPG): maximum capacity within established limits.



The maximum capacity for each installation of LPG is restricted for the protection of residential areas and shall be no more than five hundred gallons water capacity in Town of Woodway.

## **CHAPTER 12.19: WASHINGTON STATE ENERGY ~~CONSERVATION~~ CODE**

Sections:

12.19.010 Washington State Energy Code.

12.19.020 Copy on file.

### **12.19.010 WASHINGTON STATE ENERGY CODE.**

The ~~2015~~2018 Washington State Energy Code, as amended by the Washington State Building Code Council and published as Chapters 51-11C and 51-11R WAC, as now or hereafter amended, is adopted with the following additions, deletions, and exceptions:

A. Administration Sections C107 through C111 and R107 through R111 are not adopted and the Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be used in their place.

A.B. All references to the Board of Appeals shall be deemed to refer to the Town's Hearing Examiner.

### **12.19.020 COPY ON FILE.**

At least one copy of the adopted edition of the Washington State Energy Code shall be on file in the office of the Town Clerk.

## **CHAPTER 12.24: FENCES AND WALLS**

Sections:

12.24.010 Right-of-way.

12.24.020 Fees.

12.24.030 Violation~~—Penalty.~~

12.24.040 Right of appeal.

### **12.24.010 RIGHT-OF-WAY.**

No fence or wall may be built or allowed in the Town right-of-way.

### **12.24.020 FEES.**

- A. Existing fence or wall repairs do not require a building permit.
- B. Construction of a new property line or perimeter fence or wall, as described in Section 14.08.105, requires a building permit. A permit fee as scheduled provides a plan check and one site inspection. Any additional inspections will be based on the fees set forth in Section 3.32.010.
- C. New construction of a fence or wall which is included on the plans for a building permit will be included in the original building permit fee. Inspections of said fence or wall shall be completed prior to the Town's issuance of a building permit final inspection approval; otherwise, subsection B of this section and the requirements of this chapter shall apply.

### **12.24.030 VIOLATION~~—PENALTY.~~**

Failure to obtain a ~~fence~~ permit as required by this chapter~~hereafter~~ shall be a violation under Chapter 12.05 Article XIII Violations~~Chapter 14.56. Any new perimeter or property line fence constructed prior to receiving a permit shall be in violation of Chapter 14.56. A permit shall be immediately obtained. In addition to the monetary penalty provided in Section 14.56.010, the~~

~~owner shall pay the cost of any removal or relocation of the fence as required by the Town Building Official or Building Inspector, as authorized by the Mayor, within thirty days if said fence is not in compliance with ordinances so established by the Town. Failure to construct a fence hereafter in accordance with the requirements of this chapter shall be a violation under Chapter 14.56.~~

#### **12.24.040 RIGHT OF APPEAL.**

~~Appeals of decisions under this chapter shall be governed by the procedures in Chapter 12.05 Article XII Appeals. Any decision made by the department designated by the Mayor to approve or disapprove the submitted plans for fence or wall construction or reconstruction may be appealed to the Town of Woodway Hearing Examiner by following the procedures in Chapter 2.56.~~

### **CHAPTER 12.30: WOODWAY PROPERTY MAINTENANCE CODE**

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### ARTICLE I. SCOPE AND ADMINISTRATION

#### 12.30.101 GENERAL.

- A. Title. These regulations shall be known as the Woodway property maintenance code, hereinafter referred to as “this code.”
- B. Scope. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner’s authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- C. Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.
- D. Severability. If a section, subsection, sentence, clause or phrase of this code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### **12.30.102 APPLICABILITY.**

- A. General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply. Where, in a specific case, different sections of this code specify different requirements, the most restrictive shall govern.
- B. Maintenance. Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, owner's authorized agent, operator or occupant shall cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's authorized agent shall be responsible for the maintenance of buildings, structures and premises.
- C. Application of Other Codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Woodway Municipal Code.
- D. Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any structure that is dangerous, unsafe and insanitary.
- E. Workmanship. Repairs, maintenance work, alterations or installations that are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.
- F. Historic Buildings. The provisions of this code shall not be mandatory for existing buildings or structures designated as historic buildings, as defined in the International Existing Building Code, where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.
- G. Referenced Codes and Standards. The codes and standards referenced in this code shall be those that are listed in Article VIII and 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 the referenced standards, the provisions of this code shall apply.

Exception: Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing shall apply.

  - 1. Conflicts. Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.
  - 2. Provisions in referenced codes and standards. Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.
- H. Requirements Not Covered by Code. Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety,

health and general welfare, not specifically covered by this code, shall be determined by the code official.

I. 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.

J. Other Laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

#### **12.30.103 PROPERTY MAINTENANCE INSPECTION.**

A. General. The code official is hereby authorized and directed to enforce the provisions of this code. The code 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.

B. Liability. The code official, hearing examiner or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

1. Legal Defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

C. Fees. The fees for activities and services performed by the code official in carrying out the responsibilities under this code shall be as adopted by the Woodway Town Council.

#### **12.30.104 DUTIES AND POWERS OF THE CODE OFFICIAL.**

A. Inspections. The code official is authorized to make all of the required inspections, or 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 code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

B. Right of Entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by this code; provided, that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, entry shall be pursuant to a warrant or

other remedy provided by law unless a public safety emergency justified entry without a warrant or other lawful remedy.

- C. Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- D. Notices and Orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.
- E. Department Records. The code official shall keep official records of all business and activities of the department specified in the provisions of this code. Such records shall be retained in the official records for the period required for retention of public records.

#### **12.30.105 APPROVAL.**

- A. Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's authorized agent, provided the code official shall first find that special individual reason makes the strict letter of this code impractical, the modification is in compliance with the intent and purpose of this code, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.
- B. 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 code 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, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.
- C. Required Testing. 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 code official shall have the authority to require tests to be made as evidence of compliance at no expense to the jurisdiction.
  - 1. Test Methods. 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 code official shall be permitted to approve appropriate testing procedures performed by an approved agency.
  - 2. Test Reports. Reports of tests shall be retained by the code official for the period required for retention of public records.
- D. Used Material and Equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Materials, equipment and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested where necessary, placed in good and proper working condition and approved by the code official.
- E. Approved Materials and Equipment. Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.



F. 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.

#### **12.30.106 CODE ENFORCEMENT.**

Enforcement. Enforcement of any violation of this code shall be conducted in accordance with procedures set forth in Chapters 1.12 and 1.14.

#### **12.30.107 NOTICES AND ORDERS (CONDEMNATION AND DEMOLITION).**

A. Notice to Person Responsible. Whenever the code official is required to provide notice per Section 12.30.108C or 12.30.110B, notice shall be given in the manner prescribed in subsections A and C of this section to the person responsible for the violation as specified in this code.

B. Form. Such notice prescribed in subsection A of this section shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.
5. Inform the property owner or owner's authorized agent of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 1.14.100I.

C. Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address, provided in either instance that such notice shall be deemed served three days after it has been sent or deposited; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

D. Unauthorized Tampering. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with, or removed without authorization from the code official.

E. Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Chapter 1.14.

F. Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner or owner's authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

G. Means of Appeal. Any person directly affected by a decision of the code official or a notice or order issued under this section shall have the right to appeal as set forth in Section 1.14.120.

### **12.30.108 UNSAFE STRUCTURES AND EQUIPMENT.**

A. General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, the code official is authorized to condemn such structure pursuant to the provisions of this code.

1. Unsafe Structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.
2. Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
3. Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin- or rat-infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
4. Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or that was erected, altered or occupied contrary to law.
5. Dangerous Structure or Premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
  - a. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
  - b. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
  - c. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
  - d. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof, that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place, so as to be capable of resisting natural or artificial loads of one and one-half times the original designed value.

- e. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
  - f. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
  - g. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
  - h. Any building or structure that has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire or building collapse or any other threat to life and safety.
  - i. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
  - j. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.
  - k. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.
6. Drug Properties and Structures. It is hereby declared that any building, structure and/or associated property wherein or upon which the manufacture, distribution, production or storage of illegal drugs or the precursors to create illegal drugs has taken place in a manner which could endanger the public, such building, structure and/or associated property is not only a dangerous property but is also of a classification of property calling for the special procedures set forth in this section. The code official is authorized to abate such dangerous buildings, structures and/or associated properties in accordance with the dangerous building procedures set forth in such code, with the following modifications:
- a. Due to public safety hazard in drug-production facilities, the utilities shall be disconnected;
  - b. Building(s) and structures will be inspected to determine compliance with all town ordinances and codes;
  - c. Building(s) and any entry gates to the property will be secured against entry. No reconnection of utilities or re-occupancy of the building(s), structures or property shall be allowed until all violations have been remedied and all dangerous

conditions abated to the satisfaction of the code official and a notice of release for re-occupancy has been received from the Snohomish Health District.

B. Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner or owner's authorized agent to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

1. Authority to Disconnect Service Utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 12.30.102G in case of emergency when necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The code official shall notify the serving utility and, whenever possible, the owner or owner's authorized agent and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the owner, owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

2. Standards for Securing Buildings. To secure a building, all doors, window openings, or other openings on floors accessible from grade shall be closed and locked, or shuttered to prevent third party entry. If openings are damaged so they cannot be secured using normal building amenities, they shall be secured by covering with seven-sixteenths-inch minimum thickness structural panel cut to fit over the building opening and secured with No. 10 wood screws with fender washers. The screws shall penetrate the wood framing by a minimum of one and one-quarter inches and the screws shall be spaced around the perimeter of the opening at no less than twelve inches on center.

C. Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 12.30.107C. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 12.30.107B.

D. Placarding. Upon failure of the owner, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the code official is authorized to post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

1. Placard Removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

- E. Prohibited Occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment, shall be liable for the penalties provided by this code.
- F. Abatement Methods. The owner, owner's authorized agent, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions, either by repair, rehabilitation, demolition or other approved corrective action.
- G. Record. The code official shall have authority to cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

#### **12.30.109 EMERGENCY MEASURES.**

- A. Imminent Danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official is authorized to cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.
- B. Temporary Safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official is authorized to order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.
- C. Closing Streets. When necessary for public safety, the code official is authorized to temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- D. Emergency Repairs. For the purposes of this section, the code official is authorized to employ the necessary labor and materials to perform the required work as expeditiously as possible.
- E. Costs of Emergency Repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction is authorized to institute appropriate action against the owner of the premises or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.
- F. Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the hearing examiner, be afforded a hearing as set forth in Chapter 1.14.

### **12.30.110 DEMOLITION.**

- A. General. The code official is authorized to order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's or owner's authorized agent's judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the code official is authorized to order the owner or owner's authorized agent to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless approved by the building official.
- B. Notices and Orders. Notices and orders shall comply with Section [12.30.107](#).
- C. Failure to Comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official is authorized to cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- D. Salvage Materials. When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

### **12.30.111 APPEALS.**

Appeals to this Chapter shall be per Article XII of Chapter 12.05 of the WMC

### **12.30.112 STOP WORK ORDER.**

- A. Authority. Whenever the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.
- B. Issuance.
1. A stop work order shall be in writing and shall be posted on the subject property or be served on persons engaged in any work or activity in violation of the provisions of this chapter. The effect of such a stop work order shall be to require the immediate cessation of such work or activity until authorized by the Mayor or code enforcement officer to proceed.
  2. The stop work order shall state:
    - a. The reason for the order; and
    - b. The conditions under which the cited work is authorized to resume.
- C. Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.



- D. The building official is authorized to assess a stop work order fee for the issuance of a stop work order. The stop work order fee shall be as set forth in Section 3.32.010.
- E. Failure to Comply. Any person who shall continue any work 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 deemed guilty of a misdemeanor or civil violation in accordance with Chapters 1.12 and 1.14.

## ARTICLE II. DEFINITIONS

### 12.30.201 GENERAL.

- A. Scope. Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.
- C. Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the International Building Code, International Existing Building Code, International Residential Code, International Fire Code, Woodway Municipal Code, Uniform Plumbing Code, International Mechanical Code or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.
- D. Terms Not Defined. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.
- E. Parts. Whenever the words “dwelling unit,” “dwelling,” “premises,” “building,” “rooming house,” “rooming unit,” “housekeeping unit” and “story” are stated in this code, they shall be construed as though they were followed by the words “or any part thereof.”

### 12.30.202 GENERAL DEFINITIONS.

For purposes of this chapter, the following definitions shall apply:

“Anchored” means secured in a manner that provides positive connection.

“Approved” means acceptable to the code official.

“Basement” means that portion of a building which is partly or completely below grade.

“Bathroom” means a room containing plumbing fixtures including a bathtub or shower.

“Bedroom” means any room or space used or intended to be used for sleeping purposes in either a dwelling or sleeping unit.

“Code official” means the official who is charged with the administration and enforcement of this code or portion of this code, or any duly authorized representative. The code official may be a representative of the building, fire, planning or public works department.

“Condemn” means to adjudge unfit for occupancy.

“Cost of such demolition or emergency repairs” means the actual costs of the demolition or repair of the structure less revenues obtained if salvage was conducted prior to demolition or repair. Costs shall include, but not be limited to, expenses incurred or necessitated related to demolition or emergency repairs, such as asbestos survey and abatement if necessary; costs of inspectors, testing agencies or experts retained relative to the demolition or emergency repairs; costs of testing; surveys for other materials that are controlled or regulated from being dumped in a landfill; title searches; mailing(s); postings; recording;

and attorney fees expended for recovering of the cost of emergency repairs or to obtain or enforce an order of demolition made by a code official, the governing body or board of appeals.

“Detached” means when a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

“Deterioration” means to weaken, disintegrate, corrode, rust or decay and lose effectiveness.

“Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

“Easement” means that portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above said lot or lots.

“Equipment support” means those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

“Exterior property” means the open space on the premises and on adjoining property under the control of owners or operators of such premises.

“Garbage” means the animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

“Graffiti” means unauthorized markings, visible from premises open to the public, that have been placed upon any property through the use of paint, ink, dye or any other substance capable of marking property.

“Guard” means a building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

“Historic building” means any building or structure that is listed in the State or National Register of Historic Places; designated as a historic property under local or state designation law or survey; certified as a contributing resource within a National Register listed or locally designated historic district; or with an opinion or certification that the property is eligible to be listed on the National or State Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

“Housekeeping unit” means a room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

“Imminent danger” means a condition which could cause serious or life-threatening injury or death at any time. “Infestation” means the presence, within or contiguous to a structure or premises, of insects, rats, vermin or other pests.

“Inoperable motor vehicle” means a vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

“Junk” means old or scrap copper; brass; rope; rags; batteries; paper; trash; rubber debris; wastes; machinery; scrap wood; junked, dismantled or wrecked automobiles, or parts thereof; iron; steel; and other old or scrap ferrous or nonferrous material.

“Labeled” means equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, approved agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

“Let for occupancy” or “let” means to permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premises or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

“Neglect” means the lack of proper maintenance for a building or structure.

“Occupancy” means the purpose for which a building or portion thereof is utilized or occupied.

“Occupant” means any individual living or sleeping in a building, or having possession of a space within a building.

“Openable area” means that part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

“Operator” means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

“Owner” means any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“Person” means an individual, corporation, partnership or any other group acting as a unit.

“Pest elimination” means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods. “Premises” means a lot, plot or parcel of land, easement or public way, including any structures thereon.

“Public way” means any street, alley or other parcel of land that: is open to the outside air; leads to a street; has been deeded, dedicated or otherwise permanently appropriated to the public for public use; and has a clear width and height of not less than 10 feet.

“Rooming house” means a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

“Rooming unit” means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

“Rubbish” means combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

“Sleeping unit” means a room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

“Strict liability offense” means an offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

“Structure” means that which is built or constructed.

“Tenant” means a person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

“Toilet room” means a room containing a water closet or urinal but not a bathtub or shower.

“Ultimate deformation” means the deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to eighty percent or less of the maximum strength.

“Ventilation” means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

“Workmanlike” means executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

“Yard” means an open space on the same lot with a structure.

### **ARTICLE III. GENERAL REQUIREMENTS**

#### **12.30.301 GENERAL.**

A. Scope. The provisions of this article shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and exterior property.

B. Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner occupant or permit another person to occupy premises that are not in a sanitary and safe condition and that do not comply with the requirements of this article. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

C. Vacant Structures and Land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

**12.30.302 EXTERIOR PROPERTY AREAS.**

A. Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

B. Grading and Drainage. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: Approved retention areas and reservoirs.

C. Sidewalks and Driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

D. Control of Overgrown Vegetation. Overgrown vegetation shall comply with subsections 12.30.302D1 and 12.30.302D2 of this section.

1. Removal of Overhanging Vegetation and Fire Hazards.

a. The owner of any property in the town shall remove or destroy, in a manner permitted by law, all vegetation or parts thereof that overhang or are growing on any sidewalk or street in a manner that obstructs or impairs the free and full use of the sidewalk or street by the public. Prior authorization is required from the town to the extent pruning or removal of trees is required.

b. The owner of any property in the town shall remove or destroy, in a manner permitted by law, all vegetation growing or which has grown and died or debris upon property owned or occupied by them that is a fire hazard or a menace to public health, safety or welfare. Such work, when proposed in a critical area or its buffer, requires prior approval from the town. Prior authorization also is required from the town to the extent pruning or removal of trees is required.

2. Weeds and Grass. Premises and exterior property shall be maintained free from weeds and grass in excess of eighteen inches. Upon failure to comply with this section, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds or plants growing thereon that are over eighteen inches tall, and the costs of such removal shall be paid by the owner or agent responsible for the property; provided, however, that such entry and removal shall be pursuant to a warrant or other remedy provided by law unless a public safety emergency justifies entry without a warrant or other lawful remedy.

E. Rodent harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

- F. Exhaust Vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant.
- G. Accessory Structures. Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
- H. Motor vehicles. Except as provided for in Section 6.08.030, inoperative or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

- I. Defacement of Property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti. It shall be the responsibility of the owner to restore said surface to an approved state of maintenance and repair.

#### **12.30.303 SWIMMING POOLS, SPAS, AND HOT TUBS.**

- A. Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- B. Enclosures. Private swimming pools, hot tubs and spas, containing water more than twenty-four inches in depth shall be completely surrounded by a fence or barrier not less than forty-eight inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than fifty-four inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of six inches from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 and swimming pools equipped with a powered safety cover that complies with ASTM F1346, in compliance with the International Swimming Pool and Spa Code, shall be exempt from the provisions of this section.

#### **12.30.304 EXTERIOR STRUCTURE.**

- A. General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
  - 1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:
    - a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;



- b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;
- c. Structures or components thereof that have reached their limit state;
- d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather-resistant or watertight;
- e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration or fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
- j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
- l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
- m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

- i. Where substantiated otherwise by an approved method.
- ii. Demolition of unsafe conditions shall be permitted where approved by the code official.

B. Protective Treatment. Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, and balconies, shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry

joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather-resistant and watertight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.

- C. Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than four inches (one hundred two millimeters) high with a minimum stroke width of one-half inch.

Exception: Buildings constructed under the International Residential Code, prior to July 1, 2010, are permitted to have the address number size be a minimum of three inches high.

- D. Structural Members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- E. Foundation Walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
- F. Exterior Walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- G. Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged directly onto any other private property, public right-of-way or in a manner that creates a public nuisance.
- H. Decorative Features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
- I. Overhang Extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- J. Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
- K. Chimneys and Towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
- L. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- M. Window, Skylight and Door Frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

1. Glazing. Glazing materials shall be maintained free from cracks and holes.
  2. Openable Windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- N. Doors. Exterior doors, door assemblies, operator systems if provided and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 12.30.702C.

### **12.30.305 INTERIOR STRUCTURE.**

- A. General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.
1. Unsafe Conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:
    - a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
    - b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations, is not capable of resisting all nominal loads or load effects;
    - c. Structures or components thereof that have reached their limit state;
    - d. Structural members are incapable of supporting nominal loads and load effects;
    - e. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
    - f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- Exceptions:
- i. Where substantiated otherwise by an approved method.
  - ii. Demolition of unsafe conditions shall be permitted when approved by the code official.
- B. Structural Members. Structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.
- C. Interior Surfaces. Interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood, mold and other defective surface conditions shall be corrected.
- D. Stairs and Walking Surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

- E. Handrails and Guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
- F. Interior Doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

#### **12.30.306 COMPONENT SERVICEABILITY.**

General. The components of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

A. Unsafe Conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. Soils that have been subjected to any of the following conditions:
  - a. Collapse of footing or foundation system;
  - b. Damage to footing, foundation, concrete or other structural element due to soil expansion;
  - c. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
  - d. Inadequate soil as determined by a geotechnical investigation;
  - e. Where the allowable bearing capacity of the soil is in doubt; or
  - f. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
  - a. Deterioration;
  - b. Ultimate deformation;
  - c. Fractures;
  - d. Fissures;
  - e. Spalling;
  - f. Exposed reinforcement; or
  - g. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
  - a. Deterioration;
  - b. Corrosion;
  - c. Elastic deformation;
  - d. Ultimate deformation;
  - e. Stress or strain cracks;
  - f. Joint fatigue; or
  - g. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
  - a. Deterioration;
  - b. Ultimate deformation;
  - c. Fractures in masonry or mortar joints;

- d. Fissures in masonry or mortar joints;
  - e. Spalling;
  - f. Exposed reinforcement; or
  - g. Detached, dislodged or failing connections.
- 5. Steel that has been subjected to any of the following conditions:
  - a. Deterioration;
  - b. Elastic deformation;
  - c. Ultimate deformation;
  - d. Metal fatigue; or
  - e. Detached, dislodged or failing connections.
- 6. Wood that has been subjected to any of the following conditions:
  - a. Ultimate deformation;
  - b. Deterioration;
  - c. Damage from insects, rodents and other vermin;
  - d. Fire damage beyond charring;
  - e. Significant splits and checks;
  - f. Horizontal shear cracks;
  - g. Vertical shear cracks;
  - h. Inadequate support;
  - i. Detached, dislodged or failing connections; or
  - j. Excessive cutting and notching.

Exceptions:

- a. Where substantiated otherwise by an approved method.
- b. Demolition of unsafe conditions shall be permitted where approved by the code official.

**12.30.307 HANDRAILS AND GUARDRAILS.**

General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than thirty inches above the floor or grade below shall have guards. Handrails shall be not less than thirty inches high or more than forty-two inches high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than thirty inches high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards and handrails shall not be required where exempted by the adopted building code.

**12.30.308 RUBBISH AND GARBAGE.**

- A. Accumulation of rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
- B. Disposal of rubbish. Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

1. Rubbish storage facilities. The owner of every occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.
  2. Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.
- C. Disposal of garbage. Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.
1. Garbage facilities. The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leakproof, covered, outside garbage container.
  2. Containers. The operator of every establishment producing garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal.

#### **12.30.309 PEST ELIMINATION.**

- A. Infestation. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.
- B. Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.
- C. Single Occupant. The occupant of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the premises.
- D. Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, a rooming house or a nonresidential structure shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.
- E. Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure.

Exception: Where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

#### **ARTICLE IV. LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS**

##### **12.30.401 GENERAL.**

- A. Scope. The provisions of this article shall govern the minimum conditions and standards for light, ventilation and space for occupying a structure.
- B. Responsibility. The owner of the structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as owner-occupant, or permit another person to occupy, any premises that do not comply with the requirements of this article.



- C. Alternative Devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the International Building Code or International Residential Code shall be permitted.

#### **12.30.402 LIGHT.**

- A. Habitable Spaces. Every habitable space shall have not less than one window of approved size facing directly to the outdoors or to a court. The minimum total glazed area for every habitable space shall be eight percent of the floor area of such room. Wherever walls or other portions of a structure face a window of any room and such obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, such window shall not be deemed to face directly to the outdoors nor to a court and shall not be included as contributing to the required minimum total window area for the room.

Exception: Where natural light for rooms or spaces without exterior glazing areas is provided through an adjoining room, the unobstructed opening to the adjoining room shall be not less than eight percent of the floor area of the interior room or space, but not less than twenty-five square feet. The exterior glazing area shall be based on the total floor area being served.

- B. Common Halls and Stairways. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than the equivalent of a sixty-watt standard incandescent light bulb for each two hundred square feet of floor area or equivalent illumination; provided, that the spacing between lights shall not be greater than thirty feet. In other than residential occupancies, means of egress, including exterior means of egress, and stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than one foot candle (eleven lux) at floors, landings and treads.

- C. Other Spaces. All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of the appliances, equipment and fixtures.

#### **12.30.403 VENTILATION.**

- A. Habitable Spaces. Every habitable space shall have not less than one openable window. The total openable area of the window in every room shall be equal to not less than forty-five percent of the minimum glazed area required in Section 12.30.402A.

Exception: Where rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be not less than eight percent of the floor area of the interior room or space, but not less than twenty-five square feet. The ventilation openings to the outdoors shall be based on a total floor area being ventilated.

- B. Bathrooms and Toilet Rooms. Every bathroom and toilet room shall comply with the ventilation requirements for habitable spaces as required by subsection A of this section, except that a window shall not be required in such spaces equipped with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

C. Cooking Facilities. Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exceptions:

1. Where specifically approved in writing by the code official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

D. Process Ventilation. Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

E. Clothes Dryer Exhaust. Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the structure in accordance with the manufacturer's instructions.

Exception: Listed and labeled condensing (ductless) clothes dryers.

#### **12.30.404 OCCUPANCY LIMITATIONS.**

A. Privacy. Dwelling units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

B. Minimum Room Widths. A habitable room, other than a kitchen, shall not be less than seven feet in any plan dimension. Kitchens shall have a clear passageway of not less than three feet between counter fronts and appliances or counter fronts and walls.

C. Minimum Ceiling Heights. Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet.

Exceptions:

1. In one- and two-family dwellings, beams or girders spaced not less than four feet on center and projecting not more than six inches below the required ceiling height.
2. Basement rooms in one- and two-family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches with not less than six feet four inches of clear height under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least seven feet over not less than one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet or more shall be included.

D. Bedroom and Living Room Requirements. Every bedroom and living room shall comply with the requirements of subsections 12.30.404D1 through 12.30.404D5 of this section.

1. Room Area. Every habitable room except kitchens shall contain at least seventy square feet.
2. Access from Bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

Exception: Units that contain fewer than two bedrooms.

3. Water Closet Accessibility. Every bedroom shall have access to not less than one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to not less than one water closet and lavatory located in the same story as the bedroom or an adjacent story.
  4. Prohibited Occupancy. Kitchens and nonhabitable spaces shall not be used for sleeping purposes.
  5. Other Requirements. Bedrooms shall comply with the applicable provisions of this code including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this article; the plumbing facilities and water-heating facilities requirements of Article V; the heating facilities and electrical receptacle requirements of Article VI; and the smoke detector and emergency escape requirements of Article VII of this chapter.
- E. Overcrowding. The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.
- F. Efficiency Unit. Nothing in this section shall prohibit an efficiency living unit from meeting the following requirements:
1. A unit occupied by not more than two occupants shall have a clear floor area of not less than two hundred twenty square feet. A unit occupied by three occupants shall have a clear floor area of not less than three hundred twenty square feet. These required areas shall be exclusive of the areas required by subsections 12.30.404.F.2 and 12.30.404.F.3 of this section.
  2. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than thirty inches in front. Light and ventilation conforming to this code shall be provided.
  3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.
  4. The maximum number of occupants shall be three.
- G. Food Preparation. All spaces to be occupied for food preparation purposes shall contain suitable space and equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

## **ARTICLE V. PLUMBING FACILITIES AND FIXTURE REQUIREMENTS**

### **12.30.501 GENERAL.**

- A. Scope. The provisions of this article shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.
- B. Responsibility. The owner of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any structure or premises which does not comply with the requirements of this article.

### **12.30.502 REQUIRED FACILITIES.**

- A. Dwelling Units. Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition.

The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

B. Rooming Houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four rooming units.

C. Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten occupants.

D. Employees' Facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

1. Drinking Facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or bathrooms.

E. Public Toilet Facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with Chapter 12.09. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

#### **12.30.503 TOILET ROOMS.**

A. Privacy. Toilet rooms and bathrooms shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared bathrooms and toilet rooms in a multiple dwelling.

B. Location. Toilet rooms and bathrooms serving hotel units, rooming units, dormitory units or housekeeping units shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

C. Floor Surface. In other than dwelling units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

#### **12.30.504 PLUMBING SYSTEMS AND FIXTURES.**

A. General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing shall be maintained in a safe, sanitary and functional condition.

B. Fixture Clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

C. Plumbing System Hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

#### **12.30.505 WATER SYSTEM.**

A. General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and

showers shall be supplied with hot or tempered and cold running water in accordance with Chapter 12.09.

- B. Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.
- C. Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.
- D. Water Heating Facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than one hundred ten degrees Fahrenheit. A gas burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An approved combination temperature and pressure relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.
- E. Nonpotable water reuse systems. Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 12.30.505.E.1.
  - 1. Abandonment of systems. Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the owner ceases use of the system, the system shall be abandoned in accordance with Section 1301.10 of the 2018 International Plumbing Code.

#### **12.30.506 SANITARY DRAINAGE SYSTEM.**

- A. General. Plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- B. Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.
- C. Grease Interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. All records of maintenance, cleaning and repairs shall be available for inspection by the code official.

#### **12.30.507 STORM DRAINAGE.**

- A. General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall be discharged in a manner consistent with the requirements of Chapter 11.02 and shall not be discharged in a manner that creates a public nuisance.
- B. Private Property Drainage. Drainage from roof, paved areas, yards, or courts shall not be intentionally discharged directly onto any other private property or public right-of-way.

## ARTICLE VI. MECHANICAL AND ELECTRICAL REQUIREMENTS

### 12.30.601 GENERAL.

- A. Scope. The provisions of this article shall govern the minimum mechanical and electrical facilities and equipment to be provided.
- B. Responsibility. The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that does not comply with the requirements of this article.

### 12.30.602 HEATING FACILITIES.

- A. Facilities Required. Heating facilities shall be provided in structures as required by this section.
- B. Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of sixty-eight degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, to provide space heating to meet the requirements of this section.
- C. Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than sixty-eight degrees Fahrenheit in all habitable rooms, bathrooms and toilet rooms.
- D. Room Temperature Measurement. The required room temperatures shall be measured three feet above the floor near the center of the room and two feet inward from the center of each exterior wall.

### 12.30.603 MECHANICAL EQUIPMENT.

- A. Mechanical Equipment and Appliances. Mechanical equipment, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.
- B. Removal of Combustion Products. Fuel-burning equipment and appliances shall be connected to an approved chimney or vent.  
Exception: Fuel-burning equipment and appliances that are labeled for unvented operation.
- C. Clearances. Required clearances to combustible materials shall be maintained.
- D. Safety Controls. Safety controls for fuel-burning equipment shall be maintained in effective operation.
- E. Combustion Air. A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.
- F. Energy Conservation Devices. Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically approved.

### 12.30.604 ELECTRICAL FACILITIES.

- A. Facilities Required. Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 12.30.605.



- B. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code. Dwelling units shall be served by a three-wire, one hundred-twenty/two-hundred-forty volt, single-phase electrical service having a rating of not less than sixty amperes.
- C. Electrical System Hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.
1. Abatement of Electrical Hazards Associated with Water Exposure. Electrical equipment and wiring that have been submerged or exposed to water shall comply with the provisions of the electrical code.
  2. Abatement of Electrical Hazards Associated with Fire Exposure. Electrical equipment and wiring that have been submerged or exposed to fire shall comply with the provisions of the electrical code.
- Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

#### **12.30.605 ELECTRICAL EQUIPMENT.**

- A. Installation. Electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- B. Receptacles. Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.
- C. Luminaires. Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain not less than one electric luminaire. Pool and spa luminaires over fifteen V shall have ground fault circuit interrupter protection.
- D. Wiring. Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

#### **12.30.606 ELEVATORS, ESCALATORS, AND DUMBWAITERS.**

- A. General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the building operator or be posted in a publicly conspicuous location approved by the code official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the Washington State Department of Labor and Industries.
- B. Elevators. In buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

#### **12.30.607 DUCT SYSTEMS.**

General. Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

### **ARTICLE VII. FIRE SAFETY REQUIREMENTS**

#### **12.30.701 GENERAL.**

- A. Scope. The provisions of this article shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.
- B. Responsibility. The owner of the premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises that do not comply with the requirements of this article.

#### **12.30.702 MEANS OF EGRESS.**

- A. General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the International Fire Code.
- B. Aisles. The required width of aisles in accordance with International Fire Code shall be unobstructed.
- C. Locked Doors. Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by Chapter 12.06.
- D. Emergency Escape Openings. Required emergency escape openings shall be maintained in accordance with the code in effect at the time of construction, and the following. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings, provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

#### **12.30.703 FIRE-RESISTANCE RATINGS.**

- A. Fire-resistance-rated assemblies. The provisions of this chapter shall govern maintenance of the materials, systems and assemblies used for structural fire resistance and fire-resistance-rated construction separation of adjacent spaces to safeguard against the spread of fire and smoke within a building and the spread of fire to or from buildings.
- B. Unsafe conditions. Where any components are not maintained and do not function as intended or do not have the fire resistance required by the code under which the building was constructed or altered, such components or portions thereof shall be deemed unsafe conditions in accordance with Section 111.1.1 of the International Fire Code. Components or portions thereof determined to be unsafe shall be repaired or replaced to conform to that code under which the building was constructed or altered. Where the condition of components is such that any building, structure or portion thereof presents an imminent

danger to the occupants of the building, structure or portion thereof, the fire code official shall act in accordance with Section 111.2 of the International Fire Code.

C. Maintenance. The required fire-resistance rating of fire-resistance-rated construction, including walls, firestops, shaft enclosures, partitions, smoke barriers, floors, fire-resistive coatings and sprayed fire-resistant materials applied to structural members and joint systems, shall be maintained. Such elements shall be visually inspected annually by the owner and repaired, restored or replaced where damaged, altered, breached or penetrated. Records of inspections and repairs shall be maintained. Where concealed, such elements shall not be required to be visually inspected by the owner unless the concealed space is accessible by the removal or movement of a panel, access door, ceiling tile or entry to the space. Openings made therein for the passage of pipes, electrical conduit, wires, ducts, air transfer and any other reason shall be protected with approved methods capable of resisting the passage of smoke and fire. Openings through fire-resistance-rated assemblies shall be protected by self- or automatic-closing doors of approved construction meeting the fire protection requirements for the assembly.

1. Fire blocking and draft stopping. Required fire blocking and draft stopping in combustibles concealed spaces shall be maintained to provide continuity and integrity of the construction.
2. Smoke barriers and smoke partitions. Required smoke barriers and smoke partitions shall be maintained to prevent the passage of smoke. Openings protected with approved smoke barrier doors or smoke dampers shall be maintained in accordance with NFPA 105.
3. Fire walls, fire barriers, and fire partitions. Required fire walls, fire barriers and fire partitions shall be maintained to prevent the passage of fire. Openings protected with approved doors or fire dampers shall be maintained in accordance with NFPA 80.

D. Opening protectives. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80. The application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed, or otherwise made inoperable. Fusible links shall be replaced whenever fused or damaged. Fire door assemblies shall not be modified.

1. Signs. Where required by the code official, a sign shall be permanently displayed on or near each fire door in letters not less than 1 inch high to read as follows:
  - a. For doors designed to be kept normally open: FIRE DOOR – DO NOT BLOCK.
  - b. For doors designed to be kept normally closed: FIRE DOOR – KEEP CLOSED.
2. Hold-open devices and closers. Hold-open devices and automatic door closers shall be maintained. During the period that such a device is out of service for repairs, the door it operates shall remain in the closed position.
3. Door operation. Swinging fire doors shall close from the full-open position and latch automatically. The door closer shall exert enough force to close and latch the door from any partially open position.

- E. Ceilings. The hanging and displaying of salable goods and other decorative materials from acoustical ceiling systems that are part of a fire-resistance-rated horizontal assembly shall be prohibited.
- F. Testing. Horizontal and vertical sliding and rolling fire doors shall be inspected and tested annually to confirm operation and full closure. Records of inspections and testing shall be maintained.
- G. Vertical shafts. Interior vertical shafts, including stairways, elevator hoistways and service and utility shafts, which connect two or more stories of a building shall be enclosed or protected as required in Chapter 11 of the International Fire Code. New floor openings in existing buildings shall comply with the International Building Code.
- H. Opening protective closers. Where openings are required to be protected, opening protectives shall be maintained self-closing or automatic-closing by smoke detection. Existing fusible-link-type automatic door-closing devices shall be replaced if the fusible link rating exceeds 135°F.

#### **12.30.704 FIRE PROTECTION SYSTEMS.**

- A. Inspection, testing and maintenance. Fire detection, alarm and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents shall be maintained in accordance with the International Fire Code in an operative condition at all times, and shall be replaced or repaired where defective.
  - 1. Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. Required systems shall be extended, altered or augmented as necessary to maintain and continue protection where the building is altered or enlarged. Alterations to fire protection systems shall be done in accordance with applicable standards.
  - 2. Required fire protection systems. Fire protection systems required by this code, the International Fire Code or the International Building Code shall be installed, repaired, operated, tested and maintained in accordance with this code. A fire protection system for which a design option, exception or reduction to the provisions of this code, the International Fire Code or the International Building Code has been granted shall be considered to be a required system.
  - 3. Fire protection systems. Fire protection systems shall be inspected, maintained and tested in accordance with the following International Fire Code requirements.
    - a. Automatic sprinkler systems, see Section 903.5.
    - b. Automatic fire-extinguishing systems protecting commercial cooking systems, see Section 904.12.5.
    - c. Automatic water mist extinguishing systems, see Section 904.11.
    - d. Carbon dioxide extinguishing systems, see Section 904.8.
    - e. Carbon monoxide alarms and carbon monoxide detection systems, see Section 915.6.
    - f. Clean-agent extinguishing systems, see Section 904.10.
    - g. Dry-chemical extinguishing systems, see Section 904.6.
    - h. Fire alarm and fire detection systems, see Section 907.8.
    - i. Fire department connections, see Sections 912.4 and 912.7.
    - j. Fire pumps, see Section 913.5.
    - k. Foam extinguishing systems, see Section 904.7.

- l. Halon extinguishing systems, see Section 904.9.
- m. Single- and multiple-station smoke alarms, see Section 907.10.
- n. Smoke and heat vents and mechanical smoke removal systems, see Section 910.5.
- o. Smoke control systems, see Section 909.20.
- p. Wet-chemical extinguishing systems, see Section 904.5.

D.B. Standards. Fire protection systems shall be inspected, tested and maintained in accordance with the referenced standards listed in Table 704.2 and as required in this section.

Table 704.2

FIRE PROTECTION SYSTEM MAINTENANCE STANDARDS

<u>SYSTEM</u>	<u>STANDARD</u>
<u>Portable fire extinguishers</u>	<u>NFPA 10</u>
<u>Carbon dioxide fire-extinguishing system</u>	<u>NFPA 12</u>
<u>Halon 1301 fire-extinguishing systems</u>	<u>NFPA 12A</u>
<u>Dry-chemical extinguishing systems</u>	<u>NFPA 17</u>
<u>Wet-chemical extinguishing systems</u>	<u>NFPA 17A</u>
<u>Water-based fire protection systems</u>	<u>NFPA 25</u>
<u>Fire alarm systems</u>	<u>NFPA 72</u>
<u>Smoke and heat vents</u>	<u>NFPA 204</u>
<u>Water-mist systems</u>	<u>NFPA 750</u>
<u>Clean-agent extinguishing systems</u>	<u>NFPA 2001</u>

- 1. Records. Records shall be maintained of all system inspections, tests and maintenance required by the referenced standards.
- 2. Records information. Initial records shall include the: name of the installation contractor; type of components installed; manufacturer of the components; location and number of components installed per floor; and manufacturers' operation and maintenance instruction manuals. Such records shall be maintained for the life of the installation.

C. Systems out of service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, either the building shall be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service. Where utilized, fire watches shall be provided with not less than one approved means for notification of the fire department and shall not have duties beyond performing constant patrols of the protected premises and keeping watch for fires. Actions shall be taken in accordance with Section 901 of the International Fire Code to bring the systems back in service.

- 1. Emergency impairments. Where unplanned impairments of fire protection systems occur, appropriate emergency action shall be taken to minimize potential injury and damage. The impairment coordinator shall implement the steps outlined in Section 901.7.4 of the International Fire Code.

D. Removal of or tampering with equipment. It shall be unlawful for any person to remove, tamper with or otherwise disturb any fire hydrant, fire detection and alarm system, fire

suppression system or other fire appliance required by this code except for the purposes of extinguishing fire, training, recharging or making necessary repairs.

1. Removal of or tampering with appurtenances. Locks, gates, doors, barricades, chains, enclosures, signs, tags and seals that have been installed by or at the direction of the fire code official shall not be removed, unlocked, destroyed or tampered with in any manner.
2. Removal of existing occupant-use hose lines. The fire code official is authorized to permit the removal of existing occupant-use hose lines where all of the following apply:
  - a. The installation is not required by the International Fire Code or the International Building Code.
  - b. The hose line would not be utilized by trained personnel or the fire department.
  - c. The remaining outlets are compatible with local fire department fittings.
3. Termination of monitoring service. For fire alarm systems required to be monitored by the International Fire Code, notice shall be made to the fire code official whenever alarm monitoring services are terminated. Notice shall be made in writing by the provider of the monitoring service being terminated.

E. Fire department connection. Where the fire department connection is not visible to approaching fire apparatus, the fire department connection shall be indicated by an approved sign mounted on the street front or on the side of the building. Such sign shall have the letters "FDC" not less than 6 inches high and words in letters not less than 2 inches high or an arrow to indicate the location. Such signs shall be subject to the approval of the fire code official.

1. Fire department connection access. Ready access to fire department connections shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire chief.

Exception: Fences, where provided with an access gate equipped with a sign complying with the legend requirements of Section 912.5 of the International Fire Code and a means of emergency operation. The gate and the means of emergency operation shall be approved by the fire chief and maintained operational at all times.

2. Clear space around connections. A working space of not less than 36 inches in width, 36 inches in depth and 78 inches in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections.

F. Single- and multiple-station smoke alarms. Single and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with Sections 12.30.704.F.1 through 12.30.704.F.3.

1. Where required. Existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with Sections 12.30.704.F.1(a) through 12.30.704.F.1(d). Interconnection and power sources shall be in accordance with Sections 12.30.704.F.2 and 12.30.704.F.3.



- a. Exceptions:
  - i. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.
  - ii. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.
  - iii. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.
- b. Group R-1. Single or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:
  - i. In sleeping areas.
  - ii. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.
  - iii. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- c. Groups R-2, R-3, R-4 and I-1. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:
  - i. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
  - ii. In each room used for sleeping purposes.
  - iii. In each story within a dwelling unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
- d. Installation near cooking appliances. Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by Section 704F1(a) or 704F1(b).
  - i. Ionization smoke alarms shall not be installed less than 20 feet horizontally from a permanently installed cooking appliance.
  - ii. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than 10 feet horizontally from a permanently installed cooking appliance.
  - iii. Photoelectric smoke alarms shall not be installed less than 6 feet horizontally from a permanently installed cooking appliance.
- e. Installation near bathrooms. Smoke alarms shall be installed not less than 3 feet horizontally from the door or opening of a bathroom that contains a bathtub or

shower unless this would prevent placement of a smoke alarm required by Section 12.30.704.F.1(a) or 12.30.704.F.1(b).

2. Interconnection. Where more than one smoke alarm is required to be installed within an individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

Exceptions:

- a. Interconnection is not required in buildings that are not undergoing alterations, repairs or construction of any kind.
  - b. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.
3. Power source. Single-station smoke alarms shall receive their primary power from the building wiring provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

- a. Smoke alarms are permitted to be solely battery operated in existing buildings where construction is not taking place.
  - b. Smoke alarms are permitted to be solely battery operated in buildings that are not served from a commercial power source.
  - c. Smoke alarms are permitted to be solely battery operated in existing areas of buildings undergoing alterations or repairs that do not result in the removal of interior walls or ceiling finishes exposing the structure, unless there is an attic, crawl space or basement available that could provide access for building wiring without the removal of interior finishes.
4. Smoke detection system. Smoke detectors listed in accordance with UL 268 and provided as part of the building's fire alarm system shall be an acceptable alternative to single and multiple-station smoke alarms and shall comply with the following:
    - a. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code.
    - b. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907.5.2 of the International Fire Code.
    - c. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that

a supervisory signal is generated and monitored in accordance with Section 907.6.6 of the International Fire Code.

G. Single- and multiple-station smoke alarms. Single and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than 10 years from the date of manufacture marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

### **12.30.705 CARBON MONOXIDE ALARMS AND DETECTION.**

- A. General. Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.
- B. Carbon monoxide alarms and detectors. Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

### **ARTICLE VIII. REFERENCED STANDARDS**

*User note: About this chapter: This code contains numerous references to standards promulgated by other organizations that are used to provide requirements for materials and methods of construction. Article VIII contains a comprehensive list of all standards that are referenced in this code. These standards, in essence, are part of this code to the extent of the reference to the standard. This chapter lists the standards that are referenced in various sections of this document. The standards are listed herein by the promulgating agency of the standard, the standard identification, the effective date and title and the section or sections of this document that reference the standard. The application of the referenced standards shall be as specified in Section 12.30.102G.*

### **ASME**

ASME A17.1—2016/CSA B44—16: Safety Code for Elevators and Escalators 606.1

### **ASTM**

F1346—91 (2010): Performance Specifications for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs 303.2

### **ICC**

IBC—18: International Building Code 102.3, 201.3, 304.1.1, 305.1.1, 306.1.1, 401.3, 604.3.1.1, 604.3.2.1, 702.3, 704.4.2

IECC—18: International Energy Conservation Code 102.3

IEBC—18: International Existing Building Code 102.3, 201.3, 304.1.1, 305.1.1, 306.1.1

IFC—18: International Fire Code 102.3, 201.3, 604.3.1.1, 702.1, 702.2, 704.1, 704.1.2, 704.1.3, 704.3, 704.3.1, 704.4.2, 704.4.3, 704.5.1, 704.6.4, 705.1

IFGC—18: International Fuel Gas Code 102.3, 201.3

IMC—18: International Mechanical Code 102.3, 201.3

IPC—18: International Plumbing Code 102.3, 201.3, 502.5, 505.1, 505.5.1, 602.2, 602.3

IRC—18: International Residential Code 102.3, 201.3

IZC—18: International Zoning Code 102.3, 201.3

### **NFPA**

10—17: Standard for Portable Fire Extinguishers Table 704.2

12—15: Standard on Carbon Dioxide Extinguishing Systems Table 704.2

12A—15: Standard on Halon 1301 Fire Extinguishing Systems Table 704.2

17—17: Standard for Dry Chemical Extinguishing Systems Table 704.2

17A—17: Standard for Wet Chemical Extinguishing Systems Table 704.2

25—17: Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems Table 704.2

70—17: National Electrical Code 102.3, 201.3, 604.2

72—16: National Fire Alarm and Signaling Code Table 704.2

80—16: Standard for Fire Doors and Other Opening Protectives 703.3.3, 703.4

105—16: Standard for Smoke Door Assemblies and Other Opening Protectives 703.3.2

204—15: Standard for Smoke and Heat Venting Table 704.2

720—15: Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment [F] 705.2

750—14: Standard on Water Mist Fire Protection Systems Table 704.2

2001—15: Standard on Clean Agent Fire Extinguishing Systems Table 704.2

### **UL**

268—09: Smoke Detectors for Fire Alarm Systems 704.6.4

## **~~CHAPTER 12.30: INTERNATIONAL PROPERTY MAINTENANCE CODE~~**

### **~~Sections:~~**

~~12.30.010—International Property Maintenance Code.~~

~~12.30.020—Copy on file.~~

~~12.30.030—Hearing Examiner.~~

~~12.30.040—International Property Maintenance Code amended.~~

### **~~12.30.010 INTERNATIONAL PROPERTY MAINTENANCE CODE.~~**

~~The 2015 Edition of the International Property Maintenance Code, as published by the International Code Council, is adopted.~~

### **~~12.30.020 COPY ON FILE.~~**

~~At least one copy of the adopted edition of the International Property Maintenance Code shall be on file in the office of the Town Clerk.~~

### **~~12.30.030 HEARING EXAMINER.~~**

~~All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56. The Hearing Examiner shall have no authority relative to~~

~~interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.~~

**~~12.30.040 INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDED.~~**

~~Section 303.2 is amended to read as follows:~~

~~303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than twenty-four inches (six hundred ten millimeters) in depth shall be completely surrounded by a fence or barrier that complies with the requirements in the International Swimming Pool and Spa Code, as adopted. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.~~

**CHAPTER 12.32: LIQUEFIED PETROLEUM GAS CODE**

Sections:

12.32.010 Liquefied Petroleum Gas Code.

12.32.020 Copy on file.

**12.32.010 LIQUEFIED PETROLEUM GAS CODE.**

The 2017 Edition of the Liquefied Petroleum Gas Code (NFPA 58), as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted by reference. The Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be applied for the administration of this code.

**12.32.020 COPY ON FILE.**

At least one copy of the adopted edition of the Liquefied Petroleum Gas Code shall be on file in the office of the Town Clerk.

**CHAPTER 12.34: NATIONAL FUEL GAS CODE**

Sections:

12.34.010 National Fuel Gas Code.

12.34.020 Copy on file.

**12.34.010 NATIONAL FUEL GAS CODE.**

The 2018 Edition of the National Fuel Gas Code (ANSI Z223.1/NFPA 54), as adopted by the State Building Code Council in Chapter 51-52 WAC, as published by NFPA, is adopted by reference. The Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be applied for the administration of this code.

**12.34.020 COPY ON FILE.**

At least one copy of the adopted edition of the National Fuel Gas Code shall be on file in the office of the Town Clerk.

**CHAPTER 12.36: INTERNATIONAL FUEL GAS CODE**

Sections:

12.36.010 International Fuel Gas Code.

12.36.020 Copy on file.

**12.36.010 INTERNATIONAL FUEL GAS CODE.**

The 2018 Edition of the International Fuel Gas Code (IFGC), as published by the International Code Council, as adopted by the State Building Code Council in Chapter 51-52 WAC, is adopted by reference with the following additions, deletions, and exceptions:

- A. Chapter 1, Part 2 – Administration and Enforcement, is not adopted and the Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be used in place of IFGC Chapter 1, Part 2 – Administration.
- B. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.
- C. The standards for liquefied petroleum gas installations shall be the 2017 Edition of NFPA 58 (Liquefied Petroleum Gas Code) and the 2018 Edition of ANSI Z223.1/NFPA 54 (National Fuel Gas Code).

**12.36.020 COPY ON FILE.**

At least one copy of the adopted edition of the International Fuel Gas Code shall be on file in the office of the Town Clerk

**CHAPTER 12.40: INTERNATIONAL SWIMMING POOL AND SPA CODE**

Sections:

12.40.010 International Swimming Pool and Spa Code.

12.40.020 Copy on file.

~~12.40.030 Hearing Examiner.~~

**12.40.010 INTERNATIONAL SWIMMING POOL AND SPA CODE.**

The ~~2015~~ 2018 Edition of the International Swimming Pool and Spa Code (ISPSC), as published by International Code Council, is included in the adoption of the International Building Code as provided by IBC Section 3109.1 and amended in WAC 51-50-3109, and as provided by IRC Section R329 and amended in WAC 51-51-0329 with the following additions, deletions, and exceptions:

- A. Chapter 1, Part 2 – Administration, is not adopted and the Construction Administrative Code, as set forth in Chapter 12.05 WMC, shall be used in place of ISPSC Chapter 1, Part 2 – Administration.
- B. The design and construction of swimming pools, spas and other aquatic recreation facilities shall comply with the ISPSC, where the facility is one of the following, except that public swimming pool barriers are regulated by WAC 246-260-031(4):
  - 1. For the sole use of residents and invited guests at a single-family dwelling;
  - 2. For the sole use of residents and invited guests of a duplex owned by the residents; or
  - 3. Operated exclusively for physical therapy or rehabilitation and under the supervision of a licensed medical practitioner.
- E.C. All other “water recreation facilities” as defined in RCW 70.90.110 are regulated under Chapters 246-260 and 246-262 WAC-adopted.

**12.40.020 COPY ON FILE.**

At least one copy of the adopted edition of the International Swimming Pool and Spa Code shall be on file in the office of the Town Clerk.

**~~12.40.030 HEARING EXAMINER.~~**

~~All references to the Board of Appeals shall be deemed to refer to the Hearing Examiner system of Chapter 2.56. The Hearing Examiner shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner be empowered to waive requirements of this code.~~



## **CHAPTER 12.50: RIGHT-OF-WAY PERMITS**

### **Sections:**

- 12.50.010 Right-of-way permit**
- 12.50.020 Emergency repairs.**
- 12.50.030 Classes of Work**
- 12.50.040 Permit Application**
- 12.50.050 Permit Expiration**
- 12.50.060 Driveways**
- 12.50.070 Restoration**
- 12.50.080 Road Cut Fee**
- 12.50.090 Right-of-way encroachments**
- 12.50.100 Inspections**
- 12.50.110 Access to services for use of public right-of-way.**
- 12.50.120 Violations**
- 12.50.130 Stop Work Order**
- 12.50.140 Appeals**

### **12.04.02050.010 RIGHT-OF-WAY PERMIT REQUIRED.**

Prior to commencement of any work within any public right-of-way, the person desiring to do the work shall obtain a right-of-way permit.

### **12.50.020 EMERGENCY REPAIRS.**

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted within three business days to the Public Works Director.

### **12.50.030 CLASSES OF WORK**

Three classes of work are established:

- A. The homeowner classification is limited to installation or repair of residential driveway access to a public street or roadway and minor alterations to the Town's right-of-way conducted by the homeowner or their designee;**
- B. The minor utilities classification will include all routine maintenance activities on existing services not needing engineering approval as determined by the Director of Public Works;**
- C. All other work is classified as major utilities.**

### **12.50.040 PERMIT APPLICATION**

Applications for right-of-way permit shall include this information:

- A. Identification of owner and contractor;**
- B. Location of work;**
- C. Description of work to be done, including detailed specifications and plans, and description of restoration and cleanup work;**
- D. Schedule for performing the work;:-**
- E. Engineered plans, as applicable.**

Three classes of work are established:

- The homeowner classification is limited to installation or repair of residential driveway access to a public street or roadway and minor alterations to the Town's right of way conducted by the homeowner or their designee;

~~—The minor utilities classification will include all routine maintenance activities on existing services not needing engineering approval as determined by the Director of Public Works;~~

~~—All other work is classified as major utilities.~~

~~—All the work shall be done following the direction of the Public Works Department, and the entire expense of any required engineering services shall be borne by the party or parties to which the permit is issued.~~

~~—Pavement restoration shall be made according to specifications prepared by the Public Works Director and shall include well placed and compacted select backfill and multiple-lift asphaltic concrete paving.~~

~~—Nonpaved areas of the public right-of-way shall be restored to the original grade and contour. Excavations shall be backfilled using select materials, well placed and compacted, all as specified by the Public Works Director.~~

#### **12.50.050 PERMIT EXPIRATION**

A. Right-of-way permits issued under the provisions of this code expire as follows:

1. Right-of-way permits not associated with any other permit shall expire ninety days from issue date but may be extended for additional thirty-day periods, upon application to the Public Works Director.
2. Right-of-way permits associated with another permit (e.g., part of a larger project) shall expire at the same time as the associated permit. One six-month extension may be granted by the Public Works Director upon written request and if an extension of the related permit is also granted.

B. The fee for a permit extension shall be as set forth in Section 3.32.010.

C. It is a violation of this chapter to allow a permit to expire without first obtaining an approved final inspection.

#### **12.50.060 DRIVEWAYS**

A. A culvert of material and size suitable to the Public Works Director shall be installed in the road ditch before a driveway is constructed, unless the driveway crosses an established walkway or, in the opinion of the Public Works Director, would not impede drainage along the roadway.

B. All concrete and tile driveways must have a full expansion joint where it meets the edge of the street or walkway and a full expansion joint at the property line. Driveways which have a positive slope toward the street should be installed with a suitable collection system as determined by the Public Works Director prior to entering the Town's storm water system.  
~~—If the Town officials find it necessary to cut, remove or drill underneath an area of paving presently installed in the Town's right-of-way by an adjacent property owner and, if the paving consists of any material other than an asphalt mix or gravel, said adjacent property owner is responsible for all cost incurred by the Town including but not limited to cutting, removing earth, drilling and restoration. This subsection shall apply to the adjacent property owner and successors in interest.~~

C. Where a driveway crosses an established walkway:

1. ~~±~~The applicant is responsible for strengthening the walkway crossing to carry vehicular loadings.
2. The driveway must be at a level grade

#### **12.50.070 RESTORATION**

- A. Pavement restoration shall be made according to specifications approved by the Public Works Director and shall include well-placed and compacted select backfill and multiple-lift asphaltic concrete paving.
- B. Nonpaved areas of the public right-of-way shall be restored to the original grade and contour. Excavations shall be backfilled using select materials, well-placed and compacted, all as specified by the Public Works Director.

#### **12.50.080 ROAD CUT FEE**

A road cut permit fee as set forth in Section 3.32.010 shall be required whenever the pavement in the right-of-way is disturbed with fees payable as set forth in Section 3.32.010. Pavement restoration shall be made according to specifications prepared by the Public Works Director and shall include well-placed and compacted select backfill and multiple-lift asphaltic concrete paving.

- A. For roads that have been overlaid within five years and roads that have been reconstructed within seven years and in the event that the road needs to be cut, the following conditions shall be applied:
  - 1. A one-hundred-foot section (fifty feet in each direction from the edge of the cut) shall be overlaid.
    - a. If the cut is contained to one lane, then only that lane shall be overlaid.
    - b. If the cut transverses into both lanes, then the entire width of the road shall be repaired.
  - 2. The fifty feet in either direction shall require a grinding down one and one-half to two inches and a tapered inlay replacement.
  - 3. The replacement is to be to the current standards in the right-of-way standard conditions with one exception. The exception from the standard conditions shall be to expand the one foot back from trench to two feet back from trench.
- B. All other road surfaces shall have the same requirements with the exception of a twenty-foot (ten feet in each direction from the edge of the cut) inlay.
- C. If the road surface is in the Town's six-year street plan for an overlay or reconstruction, the requirement may be waived.

#### **12.04.04050.090 RIGHT-OF-WAY ENCROACHMENTS—INSPECTIONS AND FEES.**

- D. Right-of-Way Use and Private Property Accessories. The Town's rights-of-way shall be used for motorized and non-motorized transportation purposes, public utilities, roadside vegetation and access to adjoining private property. Private property accessories, including but not limited to hard landscaping, and other items that may pose a hazard to the safe and convenient use of the Town's rights-of-way, shall not be installed or maintained in public rights-of-way. A clear zone of eighteen inches, measured from the pavement edge of the driving surface parallel to the right-of-way, shall be maintained free of any hard surfaced materials or obstructions.
- E. Vegetation that encroaches on the Town's walkways may present a hazard to pedestrians. No flowers, shrubs or trees shall be allowed to overhang or prevent the free use of the walkway or roadway, except that trees may extend over the walkway when kept trimmed to a height of eight feet above the same. If the Public Works Director determines that any

such vegetative encroachment is a hazard, the property owner shall be notified and shall remove the encroachment within fourteen days.

F. Removal of Hazardous Items. The Public Works Director will determine whether an accessory and/or vegetation in the public rights-of-way presents a hazard, and will so notify the property owner. After receiving such notice, the property owner shall cause such accessories to be removed within fourteen days. The Director may extend the removal period upon showing by the owner of special circumstances that require a longer time period to remove accessories.

G. If the Town officials find it necessary to cut, remove or drill underneath an area of paving presently installed in the Town's right-of-way by an adjacent property owner and, if the paving consists of any material other than an asphalt mix or gravel, said adjacent property owner is responsible for all cost incurred by the Town including but not limited to cutting, removing earth, drilling and restoration. This subsection shall apply to the adjacent property owner and successors in interest.

#### **12.50.100 INSPECTIONS**

Inspections and Fees. All installations and/or repairs of driveways, residential storm drainage basins, connections to Town storm drains, and placement of and type of drainpipes that involve Town right-of-way and its restoration must be inspected by the Mayor or ~~his or her~~ the Mayor's designee. All inspection fees shall be in accordance with the Town's fee schedule ordinance in effect at the time the ~~permit is applied for~~ inspection is performed.

#### **12.94.04550.110 ACCESS TO SERVICES FOR USE OF PUBLIC RIGHT-OF-WAY.**

As a condition for a public or private utility's use of the public right-of-way or other real property of the Town for any reason, such utility shall provide the property owners of the Town direct access to the services provided by the utility at the cost of the utility.

#### **12.50.120 VIOLATIONS**

A. It shall be unlawful for any person, firm, or corporation to work within the Town's rights-of-way, or cause same to be done, without first obtaining a permit.

B. In addition to the remedies provided for in this chapter and remedies that may otherwise be available at law, any violation of this title, including codes adopted by reference, may be enforced against pursuant to the provisions of Chapter 1.12 or Chapter 1.14.

#### **12.50.130 STOP WORK ORDER**

Stop work orders under this chapter shall be governed by the procedures in Chapter 12.05 Article XIV Stop Work Order. All references to the building official shall also mean the Public Works Director when the stop work order is related to work performed in the Town's rights-of-way.

#### **12.50.140 APPEALS**

Appeals of decisions under this chapter shall be governed by the procedures in Chapter 12.05 Article XII Appeals. All references to the building official shall also mean the Public Works Director when the appeal is related to a right-of-way permit.

# **TOWN OF WOODWAY**

## **ORDINANCE 2021-626 | EXHIBIT B**

### **WMC SECTION 16.08.080: EXEMPTIONS**

#### **16.08.080 EXEMPTIONS.**

- A. A permit is not required for any of the following activities:
  - 1. Clearing and grading required for installation of public improvements by the Town of Woodway.
  - 2. Excavations for the study of soil and groundwater conditions. Excavations in critical areas or their associated buffers shall be governed by Chapter 16.10 of this code.
  - 3. Roadway repairs and overlays within public street rights-of-way for the purpose of maintaining the pavement on existing paved roadways associated with public utility installations. However, a right-of-way permit may be required in accordance with Section 12.04.020.
  - 4. Any exempt activity listed in Section 16.10.050.
  - 5. Removal of the any species on the Washington State or Snohomish County Noxious Weed List with hand labor and light equipment; provided, that the removal does not include work associated with a larger common plan of development that, if combined with the noxious weed removal, would require a permit.
- B. A permit is not required for routine landscape maintenance when located outside a critical area.
- C. A permit is not required within a critical area buffer if the activity will be farther than fifty feet from the top of the steep slope for any of the following activities:
  - 1. Routine driveway, walkway, or trail maintenance, provided such maintenance:
    - a. Does not increase hard surface area;
    - b. Does not change more than two thousand square feet of the surface material;
    - c. Changes the surface material from impervious to pervious; and
    - d. Is not associated with a larger common plan of development that, if combined with the routine maintenance, would require a permit.
  - 2. Installation of temporary or permanent dewatering wells.
- D. A permit is not required for any of the following activities unless they will take place in a critical area or its associated buffer:
  - 1. Removal of dead or diseased groundcover. The property owner shall be required to remove any dead or diseased groundcover which constitutes a public hazard.
  - 2. Routine driveway and walkway maintenance, provided such maintenance:
    - a. Does not increase hard surface area by more than two thousand square feet of new plus replaced hard surface (replaced hard surface includes a change in material);
    - b. Is not associated with a larger common plan of development that, if combined with the routine maintenance, would require a permit.

3. Installation and maintenance of public utilities, after approval of the route by the Director.
  4. Clearing, grading, filling, sandbagging, diking, ditching, or similar work during or after periods of extreme weather or other emergency conditions that have created situations such as toxic releases, flooding, or high fire danger that present an immediate danger to life or property.
  5. Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a protected area, including, but not limited to, detention/retention ponds, wetponds, sedimentation ponds, constructed drainage swales, water quality treatment facilities, such as filtration systems, and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities.
  6. Installation of temporary or permanent dewatering wells.
  7. Any excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit, unless a drainage review is required by the Town Engineer. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five feet (1524 mm) after the completion of such structure.
  - ~~6.8.~~ Normal maintenance and repair of the facilities of a common carrier by rail in interstate commerce within its existing right-of-way.
- E. Exemptions as described by subsection (B)(1), (D)(1) or (D)(4) of this section shall not apply to any clearing that includes the use of heavy equipment (e.g., trackhoe, etc.), nor shall it be construed to eliminate the requirements of permits obtained before clearing for the purpose of developing the property with substantial permanent improvements such as roads, driveways, utilities or buildings.
- F. The exemptions from the requirement to obtain a permit, as provided in this section, do not exempt an applicant or property owner from obtaining other permits required by the Town of Woodway Municipal Code, including but not limited to tree permits as required by Chapter 16.12 of this code.