

ORDINANCE NO. 372

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DECLARING AN EMERGENCY, SETTING A PUBLIC HEARING AND ADOPTING RETAINING WALL AND RETAINING WALL SYSTEM STANDARDS APPLICABLE TO THE CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR OR DEMOLITION OF RETAINING WALLS WITHIN THE CITY

WHEREAS, currently the University Place Municipal Code provides standards for the construction of retaining walls in Chapter 13.15; and,

WHEREAS, the predominant purpose of the Public Works Standards is to guide the development and construction practices associated with transportation in public and private rights of ways; and

WHEREAS, the City has not adopted specific standards designed specifically for and intended to be used for retaining walls to be constructed on public and private property outside of the rights of ways; and

WHEREAS, a recent series of failures of retaining walls and rockeries built on private property have endangered the safety of persons and property within the City and have required the City to take enforcement action; and

WHEREAS, to protect the public health, safety and welfare and to protect real and personal property the City Council declares an emergency and acts now to place into immediate effect retaining wall standards; **NOW, THEREFORE,**

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

Section 1. Purpose And Scope. The purpose of this ordinance is to provide minimum standards to safeguard life, health, property and public welfare by regulating the construction and placement of retaining wall systems through the adoption of specific standards to augment existing codes. These provisions shall apply to the construction and/or alteration of retaining walls on all public and private property that is not within a public right of ways of the City.

Section 2. Definitions. For the purposes of this ordinance the following definitions shall apply:
"Building Code" means the latest edition of the Uniform Building Code as amended and adopted by the City.
"Cut" means an alteration or excavation of the slope of native soils material resulting in a new face or slope.
"Fill" mean the placement of soils material to achieve a new ground surface.
"Height of wall" means the measured distance between the bottom of the footing to the top of a wall.
"Retaining wall" means a man-made structure built out of rock, block, wood, or other similar material and used to either directly support retained material or to serve as a facing of a cut slope. This definition includes, but is not limited to, other systems designed to retain earth or other materials such as a geosynthetic-reinforced soil system.

Section 3. Permit Requirement. It shall be unlawful to construct, enlarge, alter, repair or demolish any retaining wall without a building permit from the City's Permit Center. The application, submittal, permitting and inspection requirements for retaining walls shall be as specified in the Building Code and other city codes and ordinances.

Section 4. Exemption. Retaining walls with a height of wall not exceeding four feet are exempt from this ordinance if: (1) the wall is set back from any adjacent property lines or structures at a minimum distance equal to the height of the wall; (2) the material retained by the wall slopes up and away from the wall at a ratio not exceeding one foot vertical per two feet horizontal distance; and (3) the wall is not supporting a surcharge.

Section 5. Design And Construction

A. Retaining wall systems shall be designed by a professional engineer licensed to practice in the State of Washington for all loads as specified in the building code and in keeping with nationally recognized standards. Designs shall be based upon sound engineering and geo-technical principles.

B. Maximum wall heights:

1. The maximum height of a retaining wall in a fill section shall be limited to eight (8) feet.
2. The maximum height of a retaining wall in a cut section shall be limited to twelve (12) feet. A section that consists of a combination of a cut and a fill shall be considered as a cut provided that the fill above the cut is no more than two (2) feet in depth.
3. Where multiple walls are situated in a terrace like pattern they shall be considered one wall for purposes of determining the height of wall if the horizontal separation between adjacent walls is less than or equal to the combined height of the walls.

Section 6. Variances. Where there are unique constraints that would prohibit full compliance with the provisions of this ordinance and would deny the property owner of use of their property that would be permitted to other properties, a variance may be considered. In these cases the procedures in section 19.85.030 of the University Place Municipal Code shall be used.

Section 7. Conflicts. Where there is a conflict between this ordinance any other code or ordinance of the City, the more specific provisions shall apply.

Section 8. Copy To Be Available. One copy of this ordinance shall be available in the office of the City Clerk for use and examination by the public.

Section 9. Declaration Of Emergency & SEPA Exemption. The City Council declares that an emergency exists because passage of this ordinance is necessary immediately to protect against an imminent threat to the life, safety and the public health of members of this community and to protect personal and real property interests. Therefore, this ordinance is exempt from the State Environmental Policy Act pursuant to RCW 42.23C and the City's SEPA provisions, UPMC 17.40. Any retaining walls built, however, pursuant to this Ordinance shall fully comply with applicable SEPA and other land use requirements.

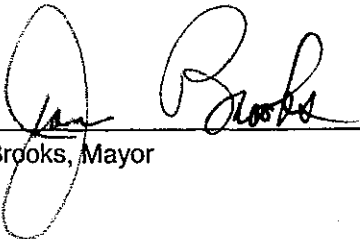
Section 10. Directing City Clerk To Set A Hearing On This Ordinance. To the extent that any portion of this ordinance acts as an interim zoning control within the meaning of RCW 35A.63.220 the City Clerk is directed to set a public hearing within sixty days for the purpose of taking testimony about this ordinance and adopting any necessary findings of fact required by law.

Section 11. Severability If any section, sentence, clause, or phrase of this ordinance 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 phrase of this ordinance.

Section 12. Publication and Immediate Effectiveness. This Ordinance, having been enacted by a majority plus one vote of the members of the City Council after the Council declared an emergency,

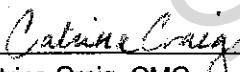
shall be in full force and effect immediately. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City within five days hereof.

PASSED BY THE CITY COUNCIL ON FEBRUARY 18, 2003.



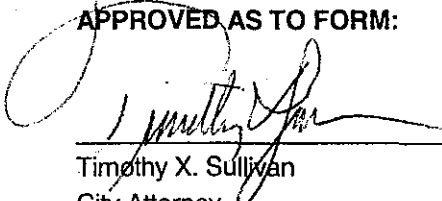
Jean Brooks, Mayor

ATTEST:



Catrina Craig, CMC
City Clerk

APPROVED AS TO FORM:



Timothy X. Sullivan
City Attorney

Date of Publication: February 20, 2003
Effective Date: February 18, 2003

UNOFFICIAL DOCUMENT