

ORDINANCE NO. 570

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, RELATING TO THE BUILDING AND CONSTRUCTION CODES, AMENDING TITLE 14 OF THE UNIVERSITY PLACE MUNICIPAL CODE BY AMENDING CHAPTER 14.05, EXCEPT FOR VESTED PERMIT APPLICATIONS, AND BY ADOPTING A NEW CHAPTER 14.05, BUILDING AND CONSTRUCTION CODES, WHICH SHALL APPLY TO NEW PERMIT APPLICATIONS**

WHEREAS, the Revised Code of Washington Chapter 19.27 RCW the State Building Code requires the State Building code be in effect in all counties and all cities in the State; and

WHEREAS, RCW 19.27.040 authorizes cities to amend the State Building Code as it applies within their jurisdiction; and

WHEREAS, the City Council finds that the public health, safety, and general welfare are best served by adopting and enforcing building and construction codes that require minimum performance standards for construction and construction materials, consistent with accepted standards of engineering, fire and life safety, and to permit the use of modern technical methods, devices and improvements; NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, HEREBY DOES ORDAIN AS FOLLOWS:**

**Section 1.** Preserving Vested Permit Applications, the City's Authority to Enforce Prior Building and Construction Codes.

- (A) The amendment of Chapter 14.05, Uniform Codes, of the University Place Municipal Code as provided in Section 2 shall not apply: (1) to any vested permit application that is lawfully entitled to be processed under the prior Building and Construction Code; or (2) to any enforcement action taken by the City to enforce the provisions of prior Building and Construction Code.
- (B) The provisions of WAC 51-50, WAC 51-51 and all codes adopted and currently in effect which related to the Building and Construction Code, shall remain in full force and effect until July 1, 2010.

**Section 2.** Amend Chapter 14.05, Building and Construction Code, of the University Place Municipal Code. The University Place Municipal Code, Chapter 14.05, Building and Construction Code, is hereby amended as follows:

**14.05.010 Short title.**

This title is known as and may be referred to as the "Building and Construction Code."

**14.05.020 Purpose.**

The purpose of the codes and regulations adopted in this title is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling the design, construction, quality or materials, use and occupancy, location and maintenance of all buildings and structures within the City of University Place. It is not the purpose or intent to create or designate any particular class or group of persons to be especially protected or benefited, nor is it intended to create any special relationship with any individual.

**14.05.030 Adoption of codes by reference.**

The following codes are hereby adopted by this reference as if fully set forth in this Chapter and as specifically modified or amended as set forth in this chapter.

A. The 2009 edition of the *International Building Code*, including Appendix E, published by the International Code Council is hereby adopted by reference with the exceptions noted in Chapter 51-50 of the Washington Administrative Code and subsequently amended by this Chapter. The International Building Code, 2006 Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-50 WAC, and as subsequently amended by this Chapter, is hereby adopted along with Appendix Chapters E, G, I, and J, therein, and Appendix M as adopted by Washington Administrative Code 51-50.

B. The 2009 edition of the *International Residential Code* including Appendix G as published by the International Code Council is hereby adopted as amended by the Washington State Building Code Council in Chapter 51-51 of the Washington Administrative Code and as subsequently amended by this Chapter. Provided that chapters 11 and 25 through 43 of this code are not adopted. The International Residential Code, 2006 Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-51 WAC, and as subsequently amended by this Chapter, is hereby adopted along with Appendix Chapters A, B, C, D, G, H, J, and K, and Appendix F as adopted by Washington Administrative Code 51-51.

C. The 2009 Edition of the *International Mechanical Code* published by the International Code Council is hereby adopted by reference with the exceptions noted in Chapter 51-52 of the Washington Administrative Code (WAC). The International Mechanical Code, 2006 Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-52 WAC, and as subsequently amended by this Chapter, is hereby adopted.

D. The International Fuel Gas Code, 2006 Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-52 WAC inclusive of NFPA 54 and NFPA 58, and as subsequently amended by this Chapter, is hereby adopted.

ED. The 2009 Edition of the International Fire Code, published by the International Code Council is hereby adopted by reference with the additions, deletions, and exceptions contained in Chapter 51-54 of the Washington Administrative Code (WAC), including appendices B, C, D (section 105 and 106 only), E, F and G. The International Fire Code, 2006 Edition, published by the International Code Council, as amended by the Washington State Building Code Council in Chapter 51-54 WAC, and as subsequently amended by this Chapter, is hereby adopted along with Appendix Chapters B, C, D, E, F, and G.

FE. The 2009 Edition of the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, is hereby adopted by reference with the following additions, deletions and exceptions contained in Chapter 51-54 of the Washington Administrative Code (WAC): Provided that Chapters 12 and 15 of this code are not adopted. Provided further, that those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel fired appliances as found in Chapter 5 and those portions of the code addressing building sewers are not adopted. The Uniform Plumbing Code, 2006 Edition, published by the International Association of Plumbing and Mechanical Officials, as amended by the Washington State Building Code Council in Chapter 51-56 WAC, and as subsequently amended by this Chapter, provided that any provisions that affect fuel-gas piping are not adopted, is hereby adopted.

F. The 2009 Edition of the Uniform Plumbing Code Standards (Appendices A, B and I), published by the International Association of Plumbing and Mechanical Officials are hereby adopted by reference.

G. The Washington State Energy Code, 2006 Edition, as adopted and amended by the Washington State Building Code Council in Chapter 51-11 WAC, is hereby adopted.

~~H. The Washington State Ventilation and Indoor Air Quality Code, 2006 Edition, as adopted and amended by the Washington State Building Code Council in Chapter 51-13 WAC, is hereby adopted.~~

~~I. The Washington State Historic Building Code as adopted and amended by the Washington State Building Code Council in Chapter 51-19 WAC is hereby adopted.~~

~~JH. The International Existing Buildings Code, 20096 Edition, published by the International Code Council, is hereby adopted. as amended by the Washington State Building Code Council in Chapter 51-50 of the Washington Administrative Code, is hereby adopted.~~

~~K. The International Property Maintenance Code, 2006 Edition, published by the International Code Council, is hereby adopted.~~

~~L. The National Electrical Code, published by the National Fire Protection Association, as adopted and enforced by Tacoma Public Utilities, is hereby adopted.~~

MJ. The International Code Council Performance Code for Buildings and Facilities, 20096 Edition, published by the International Code Council, including appendices A, B, C, D and E, is hereby adopted.

#### **14.05.040 Conflicts between codes.**

In case of conflict among the building code, the residential code, the mechanical code, the fire code, and the plumbing code, the first named code shall govern over those following. In case of conflicts between other codes and provisions adopted by this chapter, the code or provision that is most specific, as determined by the building official, shall apply.

#### **14.05.050 Fire cChief and fFire mMarshal designated.**

Inspections and code enforcement of the fire code shall be conducted by the University Place Fire District in accordance with the Inter-local Agreement between the District and the City. Conflicts of code interpretation shall be determined by the building official.

#### **14.05.060 Fees.**

Any fee schedule in the codes listed in UPMC 14.05.030 shall be void. All fee schedules shall be listed in a fee Resolution adopted by the City Council of the City of University Place.

#### **14.05.070 Hours of construction.**

Except as otherwise provided in this chapter and in UPMC 9.05.040 the activities regulated by this chapter shall be limited to the following hours:

- A. Monday through Saturday: 7 a.m. to 7 p.m.
- B. Sunday and legal holidays: 8 a.m. to 5 p.m.

#### **14.05.080 Codes – Copies on file.**

The city clerk is to maintain one copy on file of each of the codes adopted by this chapter for public inspection and photocopying. These copies may be kept in the care of the building official.

**14.05.090 Administrative provision.**

The administrative provisions as specified in chapter one (1) of the International Building Code as adopted and as subsequently amended by this chapter shall be used as the general administrative provisions for the codes listed in Section 14.05.030. As such these provisions shall supersede conflicting provisions listed in other adopted codes.

**14.05.100 Building code amendments.**

The following sections in the adopted International Building Code are hereby amended:

A. Section 105.2, item #4 is amended to read:

Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, provided the wall is set back from any adjacent property lines or structures a distance at least equal to the height of the wall and the material retained slopes 1:2 (or less) up and away from the wall, unless supporting a surcharge or impounding Class I, II or II-A liquids.

~~B. Section 105.2, item #11 is amended to read:~~

~~Swings and other playground equipment.~~

~~C. Section 110.1 is amended by the addition of the following:~~

~~Exception: R-3 and U occupancies~~

~~B.D. Section 111.2 is amended to read:~~

After the building official inspects the building or structure and finds no violations of the provisions of the codes adopted by UPMC Chapter 14.05 or other pertinent laws that are enforced by the jurisdiction, the building official shall issue a certificate of occupancy on a form developed by the City to display the information pertinent to identify the facility and code requirements.

~~C.E. Section 903.2 is amended by the addition of the following paragraphs:~~

The provisions of this section shall apply to existing buildings which are altered, repaired or remodeled to more than fifty percent of its county assessment value at the time of the first permit application, or within any seventy month period of time thereafter. Any additions to an existing structure shall be considered new construction and subject to the requirements of this section.

Fire walls as specified by IBC Section 7065 shall not be considered for reduction of floor areas noted in this chapter.

~~D.F. Section 903.2.10 is amended by the addition of a new subsection 903.2.110.3.14 reading:~~

In all occupancies requiring 2,000 gallons per minute or more of fire flow per Appendix B of the International Fire Code, or where the total floor area included within the surrounding exterior walls on all floor levels including basements exceeds 10,000 square feet. Fire walls, as described in Section 7065 of the International Building Code, shall not be considered to create separate buildings to enable deletion of the required fire sprinkler system.

~~D. Section 903.3.3.1 is amended by the addition of a new subsection 903.3.1.4 reading:~~

~~Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 4 inch to 6 inches below the structural~~

~~members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.~~

#### **14.05.110 Fire code amendments.**

The following sections in the International Fire Code are hereby amended:

A. Section 105.2 is amended by the addition of a new subsection 105.2.15 to read:

Permit Fees. The City or Fire District shall collect fees for permits, plan review and inspection services as prescribed in the City of University Place "Fee Schedule".

B. Section 503.1 is added amended to read:

Where the Authority Having Jurisdiction requires sprinkler protection systems in any occupancy due to access, topography or fire flow, fire sprinkler coverage shall be provided in garages, attached covered porches, carports and similar structures.

C. A new Section ~~507~~8.5.45.1 is added reading:

Fire protection equipment and fire hydrants. Fire protection equipment and fire hydrants shall be clearly identified in an approved manner to prevent obstruction by parking or other obstruction. A minimum unobstructed distance of 15 feet shall be maintained on both sides of a fire hydrant along the access roadway.

D. Section 901 is amended by the addition of a new Section 901.8.2 to read:

In the event of more than two false alarms in any 90-day period the Chief may charge a fee for fire department response as specified in the City of University Place "Fee Schedule".

EXCEPTIONS: False alarms resulting from the failure of a fire alarm service technician notifying the central proprietary or remote monitoring station shall be billed at the rate specified in the City of University Place "Fee Schedule".

For the purpose of this section, a false alarm shall be defined as any unintentional activation of the fire alarm or detection system which is the result of improper installation, maintenance or use of that system.

Fire alarm system control units shall be provided with an approved sign indicating such fees will be imposed.

E. Commercial Kitchen Hoods. All kitchen hoods and cooking surfaces where grease laden vapors are produced shall be protected by an approved UL300 system by January 1, 2012.

#### **14.05.120 Violations and penalties.**

- A. Civil Violation. Except as otherwise provided in this chapter, any violation of any of the provisions of this chapter shall constitute a civil violation subject to the penalties and abatement process detailed in Chapter 1.20 UPMC.
- B. Criminal Penalty. Except as otherwise provided, in addition to or as an alternative to any other penalty provided for in this chapter, any person, partnership, firm, association, or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable as provided for in RCW 9A.20.021.
- C. Additional Remedies. In addition to any other remedies provided by this chapter, the city may initiate injunction or abatement proceedings or any other appropriate action in the courts against

any person, partnership, firm, association, or corporation who violates or fails to comply with any provision of this chapter, or any code adopted herein, to prevent, enjoin, abate, or terminate such violation or to restore a condition which existed prior to the violation. In all injunction, abatement and nuisance proceedings, the violator shall be required, in addition to any other relief, to pay the costs of such action, including reasonable attorney's fees.

**14.05.130 Liability.**

The express intent of the City of University Place is that the responsibility for compliance with the provisions of this chapter shall rest with the permit applicant and their agents.

**14.05.140 Hearings examiner – Power and duties.**

All appeals authorized by the International Codes as to suitability of alternate materials and methods of construction and from other rulings, interpretations or enforcement actions of those officials charged with enforcing the codes shall be to the City's hearing examiner as established by Chapter 2.20 UPMC. The hearings examiner shall utilize the procedures and penalties set forth in Chapter 1.20 UPMC. The hearings examiner shall serve in lieu of all boards of appeals mentioned or described in the International Codes as adopted and amended by the City.

**Section 4.** Severability. If any section, sentence, clause or phrases of this Title shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrases of this Title.

**Section 5.** Publication and Effective Date. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall be effective July 1, 2010.


**PASSED BY THE CITY COUNCIL ON JUNE 21, 2010.**

  
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Debbie Klosowski, Mayor

**ATTEST:**

  
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Emy Genetia, City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Steve Victor, City Attorney

Date of Publication: 06/23/10  
Effective Date: 07/01/10