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ORDINANCE NO. 3796

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, REPEALING AND ENACTING THE PROVISIONS OF AND ENACTMENT OF CHAPTERS 19.00 BUILDING CODE; 19.05 RESIDENTIAL BUILDING CODE; 19.05 MECHANICAL CODE AND FUEL GAS CODE; 19.20 PLUMBING CODE; 19.30 ENERGY CODE; 19.40 INTERNATIONAL PROPERTY MAINTENANCE CODE; CHAPTER 19.50 INTERNATIONAL EXISTING BUILDING CODE; CHAPTER 19.55 ELECTRICAL CODE; REPEALING CHAPTER 19.35 VENTILATION CODE RCW TO ADOPT NEW PROVISIONS OF THE STATE BUILDING CODE AND REVISIONS THERETO, AND TO RESTRUCTURE TITLE 19, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, Chapter 19.27 establishes the State Building code and requires each jurisdiction to enforce the provisions of the State Building code, and

WHEREAS, pursuant to Chapter 19.27.060, the City has the ability to amend administrative provisions of the State Code, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds Community Development Code Title 19 is hereby amended by the repeal of Chapter 19.00 and the adoption of a new Chapter 19.00 relating to Building Code, to read as follows:

**Chapter 19.00
BUILDING CODE**

Sections:	Purpose.
19.00.000	

- 19.00.005** **Referenced codes**
- 19.00.010** **Conflict between codes**
- 19.00.015** **Administrative provisions**
- 19.00.020** **International Building code adopted**
- 19.00.025** **International Building code section amendments**
- 19.00.030** **Architectural design review – Optional vesting.**
- 19.00.040** Excluding nonconforming religious building from certain requirements.

19.00.000 **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 of materials, use and occupancy, location and maintenance of all buildings and structures within the City of Edmonds. 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

19.00.005 **Referenced codes**

Where the following codes are referenced within any of the codes adopted and amended in this title, they shall be substituted as follows:

- A. “International Building Code” shall mean the Building Code as adopted and amended in this title.
- B. “International Residential Code” shall mean the Residential Building Code as adopted and amended in this title.
- C. “International Mechanical Code” shall mean the Mechanical Code as adopted and amended in this title.
- D. “International Fuel Gas Code” shall mean the Fuel Gas Code as adopted in Chapter 19.27 RCW and in accordance with the mechanical code as adopted and amended in this title.
- E. “International Fire Code” shall mean the Fire Code as adopted and amended in this title.
- F. “Uniform Plumbing Code” shall mean the Plumbing Code as adopted and amended in this title.

G. "Washington State Energy Code" shall mean the Energy Code as adopted and amended in this title.

H. The "National Electrical Code" shall mean the Electrical Code as adopted and amended in this title.

I. "International Existing building code" shall mean the existing Building Code as adopted and amended in this title.

J. International Property Maintenance Code shall mean the property maintenance code as adopted and amended in this title.

K. International Code Council Performance Code shall mean the performance code as adopted and amended in this title.

19.00.010 Conflict between Codes

In case of conflict among any of the codes referenced in 19.00.005 and subsequently adopted by this chapter, 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.

19.00.015 Administrative provisions

The administrative provisions contained in Chapter 1 of the International Building code as adopted and subsequently amended by this chapter shall be used as the general administrative provisions for the codes listed in 19.00.000 under A, B, C, D and F, unless otherwise indicated.

19.00.020 International Building code adopted.

The International Building Code (IBC), 2009 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, H, I and J.

19.00.025 International Building Code section amendments

The following section of the IBC are hereby amended as follows:

A. Section 104.3 Notices and Orders, is amended to read: The building official shall issue all necessary notices or orders to

ensure compliance with this code. The building official is also authorized to use Chapter 20.110 ECDC for code compliance in addition to the remedies provided for in this code.

B. Section 105.1.1 Annual Permit is deleted.

C. Section 105.1.1 Demolition Permits, is added and shall read;

Before the partial or complete demolition of any building or structure (interior or exterior), a demolition permit shall be obtained from the building official. The permit fee is established pursuant to Chapter 19.70 ECDC. The applicant shall also post with the city, prior to permit issuance, a performance bond, or frozen fund, conforming to Chapter 17.10 ECDC herein, in an amount to be determined by the building official to satisfy all city requirements no later than 180 days after the issuance of the permit. The demolition performance bond or frozen fund shall not be released until the building official determines the following requirements have been completed:

- 1 Cap Abandoned Sanitary Sewers. Septic tanks shall be pumped, collapsed and removed and/or filled with earth, sand, concrete, CDF or hard slurry.

- 2 Knock Down of Concrete Foundation Walls, Porches, Chimneys and Similar Structures. Concrete, bricks, cobbles and boulders shall be broken to less than 12-inch diameter. Debris left on site shall conform to IBC Section 1804.2 for clean fill.

- 3 Construction debris, vegetation, and garbage attributable to the demolition shall be removed from the site and from unopened street right-of-way within 30 days of written notice. No debris of any kind may be placed or maintained on street right-of-way (including alleys) without a permit issued pursuant to Chapter 18.60 or 18.70 of the Edmonds Community Development Code.

- 4 Repair of any damage to, and restoration of, any public property to substantially original conditions, i.e., alley, street, sidewalk, landscaping, water meter, utilities, rockeries, retaining walls, etc, in accordance with this code and the City's engineering requirements.

- 5 Grading of Site Back to Original Topography

Grades. Basements shall be filled and compacted to 90 percent as verified by a special inspector. "Structural fill" is defined as any fill placed below structures, including slabs, where the fill soils need to support loads without unacceptable deflections or shearing. Structural fill shall be clean and free draining, placed above unyielding native site soils and compacted to a minimum of 90 percent modified proctor, per ASTM D1557.

6 Temporary erosion control shall be installed and maintained per Chapter 18.30 ECDC.

D. Section 105.1.2 Annual permit records, is deleted.

E. Section 105.2 Work exempt from permit, is replaced as follows;

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. It is the applicant's responsibility to comply with bulk zoning code standards per ECDC Title 16 and storm water management provisions per Chapter 18.30 ECDC. Permits shall not be required for the following unless required by the provisions of ECDC Title 23 or limited or prohibited by the provisions of Chapter 19.10 ECDC:

1. Building (general):

(a) One (1) story detached accessory structures used as tool and storage sheds, playhouses and similar uses; provided the floor area (measured to the exterior wall or post) does not exceed 120 square feet, with a maximum eave of thirty (30) inches.

(b) Fences not over six (6) feet high; provided a permit is not required by Chapter 17.30 ECDC.

(c) Movable cases, counters and partitions not over five (5) feet nine (9) inches high.

(d) Retaining walls 4 feet (1,219 mm) in height or less measured vertically from the finished grade at the exposed toe of the retaining wall to the highest point in the wall, unless:

I Supporting a surcharge; or

II Impounding Class I, II, III-A liquids; or

III Subject to the provisions of Chapter 23.50 ECDC or Chapter 23.80 ECDC.

- (e) Rockeries.
- (f) Water tanks supported directly upon grade if the capacity does not exceed 500 gallons and the ratio of height to diameter or width does not exceed two (2) to one (1).
- (g) Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route, provided a permit is not required by Chapter 18.60 ECDC.
- (h) Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
- (i) Temporary motion picture, television and theater stage sets and scenery
- (j) Shade cloth structures constructed for nursery or agricultural purposes.
- (k) Prefabricated swimming pools accessory to an occupancy in which the pool walls are entirely above the adjacent grade and the capacity does not exceed 5,000 gallons. Hot tubs and spas less than 5,000 gallons, completely supported by the ground.
- (l) Swings and other playground equipment accessory to an occupancy.
- (m) Grading less than fifty (50) cubic yards (placed, removed or moved within any 365-day period) unless subject to the provisions of Chapter 23.50 ECDC or Chapter 23.80 ECDC.
- (n) Repair of appliances which do not alter original approval, certification, listing or code.
- (o) Replacement or adding new insulation with no drywall removal or placement.
- (p) Replacement or repair of existing gutters or downspouts.
- (q) The following types of signs are exempt from permit requirements except that dimensional size and placement standards

shall comply with Chapter 20.60 ECDC:

- I. Replacing the panel on a previously permitted existing wall cabinet or pole sign,
- II. Repainting an existing previously permitted wood sign,
- III. Painted or vinyl lettering on storefront windows,
- IV. Governmental signs, campaign signs, official public notices, and signs required by provision of local, state, or federal law,
- V. Temporary signs announcing the sale or rent of property and other temporary signs as described in ECDC 20.60.080,
- VI. Signs erected by the transportation authorities, and temporary seasonal and holiday displays.

(r). Television antennas less than thirty-nine (39) inches in diameter.

2. Mechanical:

- (a) Portable heating, ventilation, cooling, cooking or clothes drying appliances
- (b) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (c) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- (d) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
- (d) Portable evaporative cooler
- (f) Self-contained refrigeration systems containing ten(10) pounds or less of refrigerant or that are actuated by motor of one (1) horsepower or less.

3. Plumbing:

(a) The stopping of leaks in drains, water, soil, waste or vent pipe, provided that the replacement of defective material shall be done with new material and a permit obtained and inspection made.

4. Residential permit exemptions:

In addition the following exemptions apply for single family dwellings:

(a) One (1) story detached accessory structures used as tool and storage sheds, playhouses and similar uses; provided the floor area (measured to the exterior wall or post) does not exceed 200 square feet, with a maximum eave of twelve (12) inches and maximum height of fifteen (15) feet. Vehicle storage structures, such as garages and carports, are not exempted except as set forth in ECDC 19.05.010 (E)(33) for canopies.

(b) Window awnings supported by an exterior wall and do not project more than fifty-four (54) inches from the exterior wall and do not require additional support. ECDC Title 23 provisions shall not apply to such awnings.

(c) Sport courts less than 2,000 square feet

(d) Dock repair of individual decking members. ECDC Title 23 provisions shall not apply.

(e) Replacement or repair of existing exterior siding. ECDC Title 23 provisions shall not apply.

(f) Replacement or repair of existing window or doors provided; no alteration of structural members is required, the replacement would not require installation of safety glazing, the installation does not affect egress requirements. ECDC Title 23 provisions shall not apply.

(g) Replacement or repair of individual decking, joists, Stair treads, or intermediate rails. ECDC Title 23 provisions do not apply.

(h) Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route, provided a permit is not required by Chapter 19.60 ECDC.

(i) Uncovered platforms, decks, patios, not exceeding 200 square feet in area, that are not more than thirty (30) inches above grade at any point, are not attached to a dwelling and do not serve the exit door required by IRC Section R311.4

(j) Canopies, as defined in ECDC 17.70.035, accessory to a single family dwelling, with a floor area measured to the exterior wall or post not to exceed 200 square feet, for covered storage, carport or similar use.

F. Section 105.3.2 Time limitation of permit application, is amended to read: *(effective until November 7, 2010)*.

1. Applications, for which no permit is issued within 360 days following the date of application, shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

2. The building official may extend the time for action by the applicant for a period not exceeding 360 days prior to such expiration date.

3. No application shall be extended more than once for a total application life of 720 days. In order to renew action on an expired application, the applicant shall submit a new application, revised plans based on any applicable code or ordinance change, and pay new plan review fees.

Alternative F. Section 105.3.2 Time limitation of permit application, is amended to read: *(effective after November 7, 2010)*

1. Applications, for which no permit is issued within 180 days following the date of application, shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official.

2. The building official may extend the time for action by the applicant for a period not exceeding 180 days prior to such expiration date.

3. No application shall be extended more than once for a total application life of 360 days. In order to renew action on an expired application, the applicant shall submit a new application, revised plans based on any applicable code or ordinance change, and pay new plan review fees.

G. Section 105.3.3 Fully complete application, is added and reads;

In accordance with the provisions of RCW 19.27.031 and 19.27.074, an applicant's rights shall vest when a fully complete building permit application is filed. A fully complete building permit application is an application executed by the owners of the property for which the application is submitted or the duly authorized agent(s) for such owners, containing each and every document required under the terms of these ordinances and the IBC and is substantially complete in all respects. It is anticipated that minor changes or revisions may be required and are frequently made in the course of any building application review process, and such minor revisions or changes shall not keep an application from being deemed complete if a good faith attempt has been made to submit a substantially complete application containing all required components. Where required, the application and supporting documents shall be stamped and/or certified by the appropriate engineering, surveying or other professional consultants. A fully complete building permit application shall be accompanied by all fees, including but not limited to building permit fees and plan review fees required under the provisions of this chapter and code.

H. Section 105.3.4 Concurrent review, is added and reads;

An applicant may submit an application for building permit approval and request plan review services concurrently with, or at any time following, the submittal of a complete application for any necessary or required discretionary permit approval or discretionary hearing; provided, that any building permit application submitted concurrently with an application for discretionary permit or approvals shall not be considered complete unless the applicant submits a signed statement, on a form approved by the director, which acknowledges that the building permit application is subject to any conditions or requirements imposed pursuant to the review and approval of any necessary or required discretionary permit or approvals. The applicant shall solely bear the risk of building permit submittal with discretionary permit approval. If, after discretionary approval, the building permit plans are modified or amended to comply with conditions or restrictions required by any discretionary permit or approval, the applicant shall be solely responsible for any and all costs which result therefrom, including but not limited to additional full plan review fees; provided further, that any applicant-initiated changes made after the original plan review is complete shall also require payment of full plan review fees.

I. Section 105.5 Permit expiration and extension, is amended to read:

1. Every permit issued under ECDC Title shall expire by limitation 360 days after issuance, except as provided in ECDC 19.0.025J(2).

2. The following permits shall expire by limitation, 180 days after issuance and may not be extended:

Demolition permits required by ECDC19.00.030;
Permits for Moving Buildings required by Chapter 19.60 ECDC;
Mechanical permits;
Tank removal, tank fill, or tank placement permits;
Grading, excavation and fill permits;
Water service line permits;
Plumbing permits;
Gas piping permits;
Deck and dock permits;
Fence permits;
Re-roof permits;
Retaining wall permits;
Swimming pool, hot tub and spa permits;
Sign permits;
Shoring permits;
Foundation permits.

3. Prior to expiration of an active permit the applicant may request in writing an extension for an additional year. If the plans and specifications for the permit extension application are the same as the plans and specifications submitted for the original permit application and provided there has been at least one (1) required progress inspection conducted by the city building inspector prior to the extension, the permit shall be extended. Permit fees shall be charged at a rate of one half the original building permit fee to extend the permit.

Prior to Feb. 27, 2011 if work has not started on the project, and no code violations exist, the applicant may make a written request to the Building Official to waive the required progress inspection in order to renew the permit. The written request shall provide reasonable cause unrelated to the neglect or fault of the permittee as to the reason work has not started on the project, and an estimated date by which work will begin. *(note that after Feb. 27, 2011 this paragraph is void)*

4. If the applicant cannot complete work issued under an extended permit within a total period of two (2) years, the applicant may request in writing, prior to the second year expiration, an extension for a third and final year. Provided there has been at least one (1) required progress inspection conducted by the city building inspector prior to the extension, the permit shall be extended for a third and final year. In lieu of permit fees for the third year extension, inspection fees shall be charged for the remaining work based on the number of required inspections remaining for the project for all city departments.

5. The maximum amount of time any building permit may be extended shall be a total of three (3) years. At the end of any three (3) year period starting from the original date of permit issuance, the permit shall become null and void and a new building permit shall be required, with full permit fees, in order for the applicant to complete work. The voiding of the prior permit shall negate all previous vesting of zoning or Building codes. Whenever an appeal is filed and a necessary development approval is stayed in accordance with ECDC 20.07.004 the time limit periods imposed under this section shall also be stayed until final decision.

6. The building official may reject requests for permit extension where he determines that modifications or amendments to the applicable zoning and Building codes have occurred since the original issuance of the permit and/or modifications or amendments would significantly promote public health and safety if applied to the project through the issuance of a new permit.

J. Section 105.5.1 Recommence work on an expired permit, is added and reads:.

1. In order to recommence work on an expired permit, a new permit application with full permit fees shall be submitted to the building official.

2. New permit applications shall be reviewed under current zoning and Building codes in effect at the time of complete application submittal. If a new permit is sought to recommence work on an expired permit, the new permit shall be vested under the codes in effect when an application for a new permit is submitted which fully complies with ECDC19.00.015. When additional plan review is required, plan review fees shall be charged.

K. Section 107.3.3 Phased approval is amended to read:

1. The building official may issue partial permits for phased construction as part of a development before the entire plans and specifications for the whole building or structure have been approved provided architectural design board approval has been granted and a fully complete permit application for the entire building or structure has been submitted for review.

2. Phased approval means permits for grading, shoring, and foundation may be issued separately, provided concurrent approval is granted by the planning manager, city engineer and fire marshal, when applicable. No phased approval permit shall be issued unless approved civil plans detailing the construction of all site improvements including, but not limited to: curbs, gutters, sidewalks, paved streets, water lines, sewer lines, and storm drainage have been signed as approved by the city engineer.

3. With such phased approval, a performance bond shall be posted with the city pursuant to Chapter 17.10 ECDC, to cover the estimated cost of construction to city standards for the improvements.

L. Section 108 Temporary Structures and Uses, is deleted

M. Section 110.3.3 Lowest floor elevation, is amended to read:

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 shall be submitted to the building official. Prior to final inspection approval, the building official shall require an elevation certificate based on finished construction prepared and sealed by a State licensed land surveyor.

N. Section 113 Board of Appeals, is deleted and replaced by 19.80 ECDC

O. Section 501.2 Address Identification, is amended to read:

Approved numbers or addresses shall be installed by the property owner for new and existing buildings in such a position as to be clearly visible and legible from the street or roadway fronting the property. Letters or numbers on the building shall be a minimum six (6) inches in height and stroke a minimum of .75 inch of a contrasting color to the building base color. Where public or

private access is provided and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure. This means of premises identification does not preclude approved identification also affixed to structure.”

P. Section 1612.1.1 Residential Structures, is added and reads:

Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded from the 50 percent calculation.

Q. Section 3103 Temporary Structures, is deleted.

R. Section 3108.1.1 Radio, television and cellular communication related equipment and devices, is added and reads:

A permit shall be required for the installation or relocation of commercial radio, television or cellular tower support structures including monopoles, guyed or lattice towers, whip antennas, panel antennas, parabolic antennas and related accessory equipment, and accessory equipment shelters (regardless of size) including roof mounted equipment shelters

S. Section 3109.1 Applicability and maintenance, is amended to read:

1. Swimming pools, hot tubs and spas of all occupancies shall comply with the requirements of this section and other applicable sections of this code.

2. It is the responsibility of the owner to maintain a swimming pool, hot tub or spa in a clean and sanitary condition and all equipment shall be maintained in a satisfactory operating condition when the swimming pool, hot tub or spa is in use. A swimming

pool, hot tub or spa that is neglected, not secured from public entry and/or not maintained in a clean and sanitary condition or its equipment in accord with manufacturers recommendations shall be determined to be a hazard to health and safety and shall be properly mitigated to the satisfaction of the building official.

T. Section 3109.3 Public Swimming Pools, is deleted.

U. Section 3109.4 Residential Swimming Pools, is deleted

V. Section 3109.6 Location and Setbacks, is added and reads;

Swimming pools, hot tubs and spas shall meet requirements of the zoning code of the city of Edmonds.

1. Minimum setbacks are measured from property lines to the inside face of the pool, hot tub or spa as required by the zoning code for accessory structures.

2. All other accessory buildings and equipment shall meet the normally required setbacks for accessory structures in the zone in which they are located.

W. Section 3109.7 Tests and cross-connection devices, is added and reads;

1. All swimming pool, hot tub and spa piping shall be inspected and approved before being covered or concealed.

2. Washington State Department of Health approved cross connection devices are required to be provided on potable water systems when used to fill any swimming pool, hot tub or spa.

X. Section 3109.8 Wastewater disposal, is added and reads;

A means of disposal of the total contents of the swimming pool, hot tub or spa (including partial or periodic emptying) shall be reviewed and approved by the public works director.

1. No direct connection shall be made between any swimming pool, hot tub or spa to any storm drain, city sewer main, drainage system, seepage pit, underground leaching pit, or sub-soil drain.

2. A sanitary tee (outside cleanout installed on the main building side sewer line) shall be provided for draining of treated water into the city sanitary sewer system.

Y. Section 3109.9 Inspection requirements, is added and reads;

The appropriate city inspector shall be notified for the following applicable inspections:

1. Footing, wall, pre-form, pre-gunite, erosion control, underground plumbing, sanitary extension and cleanout, mechanical pool equipment, gas piping, mechanical enclosure location, cross connection and final inspection.
2. An initial cross connection control installation inspection is required by the city cross connection control specialist prior to final installation approval.
3. All backflow assemblies shall be tested by state certified backflow assembly testers upon initial installation and then annually thereafter. Copies of all test reports shall be submitted to the city water division for review and approval.

Z. Section 3403.2.1 Residential Structures, is added and reads;

Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor areas; and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either, (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent.

AA. Appendix E, Accessibility Requirements, is amended by deleting sections E107, E108, E110 and E111.

BB. Appendix G, Flood-Resistant Construction, is amended by addition of new section;

Section G301.1(4) Where base flood elevation data has not been provided or is not available from another authoritative source, it

shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres, whichever is less.

CC. Appendix H, Signs, is amended as follows;

1. Section H101.2 Signs exempt from permits, is replaced by ECDC 19/00.010(Q).

2. Section H101.2.1 Prohibited signs is added and reads as follows:

a. It is unlawful for any person to advertise or display any visually communicated message, by letter or pictorially, of any kind on any seating bench, or in direct connection with any bench.

b. All signs not expressly permitted by Chapter 20.60 ECDC.

c. Signs which the city engineer determines to be a hazard to vehicle or pedestrian traffic because they resemble or obscure a traffic control device, or pose a hazard to a pedestrian walkway or because they obscure visibility needed for safe traffic passage. Such signs shall be immediately removed at the request of the city engineer.

d. All signs which are located within a public right-of-way and that have been improperly posted or displayed are hereby declared to be a public nuisance and shall be subject to immediate removal and confiscation per ECDC 20.60.090.

3. Sections H104 Identification, H106.1.1 Internally illuminated signs, H107 Combustible materials, H108 Animated devices, H109.1 Height restrictions, and H110 Roof signs are Deleted.

DD. Appendix J, Grading is amended as follows;

19.00.030 Architectural design review – Optional vesting.

In addition to the vesting rights created by RCW 19.27.095 and ECDC19.00.015, an applicant for development as defined in ECDC 20.10.010 and subject to architectural design board (ADB) review may, at the applicant's option, file a fully complete augmented architectural design review application (hereinafter "augmented ADB application") and vest rights including applicable permit, development and impact fees under the

provisions of the ECDC and the state Building code as adopted and amended by the city of Edmonds, this title as then in effect, to, but only to, the extent that the application provides full and detailed information necessary to confirm the particular regulation to be vested. The burden is on the applicant to provide such detail.

A. A fully complete, augmented application for architectural design review shall consist of a complete application for architectural design review, executed by each and every property owner of record of the development site or their duly authorized agent(s), accompanied by the following:

1. All fees required by ordinance, including impact mitigation fees, to be deposited at the time such State Environmental Policy Act (SEPA) requirements become final.

2. A site plan showing the current zoning of the development site, the footprint of all proposed structures, the total square footage and use of each floor, all setbacks required by either the zoning code or state Building codes, proposed parking configurations, and exits.

3. Elevation drawings showing the original grade of the site, any proposed alterations to grade, the proposed height of the structure and the number of stories.

4. A letter executed by all owners of record or their duly authorized agent(s) detailing the proposed use in sufficient detail to determine whether the proposed use complies with the zoning code then in effect and with the Building code then in effect to determine type of construction and occupancy classifications of the IBC and IFC as those codes then in effect.

5. A building permit application, as described in IBC Section 105.3 as the same exists or is hereafter amended, and all building permit and plan review fees as established and set forth in Chapter 19.70 ECDC; provided, that the plans required by IBC Section 106.107, as the same exists or is hereafter amended, and other engineering documents, plans or drawings required by ECDC Title 18 may be submitted within 90 days of final ADB approval, or final approval on appeal.

B. Upon filing of the augmented ADB application, the applicant shall be deemed fully vested as if a fully complete building permit application had been filed; provided:

1. The burden shall be upon the applicant to supply all material required by the provisions of this section and as necessary to meet the requirements of Chapter 20.10 ECDC. The applicant may supplement the original application in the event an application is deemed incomplete by the development services director or designee. Vesting shall occur only when the application is deemed complete by the development services director. Failure to supplement an incomplete application within 90 days of final ADB approval shall result in forfeiture of all fees paid and no vesting right shall attach.

2. The application shall expire along with all rights vested 180 days following the date of application if final architectural design approval is not received.

a. The development services director or designee may issue an extension for an additional period, not exceeding 180 days, upon written request by the applicant(s) or their agent(s). Such request for extension shall be filed prior to the expiration of the original application time period. An extension shall be granted if the architectural design board has not yet considered the application or an appeal thereof is pending.

b. The time period shall run concurrently with the periods established by ECDC 19.00.005 as the same exists or is hereafter amended. No application shall be extended more than once. In order to renew an application after expiration, the applicant shall resubmit all required information and pay a new plan review fee.

3. The applicant shall comply with all provisions of state law and regulation and this code regarding SEPA review. Review periods or delays occasioned by SEPA shall stay the time periods set by this chapter.

4. Following final ADB approval, the applicant shall file the plans and information required by IBC Section 106 107. It is anticipated that minor adjustments and changes may and are usually required to the plans submitted as a result of the plan review and administrative process; provided, that the following changes shall not be considered "minor" and shall forfeit vesting rights, and shall require the filing of a new application:

a. Any substantial change not required by the terms of ADB approval.

b. Any increase in height or total square footage or any

change which would change the occupancy classification for the purposes of the State Building code.

5. Any decision of the city staff regarding the application stated in this section and its interpretation shall be considered a Type I decision appealable only to the superior court of Snohomish County by Land Use Petition Act.

C. The rights vested by ECDC 19.00.025 I (section 105.3.3 of IBC as amended) and this section refer only to zoning and Building code rights protected by RCW 19.27.095.

D. These sections shall not be interpreted to create vesting rights not protected by RCW 19.27.095 and shall not be interpreted as a further limitation on the administrative obligations and legislative powers of the city. By way of illustration and not limitation, this chapter does not limit:

1. The city council's authority to create local improvement districts.

2. The city council's authority to legislate life safety requirements that are not required to recognize existing vested rights.

3. Environmental and shorelines review and mitigation procedures.

19.00.040 Excluding nonconforming religious building from certain requirements.

Existing legal nonconforming churches, synagogues, mosques and other buildings use for religious observance (hereinafter "church" or "churches") are hereby excluded from any requirement of the State Building Code which would be triggered by a change of use as specifically limited and set forth herein:

1. This change in use exclusion is limited solely to a change in use for the provision of emergency housing to the homeless and other indigent persons. The term "emergency" shall mean to the housing of indigent and homeless persons when the ambient temperature is forecast by the National Weather Service to be below 33 degrees for a four-hour overnight period or when wind chill, violent storms or other inclement conditions present a direct threat to the lives of homeless and other indigent persons without shelter. Such danger could include, but is not limited to, the threat

presented by carbon monoxide poisoning for persons attempting to take shelter in cars or other vehicles with the motor running.

2. In order to claim this exclusion, a church shall:

a. Be a legal nonconforming structure prior to the provision of emergency housing for the homeless and indigent. In the alternative, a church may establish that it has previously provided overnight housing to members of its congregation or the public in emergencies, for educational, religious or other purposes.

b. Maintain a "fire watch." The term "fire watch" shall mean the maintenance during all times when indigent housing services are provided of a watch by paid staff or volunteers who shall, on premises, monitor for fires or violations of no smoking prohibitions. At least one fire monitor shall be provided for each eight persons housed.

c. Provide an operational smoke detection system.

d. Prohibit the smoking of tobacco or similar products on the premises and prohibit the use of any open flame in the area in which the homeless or indigent persons are temporarily housed.

e. Maintain clear and unobstructed means of egress. Exits must not be locked in the direction of egress unless a special egress control device is installed in accordance with the Building Code.

3. The application of this exclusion is intended to fulfill the City's obligation to provide flexibility and consider reasonable alternatives in the application of the rigid requirements of the State Building Code. The Building Official is directed to avoid technical inflexibility, to consider the use of any reasonable alternative which would provide the minimum protections required either under the State Building Code or this exclusion and to be flexible when considering alternative approaches to the specific requirements set forth above. All decisions by the Building Official shall be in writing and articulate the public interest to be served as well as an analysis of the alternatives.

4. These provisions are for the purpose of providing for and promoting the health, safety and welfare of the general public. See Chapter 19.00 Limitation of Benefitted and Protected Classes.

Section 2. The Edmonds Community Development

Code Title 19 is hereby amended by the repeal and reenactment of

Chapter 19.05 Residential Building Code to read as follows:

Chapter 19.05

RESIDENTIAL BUILDING CODE

Sections:

- 19.05.000 International Residential Code adopted.**
 - 19.05.010 Chapter One (1) not adopted.**
 - 19.05.020 Section amendments.**
 - 19.05.030 Manufactured home installation standards.**
- 19.05.000 International Residential Code adopted.**

The International Residential Code (IRC), 2009 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, G, K and R.

19.05.010 Chapter One (1) not adopted.

Chapter one (1) is not adopted. See ECDC 19.00.015

19.05.020 Section amendments.

The following sections of the IRC are hereby amended as follows:

A. Table R301.2(1) Climatic and Geographic Design Criteria, is amended with the following criteria:

1. Ground Snow Load = 25 psf
2. Wind Speed(d) = 85 mph
3. Topographical effects(k) = No
4. Seismic Design Category(f) = D2
5. Weathering(a) = moderate
6. Frost Line Depth(b) = 18 inches
7. Termite(c) = slight to moderate
8. Winter Design Temp(e) = 27 degrees F
9. Flood Hazard(g) = NFIP adoption 3/26/74. FIRM maps 11/8/99
10. Ice Shield Underlayment(h) = not required
11. Air Freezing Index(i) = 0-1000
12. Mean Annual Temp(j) = 50 degrees F

B. Section R324 Automatic fire sprinkler system, is added and reads;

An automatic fire sprinkler system is required for buildings containing five (5) or more attached dwelling units. Refer to ECDC 19.25.040.

19.05.030 Manufactured home installation standards.

A Permit Regulations.

1. Chapter 296-150M WAC, as currently promulgated together with any future amendments thereof, or future additions thereto, is hereby adopted. The building official is authorized to issue building permits and collect permit fees for the installation of all manufactured homes that meet the requirements of this chapter, to inspect the installation of manufactured homes, and enforce all violations of this chapter.

2. All references to "installation permits" in Chapter 296-150M WAC, as herein adopted by reference, shall refer to building permits issued for the installation of manufactured homes.

3. Fees for the installation of a manufactured home shall be set forth in Chapter 19.70 ECDC. All other applicable development fees shall also be imposed as with any other single-family residence.

4. Mobile homes shall be permitted only within designated mobile home parks.

5. Pursuant to added RCW 35.21.897, 35A.21.310, 36.01.220, and amended RCW 35.63.160 and 1998 c 239 s 1, homes built to 42 USC Section 5401 through 5403 standards (as amended in 2000) shall be regulated for the purposes of siting, in the same manner as site-built homes, factory-built homes, or homes built to any other approved state construction.

6. Manufactured homes to be placed within the city shall not be older than three calendar years from the date of complete permit application submittal. The applicant is required to provide the vehicle identification number (VIN) information.

7. All spaces measured from the underside of the home to finished grade shall be enclosed with a decorative skirting.

8. Manufactured homes shall be thermally equivalent to the

current State Energy Code.

9. The minimum manufactured home size shall be at least two fully enclosed parallel sections each not less than 12 feet wide by 36 feet long.

10. Coated metal, tin, or vinyl roofing material is not permitted.

11. Manufactured homes shall comply with all other development standards of this code.

Section 3 The Edmonds Community Development Code is hereby amended by the repeal and reenactment of Chapter 19.15 Mechanical and Fuel Gas Code, to read as follows:

Chapter 19.15
MECHANICAL CODE AND FUEL GAS CODE

Sections:

19.15.000 International Mechanical Code adopted.

19.15.005 Amendments

19.15.010 International Fuel Gas Code adopted.

19.15.015 Amendments

19.15.000 International Mechanical Code adopted.

The International Mechanical Code (IMC), 2009 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.

19.15.005 Amendments

Chapter one (1) is not adopted. See ECDC 19.00.015

19.15.010 International Fuel Gas Code adopted.

The International Fuel Gas Code, 2009 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 58, and as subsequently amended by this chapter, is hereby adopted.

19.15.015 Amendments

Chapter one (1) is not adopted. See ECDC 19.00.015

Section 4 The Edmonds Community Development Code is hereby amended by the repeal and reenactment of Chapter 19.20 Plumbing Code to read as follows:

**Chapter 19.20
PLUMBING CODE**

Sections:

19.20.000 Uniform Plumbing Code adopted.

19.20.005 Amendments.

19.20.010 Evidence of potable water.

19.20.000 Uniform Plumbing Code adopted.

The Uniform Plumbing Code (UPC), 2009 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.

19.20.005 Amendments.

- A. Chapter one (1) is not adopted. See ECDC 19.00.015
- B. Section 1014 Grease traps and interceptors, is deleted. See ECC 7.90
- C. Section 1016 Sand Interceptors, is deleted
- D. Section 1017 Oil and flammable liquids interceptors, is deleted.
- E. Chapter 12 Fuel piping, is deleted
- F. Chapter 15 Firestop protection, is deleted

19.20.010 Evidence of potable water.

Prior to the issuance of any building permit for new development, the building official shall require substantive evidence of an adequate potable water supply from the purveyor of water to the site for which a building permit is requested. For those areas lying within the service area of the city of Edmonds water utility, the notification from a duly authorized representative of the city's water utility shall be sufficient; provided, nothing herein shall be

interpreted to prevent the city or any of its water purveyors from declaring a moratorium or other water emergency limiting or otherwise restricting the availability of adequate potable water. Applicants relying on a well shall provide a copy of applicable state approval for the appropriation and a current test of water quality by a qualified laboratory.

Section 5. the Edmonds Community Development Code is hereby amended by the repeal and reenactment of Chapter 19.30 Energy Code to read as follows:

**Chapter 19.30
ENERGY CODE**

Sections:

19.30.000 State Energy Code adopted.

19.30.000 State Energy Code adopted.

The Washington State Energy Code, 2009 Edition, as adopted and amended by the Washington State Building code Council in Chapter 51-11 WAC, is hereby adopted.

Section 5. The Edmonds Community Development Code Title 19 is hereby amended by the repeal of Chapter 19.35 Ventilation Code

Section 6. The Edmonds Community Development Code Title 19 is hereby amended by the repeal of Chapter 19.40 Dangerous Buildings Code and the adoption of a new Chapter 19.40 International Property Maintenance Code to read as follows:

**Chapter 19.40
International Property Maintenance Code**

Sections:

19.40.000 International Property Maintenance Code adopted.

19.40.005 Amendments

19.40.000 International Property Maintenance Code adopted.

The International Property Maintenance Code, 2009 Edition,

published by the International Code Council, is hereby adopted.

19.40.005 Amendments.

A. **Section 102.3 Application of other codes**, is amended to read:

Repairs, additions or alterations to a structure, or changes of occupancy shall be done in accordance with the procedures and provisions of the codes listed in 19.00.005. Nothing in this code shall be construed to cancel, modify or set aside any provision of the ECDC.

B. **Section 106 Violations**, is deleted and replaced as follows;

Violation of any provisions of this code are subject to the Civil Violation – Enforcement procedures in Chapter 20.110 ECDC.

C. **Sections 108.2 Closing of vacant structures, 108.3 Notice, 108.4 Placarding, 108.5 Prohibited occupancy, 108.6 Abatement methods and 108.7 Record**, are deleted and replaced by the provisions of Chapter 20.110 ECDC

D. **Section 111 Means of Appeal**, is deleted and replaced by ECDC section 20.110.040 C.

E. Section 302 is deleted

F. Section 303 is deleted

G. Section 308 is deleted

H. Section 309 is deleted

Section 7 The Edmonds Community Development Code Title 19 is hereby amended by the repeal of Chapter 19.45 Housing Code and the adoption of a new Chapter 19.45 International Code Council Performance Code to read as follows:

**Chapter 19.45
INTERNATIONAL CODE COUNCIL PERFORMANCE
CODE**

Sections:

19.45.000 International Code Council Performance Code adopted.

The International Code Council Performance Code, 2009 Edition, published by the International Code Council, is hereby adopted.

Section 8 The Edmonds Community Development Code, Title 19, is hereby amended by the repeal of Chapter 19.50 Historic Building code and adoption of a new Chapter 19.50 International Existing Building code, to read as follows:

Chapter 19.50
INTERNATIONAL EXISTING BUILDING CODE

Sections:

19.50.000 International Existing Building code adopted.

The International Existing Buildings Code, 2009 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. is hereby adopted along with Appendix Chapter A (Guidelines for the seismic retrofit of existing buildings) and Resource A (Guidelines on fire ratings of archaic materials and assemblies).

Section 9 The Edmonds Community Development Code, Title 19, is hereby amended by the adoption of a new Chapter 19.55 Electrical Code, to read as follows:

Chapter 19.55
ELECTRICAL CODE

Sections:

19.55.000 National Electrical Code adopted.

19.55.005 When code effective.

19.55.010 Nonliability.

19.55.015 Conflicts – How resolved.

19.55.000 National Electrical Code adopted.

Under the statutory authority of RCW 19.27.031 and 19.27.074, the National Electrical Code, 2008 Edition, as published by the National Fire Protection Association, is hereby adopted as the electrical code for the city of Edmonds subject to the amendments made herein. The State of Washington Department of Labor and Industries, Electrical Inspection Section, Rules and Regulations for Installing Electric Wiring and Equipment and Administrative

Rules, 2008 Edition, is hereby adopted as part of the electrical code of the city of Edmonds. [Ord. 3651 § 1, 2007].

19.55.005 When code effective.

If the state of Washington, through its duly designated electrical inspector or inspectors, for any reason fails to continue to inspect electrical installation, license the same or provide the standards, the provisions of the Edmonds electrical code as amended shall be applicable to all electrical installation in the city as if the state of Washington had not exercised jurisdiction of any kind.

19.55.010 Nonliability.

This chapter shall not be construed to relieve or lessen the responsibility of any person owning, operating or installing any electrical equipment for damages to anyone injured by a defect of the equipment, nor shall the city or its agent be held as assuming any such liability by reason of the inspection under this code or the certificate of inspection issued by the building department.

19.55.015 Conflicts – How resolved.

If there is any conflict between the electrical code of the city, the National Electrical Code and/or the rules and regulations as set forth by the state of Washington for electric wires and equipment, then the conditions, requirements, provisions or terms which provide, in the opinion of the building official, for the greatest public safety shall be observed and shall control.

Section 10. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:



MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

Sandra S. Chase
CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY *W Scott Snyder*
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	05-28-2010
PASSED BY THE CITY COUNCIL:	06-01-2010
PUBLISHED:	06-06-2010
EFFECTIVE DATE:	06-11-2010
ORDINANCE NO. <u>3796</u>	

SUMMARY OF ORDINANCE NO. 3796

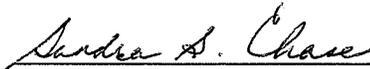
of the City of Edmonds, Washington

On the 1st day of June, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3796. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, REPEALING AND ENACTING THE PROVISIONS OF AND ENACTMENT OF CHAPTERS 19.00 BUILDING CODE; 19.05 RESIDENTIAL BUILDING CODE; 19.05 MECHANICAL CODE AND FUEL GAS CODE; 19.20 PLUMBING CODE; 19.30 ENERGY CODE; 19.40 INTERNATIONAL PROPERTY MAINTENANCE CODE; CHAPTER 19.50 INTERNATIONAL EXISTING BUILDING CODE; CHAPTER 19.55 ELECTRICAL CODE; REPEALING CHAPTER 19.35 VENTILATION CODE RCW TO ADOPT NEW PROVISIONS OF THE STATE BUILDING CODE AND REVISIONS THERETO, AND TO RESTRUCTURE TITLE 19, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 2nd day of June, 2010.



CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



SUMMARY OF ORDINANCE NO. 3796
of the City of Edmonds, Washington

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The full text of this Ordinance will be mailed upon request.
DATED this 2nd day of June, 2010.

CITY CLERK, SANDRA S. CHASE

Published: June 6, 2010.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance No. 3796

Repealing and Enacting Provisions

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 06, 2010

and that said newspaper was regularly distributed to its subscribers during all of said period.

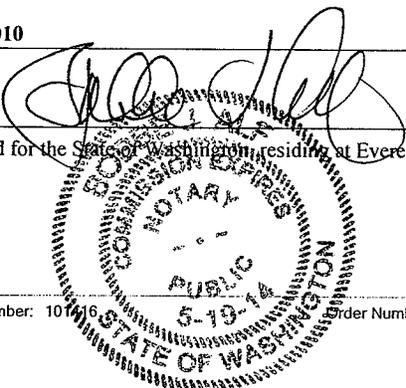
Jody Groll

Principal Clerk

Subscribed and sworn to before me this 7th

day of June, 2010

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



RECEIVED

JUN 11 2010

EDMONDS CITY CLERK